

**The laws concerning public health : including the various sanitary acts passed in the session 1883, and the circulars issued by Her Majesty's most honourable Privy Council and the Local Government Board / edited by Wm. Robert Smith, assisted by Henry Smith.**

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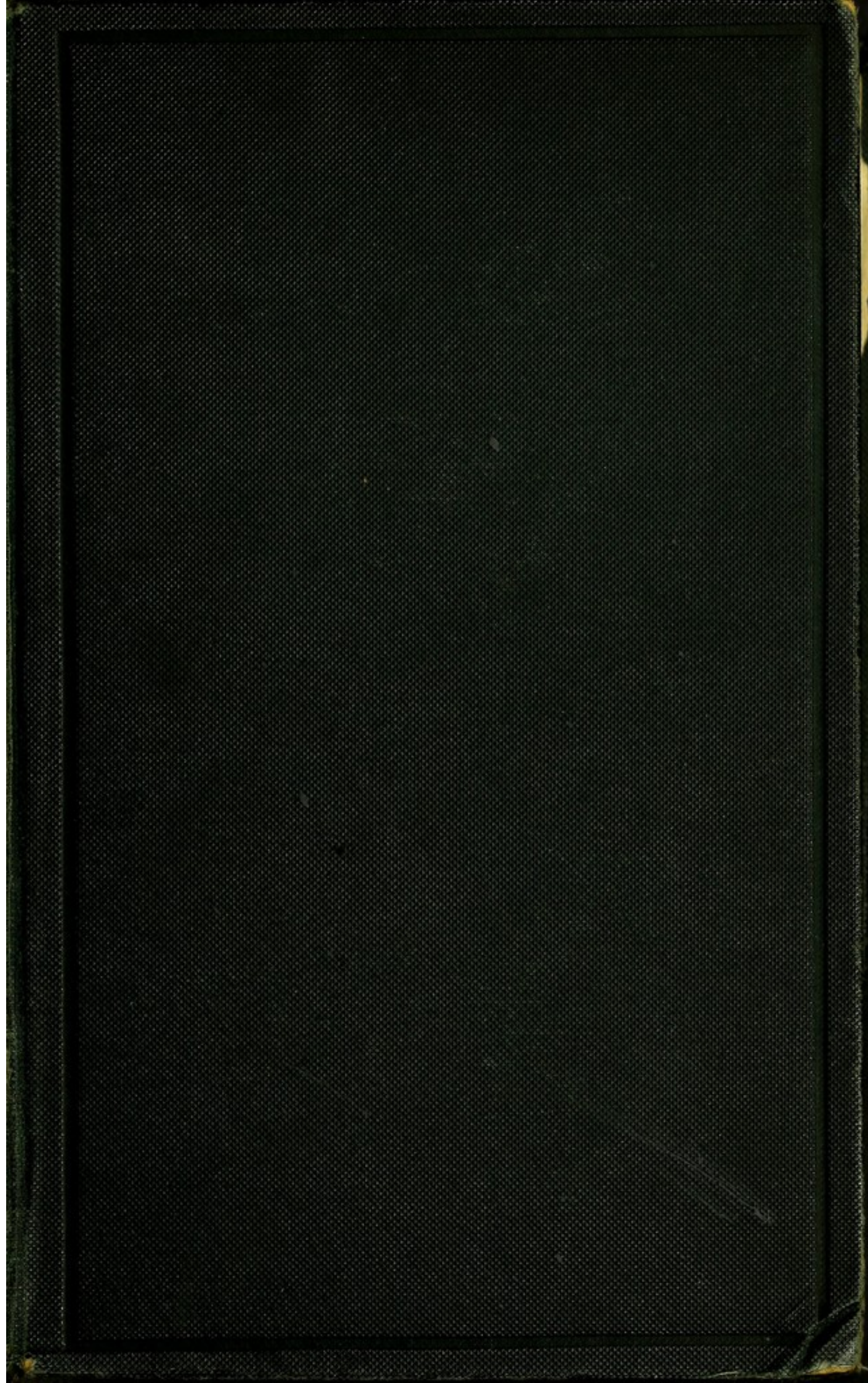
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THE LAWS CONCERNING  
PUBLIC HEALTH.

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# THE LAWS CONCERNING PUBLIC HEALTH

INCLUDING THE VARIOUS SANITARY ACTS PASSED IN THE SESSION  
1883, AND THE CIRCULARS ISSUED BY HER MAJESTY'S MOST  
HONOURABLE PRIVY COUNCIL AND THE LOCAL GOVERNMENT  
BOARD.

EDITED BY

WM. ROBERT SMITH, M.D., B.Sc., F.R.S. EDIN.,

SANITARY SCIENCE CERTIFICATE, UNIV. CAMB.;  
FELLOW OF THE SANITARY INSTITUTE OF GREAT BRITAIN;  
FELLOW OF THE ROYAL MEDICAL AND CHIRURGICAL SOCIETY, LONDON;  
FELLOW OF THE CHEMICAL SOCIETY, LONDON;  
MEMBER OF THE EPIDEMIOLOGICAL SOCIETY;  
PHYSICIAN IN CHARGE, DELANCEY FEVER HOSPITAL, CHELTENHAM,  
ETC., ETC.

ASSISTED BY

HENRY SMITH, M.B. LOND.,

SANITARY SCIENCE CERTIFICATE, UNIV. CAMB.; .  
HOUSE PHYSICIAN, HOSPITAL FOR SICK CHILDREN, GREAT ORMOND STREET, W.C.;  
LATE HOUSE PHYSICIAN, ST. BARTHOLOMEW'S HOSPITAL, LONDON,  
ETC., ETC.

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THE LAW CONCERNING

PUBLIC HEALTH

THESE THE TARIFFS SEVERAL ACTS PASSED IN THE KINGDOM  
AND THE PARLIAMENT PASSED IN THE MONTH OF MAY  
AND THE PARLIAMENT PASSED IN THE MONTH OF MAY

THE ROBERT SMITH, M.D., F.R.S., F.R.C.P.

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THE ROBERT SMITH, M.D., F.R.S., F.R.C.P.  
THE ROBERT SMITH, M.D., F.R.S., F.R.C.P.  
THE ROBERT SMITH, M.D., F.R.S., F.R.C.P.  
THE ROBERT SMITH, M.D., F.R.S., F.R.C.P.

HENRY SMITH, M.D., F.R.S.

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TO

JOHN SIMON, ESQ., C.B., D.C.L., LL.D., F.R.S.,

CONSULTING SURGEON, ST. THOMAS' HOSPITAL, LONDON,

LATE PRESIDENT, ROYAL COLLEGE OF SURGEONS, ENGLAND,

AND MEDICAL OFFICER, HER MAJESTY'S MOST HONOURABLE PRIVY COUNCIL,

WHOSE INDEFATIGABLE EFFORTS IN THE PROMOTION OF MEASURES

HAVING FOR THEIR OBJECT THE IMPROVEMENT OF THE

PUBLIC HEALTH AND THE PREVENTION OF DISEASE


ARE UNIVERSALLY ACKNOWLEDGED,

THIS VOLUME IS

Inscribed,

BY HIS FAITHFUL SERVANT,

THE EDITOR.



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## PREFACE.

THE want which is generally felt by those gentlemen who are preparing for examinations in State medicine, of a book embodying the various sanitary laws, first suggested to me the desirability of editing a work which would include all those Acts with the main provisions of which, the medical officer of health ought to be conversant.

It was my original intention not only to publish these various sanitary Acts of Parliament, but also from the standpoint of a medical man to enter more or less exhaustively into an exposition of them, and at the same time to endeavour to point out some of the respects in which they were generally found to be insufficient. I regret very much that, owing to the bulk of the work, I have to forego, until another occasion, my intention in this respect.

The volume, however, possesses the advantage of containing all the more important laws bearing upon the public health, together with the very valuable circulars issued from time to time by Her Majesty's Privy Council and Local Government Board. I would here acknowledge, with many thanks, the great kindness of my friend Dr. Thorne Thorne, of the Local Government Board, who has been always willing to render me valuable counsel and assistance.

The few sanitary Acts passed during the past session of Parliament are included, together with the circulars on cholera, &c. It is to be regretted that during this session the Government have considered themselves bound, by an adverse vote in the House of Commons, to suspend its compulsory clauses, and thus to render practically useless so important a law for the prevention of disease as the Contagious Diseases Act.

One great defect in our sanitary laws is that often the exercise of most important powers is permissive and not compulsory, and in consequence these powers are not used; yet, on the other hand, it must always be borne in mind that the laws dealing with the



individual, as such, can never hope to be thoroughly successful in action if their provisions extend much beyond the education and honest conviction of the public. Fortunately there is springing up everywhere a greater desire to know the truth as regards the fundamental principles of public health; and the necessity which exists for fresh air, pure water, and the speedy removal of refuse matter, is now pretty generally admitted. The Science and Art Department has done much by the encouragement of the teaching of physiology to direct the masses to the importance of the laws of health, and as the health of the people should be one of the most vital concerns of the Government, they have done well in instituting an examination and offering rewards in the subject of Hygiene. Still compulsory sanitary legislation is never very agreeable, and, however good its aim, will be likely to provoke opposition in some quarters. A well-known instance of this is the Vaccination Act; few who carefully peruse the able speech of Sir Lyon Playfair, delivered in the House of Commons this year, can doubt the utility of this measure, yet the hostility of a certain section of the community remains as bitter as ever. One part of our sanitary system calls for immediate reform. I mean that which relates to the qualification of those who are entrusted with the performance of executive duties under the various local authorities, such as medical officers of health, surveyors and inspectors of nuisances. These officers should all be required to give proof of their special acquaintance with the duties they seek to fulfil. It would be advisable for local authorities to insist that their medical officer should possess a qualification in sanitary medicine, or at least should have had special training in the work, but it is a matter of deep regret that often surveyors and inspectors of nuisances are appointed with little or no knowledge of those principles of sanitary medicine and engineering that are so necessary to a faithful discharge of their duties. The Sanitary Institute of Great Britain, however, is, by its examinations for surveyors and nuisances inspectors, supplying a very great want in this respect.

I would wish to record my indebtedness to my brother, Henry Smith, for the assistance he has rendered me.

WM. ROBERT SMITH.

CHELTENHAM,  
10th October, 1883.



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# THE LAWS CONCERNING PUBLIC HEALTH.

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## CHAPTER I.

### LOCAL GOVERNMENT BOARD ACT, 1871.

34 & 35 Vict., ch. 70.

#### *Central Authority.*

*This is an Act for constituting a Local Government Board, and vesting therein certain functions of the Secretary of State and Privy Council concerning the Public Health and Local Government, together with the powers and duties of the Poor Law Board.*

WHEREAS it is expedient to concentrate in one department of the Government as herein-after provided the supervision of the laws relating to the public health, the relief of the poor, and local government : be it enacted,—

2. That a Board shall be established, to be called the Local Government Board, and from and after the establishment of such Board the Poor Law Board shall cease to exist, and all powers and duties vested in or imposed on the Poor Law Board by the several Acts of Parliament relating to the relief of the poor and any other Acts, or vested in or imposed on one of Her Majesty's Principal Secretaries of State by the enactments in that behalf mentioned in the first part of the schedule annexed hereto, so far as such powers and duties relate to England, or vested in or imposed on Her Majesty's most honourable Privy Council by the enactments in that behalf specified in the second part of the said schedule, shall be transferred to and imposed on the said Local Government Board, and, except as otherwise provided by this Act, shall be exercised and performed by such Board in like manner and form, and subject to the same conditions, liabilities, and incidents respectively as such powers and duties might before the passing of this Act have been exercised and performed by the authorities in whom the same were then vested respectively, or as near thereto as circumstances admit.

3. The Local Government Board shall consist of a president to be appointed by Her Majesty, and to hold office during the pleasure of Her Majesty, and of the following ex-officio members, that is to say, the Lord President of Her Majesty's most honourable Privy Council, all Her Majesty's Principal



Secretaries of State for the time being, the Lord Privy Seal, and the Chancellor of the Exchequer.

The Local Government Board shall be deemed to be established from and after the date of the first appointment of a president under this Act.

The Local Government Board may appoint in writing such secretaries, assistant secretaries, inspectors, auditors, clerks, messengers, and other officers as the Board may, with the sanction of the Treasury, determine.

No payment shall be made in respect of their duties under this Act to the ex-officio members of the Local Government Board, but there shall be paid out of moneys provided by Parliament to the president, secretaries, and other officers of the Board such salaries as the Treasury may from time to time determine: Provided that the appointment of any officer to a new office made by the Local Government Board in pursuance of this section shall be deemed to be temporary only until the salary of such office has been provided for by Parliament.

4. The president and one of the secretaries of the Local Government Board shall at the same time be capable of being elected to and of voting in the Commons House of Parliament, and the office of president shall be deemed to be an office included in Schedule H. of the Representation of the People Act, 1867; in Schedule H. of the Representation of the People (Scotland) Act, 1868; and in Schedule E. of the Representation of the People (Ireland) Act, 1868.

5. The Local Government Board may adopt an official seal, and describe themselves generally by the style and title of "The Local Government Board," and, save as herein-after provided, any act to be done or instrument to be executed by or on behalf of the Local Government Board may be done or executed in the name of that Board by the president or by any member of the Local Government Board, or by a secretary or assistant secretary, if such secretary or assistant secretary is authorized to do or execute the same by any general order of the Local Government Board.

A rule, order, or regulation made by the Local Government Board shall be valid if it is made under the seal of the Board, and signed by the president or one of the ex-officio members of the Board, and countersigned by a secretary or assistant secretary; and the production of such *primâ facie* evidence of any of the said rules, orders, or regulations as is required by the Documentary Evidence Act, 1868, with respect to the rules, orders, or regulations of the Poor Law Board, shall, until the contrary is shown, be a sufficient proof that any such rule, order, or regulation of the Local Government Board was duly made.

6. All officers, clerks, and other persons employed in or about the execution of the powers and duties by this Act transferred to the Local Government Board shall, from and after the establishment of the Local Government Board, be attached to and under the control of the Local Government Board.

The officers, clerks, and persons so attached shall in other respects hold their offices and places upon the same terms and conditions, and shall have the same powers, privileges, and immunities with respect to the performance of their duties as if this Act had not been passed.



The Local Government Board may, by order, distribute the business to be performed under the Local Government Board amongst the several officers and persons transferred to the Board by this Act in such manner as the Local Government Board may think expedient.

7. In the construction of and for the purpose of any Act of Parliament, contract, or other document passed, entered into, or made before the establishment of the Local Government Board, but so far only as may be necessary for exercising the powers and discharging the duties by this Act transferred to and imposed on the Local Government Board, the name of such Board shall, according to circumstances, be deemed to be substituted for the Poor Law Board, one of Her Majesty's Principal Secretaries of State, or Her Majesty's most honourable Privy Council, as the case may require; and any act or thing which might, if this Act had not passed, have been done by the Poor Law Board, or by one of Her Majesty's Principal Secretaries of State, or by Her Majesty's most honourable Privy Council, so far as relates to the powers and duties hereby transferred, may be done by the Local Government Board.

8. Where under an Act, whether passed before or after the passing of this Act, any return relative to any rate, toll, tax, or due raised in England (other than such as is raised for the public revenue of the United Kingdom) is required to be sent to one of Her Majesty's Secretaries of State or any other department of the Government, a duplicate of such return shall in like manner be sent to the Local Government Board, and any person failing to send the same shall be subject to the like penalties as a person neglecting to send any return under the Act of the session of the twenty-third and twenty-fourth years of the reign of her present Majesty, chapter fifty-one.



CHAPTER II.  
PUBLIC HEALTH ACT, 1875.

38 & 39 Vict., ch. 55.

*This is an Act for consolidating and amending the Acts relating to Public Health in England.*

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PART I.

2. This Act shall not extend to Scotland or Ireland, nor (save as by this Act is expressly provided) to the metropolis.

3. This Act is divided into parts, as follows :—

Part I.—Preliminary.

Part II.—Authorities for Execution of Act.

Part III.—Sanitary Provisions.

Part IV.—Local Government Provisions.

Part V.—General Provisions.

Part VI.—Rating and Borrowing Powers, &c.

Part VII.—Legal Proceedings.

Part VIII.—Alteration of Areas and Union of Districts.

Part IX.—Local Government Board.

Part X.—Miscellaneous and Temporary Provisions.

Part XI.—Saving Clauses and Repeal of Acts.

4. In this Act, if not inconsistent with the context, the following words and expressions have the meanings herein-after respectively assigned to them ; that is to say,

“Borough” means any place for the time being subject to the Act of the sessions of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled “An Act to provide for the Regulation of Municipal Corporations in England and Wales,” and any Act amending the same :

“The metropolis” means the City of London and all parishes and places mentioned in schedules A, B, and C to the Metropolis Management Act, 1855 :

“Local Government District” means any area subject to the jurisdiction of a local board constituted in pursuance of the Local Government Acts before the passing of this Act, or in pursuance of this Act, and “local board” means any board so constituted :

“Improvement Act District” means any area for the time being subject to the jurisdiction of any improvement commissioners as hereinafter defined :



- “Improvement Commissioners” means any commissioners trustees or other persons invested by any local Act with powers of town government and rating :
- “Parish” means a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed :
- “Union” means a union of parishes incorporated or united for the relief or maintenance of the poor under any public or local Act of Parliament, and includes any parish subject to the jurisdiction of a separate board of guardians :
- “Guardians” means any person or body of persons by whom the relief of the poor is administered in any union :
- “Person” includes any body of persons, whether corporate or unincorporate :
- “Local authority” means urban sanitary authority and rural sanitary authority :
- “Surveyor” includes any person appointed by a rural authority to perform any of the duties of surveyor under this Act :
- “Lands” and “Premises” include messuages buildings lands easements and hereditaments of any tenure :
- “Owner” means the person for the time being receiving the rackrent of the lands and premises in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent :
- “Rackrent” means rent which is not less than two thirds of the full net annual value of the property out of which the rent arises ; and the full net annual value shall be taken to be the rent at which the property might reasonably be expected to let from year to year, free from all usual tenant’s rates and taxes, and tithe commutation rentcharge (if any), and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses (if any) necessary to maintain the same in a state to command such rent :
- “Street” includes any highway (not being a turnpike road), and any public bridge (not being a county bridge), and any road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not :
- “House” includes schools, also factories and other buildings in which more than twenty persons are employed at one time :
- “Drain” means any drain of and used for the drainage of one building only, or premises within the same curtilage, and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed :
- “Sewer” includes sewers and drains of every description, except drains to which the word “drain” interpreted as aforesaid applies, and except drains vested in or under the control of any authority having the management of roads and not being a local authority under this Act :



- “Slaughter-house” includes the buildings and places commonly called slaughter-houses and knackers yards, and any building or place used for slaughtering cattle horses or animals of any description for sale :
- “Water company” means any person or body of persons corporate or unincorporate supplying or who may hereafter supply water for his or their own profit :
- “Waterworks” includes streams, springs, wells, pumps, reservoirs, cisterns, tanks, aqueducts, cuts, sluices, mains, pipes, culverts, engines, and all machinery, lands, buildings, and things, for supplying or used for supplying water, also the stock in trade of any water company :
- “Bakehouse Regulation Act” means 26 & 27 Vict. c. 40. (Bakehouse Regulation Act, 1863) :
- “Artizans and Labourers Dwellings Act” means 31 & 32 Vict. c. 130. (Artizans and Labourers Dwellings Act, 1868) :
- “Baths and Wash-houses Acts” means 9 & 10 Vict. c. 74. (An Act to encourage the establishment of Public Baths and Wash-houses) ; 10 & 11 Vict. c. 61. (An Act to amend the Act for the establishment of Public Baths and Wash-houses) :
- “Labouring Classes Lodging Houses Act” means 14 & 15 Vict. c. 34. (Labouring Classes Lodging Houses Act, 1851) ; 29 & 30 Vict. c. 28. (Labouring Classes Dwelling Houses Act, 1866) ; 30 & 31 Vict. c. 28. (Labouring Classes Dwelling Houses Act, 1867) :
- “Sanitary Acts” means all the above-mentioned Acts and the Acts mentioned in Part I. of Schedule V. to this Act :
- “Sanitary purposes” means any object or purposes of the Sanitary Acts :
- “Court of quarter sessions” means the court of general or quarter sessions of the peace having jurisdiction over the whole or any part of the district or place in which the matter requiring the cognizance of general or quarter sessions arises :
- “Court of summary jurisdiction” means any justice or justices of the peace, stipendiary or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to :
- “Summary Jurisdiction Acts” means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled “An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders,” and any Act amending the same.

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## PART II.

### AUTHORITIES FOR EXECUTION OF ACT.

#### CONSTITUTION OF DISTRICTS AND AUTHORITIES.

5. For the purposes of this Act England, except the Metropolis, shall consist of districts to be called respectively—



1. Urban sanitary districts, and
2. Rural sanitary districts,

(in this Act referred to as urban and rural districts); and such urban and rural districts shall respectively be subject to the jurisdiction of local authorities, called urban sanitary authorities and rural sanitary authorities (in this Act referred to as urban and rural authorities), invested with the powers in this Act mentioned.

6. Urban districts shall consist of the places in that behalf mentioned in the first column of the table in this section contained, and urban authorities shall be the several bodies of persons specified in the second column of the said table in relation to the said places respectively.

Urban district.	Urban authority.
Borough constituted such either before or after the passing of this Act.	The Mayor, Aldermen, and Burgesses acting by the Council.
Improvement Act district constituted such before the passing of this Act, and having no part of its area situated within a borough or local government district.	The Improvement Commissioners.
Local government district constituted such either before or after the passing of this Act, having no part of its area situated within a borough, and not coincident in area with a borough or Improvement Act district.	The Local Board.

Provided that—

1. Any borough, the whole of which is included in and forms part of a Local Government district or Improvement Act district, and any Improvement Act district which is included in and forms part of a Local Government district, and any Local Government district which is included in and forms part of an Improvement Act district, shall for the purposes of this Act be deemed to be absorbed in the larger district in which it is included, or of which it forms part; and the improvement commissioners or local board, as the case may be, of such larger district, shall be the urban authority therein; and
2. Where an Improvement Act district is coincident in area with a Local Government district, the improvement commissioners, and not a local board, shall be the urban authority therein; and
3. Where any part of an Improvement Act district is situated within a borough or Local Government district, or where any part of a Local Government district is situated within a borough, the remaining part of such Improvement Act district or of such Local Government district so partly situated within a borough shall for the purposes of this Act continue subject to the like jurisdiction as it would have been subject to if this Act had not been passed, unless and until the Local Government Board by provisional order otherwise directs.

For the purposes of this Act, the boroughs of Oxford, Cambridge, Blandford, Calne, Wenlock, Folkestone, and Newport Isle of Wight, shall not be



deemed to be boroughs, and the borough of Cambridge, shall be deemed to be an Improvement Act district, and the borough of Oxford to be included in the Local Government district of Oxford. So much of the borough of Folkestone as is not included within the Local Government district of Sandgate shall be an urban district, and shall be under the jurisdiction for the purposes of this Act, of the authority for executing "The Folkestone Improvement Act, 1855."

7. Every local board, and any improvement commissioners being an urban authority and not otherwise incorporated, shall continue to be or be a body corporate, designated (in the case of local boards and improvement commissioners being urban sanitary authorities at the time of the passing of this Act) by such name as they then bear, and (in the case of local boards constituted after the passing of this Act) by such name as they may with the sanction of the Local Government Board adopt; with a perpetual succession and a common seal, and with power to sue and be sued in such name, and to hold lands without any license in mortmain for the purposes of this Act.

8. The members of local boards shall be elective; and the number and qualification of members of local boards, the qualification of electors, the mode and expenses of election, and the proceedings incident thereto, the retirement and disqualification of members, the proceedings in case of lapse of a local board, and all other matters relating to the election of members of local boards, shall be governed by the rules contained in Schedule II. to this Act.

9. The area of any union which is not coincident in area with an urban district, nor wholly included in an urban district (in this section called a rural union), with the exception of those portions (if any) of the area which are included in any urban district, shall be a rural district, and the guardians of the union shall form the rural authority of such district: Provided that—

1. An ex-officio guardian resident in any parish or part of a parish belonging to such union, which parish or part of a parish forms or is situated in an urban district, shall not act or vote in any case in which guardians of such union act or vote as members of the rural authority, unless he is the owner or occupier of property situated in the rural district of a value sufficient to qualify him as an elective guardian for the union:
2. An elective guardian of any parish belonging to such union, and forming or being wholly included within an urban district, shall not act or vote in any case in which guardians of such union act or vote as members of the rural authority:
3. Where part of a parish belonging to a rural union forms or is situated in an urban district, the Local Government Board may by order divide such parish into separate wards, and determine the number of guardians to be elected by such wards respectively, in such manner as to provide for the due representation of the part of the parish situated within the rural district; but until such order has been made the guardian or guardians of such parish may act and vote as members of the rural authority in the same manner as if no part of such parish formed part of or was situated in an urban district.



Where the number of elective guardians who are not by this section disqualified from acting and voting as members of the rural authority is less than five, the Local Government Board may from time to time by order nominate such number of persons as may be necessary to make up that number from owners or occupiers of property situated in the rural district of a value sufficient to qualify them as elective guardians for the union, and the persons so nominated shall be entitled to act and vote as members of the rural authority but not further or otherwise.

Subject to the provisions of this Act, all statutes, orders, and legal provisions applicable to any board of guardians shall apply to them in their capacity of rural authority under this Act for purposes of this Act ; and it is hereby declared that the rural authority are the same body as the guardians of the union or parish for or within which such authority act.

10. In addition to the powers, rights, duties, capacities, liabilities, and obligations exercisable by or attaching to an urban authority under this Act, every urban authority shall within their district (to the exclusion of any other authority which may have previously exercised or been subject to the same) have, exercise, and be subject to all the powers, rights, duties, capacities, liabilities, and obligations within such district exercisable or attaching by and to the local authority under the Bakehouse Regulation Act, and the Artizans and Labourers Dwellings Act, or any Acts amending the same.

Where the Baths and Wash-houses Acts and the Labouring Classes Lodging Houses Acts, or any of them, are in force within the district of any urban authority, such authority shall have all powers, rights, duties, capacities, liabilities, and obligations in relation to such Acts exercisable by or attaching to the council, incorporated commissioners, local board, improvement commissioners, and other commissioners or persons acting in the execution of the said Acts or any of them.

Where the Baths and Wash-houses Acts are not in force within the district of any urban authority, such authority may adopt such Acts ; and where the Labouring Classes Lodging Houses Acts are not in force within the district of any urban authority, such authority may adopt such Acts.

Where any local Act other than an Act for the conservancy of any river is in force within the district of an urban authority, conferring on any commissioners, trustees, or other persons powers for purposes the same as or similar to those of this Act (but not for their own pecuniary benefit), all the powers, rights, duties, capacities, liabilities, and obligations of such commissioners, trustees, or other persons in relation to such purposes shall be transferred and attach to the said urban authority.

11. In addition to the powers, rights, duties, capacities, liabilities, and obligations exercisable by or attaching to a rural authority under this Act, every rural authority shall, within their district, (to the exclusion of any other authority which may have previously exercised or been subject to the same) have, exercise, and be subject to all the powers, rights, duties, capacities, liabilities, and obligations within such district exercisable by or attaching to the local authority under the Bakehouse Regulation Act, or any Acts amending the same.

[*Rural authorities no power to make bye-laws ; urban authorities have power.*]



12. From and after the passing of this Act all such property real and personal, including all interests, rights, and easements in, to, and out of property real and personal (including things in action), as belongs to or is vested in, or would but for this Act have belonged to or been vested in the council of any borough, or any improvement commissioners or local board as the urban sanitary authority of any district under the Sanitary Acts, or any board of guardians as the rural sanitary authority of any district under those Acts, shall continue vested or vest in such council, improvement commissioners, or local board, or board of guardians as the local authority of their district under this Act, subject to all debts, liabilities, and obligations affecting the same property.

All debts, liabilities, and obligations incurred by any authority whose powers, rights, duties, liabilities, capacities, and obligations are under this Act exercisable by or attached to a local authority may be enforced against the local authority to the same extent and in the same manner as they might have been enforced against the authority which incurred the same.

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### PART III.

#### SANITARY PROVISIONS.

##### SEWERAGE AND DRAINAGE.

###### *Regulations as to Sewers and Drains.*

13. All existing and future sewers within the district of a local authority, together with all buildings, works, materials, and things belonging thereto,

Except

- (1.) Sewers made by any person for his own profit, or by any company for the profit of the shareholders ; and
- (2.) Sewers made and used for the purpose of draining, preserving, or improving land under any local or private Act of Parliament, or for the purpose of irrigating land ; and
- (3.) Sewers under the authority of any commissioners of sewers appointed by the Crown,

shall vest in and be under the control of such local authority.

Provided that sewers within the district of a local authority which have been or which may hereafter be constructed by or transferred to some other local authority or by or to a sewage board or other authority empowered under any Act of Parliament to construct sewers shall (subject to any agreement to the contrary) vest in, and be under the control of the authority who constructed the same, or to whom the same have been transferred.

14. Any local authority may purchase or otherwise acquire from any person any sewer, or any right of making, or of user, or other right in or respecting a sewer (with or without any buildings, works, materials or things belonging thereto), within their district, and any person may sell or grant to such authority any such sewer, right, or property belonging to him ; and any purchase money paid by such authority in pursuance of this section shall



be subject to the same trusts (if any) as the sewer, right, or property sold was subject to.

But any person who, previously to the purchase of a sewer by such authority, has acquired a right to use such sewer shall be entitled to use the same, or any sewer substituted in lieu thereof, to the same extent as he would, or might have done, if the purchase had not been made.

15. Every local authority shall keep in repair all sewers belonging to them, and shall cause to be made such sewers as may be necessary for effectually draining their district for the purposes of this Act.

16. Any local authority may carry any sewer through, across, or under any turnpike road, or any street or place laid out as, or intended for, a street, or under any cellar or vault which may be under the pavement or carriageway of any street, and, after giving reasonable notice in writing to the owner or occupier (if on the report of the surveyor it appears necessary), into, through, or under any lands whatsoever within their district.

They may also (subject to the provisions of this Act relating to sewage works without the district of the local authority) exercise all or any of the powers given by this section without their district for the purpose of outfall or distribution of sewage.

17. Nothing in this Act shall authorize any local authority to make or use any sewer, drain, or outfall, for the purpose of conveying sewage or filthy water into any natural stream or watercourse, or into any canal, pond, or lake until such sewage or filthy water is freed from all excrementitious or other foul or noxious matter such as would affect or deteriorate the purity and quality of the water in such stream or watercourse, or in such canal, pond, or lake.

18. Any local authority may from time to time enlarge, lessen, alter the course of, cover in, or otherwise improve any sewer belonging to them, and may discontinue, close up, or destroy any such sewer that has in their opinion become unnecessary, on condition of providing a sewer as effectual for the use of any person who may be deprived, in pursuance of this section, of the lawful use of any sewer: Provided that the discontinuance, closing up, or destruction of any sewer shall be so done as not to create a nuisance.

19. Every local authority shall cause the sewers belonging to them to be constructed, covered, ventilated, and kept so as not to be a nuisance, or injurious to health, and to be properly cleansed and emptied.

20. An urban authority may, if they think fit, provide a map exhibiting a system of sewerage for effectually draining their district, and any such map shall be kept at their office, and shall at all reasonable times be open to the inspection of the ratepayers of their district.

21. The owner or occupier of any premises within the district of a local authority shall be entitled to cause his drains to empty into the sewers of that authority, on condition of his giving such notice as may be required by that authority of his intention so to do, and of complying with the regulations of that authority in respect of the mode in which the communications between such drains and sewers are to be made, and subject to the control of any person who may be appointed by that authority to superintend the making of such communications.



Any person causing a drain to empty into a sewer of a local authority without complying with the provisions of this section shall be liable to a penalty not exceeding twenty pounds, and the local authority may close any communication between a drain and sewer made in contravention of this section, and may recover in a summary manner from the person so offending any expenses incurred by them under this section.

22. The owner or occupier of any premises without the district of a local authority may cause any sewer or drain from such premises to communicate with any sewer of the local authority on such terms and conditions as may be agreed on between such owner or occupier and such local authority, or as in case of dispute may be settled, at the option of the owner or occupier, by a court of summary jurisdiction or by arbitration in manner provided by this Act.

23. Where any house within the district of a local authority is without a drain sufficient for effectual drainage, the local authority shall by written notice require the owner or occupier of such house, within a reasonable time therein specified, to make a covered drain or drains emptying into any sewer which the local authority are entitled to use, and which is not more than one hundred feet from the site of such house [*this (one hundred feet) has been ruled to be any point on the premises*]; but if no such means of drainage are within that distance, then emptying into such covered cesspool or other place not being under any house as the local authority direct; and the local authority may require any such drain or drains to be of such materials and size, and to be laid at such level, and with such fall as on the report of their surveyor may appear to them to be necessary.

If such notice is not complied with, the local authority may, after the expiration of the time specified in the notice, do the work required, and may recover in a summary manner the expenses incurred by them in so doing from the owner, or may by order declare the same to be private improvement expenses.

Provided that where, in the opinion of the local authority, greater expense would be incurred in causing the drains of two or more houses to empty into an existing sewer pursuant to this section, that in constructing a new sewer and causing such drains to empty therein, the local authority may construct such new sewer, and require the owners or occupiers of such houses to cause their drains to empty therein, and may apportion as they deem just the expenses of the construction of such sewer among the owners of the several houses, and recover in a summary manner the sums apportioned from such owners, or may by order declare the same to be private improvement expenses.

24. Where any house within the district of a local authority has a drain communicating with any sewer, which drain though sufficient for the effectual drainage of the house is not adapted to the general sewerage system of the district, or is in the opinion of the local authority otherwise objectionable, the local authority may, on condition of providing a drain or drains as effectual for the drainage of the house, and communicating with such other sewer as they think fit, close such first-mentioned drain, and may do any works necessary for that purpose, and the expenses of those works,



and of the construction of any drain or drains provided by them under this section, shall be deemed to be expenses properly incurred by them in the execution of this Act.

25. It shall not be lawful in any urban district newly to erect any house or to rebuild any house which has been pulled down to or below the ground floor, or to occupy any house so newly erected or rebuilt, unless and until a covered drain or drains be constructed, of such size and materials, and at such level, and with such fall as on the report of the surveyor may appear to the urban authority to be necessary for the effectual drainage of such house; and the drain or drains so to be constructed shall empty into any sewer which the urban authority are entitled to use, and which is within one hundred feet of some part of the site of the house to be built or rebuilt; but if no such means of drainage are within that distance, then shall empty into such covered cesspool or other place, not being under any house, as the urban authority direct.

26. Any person who causes any house to be erected or rebuilt or any drain to be constructed in contravention of this section shall be liable to a penalty not exceeding fifty pounds.

Any person who in any urban district, without the written consent of the urban authority,—

- (1.) Causes any building to be newly erected over any sewer of the urban authority; or,
- (2.) Causes any vault, arch, or cellar to be newly built or constructed under the carriageway of any street,

shall forfeit to the urban authority the sum of five pounds, and a further sum of forty shillings for every day during which the offence is continued after written notice in this behalf from the urban authority; and the urban authority may cause any building, vault, arch, or cellar erected or constructed in contravention of this section, to be altered, pulled down, or otherwise dealt with as they may think fit, and may recover in a summary manner any expenses incurred by them in so doing from the offender.

#### *Disposal of Sewage.*

27. For the purpose of receiving, storing, disinfecting, distributing, or otherwise disposing of sewage any local authority may—

- (1.) Construct any works within their district, or (subject to the provisions of this Act as to sewage works without the district of the local authority) without their district; and
- (2.) Contract for the use of, purchase, or take on lease any land, buildings, engines, materials, or apparatus, either within or without their district; and
- (3.) Contract to supply for any period not exceeding twenty-five years any person with sewage, and as to the execution and costs of works either within or without their district for the purposes of such supply:

Provided that no nuisance be created in the exercise of any of the powers given by this section.

28. The local authority of any district may, by agreement with the local authority of any adjoining district, and with the sanction of the Local



Government Board, cause their sewers to communicate with the sewers of such last-mentioned authority, in such manner and on such terms and subject to such conditions as may be agreed on between the local authorities, or, in case of dispute, may be settled by the Local Government Board. Provided that so far as practicable storm waters shall be prevented from flowing from the sewers of the first-mentioned authority into the sewers of the last-mentioned authority, and that the sewage of other districts or places shall not be permitted by the first-mentioned authority to pass into their sewers so as to be discharged into the sewers of the last-mentioned authority without the consent of such last-mentioned authority.

29. Any local authority may deal with any lands held by them for the purpose of receiving, storing, disinfecting, or distributing sewage in such manner as they deem most profitable, either by leasing the same for a period not exceeding twenty-one years for agricultural purposes, or by contracting with some person to take the whole or a part of the produce of such land, or by farming such land and disposing of the produce thereof; subject to this restriction, that in dealing with land for any of the above purposes, provision shall be made for effectually disposing of all the sewage brought to such land without creating a nuisance.

30. Where any local authority agree with any person as to the supply of sewage and as to works to be made for the purpose of such supply, they may contribute to the expense of carrying into execution by such person all or any of the purposes of such agreement, and may become shareholders in any company with which any agreement in relation to the matters aforesaid has been or may hereafter be entered into by such local authority, or to or in which the benefits and obligations of such agreement may have been or may be transferred or vested.

31. The making of works of distribution and service for the supply of sewage to lands for agricultural purposes shall be deemed an "improvement of land" authorized by "The Improvement of Land Act, 1864," and the provisions of that Act shall apply accordingly.

*As to Sewage Works without District.*

32. A local authority shall, three months at least before commencing the construction or extension of any sewer or other work for sewage purposes without their district, give notice of the intended work by advertisement in one or more of the local newspapers circulated within the district where the work is to be made.

Such notice shall describe the nature of the intended work, and shall state the intended termini thereof, and the names of the parishes, and the turnpike roads and streets, and other lands (if any) through, across, under, or on which the work is to be made, and shall name a place where a plan of the intended work is open for inspection at all reasonable hours; and a copy of such notice shall be served on the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, and on the overseers of such parishes, and on the trustees, surveyors of highways, or other persons having the care of such roads or streets.

33. If any such owner, lessee, or occupier, or any such overseer, trustee,



surveyor, or other person as aforesaid, or any other owner, lessee, or occupier who would be affected by the intended work, objects to such work, and serves notice in writing of such objection on the local authority at any time within the said three months, the intended work shall not be commenced without the sanction of the Local Government Board after such inquiry as herein-after mentioned, unless such objection is withdrawn.

34. The Local Government Board may, on application of the local authority, appoint an inspector to make inquiry on the spot into the propriety of the intended work and into the objections thereto, and to report to the Local Government Board on the matters with respect to which such inquiry was directed, and on receiving the report of such inspector, the Local Government Board may make an order disallowing or allowing, with such modifications (if any) as they may deem necessary, the intended work.

PRIVIES, WATERCLOSETS, ETC.

35. It shall not be lawful newly to erect any house, or to rebuild any house pulled down to or below the ground floor, without a sufficient watercloset, earthcloset, or privy, and an ashpit furnished with proper doors and coverings.

Any person who causes any house to be erected or rebuilt in contravention of this enactment shall be liable to a penalty not exceeding twenty pounds.

36. If a house within the district of a local authority appears to such authority, by the report of their surveyor or inspector of nuisances, to be without a sufficient watercloset, earthcloset, or privy, and an ashpit furnished with proper doors and coverings, the local authority shall, by written notice, require the owner or occupier of the house, within a reasonable time therein specified, to provide a sufficient watercloset, earthcloset, or privy, and an ashpit furnished as aforesaid, or either of them, as the case may require.

If such notice is not complied with, the local authority may, at the expiration of the time specified in the notice, do the work thereby required to be done, and may recover in a summary manner from the owner the expenses incurred by them in so doing, or may by order declare the same to be private improvement expenses. Provided that where a watercloset, earthcloset, or privy has been and is used in common by the inmates of two or more houses, or if in the opinion of the local authority a watercloset, earthcloset, or privy may be so used, they need not require the same to be provided for each house.

37. Any enactment in force within the district of any local authority requiring the construction of a watercloset shall be deemed to be satisfied by the construction, with the approval of the local authority, of an earthcloset.

Any local authority may, as respects any house in which any earthcloset is in use with their approval, dispense with the supply of water required by any contract or enactment to be furnished to any watercloset in such house, on such terms as may be agreed on between such authority and the person providing or required to provide such supply of water.

Any local authority may themselves undertake or contract with any



person to undertake a supply of dry earth or other deodorising substance to any house within their district for the purpose of any earthcloset.

In this Act the term "earthcloset" includes any place for the reception and deodorization of faecal matter constructed to the satisfaction of the local authority.

*[Although waterclosets are compelled to be put in houses, there is no provision about water supply to such closets being compulsory as in Metropolis Management Act.]*

38. Where it appears to any local authority by the report of their surveyor that any house is used or intended to be used as a factory or building in which persons of both sexes are employed or intended to be employed at one time in any manufacture, trade, or business, the local authority may, if they think fit, by written notice require the owner or occupier of such house, within the time therein specified, to construct a sufficient number of waterclosets, earthclosets, or privies and ashpits for the separate use of each sex.

Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds, and to a further penalty not exceeding forty shillings for every day during which the default is continued.

39. Any urban authority may, if they think fit, provide and maintain, in proper and convenient situations, urinals, waterclosets, earthclosets, privies, and ashpits, and other similar conveniences for public accommodation.

40. Every local authority shall provide that all drains, waterclosets, earthclosets, privies, ashpits, and cesspools within their district be constructed and kept so as not to be a nuisance or injurious to health.

41. On the written application of any person to a local authority, stating that any drain, watercloset, earthcloset, privy, ashpit, or cesspool on or belonging to any premises within their district is a nuisance or injurious to health (but not otherwise), the local authority may, by writing, empower their surveyor or inspector of nuisances, after twenty-four hours' written notice to the occupier of such premises, or in case of emergency without notice, to enter such premises, with or without assistants, and cause the ground to be opened, and examine such drain, watercloset, earthcloset, privy, ashpit, or cesspool. If the drain, watercloset, earthcloset, privy, ashpit, or cesspool on examination is found to be in proper condition, he shall cause the ground to be closed, and any damage done to be made good as soon as can be, and the expenses of the works shall be defrayed by the local authority. If the drain, watercloset, earthcloset, privy, ashpit, or cesspool on examination appear to be in bad condition, or to require alteration or amendment, the local authority shall forthwith cause notice in writing to be given to the owner or occupier of the premises, requiring him forthwith or within a reasonable time therein specified to do the necessary works; and if such notice is not complied with, the person to whom it is given shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default, and the local authority may, if they think fit, execute such works, and may recover in a summary manner from the owner the expenses incurred by them in so doing, or may by order declare the same to be private improvement expenses.



## SCAVENGING AND CLEANSING.

*Regulations as to Streets and Houses.*

42. Every local authority may, and when required by order of the Local Government Board, shall, themselves undertake or contract for—

The removal of house refuse from premises ;

The cleansing of earthclosets, privies, ashpits and cesspools ;  
either for the whole or any part of their district : Moreover every urban authority and any rural authority invested by the Local Government Board with the requisite powers may, and when required by order of the said Board shall, themselves undertake or contract for the proper cleansing of streets, and may also themselves undertake or contract for the proper watering of streets for the whole or any part of their district.

All matters collected by the local authority or contractor in pursuance of this section may be sold or otherwise disposed of, and any profits thus made by an urban authority shall be carried to the account of the fund or rate applicable by them for the general purposes of this Act ; and any profits thus made by a rural authority in respect of any contributory place shall be carried to the account of the fund or rate out of which expenses incurred under this section by that authority in such contributory place are defrayed.

If any person removes or obstructs the local authority or contractor in removing any matters by this section authorized to be removed by the local authority, he shall for each offence be liable to a penalty not exceeding five pounds : Provided that the occupier of a house within the district shall not be liable to such penalty in respect of any such matters which are produced on his own premises and are intended to be removed for sale or for his own use, and are in the meantime kept so as not to be a nuisance.

43. If a local authority who have themselves undertaken or contracted for the removal of house refuse from premises, or the cleansing of earthclosets, privies, ashpits, and cesspools fail, without reasonable excuse, after notice in writing from the occupier of any house within their district requiring them to remove any house refuse or to cleanse any earthcloset, privy, ashpit or cesspool belonging to such house or used by the occupiers thereof, to cause the same to be removed or cleansed, as the case may be, within seven days, the local authority shall be liable to pay to the occupier of such house a penalty not exceeding five shillings for every day during which such default continues after the expiration of the said period.

44. Where the local authority do not themselves undertake or contract for—

The cleansing of footways and pavements adjoining any premises,

The removal of house refuse from any premises,

The cleansing of earthclosets, privies, ashpits, and cesspools belonging to any premises,

they may make bye-laws imposing the duty of such cleansing or removal, at such intervals as they think fit, on the occupier of any such premises.

An urban authority may also make bye-laws for the prevention of nuisances arising from snow, filth, dust, ashes and rubbish, and for the



prevention of the keeping of animals on any premises so as to be injurious to health.

45. Any urban authority may, if they see fit, provide in proper and convenient situations receptacles for the temporary deposit and collection of dust, ashes and rubbish; they may also provide fit buildings and places for the deposit of any matters collected by them in pursuance of this part of this Act.

46. Where, on the certificate of the medical officer of health or of any two medical practitioners, it appears to any local authority that any house or part thereof is in such a filthy or unwholesome condition that the health of any person is affected or endangered thereby, or that the whitewashing, cleansing, or purifying of any house or part thereof would tend to prevent or check infectious disease, the local authority shall give notice in writing to the owner or occupier of such house or part thereof to whitewash, cleanse, or purify the same, as the case may require.

If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default; and the local authority may, if they think fit, cause such house or part thereof to be whitewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default.

47. Any person who in any urban district—

- (1.) Keeps any swine or pigstye in any dwelling-house, or so as to be a nuisance to any person; or
- (2.) Suffers any waste or stagnant water to remain in any cellar or place within any dwelling-house for twenty-four hours after written notice to him from the urban authority to remove the same; or
- (3.) Allows the contents of any watercloset, privy, or cesspool to overflow or soak therefrom,

shall for every such offence be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding five shillings for every day during which the offence is continued, and the urban authority shall abate or cause to be abated every such nuisance, and may recover in a summary manner the expenses incurred by them in so doing from the occupier of the premises on which the nuisance exists.

#### *Offensive Ditches and Collections of Matter.*

48. Where any watercourse or open ditch lying near to or forming the boundary between the district of any local authority and any adjoining district is foul and offensive, so as injuriously to affect the district of such local authority, any justice having jurisdiction in such adjoining district may, on the application of such local authority, summon the local authority of such adjoining district to appear before a court of summary jurisdiction to show cause why an order should not be made by such court for cleansing such watercourse or open ditch, and for executing such permanent or other structural works as may appear to such court to be necessary; and



such court, after hearing the parties, or ex parte in case of the default of any of them to appear, may make such order with reference to the execution of the works, and the persons by whom the same shall be executed, and by whom and in what proportions the costs of such works shall be paid, and also as to the amount thereof, and the time and mode of payment, as to such court may seem reasonable.

49. Where in any urban district it appears to the inspector of nuisances that any accumulation of manure, dung, soil or filth or other offensive or noxious matter ought to be removed, he shall give notice to the person to whom the same belongs, or to the occupier of the premises whereon it exists, to remove the same; and if such notice is not complied with within twenty-four hours from the service thereof, the manure, dung, soil or filth or matter referred to shall be vested in and be sold or disposed of by the urban authority, and the proceeds thereof shall be applied in payment of the expenses incurred by them in the execution of this section; and the surplus (if any) shall be paid on demand to the owner of the matter removed.

The expenses of removal by the urban authority of any such accumulation, if and so far as they are not covered by the sale thereof, may be recovered by the urban authority in a summary manner from the person to whom the accumulation belongs, or from the occupier of the premises, or (where there is no occupier) from the owner.

50. Notice may be given by any urban authority (by public announcement in the district or otherwise) for the periodical removal of manure or other refuse matter from mews, stables, or other premises; and where any such notice has been given any person to whom the manure or other refuse matter belongs who fails so to remove the same, or permits a further accumulation, and does not continue such periodical removal at such intervals as the urban authority direct, shall be liable without further notice to a penalty not exceeding twenty shillings for each day during which such manure or other refuse matter is permitted to accumulate.

#### WATER SUPPLY.

##### *Powers of Local Authority in relation to Supply of Water.*

51. Any urban authority may provide their district or any part thereof, and any rural authority may provide their district or any contributory place therein, or any part of any such contributory place, with a supply of water proper and sufficient for public and private purposes, and for those purposes or any of them may—

- (1.) Construct and maintain waterworks, dig wells, and do any other necessary acts; and
- (2.) Take on lease or hire any waterworks, and (with the sanction of the Local Government Board) purchase any waterworks, or any water or right to take or convey water, either within or without their district, and any rights, powers, and privileges of any water company; and
- (3.) Contract with any person for a supply of water.



52. Before commencing to construct waterworks within the limits of supply of any water company empowered by Act of Parliament or any order confirmed by Parliament to supply water, the local authority shall give written notice to every water company within whose limits of supply the local authority are desirous of supplying water, stating the purposes for which, and (as far as may be practicable) the extent to which water is required by the local authority.

It shall not be lawful for the local authority to construct any waterworks within such limits, if, and so long as any such company are able and willing to supply water proper and sufficient for all reasonable purposes for which it is required by the local authority; and any difference as to whether the water which any such company are able and willing to lay on is proper and sufficient for the purposes for which it is required, or whether the purposes for which it is required are reasonable, or (if and so far as the charges of the company are not regulated by Parliament) as to the terms of supply, shall be settled by arbitration in manner provided by this Act.

53. At least two months before commencing to construct under the provisions of this Act, any reservoir, (other than a service reservoir or tank which will hold not more than one hundred thousand gallons), the local authority shall give notice of the intended work by advertisement in one or more of the local newspapers circulated within the district where the reservoir is to be constructed.

If any person who would be affected by the intended work objects to such work, and serves notice in writing of such objection on the local authority at any time within the said two months, the intended work shall not be commenced without the sanction of the Local Government Board, after such inquiry as herein-after mentioned, unless such objection is withdrawn.

The Local Government Board may, on application of the local authority, appoint an inspector to make inquiry on the spot into the propriety of the intended work and into the objections thereto, and to report to the Local Government Board on the matters with respect to which such inquiry was directed; and on receiving the report of such inspector, the Local Government Board may make an order disallowing or allowing with such modifications (if any) as they may deem necessary the intended work.

54. Where a local authority supply water within their district, they shall have the same powers and be subject to the same restrictions for carrying water mains within or without their district as they have, and are subject to, for carrying sewers within or without their district respectively by the law for the time being in force.

55. A local authority shall provide and keep in any waterworks constructed or purchased by them a supply of pure and wholesome water; and where a local authority lay any pipes for the supply of any of the inhabitants of their district, the water may be constantly laid on at such pressure as will carry the same to the top story of the highest dwelling-house within the district or part of the district supplied.

56. Where a local authority supply water to any premises they may charge



in respect of such supply a water rate to be assessed on the net annual value of the premises ascertained in the manner by this Act prescribed with respect to general district rates ; moreover they may enter into agreements for supplying water on such terms as may be agreed on between them and the persons receiving the supply, and shall have the same powers for recovering water rents or other payments accruing under such agreements as they have for recovering water rates.

57. For the purpose of enabling any local authority to supply water there shall be incorporated with this Act the Waterworks Clauses Act, 1863, and the following provisions of the Waterworks Clauses Act, 1847 ; (namely,)

- “ With respect ” (where the local authority have not the control of the streets) “ to the breaking up of streets for the purpose of laying pipes ; ” and
- “ With respect to the communication pipes to be laid by the undertakers ; ” and
- “ With respect to the communication pipes to be laid by the inhabitants ; ” and
- “ With respect to waste or misuse of the water supplied by the undertakers ; ” and
- “ With respect to the provision for guarding against fouling the water of the undertakers ; ” and
- “ With respect to the payment and recovery of the water rates.”

Provided,—

That the provisions with respect to the communication pipes to be laid by the undertakers and the inhabitants respectively, shall apply only in districts or parts of districts where the local authority lay any pipes for the supply of any of the inhabitants thereof ; and

That any dispute authorized or directed by any of the said incorporated provisions to be settled by an inspector or two justices, shall be settled by a court of summary jurisdiction ; and

That section fourty-four of the Waterworks Clauses Act, 1847, shall for the purposes of this Act have effect as if the words “ with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner,” were omitted therefrom ; and any rent for pipes and works paid by an occupier under that section may be deducted by him from any rent from time to time due from him to such owner.

58. A local authority may agree with any person to supply water by measure, and as to the payment to be made in the form of rent or otherwise for every meter provided by them ; they shall at all times at their own expense keep all meters and other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water, and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues. The local authority shall for the purposes aforesaid, have access to, and be at liberty at all reasonable times to remove, test, inspect, and replace any such meter or other instrument.

59. Where water is supplied by measure by any local authority, the register



of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of water consumed ; and if the local authority and the consumer differ with respect to the quantity consumed, the difference shall be determined, on the application of either party, by a court of summary jurisdiction, and such court may order by which of the parties the costs of the proceedings before them shall be paid, and its decision shall be final and binding.

60. If any person wilfully or by culpable negligence injures or suffers to be injured any meter or fittings belonging to a local authority, or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts or uses water of the local authority, he shall (without prejudice to any other right or remedy of the local authority) be liable to a penalty not exceeding forty shillings, and the local authority may in addition thereto recover the amount of any damage sustained. The existence of artificial means, under the control of the consumer, for causing any such alteration, prevention, abstraction, or use shall be evidence that the consumer has fraudulently effected the same.

61. Any local authority for the time being supplying water within their own district may, with the sanction of the Local Government Board, supply water to the local authority of any adjoining district on such terms as may be agreed on between such authorities, or as, in case of dispute, may be settled by arbitration in manner provided by this Act.

62. Where on the report of the surveyor of a local authority it appears to such authority that any house within their district is without a proper supply of water, and that such a supply of water can be furnished thereto at a cost not exceeding the water rate authorized by any local Act in force within the district, or where there is not any local Act so in force at a cost not exceeding twopence a week, or at such other cost as the Local Government Board may, on the application of the local authority, determine under all the circumstances of the case to be reasonable, the local authority shall give notice in writing to the owner, requiring him, within a time therein specified, to obtain such supply, and to do all such works as may be necessary for that purpose.

If such notice is not complied with within the time specified, the local authority may, if they think fit, do such works and obtain such supply, and for that purpose may enter into any contract with any water company supplying water within their district ; and water rates may be made and levied on the premises by the authority or company which furnishes the supply and may be recovered as if the owner or occupier of the premises had demanded a supply of water and were willing to pay water rates for the same, and any expenses incurred by the local authority in doing any such works may be recovered in a summary manner from the owner of the premises, or may by order of the local authority be declared to be private improvement expenses.

63. Any water company may contract to supply water or may lease their waterworks to any local authority ; and the directors of any water company, in pursuance, in the case of a company registered under the Companies Act,



1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company of a resolution passed by three-fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to any local authority, on such terms as may be agreed on between the company and the local authority, all the rights, powers, and privileges, and all or any of the waterworks, premises, and other property of the company, but subject to all liabilities to which the same are subject at the time of such purchase.

64. All existing public cisterns, pumps, wells, reservoirs, conduits, aqueducts, and works used for the gratuitous supply of water to the inhabitants of the district of any local authority shall vest in and be under the control of such authority, and such authority may cause the same to be maintained and plentifully supplied with pure and wholesome water, or may substitute, maintain, and plentifully supply with pure and wholesome water other such works equally convenient; they may also (subject to the provisions of this Act) construct any other such works for supplying water for the gratuitous use of any inhabitants who choose to carry the same away, not for sale, but for their own private use.

65. Any local authority may, if they think fit, supply water from any waterworks purchased or constructed by them to any public baths or wash-houses, or for trading or manufacturing purposes, on such terms and conditions as may be agreed on between the local authority and the persons desirous of being so supplied; moreover, any local authority may, if they think fit, construct any works for the gratuitous supply of any public baths or wash-houses established otherwise than for private profit or supported out of any poor or borough rates.

66. Every urban authority shall cause fire-plugs and all necessary works, machinery, and assistance for securing an efficient supply of water in case of fire to be provided and maintained, and for this purpose they may enter into any agreement with any water company or person; and they shall paint or mark on the buildings and walls within the streets words or marks near to such fire-plugs to denote the situation thereof, and do such other things for the purposes aforesaid as they may deem expedient.

67. In the Oxford or Cambridge district the local authority may supply water to any hall, college, or premises of the university within such district, on such terms with respect to the mode of paying for such supply as may from time to time be agreed on between such university, or any hall or college thereof, and the local authority.

#### *Provisions for Protection of Water.*

68. Any person engaged in the manufacture of gas who—

- (1.) Causes or suffers to be brought or to flow into any stream, reservoir, aqueduct, pond, or place for water, or into any drain or pipe communicating therewith, any washing or other substance produced in making or supplying gas; or,



- (2.) Wilfully does any act connected with the making or supplying of gas whereby the water in any such stream, reservoir, aqueduct, pond, or place for water is fouled,

shall forfeit for every such offence the sum of two hundred pounds, and, after the expiration of twenty-four hours' notice from the local authority or the person to whom the water belongs in that behalf, a further sum of twenty pounds for every day during which the offence is continued or during the continuance of the act whereby the water is fouled.

Every such penalty may be recovered, with full costs of suit, in any of the superior courts, in the case of water belonging to or under the control of the local authority by the local authority, and in any other case by the person into whose water such washing or other substance is conveyed or flows, or whose water is fouled by any such act as aforesaid, or in default of proceedings by such person, after notice to him from the local authority of their intention to proceed for such penalty, by the local authority ; but such penalty shall not be recoverable unless it be sued for during the continuance of the offence, or within six months after it has ceased.

69. Any local authority, with the sanction of the Attorney-General, may, either in their own name or in the name of any other person, with the consent of such person, take such proceedings by indictment, bill in Chancery, action, or otherwise, as they may deem advisable for the purpose of protecting any watercourse within their jurisdiction from pollutions arising from sewage either within or without their district ; and the costs of and incidental to any such proceedings, including any costs that may be awarded to the defendant, shall be deemed to be expenses properly incurred by such authority in the execution of this Act.

70. On the representation of any person to any local authority that within their district the water in any well, tank, or cistern, public or private, or supplied from any public pump, and used or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, is so polluted as to be injurious to health, such authority may apply to a court of summary jurisdiction for an order to remedy the same ; and thereupon such court shall summon the owner or occupier of the premises to which the well, tank, or cistern belongs if it be private, and in the case of a public well, tank, cistern, or pump, any person alleged in the application to be interested in the same, and may either dismiss the application, or may make an order directing the well, tank, cistern, or pump to be permanently or temporarily closed, or the water to be used for certain purposes only, or such other order as may appear to them to be requisite to prevent injury to the health of persons drinking the water.

The court may, if they see fit, cause the water complained of to be analyzed at the cost of the local authority applying to them under this section.

If the person on whom an order under this section is made fails to comply with the same, the court may on the application of the local authority authorize them to do whatever may be necessary in the execution of the order, and any expenses incurred by them may be recovered in a summary manner from the person on whom the order is made.



Expenses incurred by any rural authority in the execution of this section, and not recovered by them as aforesaid, shall be special expenses.

REGULATION OF CELLAR DWELLINGS AND LODGING-HOUSES.

*Occupation of Cellar Dwellings.*

71. It shall not be lawful to let or occupy, or suffer to be occupied, separately as a dwelling any cellar (including, for the purposes of this Act, in that expression any vault or underground room) built or rebuilt after the passing of this Act, or which is not lawfully so let or occupied at the time of the passing of this Act.

72. It shall not be lawful to let or occupy, or suffer to be occupied, separately as a dwelling, any cellar whatsoever, unless the following requisitions are complied with ; (that is to say,)

Unless the cellar is in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof, and is at least three feet of its height above the surface of the street or ground adjoining or nearest to the same ; and

Unless there is outside of and adjoining the cellar, and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof up to the surface of the said street or ground, an open area of at least two feet and six inches wide in every part ; and

Unless the cellar is effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor thereof ; and

Unless there is appurtenant to the cellar the use of a water-closet, earth-closet or privy, and an ashpit, furnished with proper doors and coverings, according to the provisions of this Act ; and

Unless the cellar has a fireplace with a proper chimney or flue, and an external window of at least nine superficial feet in area clear of the sash frame, and made to open in a manner approved by the surveyor (except in the case of an inner or back cellar let or occupied along with a front cellar as part of the same letting or occupation, in which case the external window may be of any dimensions not being less than four superficial feet in area clear of the sash frame).

Provided that in any area adjoining a cellar there may be steps necessary for access to such cellar, if the same be so placed as not to be over, across, or opposite to the said external window, and so as to allow between every part of such steps and the external wall of such cellar a clear space of six inches at the least, and that over or across any such area there may be steps necessary for access to any building above the cellar to which such area adjoins, if the same be so placed as not to be over, across, or opposite to any such external window.

73. Any person who lets, occupies, or knowingly suffers to be occupied for hire or rent, any cellar contrary to the provisions of this Act, shall be liable for every such offence to a penalty not exceeding twenty shillings for



every day during which the same continues to be so let or occupied after notice in writing from the local authority in this behalf.

74. Any cellar in which any person passes the night shall be deemed to be occupied as a dwelling within the meaning of this Act.

75. Where two convictions against the provisions of any Act relating to the occupation of a cellar as a separate dwelling-place have taken place within three months (whether the persons so convicted were or were not the same) a court of summary jurisdiction may direct the closing of the premises so occupied for such time as it may deem necessary, or may empower the local authority permanently to close the same, and to defray any expenses incurred by them in the execution of this section.

#### *Common Lodging-houses.*

76. Every local authority shall keep a register in which shall be entered the names and residences of the keepers of all common lodging-houses within the district of such authority, and the situation of every such house, and the number of lodgers authorized under this Act by such authority to be received therein.

A copy of any entry in such register, certified by the clerk of the local authority to be a true copy, shall be received in all courts and on all occasions as evidence, and shall be sufficient proof of the matter registered, without production of the register or of any document or thing on which the entry is founded; and a certified copy of any such entry shall be supplied gratis by the clerk to any person applying at a reasonable time for the same.

77. A person shall not keep a common lodging-house, or receive a lodger therein, unless the house is registered in accordance with the provisions of this Act; nor unless his name as the keeper thereof is entered in the register kept under this Act: Provided that when the person so registered dies, his widow or any member of his family may keep the house as a common lodging-house for not more than four weeks after his death without being registered as the keeper thereof.

78. A house shall not be registered as a common lodging-house until it has been inspected and approved for the purpose by some officer of the local authority; and the local authority may refuse to register as the keeper of a common lodging-house a person who does not produce to the local authority a certificate of character, in such form as the local authority direct, signed by three inhabitant householders of the parish respectively rated to the relief of the poor of the parish within which the lodging-house is situate for property of the yearly rateable value of six pounds or upwards.

79. The keeper of every common lodging-house shall, if required in writing by the local authority so to do, affix and keep undefaced and legible, a notice with the words "Registered Common Lodging-house" in some conspicuous place on the outside of such house.

The keeper of any such house who, after requisition in writing from the local authority, refuses or neglects to affix or renew such notice, shall be liable to a penalty not exceeding five pounds, and to a further penalty of



ten shillings for every day that such refusal or neglect continues after conviction.

80. Every local authority shall from time to time make bye-laws—

- (1.) For fixing, and from time to time varying the number of lodgers who may be received into a common lodging-house, and for the separation of the sexes therein ; and,
- (2.) For promoting cleanliness and ventilation in such houses ; and,
- (3.) For the giving of notices and the taking precautions in the case of any infectious disease ; and,
- (4.) Generally for the well ordering of such houses.

81. Where it appears to any local authority that a common lodging-house is without a proper supply of water for the use of the lodgers, and that such a supply can be furnished thereto at a reasonable rate, the local authority may by notice in writing, require the owner or keeper of such house, within a time specified therein, to obtain such supply, and to do all works necessary for that purpose ; and if the notice be not complied with accordingly, the local authority may remove such house from the register until it is complied with.

82. The keeper of a common lodging-house shall, to the satisfaction of the local authority, limewash the walls and ceilings thereof in the first week of each of the months of April and October in every year, and shall, if he fails to do so, be liable to a penalty not exceeding forty shillings.

83. The keeper of a common lodging-house in which beggars or vagrants are received to lodge shall, from time to time, if required in writing by the local authority so to do, report to the local authority, or to such person as the local authority direct, every person who resorted to such house during the preceding day or night, and for that purpose schedules shall be furnished by the local authority to the person so ordered to report, which schedules he shall fill up with the information required, and transmit to the local authority.

84. The keeper of a common lodging-house shall, when a person in such house is ill of fever or any infectious disease, give immediate notice thereof to the medical officer of health of the local authority, and also to the poor law relieving officer of the union or parish in which the common lodging-house is situated.

85. The keeper of a common lodging-house, and every other person having or acting in the care or management thereof, shall, at all times when required by any officer of the local authority, give him free access to such house or any part thereof ; and any such keeper or person who refuses such access, shall be liable to a penalty not exceeding five pounds.

86. Any keeper of a common lodging-house who—

- (1.) Receives any lodger in such house, without the same being registered under this Act ; or
- (2.) Fails to make a report, after he has been furnished by the local authority with schedules for the purpose in pursuance of this Act, of the persons resorting to such house ; or
- (3.) Fails to give the notices required by this Act, where any person has been confined to his bed in such house by fever or other infectious



disease, shall be liable to a penalty not exceeding five pounds, and in the case of a continuing offence to a further penalty not exceeding forty shillings for every day during which the offence continues.

87. In any proceedings under the provisions of this Act relating to common lodging-houses, if the inmates of any house or part of a house allege that they are members of the same family, the burden of proving such allegation shall lie on the persons making it.

88. Where the keeper of a common lodging-house is convicted of a third offence against any of the provisions of this Act relating to common lodging-houses, the court before whom the conviction for such third offence takes place may, if he thinks fit, adjudge that he shall not at any time within five years after the conviction, or within such shorter period after the conviction as the court thinks fit, keep a common lodging-house without the previous license in writing of the local authority, which license the local authority may withhold or grant on such terms and conditions as they think fit.

89. For the purposes of this Act, the expression "common lodging-house" includes, in any case in which only part of a house is used as a common lodging-house, the part so used of such house.

*Bye-laws as to Houses let in Lodgings.*

90. The Local Government Board may, if they think fit, by notice published in the *London Gazette*, declare the following enactment to be in force within the district or any part of the district of any local authority, and from and after the publication of such notice, such authority shall be empowered to make bye-laws for the following matters (that is to say),—

- (1.) For fixing, and from time to time varying the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family, and for the separation of the sexes in a house so let or occupied :
- (2.) For the registration of houses so let or occupied :
- (3.) For the inspection of such houses :
- (4.) For enforcing drainage and the provision of privy accommodation for such houses, and for promoting cleanliness and ventilation in such houses :
- (5.) For the cleansing and lime-washing at stated times of the premises, and for the paving of the courts and courtyards thereof :
- (6.) For the giving of notices and the taking of precautions in case of any infectious disease :

This section shall not apply to common lodging-houses within the provisions of this Act relating to common lodging-houses.

NUISANCES.

91. For the purposes of this Act—

1. Any premises in such a state as to be a nuisance or injurious to health.
2. Any pool, ditch, gutter, watercourse, privy, urinal, cesspool, drain, or



ashpit, so foul or in such a state as to be a nuisance or injurious to health :

3. Any animal so kept as to be a nuisance or injurious to health :
4. Any accumulation or deposit which is a nuisance or injurious to health :
5. Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of the same family :
6. Any factory, workshop, or workplace (not already under the operation of any general Act for the regulation of factories or bakehouses), not kept in a cleanly state, or not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust, or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein :
7. Any fireplace or furnace which does not as far as practicable consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse, or gas-work, or in any manufacturing or trade process whatsoever ; and

Any chimney (not being the chimney of a private dwelling-house) sending forth black smoke in such quantity as to be a nuisance [*no power against a chimney in private house. The only remedy is an injunction in chancery*],

shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act : Provided—

First. That a penalty shall not be imposed on any person in respect of any accumulation or deposit necessary for the effectual carrying on any business or manufacture, if it be proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury thereby to the public health :

Secondly. That where a person is summoned before any court in respect of a nuisance arising from a fireplace or furnace which does not consume the smoke arising from the combustible used in such fireplace or furnace, the court shall hold that no nuisance is created within the meaning of this Act, and dismiss the complaint, if it is satisfied that such fireplace or furnace is constructed in such manner as to consume as far as practicable, having regard to the nature of the manufacture or trade, all smoke arising therefrom, and that such fireplace or furnace has been carefully attended to by the person having the charge thereof.

92. It shall be the duty of every local authority to cause to be made from time to time inspection of their district, with a view to ascertain what nuisances exist, calling for abatement under the powers of this Act, and to enforce the provisions of this Act in order to abate the same ; also to enforce



the provisions of any Act in force within their district, requiring fireplaces and furnaces to consume their own smoke.

93. Information of any nuisance under this Act in the district of any local authority may be given to such local authority by any person aggrieved thereby, or by any two inhabitant householders of such district, or by any officer of such authority, or by the relieving officer, or by any constable or officer of the police force of such district.

94. On the receipt of any information respecting the existence of a nuisance the local authority shall, if satisfied of the existence of a nuisance, serve a notice on the person [*In notices, state the time the nuisance is to be abated within. Reasonable notice taken to mean twenty-four hours*] by whose act, default, or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works, and do such things as may be necessary for that purpose: Provided—

First. That where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner:

Secondly. That where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act, default, or sufferance of the owner or occupier of the premises, the local authority may themselves abate the same without further order.

95. If the person on whom a notice to abate a nuisance has been served makes default in complying with any of the requisitions thereof within the time specified, or if the nuisance, although abated since the service of the notice is, in the opinion of the local authority, likely to recur on the same premises, the local authority shall cause a complaint relating to such nuisance to be made before a justice, and such justice shall thereupon issue a summons requiring the person on whom the notice was served to appear before a court of summary jurisdiction.

96. If the court is satisfied that the alleged nuisance exists, or that although abated, it is likely to recur on the same premises, the court shall make an order on such person, requiring him to comply with all or any of the requisitions of the notice, or otherwise to abate the nuisance within a time specified in the order, and to do any works necessary for that purpose; or an order prohibiting the recurrence of the nuisance, and directing the execution of any works necessary to prevent the recurrence; or an order both requiring abatement and prohibiting the recurrence of the nuisance.

The court may, by their order, impose a penalty not exceeding five pounds on the person on whom the order is made, and shall also give directions as to the payment of all costs incurred up to the time of the hearing or making the order for abatement or prohibition of the nuisance.

97. Where the nuisance proved to exist is such as to render a house or building, in the judgment of the court, unfit for human habitation, the court may prohibit the using thereof for that purpose, until, in its judgment, the house or building is rendered fit for that purpose; and, on the



court being satisfied that it has been rendered fit for that purpose, the court may determine its previous order by another, declaring the house or building habitable, and from the date thereof such house or building may be let or inhabited.

98. Any person not obeying an order to comply with the requisitions of the local authority or otherwise to abate the nuisance, shall, if he fails to satisfy the court that he has used all due diligence to carry out such order, be liable to a penalty not exceeding ten shillings per day during his default; and any person knowingly and wilfully acting contrary to an order of prohibition, shall be liable to a penalty not exceeding twenty shillings per day during such contrary action; moreover, the local authority may enter the premises to which any order relates, and abate the nuisance, and do whatever may be necessary in execution of such order, and recover in a summary manner the expenses incurred by them from the person on whom the order is made.

99. Where any person appeals against an order to the court of quarter sessions in manner provided by this Act, no liability to penalty shall arise, nor shall any proceedings be taken, or work be done under such order, until after the determination of such appeal, unless such appeal ceases to be prosecuted.

100. Whenever it appears to the satisfaction of the court of summary jurisdiction, that the person by whose act or default the nuisance arises, or the owner or occupier of the premises, is not known or cannot be found, then the order of the court may be addressed to and executed by the local authority.

101. Any matter or thing removed by the local authority in abating any nuisance under this Act, may be sold by public auction; and the money arising from the sale may be retained by the local authority, and applied in payment of the expenses incurred by them with reference to such nuisance, and the surplus (if any) shall be paid, on demand, to the owner of such matter or thing.

102. The local authority, or any of their officers, shall be admitted into any premises for the purpose of examining as to the existence of any nuisance thereon, or of enforcing the provisions of any Act in force within the district requiring fireplaces and furnaces to consume their own smoke, at any time between the hours of nine in the forenoon and six in the afternoon, or in the case of a nuisance arising in respect of any business, then at any hour when such business is in progress or is usually carried on.

Where under this Act a nuisance has been ascertained to exist, or an order of abatement or prohibition has been made, the local authority, or any of their officers shall be admitted from time to time into the premises between the hours aforesaid, until the nuisance is abated, or the works ordered to be done are completed, as the case may be.

Where an order of abatement or prohibition has not been complied with, or has been infringed, the local authority, or any of their officers, shall be admitted from time to time at all reasonable hours, or at all hours during which business is in progress, or is usually carried on, into the premises where the nuisance exists, in order to abate the same.



If admission to premises for any of the purposes of this section is refused, any justice on complaint thereof on oath by any officer of the local authority (made after reasonable notice in writing of the intention to make the same has been given to the person having custody of the premises), may, by order under his hand, require the person having custody of the premises to admit the local authority, or their officer, into the premises during the hours aforesaid, and if no person, having custody of the premises can be found, the justice shall, on oath made before him of that fact, by order, under his hand, authorize the local authority, or any of their officers, to enter such premises during the hours aforesaid.

Any order made by a justice for admission of the local authority, or any of their officers, on premises, shall continue in force until the nuisance has been abated, or the work for which the entry was necessary has been done.

103. Any person who refuses to obey an order of a justice for admission of the local authority, or any of their officers, on any premises, shall be liable to a penalty not exceeding five pounds.

104. All reasonable costs and expenses incurred in making a complaint, or giving notice, or in obtaining any order of the court or any justice in relation to a nuisance under this Act or in carrying the same into effect, shall be deemed to be money paid for the use and at the request of the person on whom the order is made; or if the order is made on the local authority, or if no order is made but the nuisance is proved to have existed when the complaint was made or the notice given, then of the person by whose act or default the nuisance was caused; and in case of nuisances caused by the act or default of the owner of premises, such costs and expenses may be recovered from any person who is for the time being owner of such premises: Provided that such costs and expenses shall not exceed, in the whole, one year's rack rent of the premises.

Such costs and expenses, and any penalties incurred in relation to any such nuisance, may be recovered in a summary manner or in any county or superior court; and the court shall have power to divide costs, expenses, and penalties between persons by whose acts or defaults a nuisance is caused as to it may seem just.

Any costs and expenses recoverable under this section by a local authority from an owner of premises may be recovered from the occupier for the time being of such premises; and the owner shall allow such occupier to deduct any moneys which he pays under this enactment out of the rent from time to time becoming due in respect of the said premises, as if the same had been actually paid to such owner as part of such rent:

Provided, that no such occupier shall be required to pay any further sum than the amount of rent for the time being due from him, or which, after demand of such costs or expenses from such occupier, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuses, on application to him by the local authority, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded from any such



occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall lie on such occupier :

Provided also, that nothing herein contained shall affect any contract between any owner or occupier of any house, building, or other property, whereby it is, or may be agreed, that the occupier shall pay or discharge all rates, dues, and sums of money payable in respect of such house, building, or other property, or to affect any contract whatsoever between landlord and tenant.

105. Complaint may be made to a justice of the existence of a nuisance under this Act on any premises within the district of any local authority by any person aggrieved thereby, or by any inhabitant of such district, or by any owner of premises within such district, and thereupon the like proceedings shall be had with the like incidents and consequences as to making of orders, penalties for disobedience of orders, appeal, and otherwise, as in the case of a complaint relating to a nuisance made to a justice by the local authority :

Provided that the court may, if it thinks fit, adjourn the hearing or further hearing of the summons for an examination of the premises where the nuisance is alleged to exist, and may authorize the entry into such premises of any constable or other person for the purposes of such examination :

Provided also, that the court may authorize any constable or other person to do all necessary acts for executing an order made under this section, and to recover the expenses from the person on whom the order is made in a summary manner.

Any constable or other person authorized under this section shall have the like powers, and be subject to the like restrictions as if he were an officer of the local authority authorized under the provisions of this Act, relating to nuisances, to enter any premises and do any acts thereon.

106. Where it is proved, to the satisfaction of the Local Government Board, that a local authority have made default in doing their duty in relation to nuisances under this Act, the Local Government Board may authorize any officer of police acting within the district of the defaulting authority, to institute any proceeding which the defaulting authority might institute with respect to such nuisances, and such officer may recover in a summary manner, or in any county or superior court, any expenses incurred by him, and not paid by the person proceeded against, from the defaulting authority :

But such officer of police shall not be at liberty to enter any house, or part of a house, used as the dwelling of any person, without such person's consent, or without the warrant of a justice, for the purpose of carrying into effect this enactment.

107. Any local authority may, if, in their opinion, summary proceedings would afford an inadequate remedy, cause any proceedings to be taken against any person in any superior court of law or equity, to enforce the abatement or prohibition of any nuisance under this Act, or for the recovery of any penalties from, or for the punishment of any persons offending against the provisions of this Act relating to nuisances, and may order the



expenses of and incident to all such proceedings to be paid out of the fund or rate applicable by them to the general purposes of this Act.

108. Where a nuisance under this Act within the district of a local authority appears to be wholly or partially caused by some act or default committed, or taking place, without their district, the local authority may take, or cause to be taken, against any person in respect of such act or default any proceedings in relation to nuisances by this Act authorized, with the same incidents and consequences, as if such act or default were committed, or took place wholly within their district; so, however, that summary proceedings shall in no case be taken, otherwise than before a court having jurisdiction in the district where the act or default is alleged to be committed, or take place.

This section shall extend to the metropolis, so far as to authorize proceedings to be taken under it by any nuisance authority in the metropolis in respect of any nuisance within the area of their jurisdiction, caused by an act or default committed, or taking place, within the district of a local authority under this Act; or by any such local authority in respect of any nuisance within their district caused by an act or default committed, or taking place, within the jurisdiction of any such nuisance authority.

In this section "nuisance authority" means the local authority in the metropolis for the execution of the Nuisances Removal Act for England, 1855, and the Acts amending the same.

109. Where two convictions against the provisions of any Act relating to the overcrowding of a house have taken place within a period of three months (whether the persons convicted were, or were not the same) a court of summary jurisdiction may, on the application of the local authority of the district in which the house is situated, direct the closing of the house for such period as the court may deem necessary.

110. For the purpose of the provisions of this Act relating to nuisances, any ship or vessel lying in any river, harbour, or other water within the district of a local authority shall be subject to the jurisdiction of that authority in the same manner as if it were a house within such district; and any ship or vessel lying in any river, harbour, or other water not within the district of a local authority shall be deemed to be within the district of such local authority as may be prescribed by the Local Government Board, and where no local authority has been prescribed, then of the local authority whose district nearest adjoins the place where such ship or vessel is lying.

The master, or other officer in charge of any such ship or vessel, shall be deemed, for the purpose of the said provisions, to be the occupier of such ship or vessel.

This section shall not apply to any ship or vessel under the command or charge of any officer bearing her Majesty's commission, or to any ship or vessel belonging to any foreign government.

111. The provisions of this Act relating to nuisances shall be deemed to be in addition to, and not to abridge or affect any right, remedy, or proceeding, under any other provisions of this Act, or under any other Act, or at law or in equity:



Provided that no person shall be punished for the same offence, both under the provisions of this Act relating to nuisances, and under any other law or enactment.

#### OFFENSIVE TRADES.

112. Any person who, after the passing of this Act, establishes within the district of an urban authority, without their consent in writing, any offensive trade ; that is to say, the trade of—

Blood boiler, or

Bone boiler, or

Fellmonger, or (*a fellmonger strips the wool from the skin, and prepares it for the tanner*)

Soap boiler, or

Tallow melter, or

Tripe boiler, or

Any other noxious or offensive trade, business, or manufacture, shall be liable to a penalty not exceeding fifty pounds in respect of the establishment thereof, and any person carrying on a business so established shall be liable to a penalty not exceeding forty shillings for every day on which the offence is continued, whether there has, or has not, been any conviction in respect of the establishment thereof.

113. Any urban authority may, from time to time, make bye-laws with respect to any offensive trades established with their consent, either before or after the passing of this Act, in order to prevent or diminish the noxious or injurious effects thereof.

114. Where any candle-house, melting-house, melting-place, or soap-house, or any slaughter-house, or any building or place for boiling offal or blood, or for boiling, burning, or crushing bones, or any manufactory, building, or place used for any trade, business, process, or manufacture causing effluvia, is certified to any urban authority by their medical officer of health, or by any two legally qualified medical practitioners, or by any ten inhabitants of the district of such urban authority, to be a nuisance or injurious to the health of any of the inhabitants of the district, such urban authority shall direct complaint to be made before a justice, who may summon the person by, or on whose behalf the trade so complained of is carried on, to appear before a court of summary jurisdiction.

The court shall inquire into the complaint, and if it appears to the court that the business carried on by the person complained of is a nuisance, or causes any effluvia which is a nuisance, or injurious to the health of any of the inhabitants of the district, and unless it be shown that such person has used the best practicable means for abating such nuisance, or preventing or counteracting such effluvia, the person so offending (being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier,) shall be liable to a penalty not exceeding five pounds, nor less than forty shillings, and on a second, and any subsequent conviction, to a penalty double the amount of the penalty imposed for the last preceding conviction, but the highest amount of such penalty shall not in any case exceed the sum of two hundred pounds :



Provided, that the court may suspend its final determination on condition that the person complained of undertakes to adopt, within a reasonable time, such means as the court may deem to be practicable, and order to be carried into effect for abating such nuisance, or mitigating or preventing the injurious effects of such effluvia, or if such person gives notice of appeal to the court of quarter sessions in manner provided by this Act.

Any urban authority may, if they think fit, on such certificate as is in this section mentioned, cause to be taken any proceedings in any superior court of law or equity against any person in respect of the matters alleged in such certificate.

115. Where any house, building, manufactory, or place, which is certified in pursuance of the last preceding section to be a nuisance, or injurious to the health of any of the inhabitants of the district of an urban authority is situated without such district, such urban authority may take, or cause to be taken, any proceedings by that section authorized in respect of the matters alleged in the certificate, with the same incidents and consequences, as if the house, building, manufactory, or place, were situated within such district; so, however, that summary proceedings shall not, in any case, be had otherwise than before a court having jurisdiction in the district where the house, building, manufactory, or place, is situated.

This section shall extend to the metropolis, so far as to authorize proceedings to be taken under it by any nuisance authority in the metropolis in respect of any house, building, manufactory, or place, which is certified as aforesaid to be a nuisance, or injurious to the health of any of the inhabitants within the area of their jurisdiction, and is situated within the district of a local authority under this Act; or by any urban authority in respect of any house, building, manufactory, or place, which is certified as aforesaid to be a nuisance, or injurious to the health of any of the inhabitants of their district, and is situated within the jurisdiction of any such nuisance authority.

In this section "nuisance authority" means the local authority in the metropolis for the execution of the Nuisances Removal Act for England, 1855, and the Acts amending the same.

#### UNSOOUND MEAT, ETC.

116. Any medical officer of health or inspector of nuisances may at all reasonable times inspect and examine any animal carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, or milk exposed for sale, or deposited in any place for the purpose of sale, or of preparation for sale, and intended for the food of man, the proof that the same was not exposed or deposited for any such purpose, or was not intended for the food of man, resting with the party charged; and if any such animal carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, or milk appears to such medical officer or inspector to be diseased, or unsound, or unwholesome, or unfit for the food of man, he may seize and carry away the same himself or by an assistant, in order to have the same dealt with by a justice.

117. If it appears to the justice that any animal carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, or milk so seized is diseased,



or unsound, or unwholesome, or unfit for the food of man, he shall condemn the same, and order it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for the food of man; and the person to whom the same belongs or did belong at the time of exposure for sale, or in whose possession or on whose premises the same was found, shall be liable to a penalty not exceeding twenty pounds for every animal, carcase, or fish, or piece of meat, flesh, or fish, or any poultry or game, or for the parcel of fruit, vegetables, corn, bread, or flour, or for the milk so condemned, or, at the discretion of the justice, without the infliction of a fine, to imprisonment for a term of not more than three months.

The justice who, under this section, is empowered to convict the offender may be either the justice who may have ordered the article to be disposed of or destroyed, or any other justice having jurisdiction in the place.

118. Any person who in any manner prevents any medical officer of health or inspector of nuisances from entering any premises and inspecting any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, or milk exposed or deposited for the purpose of sale, or of preparation for sale, and intended for the food of man, or who obstructs or impedes any such medical officer, or inspector, or his assistant, when carrying into execution the provisions of this Act, shall be liable to a penalty not exceeding five pounds.

119. On complaint made on oath by a medical officer of health, or by an inspector of nuisances, or other officer of a local authority, any justice may grant a warrant to any such officer to enter any building or part of a building in which such officer has reason for believing that there is kept or concealed any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, or milk which is intended for sale for the food of man, and is diseased, unsound, or unwholesome, or unfit for the food of man; and to search for, seize, and carry away any such animal or other article in order to have the same dealt with by a justice under the provisions of this Act.

Any person who obstructs any such officer in the performance of his duty under such warrant shall, in addition to any other punishment to which he may be subject, be liable to a penalty not exceeding twenty pounds.

#### INFECTIOUS DISEASES AND HOSPITALS.

##### *Provision against Infection.*

120. Where any local authority are of opinion, on the certificate of their medical officer of health or of any other legally qualified medical practitioner, that the cleansing and disinfecting of any house or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease, it shall be the duty of such authority to give notice in writing to the owner or occupier of such house or part thereof requiring him to cleanse and disinfect such house or part thereof and articles within a time specified in such notice.

If the person to whom notice is so given fails to comply therewith, he shall be liable to a penalty of not less than one shilling and not exceeding



ten shillings for every day during which he continues to make default ; and the local authority shall cause such house or part thereof and articles to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default in a summary manner.

Where the owner or occupier of any such house or part thereof is from poverty or otherwise unable, in the opinion of the local authority, effectually to carry out the requirements of this section, such authority may, without enforcing such requirements on such owner or occupier, with his consent cleanse and disinfect such house or part thereof and articles, and defray the expenses thereof.

121. Any local authority may direct the destruction of any bedding, clothing, or other articles which have been exposed to infection from any dangerous infectious disorder, and may give compensation for the same.

122. Any local authority may provide a proper place, with all necessary apparatus and attendance, for the disinfection of bedding, clothing, or other articles which have become infected, and may cause any articles brought for disinfection to be disinfected free of charge.

123. Any local authority may provide and maintain a carriage or carriages suitable for the conveyance of persons suffering under any infectious disorder, and may pay the expense of conveying therein any person so suffering to a hospital or other place of destination.

124. Where any suitable hospital or place for the reception of the sick is provided within the district of a local authority, or within a convenient distance of such district, any person who is suffering from any dangerous, infectious disorder, and is without proper lodging or accommodation, or lodged in a room occupied by more than one family, or is on board any ship or vessel, may, on a certificate signed by a legally qualified medical practitioner, and with the consent of the superintending body of such hospital or place, be removed, by order of any justice, to such hospital or place at the cost of the local authority ; and any person so suffering, who is lodged in any common lodging-house, may, with the like consent and on a like certificate, be so removed by order of the local authority.

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

125. Any local authority may make regulations (to be approved of by the Local Government Board) for removing to any hospital to which such authority are entitled to remove patients, and for keeping in such hospital so long as may be necessary, any persons brought within their district by any ship or boat who are infected with a dangerous infectious disorder, and such regulations may impose on offenders against the same reasonable penalties not exceeding forty shillings for each offence.

126. Any person who—

(1.) While suffering from any dangerous infectious disorder wilfully exposes himself without proper precautions against spreading the said disorder in any street, public place, shop, inn, or public conveyance,



or enters any public conveyance without previously notifying to the owner, conductor, or driver thereof that he is so suffering; or

- (2.) Being in charge of any person so suffering, so exposes such sufferer; or
- (3.) Gives, lends, sells, transmits or exposes, without previous disinfection, any bedding, clothing, rags, or other things which have been exposed to infection from any such disorder,

shall be liable to a penalty not exceeding five pounds; and a person who, while suffering from any such disorder, enters any public conveyance without previously notifying to the owner or driver that he is so suffering, shall in addition be ordered by the court to pay such owner and driver the amount of any loss and expense they may incur in carrying into effect the provisions of this Act with respect to disinfection of the conveyance.

Provided that no proceedings under this section shall be taken against persons transmitting with proper precautions any bedding, clothing, rags, or other things for the purpose of having the same disinfected.

127. Every owner or driver of a public conveyance shall immediately provide for the disinfection of such conveyance after it has to his knowledge conveyed any person suffering from a dangerous infectious disorder; and if he fails to do so he shall be liable to a penalty not exceeding five pounds; but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this section.

128. Any person who knowingly lets for hire any house, room, or part of a house in which any person has been suffering from any dangerous infectious disorder, without having such house, room, or part of a house and all articles therein liable to retain infection, disinfected to the satisfaction of a legally qualified medical practitioner, as testified by a certificate signed by him, shall be liable to a penalty not exceeding twenty pounds.

For the purposes of this section, the keeper of an inn shall be deemed to let for hire part of a house to any person admitted as a guest into such inn.

129. Any person letting for hire or showing for the purpose of letting for hire any house or part of a house, who on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of there being or within six weeks previously having been therein any person suffering from any dangerous infectious disorder, knowingly makes a false answer to such question, shall be liable, at the discretion of the court, to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for a period not exceeding one month.

130. The Local Government Board may from time to time make, alter, and revoke such regulations as to the said Board may seem fit, with a view to the treatment of persons affected with cholera, or any other epidemic, endemic, or infectious disease, and preventing the spread of cholera and such other diseases, as well on the seas, rivers, and waters of the United Kingdom, and on the high seas within three miles of the coasts thereof, as on land; and may declare by what authority or authorities such regulations shall be enforced and executed. Regulations so made shall be published in the *London Gazette*, and such publication shall be for all purposes conclusive evidence of such regulations.



Any person wilfully neglecting or refusing to obey, or carry out, or obstructing the execution of any regulation made under this section shall be liable to a penalty not exceeding fifty pounds.

### *Hospitals.*

131. Any local authority may provide for the use of the inhabitants of their district hospitals or temporary places for the reception of the sick, and for that purpose may—

Themselves build such hospitals or places of reception ; or

Contract for the use of any such hospital, or part of a hospital, or place of reception ; or

Enter into any agreement with any person having the management of any hospital, for the reception of the sick inhabitants of their district, on payment of such annual or other sum as may be agreed on.

Two or more local authorities may combine in providing a common hospital.

132. Any expenses incurred by a local authority in maintaining in a hospital, or in a temporary place for the reception of the sick (whether or not belonging to such authority), a patient who is not a pauper, shall be deemed to be a debt due from such patient to the local authority, and may be recovered from him at any time within six months after his discharge from such hospital or place of reception, or from his estate in the event of his dying in such hospital or place.

133. Any local authority may, with the sanction of the Local Government Board, themselves provide or contract with any person to provide a temporary supply of medicine and medical assistance for the poorer inhabitants of their district.

### PREVENTION OF EPIDEMIC DISEASES.

134. Whenever any part of England appears to be threatened with or is affected by any formidable epidemic, endemic, or infectious disease, the Local Government Board may make and from time to time alter and revoke regulations for all or any of the following purposes ; (namely),

- (1.) For the speedy interment of the dead ; and
- (2.) For house to house visitation (*a medical officer of health, or other official, has no power to make house to house visitation unless the Local Government Board make regulations to that effect*) ; and
- (3.) For the provision of medical aid and accommodation, for the promotion of cleansing, ventilation, and disinfection, and for guarding against the spread of disease ;

and may by order declare all or any of the regulations so made to be in force within the whole or any part or parts of the district of any local authority, and to apply to any vessels, whether on inland waters or on arms or parts of the sea within the jurisdiction of the Lord High Admiral of the United Kingdom or the commissioners for executing the office of the Lord High Admiral for the time being, for the period in such order mentioned ; and may by any subsequent order abridge or extend such period.

135. All regulations and orders so made by the Local Government Board



shall be published in the *London Gazette*, and such publication shall be conclusive evidence thereof for all purposes.

The local authority of any district within which or part of which regulations so issued by the Local Government Board are declared to be in force, shall superintend and see to the execution thereof, and shall appoint and pay such medical or other officers or persons, and do and provide all such acts, matters, and things as may be necessary for mitigating any such disease, or for superintending or aiding in the execution of such regulations, or for executing the same, as the case may require. Moreover, the local authority may from time to time direct any prosecution or legal proceedings for or in respect of the wilful violation or neglect of any such regulation.

The local authority and their officers shall have power of entry on any premises or vessel for the purpose of executing or superintending the execution of any regulations so issued by the Local Government Board as aforesaid.

Whenever, in compliance with any regulation so issued by the Local Government Board as aforesaid, any poor law medical officer performs any medical service on board any vessel he shall be entitled to charge extra for such service, at the general rate of his allowance for services for the union or place for which he is appointed; and such charges shall be payable by the captain of such vessel on behalf of the owners thereof, together with any reasonable expenses for the treatment of the sick.

Where such services are rendered by any medical practitioner who is not a poor law medical officer, he shall be entitled to charges for any service rendered on board, with extra remuneration on account of distance, at the same rate as those which he is in the habit of receiving from private patients of the class of those attended and treated on shipboard, to be paid as aforesaid. In case of dispute in respect of such charges, such dispute may, where the charges do not exceed twenty pounds, be determined by a court of summary jurisdiction; and such court shall determine summarily the amount which is reasonable, according to the accustomed rate of charge within the place where the dispute arises for attendance on patients of the like class as those in respect of whom the charge is made.

139. The Local Government Board may, if they think fit, by order, authorize or require any two or more local authorities to act together for the purposes of the provisions of this Act relating to prevention of epidemic diseases, and may prescribe the mode of such joint action and of defraying the costs thereof.

Any person who—

- (1.) Wilfully violates any regulation so issued by the Local Government Board as aforesaid; or,
- (2.) Wilfully obstructs any person acting under the authority or in the execution of any such regulation,

shall be liable to a penalty not exceeding five pounds.

#### MORTUARIES, ETC.

141. Any local authority may, and if required by the Local Government Board shall, provide and fit up a proper place for the reception of dead bodies before interment (in this Act called a mortuary), and may make bye-laws



with respect to the management and charges for use of the same ; they may also provide for the decent and economical interment, at charges to be fixed by such bye-laws, of any dead body which may be received into a mortuary.

142. Where the body of one who has died of any infectious disease is retained in a room in which persons live or sleep, or any dead body which is in such a state as to endanger the health of the inmates of the same house or room is retained in such house or room, any justice may, on a certificate signed by a legally qualified medical practitioner, order the body to be removed, at the cost of the local authority, to any mortuary provided by such authority, and direct the same to be buried within a time to be limited in such order ; and unless the friends or relations of the deceased undertake to bury the body within the time so limited, and do bury the same, 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.

143. Any local authority may provide and maintain a proper place (otherwise than at a workhouse or at a mortuary) for the reception of dead bodies during the time required to conduct any post-mortem examination ordered by a coroner or other constituted authority, and may make regulations with respect to the management of such place ; and where any such place has been provided, a coroner or other constituted authority may order the removal of the body to and from such place for carrying out such post-mortem examination, such costs of removal to be paid in the same manner and out of the same fund as the costs and fees for post-mortem examinations when ordered by the coroner.

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## PART IV.

### LOCAL GOVERNMENT PROVISIONS.

#### HIGHWAYS AND STREETS.

##### *As to Highways.*

144. Every urban authority shall within their district, exclusively of any other person, execute the office of, and be surveyor of, highways, and have exercise and be subject to all the powers, authorities, duties, and liabilities of surveyors of highways under the law for the time being in force, save so far as such powers, authorities, or duties are or may be inconsistent with the provisions of this Act ; every urban authority shall also have, exercise, and be subject to all the powers, authorities, duties, and liabilities which by the Highway Act, 1835, or any Act amending the same, are vested in and given to the inhabitants in vestry assembled of any parish within their district.

All ministerial acts required by any Act of Parliament to be done by or to the surveyor of highways may be done by or to the surveyor of the urban authority, or by or to such other person as they may appoint.



145. The inhabitants within any urban district shall not in respect of any property situated therein be liable to the payment of highway rate or other payment, not being a toll, in respect of making or repairing roads or highways without such district: Provided, that any person who in any place after the passing of this Act ceases under or by virtue of any provision of this Act, or of any order made thereunder, to be surveyor of highways within such place, may recover any highway rate made in respect of such place, and remaining unpaid at the time of his so ceasing to be such surveyor, as if he had not ceased to be such surveyor; and the money so recovered shall be applied, in the first place, in reimbursing himself any expenses incurred by him as such surveyor, and in discharging any debts legally owing by him on account of the highways within his jurisdiction; and the surplus (if any) shall be paid by him to the treasurer of the urban authority, and carried to the fund or rate applicable to the repair of highways within their district.

146. Any urban authority may agree with any person for the making of roads within their district for the public use through the lands and at the expense of such person, and may agree that such roads shall become, and the same shall accordingly become on completion, highways maintainable and repairable by the inhabitants at large within their district; they may also, with the consent of two-thirds of their number, agree with such person to pay, and may accordingly pay, any portion of the expenses of making such roads.

147. Any urban authority may agree with the proprietors of any canal, railway, or tramway to adopt and maintain any existing or projected bridge, viaduct, or arch within their district, over or under any such canal, railway, or tramway, and the approaches thereto, and may accordingly adopt and maintain such bridge, viaduct or arch, and approaches as parts of public streets or roads maintainable and repairable by the inhabitants at large within their district; or such authority may themselves agree to construct any such bridge, viaduct, or arch at the expense of such proprietors; they may also, with the consent of two-thirds of their number, agree to pay, and may accordingly pay, any portion of the expenses of the construction or alteration of any such bridge, viaduct, or arch, or of the purchase of any adjoining lands required for the foundation and support thereof, or for the approaches thereto.

148. Any urban authority may by agreement with the trustees of any turnpike road, or with any person liable to repair any street or road, or any part thereof, or with the surveyor of any county bridge, take on themselves the maintenance, repair, cleansing, or watering of any such street or road or any part thereof, or of any road over any county bridge, and the approaches thereto, or of any part of the said streets or roads within their district, and may remove any turnpike gates, toll gates, or bars which may be situated within their district, and may erect other turnpike gates, toll gates, or bars in lieu thereof, on such terms as the urban authority and such trustees or person or surveyor as aforesaid may agree on:

Provided—

That where any mortgage debt is charged on the tolls of any such turnpike road, no agreement shall be made for the removal of any of the toll-



gates or bars thereon, unless with the previous consent in writing of a majority of at least two-thirds in value of the mortgagees ; and

That where the terms arranged include any annual or other payments from such urban authority to the trustees of any such turnpike road, then the payments may be secured on any fund or rate applicable by such authority to any of the purposes of this Act in the same manner as other charges on any such fund or rate are authorized by this Act.

Any executors, administrators, guardians, trustees, or committee of the estate of any idiot or lunatic, who are as such for the time being entitled to any money charged or secured on the tolls of any such turnpike road, may consent to any such agreement as aforesaid, as fully as if they respectively were so entitled in their own right, discharged of all trusts in respect thereof ; and all executors, administrators, guardians, trustees, and committees so consenting are hereby severally indemnified for so doing.

#### *Regulation of Streets and Buildings.*

149. All streets, being or which at any time become highways repairable by the inhabitants at large within any urban district, and the pavements, stones, and other materials thereof, and all buildings, implements, and other things provided for the purposes thereof, shall vest in and be under the control of the urban authority.

The urban authority shall from time to time cause all such streets to be levelled, paved, metalled, flagged, channelled, altered, and repaired as occasion may require ; they may from time to time cause the soil of any such street to be raised, lowered, or altered as they may think fit, and may place and keep in repair fences and posts for the safety of foot passengers.

Any person who without the consent of the urban authority wilfully displaces or takes up, or who injures the pavement, stones, materials, fences, or posts of or the trees in any such street, shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding five shillings for every square foot of pavement, stones, or other materials so displaced taken up or injured ; he shall also be liable in the case of any injury to trees to pay to the local authority such amount of compensation as the court may award.

150. Where any street within any urban district (not being a highway repairable by the inhabitants at large), or the carriage-way, footway, or any other part of such street is not sewered, levelled, paved, metalled, flagged, channelled, and made good, or is not lighted to the satisfaction of the urban authority, such authority may, by notice addressed to the respective owners or occupiers of the premises fronting, adjoining, or abutting on such parts thereof as may require to be sewered, levelled, paved, metalled, flagged, or channelled, or to be lighted, require them to sewer, level, pave, metal, flag, channel, or make good, or to provide proper means for lighting the same within a time to be specified in such notice.

Before giving such notice the urban authority shall cause plans and sections of any structural works intended to be executed under this section, and an estimate of the probable cost thereof, to be made under the direction of their surveyor, such plans and sections to be on a scale of not less than



one inch for eighty-eight feet for a horizontal plan, and on a scale of not less than one inch for ten feet for a vertical section, and, in the case of a sewer, showing the depth of such sewer below the surface of the ground: such plans, sections, and estimate shall be deposited in the office of the urban authority, and shall be open at all reasonable hours for the inspection of all persons interested therein during the time specified in such notice; and a reference to such plans and sections in such notice shall be sufficient without requiring any copy of such plans and sections to be annexed to such notice.

If such notice is not complied with, the urban authority may, if they think fit, execute the works mentioned or referred to therein; and may recover in a summary manner the expenses incurred by them in so doing from the owners in default, according to the frontage of their respective premises, and in such proportion as is settled by the surveyor of the urban authority, or (in case of dispute) by arbitration in manner provided by this Act; or the urban authority may by order declare the expenses so incurred to be private improvement expenses.

The same proceedings may be taken, and the same powers may be exercised, in respect of any street or road, of which a part is or may be a public footpath, or repairable by the inhabitants at large as fully as if the whole of such street or road was a highway not repairable by the inhabitants at large.

151. The incumbent or minister of any church, chapel, or place appropriated to public religious worship, which is now by law exempt from rates for the relief of the poor, shall not be liable to any expenses under the last preceding section, as the owner or occupier 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; and the urban authority may, if they think fit, undertake any works from the expenses of which any such incumbent or minister is hereby exempted.

152. When any street within any urban district not being a highway repairable by the inhabitants at large, has been sewered, levelled, paved, flagged, metalled, channelled, and made good and provided with proper means of lighting to the satisfaction of the urban authority, such authority may, if they think fit, by notice in writing put up in any part of the street, declare the same to be a highway, and thereupon the same shall become a highway repairable by the inhabitants at large; and every such notice shall be entered among the proceedings of the urban authority.

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

153. Where for any purpose of this Act any urban authority deem it necessary to raise, sink, or otherwise alter the situation of any water or gas pipes, mains, plugs, or other waterworks or gasworks laid in or under any street,



they may by notice in writing require the owner of the pipes, mains, plugs, or works to raise, sink, or otherwise alter the situation of the same in such manner and within such reasonable time as is specified in the notice; the expenses of or connected with any such alteration shall be paid by the urban authority; and if such notice is not complied with the urban authority may themselves make the alteration required:

Provided—

That no such alteration shall be required or made which will permanently injure any such pipes, mains, plugs, or works, or prevent the water or gas from flowing as freely and conveniently as usual; and

That where under any local Act of Parliament the expenses of, or connected with the raising, sinking, or otherwise altering the situation of any water or gas pipes, mains, plugs, or other waterworks or gasworks, are directed to be borne by the owner of such pipes or works, his liability in that respect shall continue in the same manner and under the same conditions in all respects as if this Act had not been passed.

154. Any urban authority may purchase any premises for the purpose of widening, opening, enlarging, or otherwise improving any street or (with the sanction of the Local Government Board) for the purpose of making any new street.

155. When any house or building situated in any street in an urban district, or the front thereof, has been taken down, in order to be rebuilt or altered, the urban authority may prescribe the line in which any house or building, or the front thereof, to be built or rebuilt in the same situation shall be erected, and such house or building, or the front thereof, shall be erected in accordance therewith.

The urban authority shall pay or tender compensation to the owner or other person immediately interested in such house or building for any loss or damage he may sustain in consequence of his house or building being set back or forward, the amount of such compensation, in case of dispute, to be settled by arbitration in manner provided by this Act.

156. It shall not be lawful in any urban district, without the written consent of the urban authority, to bring forward any house or building forming part of any street, or any part thereof beyond the front wall of the house or building on either side thereof, nor to build any addition thereto beyond the front of the house or building on either side of the same.

Any person offending against this enactment shall be liable to a penalty not exceeding forty shillings for every day during which the offence is continued after written notice in this behalf from the urban authority.

157. Every urban authority may make bye-laws with respect to the following matters; (that is to say,)

- (1.) With respect to the level, width, and construction of new streets, and the provisions for the sewerage thereof:
- (2.) With respect to the structure of walls, foundations, roofs, and chimneys of new buildings for securing stability and the prevention of fires, and for purposes of health:
- (3.) With respect to the sufficiency of the space about buildings to



secure a free circulation of air, and with respect to the ventilation of buildings :

- (4.) With respect to the drainage of buildings, to waterclosets, earth-closets, privies, ashpits, and cesspools in connexion with buildings, and to the closing of buildings or parts of buildings unfit for human habitation, and to prohibition of their use for such habitation :

And they may further provide for the observance of such bye-laws by enacting therein such provisions as they think necessary as to the giving of notices, as to the deposit of plans and sections by persons intending to lay out streets or to construct buildings, as to inspection by the urban authority, and as to the power of such authority (subject to the provisions of this Act) to remove, alter, or pull down any work begun or done in contravention of such bye-laws: Provided that no bye-law made under this section shall affect any building erected in any place (which at the time of the passing of this Act is included in an urban sanitary district) before the Local Government Acts came into force in such place, or any building erected in any place (which at the time of the passing of this Act is not included in an urban sanitary district) before such place becomes constituted or included in an urban district, or by virtue of any order of the Local Government Board subject to this enactment.

The provisions of this section and of the two last preceding sections shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament.

158. Where a notice, plan, or description of any work is required by any bye-law made by an urban authority to be laid before that authority, the urban authority shall, within one month after the same has been delivered or sent to their surveyor or clerk, signify in writing, their approval or disapproval of the intended work to the person proposing to execute the same; and if the work is commenced after such notice of disapproval, or before the expiration of such month without such approval, and is in any respect not in conformity with any bye-law of the urban authority, the urban authority may cause so much of the work as has been executed to be pulled down or removed.

Where an urban authority incur expenses in or about the removal of any work executed contrary to any bye-law, such authority may recover in a summary manner the amount of such expenses either from the person executing the works removed or from the person causing the works to be executed, at their discretion.

Where an urban authority may under this section pull down or remove any work begun or executed in contravention of any bye-law, or where the beginning or the execution of the work is an offence in respect whereof the offender is liable in respect of any bye-law to a penalty, the existence of the work during its continuance in such a form and state as to be in contravention of the bye-law shall be deemed to be a continuing offence, but a penalty shall not be incurred in respect thereof after the expiration of one year from the day when the offence was committed or the bye-law was broken.



159. For the purposes of this Act the re-erecting of any building pulled down to or below the ground floor, or of any frame building of which only the framework is left down to the ground floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, shall be considered the erection of a new building.

160. The provisions of the Towns Improvement Clauses Act, 1847, with respect to the following matters ; that is to say,

- (1.) With respect to naming the streets and numbering the houses ; and
- (2.) With respect to improving the line of the streets and removing obstructions ; and
- (3.) With respect to ruinous or dangerous buildings ; and
- (4.) With respect to precautions during the construction and repair of the sewers, streets, and houses,

shall, for the purpose of regulating such matters in urban districts, be incorporated with this Act.

Notices for alterations under the sixty-ninth, seventieth, and seventy-first sections, directions under the seventy-third section, and orders under the seventy-fourth section of the said Towns Improvement Clauses Act, may, at the option of the urban authority, be served on owners instead of occupiers, or on owners as well as occupiers, and the cost of works done under any of these sections may, when notices have been so served on owners, be recovered from owners instead of occupiers ; and when such cost is recovered from occupiers so much thereof may be deducted from the rent of the premises where the work is done as is allowed in the case of private improvement rates under this Act.

#### *Lighting Streets, &c.*

161. Any urban authority may contract with any person for the supply of gas, or other means of lighting the streets, markets, and public buildings in their district, and may provide such lamps, lamp-posts, and other materials and apparatus as they may think necessary for lighting the same.

Where there is not any company or person (other than the urban authority) authorized by or in pursuance of any Act of Parliament, or any order confirmed by Parliament, to supply gas for public and private purposes, supplying gas within any part of the district of such authority, such authority may themselves undertake to supply gas for such purposes or any of them throughout the whole or any part of their district ; and if there is any such company or person so supplying gas, but the limits of supply of such company or person include part only of the district, then the urban authority may themselves undertake to supply gas throughout any part of the district not included within such limits of supply.

Where an urban authority may under this Act themselves undertake to supply gas for the whole or any part of their district, a provisional order authorizing a gas undertaking may be obtained by such authority under and subject to the provisions of the Gas and Water Works Facilities Act, 1870, and any act amending the same ; and in the construction of the said Act



the term "the undertakers" shall be deemed to include any such urban authority: Provided that for the purposes of this Act the Local Government Board shall throughout the said Act be deemed to be substituted for the Board of Trade.

162. For the purpose of supplying gas within their district or any part thereof, either for public or private purposes, any urban authority may (with the sanction of the Local Government Board) buy, and the directors of any gas company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company, of a resolution passed by a majority of three-fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to such authority, on such terms as may be agreed on between such authority and the company, all the rights, powers, and privileges, and all or any of the lands, premises, works, and other property of the company, but subject to all liabilities attached to the same at the time of such purchase.

163. Where in any place which after the passing of this Act becomes constituted or included in an urban district, or which by virtue of any order of the Local Government Board becomes subject to this enactment, the Act passed in the fourth year of the reign of King William the Fourth, intituled "An Act to repeal an Act of the eleventh year of His late Majesty King George the Fourth, for the lighting and watching of parishes in England and Wales, and to make other provisions in lieu thereof," has been adopted, the said Act shall be superseded by this Act, and all lamps, lamp posts, gas pipes, fire engines, hose, and other property vested in the inspectors for the time being under the said Act shall vest in the authority having under this Act jurisdiction in such place.

#### PUBLIC PLEASURE GROUNDS, ETC.

164. Any urban authority may purchase or take on lease, lay out, plant, improve and maintain lands for the purpose of being used as public walks or pleasure grounds, and may support or contribute to the support of public walks or pleasure grounds provided by any person whomsoever.

Any urban authority may make bye-laws for the regulation of any such public walk or pleasure ground, and may by such bye-laws provide for the removal from such public walk or pleasure ground of any person infringing any such bye-law by any officer of the urban authority or constable.

165. Any urban authority may from time to time provide such clocks as they consider necessary, and cause them to be fixed on or against any public building, or, with the consent of the owner or occupier, on or against any private building the situation of which may be convenient for that purpose, and may cause the dials thereof to be lighted at night, and may from time to time alter and remove any such clocks to such other like situation as they may consider expedient.

#### MARKETS AND SLAUGHTER-HOUSES.

166. Where an urban authority are a local board or improvement commissioners they shall have power, with the consent of the owners and



ratepayers of their district, expressed by resolution passed in manner provided by schedule III. to this Act, and where the urban authority are a town council they shall have power, with the consent of two-thirds of their number, to do the following things, or any of them, within their district :

To provide a market-place, and construct a market-house and other conveniences, for the purpose of holding markets :

To provide houses and places for weighing carts :

To make convenient approaches to such market :

To provide all such matters and things as may be necessary for the convenient use of such market :

To purchase or take on lease land, and public or private rights in markets and tolls for any of the foregoing purposes :

To take stallages, rents, and tolls in respect of the use by any person of such market :

But no market shall be established in pursuance of this section so as to interfere with any rights, powers, or privileges enjoyed within the district by any person without his consent.

167. For the purpose of enabling any urban authority to establish or to regulate markets, there shall be incorporated with this Act the provisions of the Markets and Fairs Clauses Act, 1847, in so far as the same relate to markets ; that is to say,

With respect to the holding of the market or fair, and the protection thereof ; and

With respect to the weighing goods and carts ; and

With respect to the stallages, rents, and tolls :

Provided that all tolls leviable by an urban authority in pursuance of this section shall be approved by the Local Government Board.

An urban authority may with respect to any market belonging to them, make bye-laws for any of the purposes mentioned in section forty-two of the Markets and Fairs Clauses Act, 1847, so far as those purposes relate to markets, and printed copies of any bye-laws so made shall be conspicuously exhibited in the market.

168. Any urban authority may purchase, and the directors of any market company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company, of a resolution passed by a majority of three-fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to any urban authority, on such terms as may be agreed on between the company and the urban authority, all the rights, powers, and privileges, and all or any of the markets, premises, and things which at the time of such purchase are the property of the company, but subject to all liabilities attached to the same at the time of such purchase.

169. Any urban authority may, if they think fit, provide slaughter-houses, and they shall make bye-laws with respect to the management and charges for the use of any slaughter-houses so provided.



For the purpose of enabling any urban authority to regulate slaughter-houses within their district the provisions of the Towns Improvement Clauses Act, 1847, with respect to slaughter-houses shall be incorporated with this Act.

Nothing in this section shall prejudice or affect any rights, powers, or privileges of any persons incorporated by any Local Act passed before the passing of the Public Health Act, 1848, for the purpose of making and maintaining slaughter-houses.

170. The owner or occupier of any slaughter-house, licensed or registered under this Act shall, within one month after the licensing or registration of the premises, affix, and shall keep undefaced and legible on some conspicuous place on the premises, a notice with the words "Licensed slaughter-house," or "Registered slaughter-house," as the case may be.

Any person who makes default in this respect, or who neglects or refuses to affix or renew such notice, after requisition in writing from the urban authority, shall be liable to a penalty not exceeding five pounds for every such offence, and of ten shillings for every day during which such offence continues after conviction.

## POLICE REGULATIONS.

171. The provisions of the Towns Police Clauses Act, 1847, with respect to the following matters (namely),

- (1.) With respect to obstructions and nuisances in the streets ; and
- (2.) With respect to fires ; and
- (3.) With respect to places of public resort ; and
- (4.) With respect to hackney carriages ; and
- (5.) With respect to public bathing ;

shall, for the purpose of regulating such matters in urban districts, be incorporated with this Act.

The expression in the provisions so incorporated "the superintendent constable," and the expression "any constable or other officer appointed by virtue of this or the special Act," shall, for the purposes of this Act, respectively include any superintendent of police, and any constable or officer of police acting for, or in the district of any urban authority ; and the expression "within the prescribed distance" shall for the purposes of this Act mean within any urban district.

Notwithstanding anything in the provisions so incorporated, a license granted to the driver of any hackney carriage in pursuance thereof shall be in force for one year only from the date of the license, or until the next general licensing meeting, where a day for such meeting is appointed.

172. Any urban authority may license the proprietors, drivers, and conductors of horses, ponies, mules, or asses standing for hire within the district in like manner, and with the like incidents and consequences, as in the case of proprietors and drivers of hackney carriages, and may make bye-laws for regulating stands, and fixing rates of hire, and as to the qualification of such drivers and conductors, and for securing their good and orderly conduct while in charge.

Any urban authority may also license the proprietors of pleasure boats



and vessels, and the boatmen or other persons in charge thereof, and may make bye-laws for regulating the numbering and naming of such boats and vessels, and the number of persons to be carried therein, and the mooring places for the same, and for fixing rates of hire, and the qualification of such boatmen or other persons in charge, and for securing their good and orderly conduct while in charge.

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## PART V.

### GENERAL PROVISIONS.

#### CONTRACTS.

173. Any local authority may enter into any contracts necessary for carrying this Act into execution.

174. With respect to contracts made by an urban authority under this Act, the following regulations shall be observed ; (namely,)

- (1.) Every contract made by an urban authority, whereof the value or amount exceeds fifty pounds, shall be in writing, and sealed with the common seal of such authority :
- (2.) Every such contract shall specify the work, materials, matters, or things to be furnished, had, or done, the price to be paid, and the time or times within which the contract is to be performed, and shall specify some pecuniary penalty to be paid in case the terms of the contract are not duly performed :
- (3.) Before contracting for the execution of any works under the provisions of this Act, an urban authority shall obtain from their surveyor an estimate in writing, as well of the probable expense of executing the work in a substantial manner, as of the annual expense of repairing the same ; also a report as to the most advantageous mode of contracting, that is to say, whether by contracting only for the execution of the work, or for executing and also maintaining the same in repair during a term of years or otherwise :
- (4.) Before any contract of the value or amount of one hundred pounds or upwards is entered into by an urban authority, ten days' public notice at the least shall be given, expressing the nature and purpose thereof, and inviting tenders for the execution of the same ; and such authority shall require and take sufficient security for the due performance of the same :
- (5.) Every contract entered into by an urban authority, in conformity with the provisions of this section, and duly executed by the other parties thereto, shall be binding, on the authority by whom the same is executed, and their successors, and on all other parties thereto, and their executors, administrators, successors, or assigns to all intents and purposes : Provided that an urban authority may compound with any contractor or other person in respect of any penalty incurred by reason of the non-performance of any contract



entered into as aforesaid, whether such penalty is mentioned in any such contract, or in any bond, or otherwise, for such sums of money or other recompense as to such authority may seem proper.

## PURCHASE OF LANDS.

175. Any local authority may, for the purposes, and subject to the provisions of this Act, purchase, or take on lease, sell, or exchange any lands, whether situated within or without their district ; they may also buy up any water-mill, dam, or weir which interferes with the proper drainage of, or the supply of water to their district.

Any lands acquired by a local authority in pursuance of any powers in this Act contained, and not required for the purpose for which they were acquired, shall (unless the Local Government Board otherwise direct) be sold at the best price that can be gotten for the same, and the proceeds of such sale shall be applied towards discharge, by means of a sinking fund or otherwise, of any principal moneys which have been borrowed by such authority on the security of the fund or rate applicable by them for the general purposes of this Act, or if no such principal moneys are outstanding shall be carried to the account of such fund or rate.

176. With respect to the purchase of lands by a local authority for the purposes of this Act, the following regulations shall be observed ; (that is to say,)

- (1.) The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 shall be incorporated with this Act, except the provisions relating to access to the special Act, and except section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845 :
- (2.) The local authority, before putting in force any of the powers of the said Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement, shall

Publish once at the least in each of three consecutive weeks in the month of November, in some local newspaper circulated in their district, an advertisement describing shortly the nature of the undertaking in respect of which the lands are proposed to be taken, naming a place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of lands that they require ; and shall further

Serve a notice in the month of December on every owner, or reputed owner, lessee, or reputed lessee, and occupier of such lands, defining in each case the particular lands intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such lands :

- (3.) On compliance with the provisions of this section with respect to advertisements and notices, the local authority may, if they think fit, present a petition under their seal to the Local Government Board. The petition shall state the lands intended to be taken, and the purposes for which they are required, and the names of the owners,



lessees, and occupiers of lands who have assented, dissented, or are neuter in respect of the taking such lands, or who have returned no answer to the notice; it shall pray that the local authority may, with reference to such lands, be allowed to put in force the powers of the said Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Local Government Board requires:

- (4.) On the receipt of such petition, and on due proof of the proper advertisements having been published, and notices served, the Local Government Board shall take such petition into consideration, and may either dismiss the same, or direct a local inquiry as to the propriety of assenting to the prayer of such petition; but until such inquiry has been made no provisional order shall be made affecting any lands without the consent of the owners, lessees, and occupiers thereof:
- (5.) After the completion of such inquiry the Local Government Board may, by provisional order, empower the local authority to put in force, with reference to the lands referred to in such order, the powers of the said Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as the Board may think fit, and it shall be the duty of the local authority to serve a copy of any order so made in the manner, and on the person in which, and on whom notices in respect of such lands are required to be served:

Provided that the notices by this section required to be given in the months of November and December may be given in the months of September and October, or of October and November, but in either of such last-mentioned cases an inquiry preliminary to the provisional order, to which such notices refer, shall not be held until the expiration of one month from the last day of the second of the two months in which the notices are given; and any notices or orders by this section required to be served on a number of persons having any right in, over, or on lands in common, may be served on any three or more of such persons on behalf of all such persons.

177. Any local authority may, with the consent of the Local Government Board, let for any term any lands which they may possess, as and when they can conveniently spare the same.

178. The Chancellor and Council of the Duchy of Lancaster for the time being may, if they think fit (but subject and without prejudice to the rights of any lessee, tenant, or occupier), from time to time contract with any local authority for the sale of, and may (subject as aforesaid) absolutely sell and dispose of, for such sum as to the said Chancellor and Council may appear sufficient consideration, the whole, or any part of any lands belonging to her Majesty, her heirs, or successors, in right of the said duchy, or any right, interest, or easement in, through, over, or on any such lands which for the purposes of this Act such local authority, from time to time, deem it expedient to purchase; and on payment of the purchase money, as



provided by the Duchy of Lancaster Lands Act, 1855, the said Chancellor and Council may grant and assure to the said authority, under the seal of the said duchy, in the name of her Majesty, her heirs, or successors, the subject of such contract or sale, and such money shall be dealt with as if such subject had been sold under the authority of the Duchy of Lancaster Lands Act, 1855.

## ARBITRATION.

179. In case of dispute as to the amount of any compensation to be made under the provisions of this Act (except where the mode of determining the same is specially provided for), and in case of any matter which by this Act is authorized or directed to be settled by arbitration, then, unless both parties concur in the appointment of a single arbitrator, each party shall appoint an arbitrator, to whom the matter shall be referred.

180. With respect to arbitrations under this Act, the following regulations shall be observed ; (that is to say,)

- (1.) Every appointment of an arbitrator under this Act, when made on behalf of the local authority, shall be under their common seal, and on behalf of any other party under his hand, or if such party be a corporation aggregate under their common seal :
- (2.) Every such appointment shall be delivered to the arbitrators, and shall be deemed a submission to arbitration by the parties making the same :
- (3.) After the making of any such appointment, the same shall not be revoked without the consent of both parties, nor shall the death of either party operate as a revocation :
- (4.) If for the space of fourteen days after any matter by this Act authorized or directed to be settled by arbitration has arisen, and notice in writing by one party who has duly appointed an arbitrator has been given to the other party, stating the matter to be referred, and accompanied by a copy of such appointment, the party to whom notice is given fails to appoint an arbitrator, the arbitrator appointed by the party giving the notice shall be deemed to be appointed by and shall act on behalf of both parties :
- (5.) If before the determination of any matter so referred, any arbitrator dies or refuses or becomes incapable to act, the party by whom such arbitrator was appointed, may appoint in writing another person in his stead ; and if such party fails so to do for the space of seven days after notice in writing from the other party in that behalf, the remaining arbitrator may proceed *ex parte* ; and every arbitrator so appointed shall have the same powers and authorities as were vested in the arbitrator in whose stead the appointment is made :
- (6.) If a single arbitrator dies or becomes incapable to act before the making of his award, or fails to make his award within twenty-one days after his appointment, or within such extended time, if any, as may have been duly appointed by him for that purpose, the matters referred to him shall be again referred to arbitration under the provisions of this Act, as if no former reference had been made :



- (7.) Where there is more than one arbitrator, the arbitrators shall, before they enter on the reference, appoint by writing under their hands an umpire, and if the person appointed to be umpire dies or becomes incapable to act, the arbitrators shall forthwith appoint another person in his stead; and if the arbitrators neglect or refuse to appoint an umpire for seven days after being requested so to do by any party to the arbitration, the Local Government Board shall, on the application of any such party, appoint an umpire:
- (8.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been duly appointed by them for that purpose, the matters referred shall be determined by the umpire:
- (9.) The time for making an award by arbitrators under this Act, shall not in any case be extended beyond the period of two months from the date of the submission, and the time for making an award by an umpire under this Act shall not in any case be extended beyond the period of two months from the date of the reference of the matters to him:
- (10.) Before any arbitrator or umpire enters on a reference under this Act he shall make and subscribe the following declaration before a justice of the peace; (that is to say,)

“I *A.B.* do solemnly and sincerely declare that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the Public Health Act, 1875.

“*A. B.*”

- (11.) Such declaration shall be annexed to the award when made; and any arbitrator or umpire who wilfully acts contrary to such declaration, shall be guilty of a misdemeanour:
- (12.) Any arbitrator, arbitrators, or umpire, appointed by virtue of this Act, may require the production of such documents in the possession or power of either party, as they or he may think necessary for determining the matters referred, and may examine the parties or their witnesses on oath:
- (13.) The cost of and consequent upon the reference shall be in the discretion of the arbitrator or arbitrators, or (in case the matters referred are determined by an umpire) of the umpire:
- (14.) Any submission to arbitration under the provisions of this Act may be made a rule of any of the superior courts, on the application of any party thereto:
- (15.) The award of arbitrators or of an umpire under this Act shall be final and binding on all parties to the reference.

181. All questions referable to arbitration under this Act may, when the amount in dispute is less than twenty pounds, be determined at the option of either party before a court of summary jurisdiction, but the court may, if it thinks fit, require that any work in respect of which the claim of the local authority is made and the particulars of the claim be reported on to



them by any competent surveyor, not being the surveyor of the local authority; and the court may determine the amount of costs incurred in that behalf, and by whom such costs or any part of them shall be paid.

## BYE-LAWS.

182. All bye-laws made by a local authority under and for the purposes of this Act shall be under their common seal; and any such bye-law may be altered or repealed by a subsequent bye-law made pursuant to the provisions of this Act: Provided that no bye-law made under this Act by a local authority shall be of any effect if repugnant to the laws of England or to the provisions of this Act.

183. Any local authority may, by any bye-laws made by them under this Act, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice of the offence from the local authority; but all such bye-laws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Nothing in the provisions of any Act incorporated herewith shall authorize the imposition or recovery under any bye-laws made in pursuance of such provisions of any greater penalty than the penalties in this section specified.

184. Bye-laws made by a local authority under this Act shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board, which Board is hereby empowered to allow or disallow the same as it may think proper; nor shall any such bye-laws be confirmed—

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within the district to which such bye-laws relate, one month at least before the making of such application; and

Unless for one month at least before any such application, a copy of the proposed bye-laws has been kept at the office of the local authority, and has been open during office-hours thereat to the inspection of the ratepayers of the district to which such bye-laws relate, without fee or reward.

The clerk of the local authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed bye-laws or any part thereof, on payment of sixpence for every hundred words contained in such copy.

A bye-law required to be confirmed by the Local Government Board, shall not require confirmation, allowance, or approval by any other authority.

185. All bye-laws made by a local authority under this Act, or for purposes the same as or similar to those of this Act under any local Act, shall be printed and hung up in the office of such authority; and a copy thereof shall be delivered to any ratepayer of the district to which such bye-laws relate, on his application for the same: a copy of any bye-laws made by a rural authority shall also be transmitted to the overseers of every parish to which such bye-laws relate, to be deposited with the public documents



of the parish, and to be open to the inspection of any ratepayer of the parish at all reasonable hours.

186. A copy of any bye-laws made under this Act by a local authority (not being the council of a borough), signed and certified by the clerk of such authority to be a true copy and to have been duly confirmed, shall be evidence until the contrary is proved in all legal proceedings of the due making, confirmation, and existence of such bye-laws without further or other proof.

187. Bye-laws made by the council of any borough under the provisions of section ninety of the Act of the sixth year of King William the Fourth, chapter seventy-six, for the prevention and suppression of certain nuisances, shall not be required to be sent to a Secretary of State, nor shall they be subject to the disallowance in that section mentioned ; but all the provisions of this Act relating to bye-laws shall apply to the bye-laws so made as if they were made under this Act.

188. The provisions of this Act relating to bye-laws shall not apply to any regulations which a local authority is by this Act authorized to make ; nevertheless, any local authority may cause any regulations made by them under this Act to be published in such manner as they see fit.

#### OFFICERS AND CONDUCT OF BUSINESS OF LOCAL AUTHORITIES.

##### *Officers of Local Authorities.*

189. Every urban authority shall from time to time appoint fit and proper persons to be medical officer of health, surveyor, inspector of nuisances, clerk, and treasurer: Provided that if any such authority is empowered by any other Act in force within their district to appoint any such officer, this enactment shall be deemed to be satisfied by the employment under this Act of the officer so appointed, with such additional remuneration as they think fit, and no second appointment shall be made under this Act. Every urban authority shall also appoint or employ such assistants, collectors, and other officers and servants as may be necessary and proper for the efficient execution of this Act, and may make regulations with respect to the duties and conduct of the officers and servants so appointed or employed.

Subject, in the case of officers any portion of whose salary is paid out of moneys voted by Parliament, to the powers of the Local Government Board under this Act, the urban authority may pay to the officers and servants so appointed or employed such reasonable salaries, wages, or allowances as the urban authority may think proper ; and, subject as aforesaid, every such officer and servant appointed under this Act shall be removable by the urban authority at their pleasure.

190. Every rural authority shall from time to time appoint fit and proper persons to be medical officer or officers of health, and inspector or inspectors of nuisances ; they shall also appoint such assistants and other officers and servants as may be necessary and proper for the efficient execution of this Act.

There may be awarded to the clerk and treasurer of the guardians of any



union, in respect of the additional duties of such officers under this Act, such remuneration as the rural authority may, with the approval of the Local Government Board, determine. If the clerk of the union is unable or unwilling to undertake such additional duties, the assistant clerk of the union shall be appointed to discharge the same, with such remuneration as aforesaid.

191. A person shall not be appointed medical officer of health under this Act unless he is a legally qualified medical practitioner; and the Local Government Board shall have the same powers as it has in the case of a district medical officer of a union with regard to the qualification, appointment, duties, salary, and tenure of office of a medical officer of health or other officer of a local authority any portion of whose salary is paid out of moneys voted by Parliament, and may by order prescribe the qualification and duties of other medical officers of health appointed under this Act.

The same person may, with the sanction of the Local Government Board, be appointed medical officer of health or inspector of nuisances for two or more districts, by the local authorities of such districts; and the Local Government Board shall by order prescribe the mode of such appointment, and the proportions in which the expenses of such appointment and the salary and charges of such officer shall be borne by such authorities.

Any district medical officer of a union may, with the sanction of the Local Government Board and subject to such conditions as the said Board may prescribe, be appointed a medical officer of health; and a medical officer of health may exercise any of the powers with which an inspector of nuisances is invested by this Act.

In case of illness or incapacity of the medical officer of health a local authority may appoint and pay a deputy medical officer, subject to the approval of the Local Government Board.

192. The same person may be both surveyor and inspector of nuisances; but neither the person holding the office of treasurer, nor his partner, nor any person in the service or employ of them or either of them, shall be eligible to hold or shall in any manner assist or officiate in the office of clerk; and neither the person holding the office of clerk, nor his partner, nor any person in the service or employ of them or either of them, shall be eligible to hold or shall in any manner assist or officiate in the office of treasurer.

Any person offending against this enactment shall forfeit and pay the sum of one hundred pounds, which may be recovered by any person, with full costs of suit, by action of debt.

193. Officers or servants appointed or employed under this Act by the local authority shall not in anywise be concerned or interested in any bargain or contract made with such authority for any of the purposes of this Act.

If any such officer or servant is so concerned or interested, or, under colour of his office or employment, exacts or accepts any fee or reward whatsoever other than his proper salary, wages, and allowances, he shall be incapable of afterwards holding or continuing in any office or employment under this Act, and shall forfeit and pay the sum of fifty pounds, which may be recovered by any person, with full costs of suit, by action of debt.

194. Before any officer or servant of a local authority enters on any office or



employment under this Act by reason whereof he will or may be entrusted with the custody or control of money, the local authority by whom he is appointed shall take from him sufficient security for the faithful execution of such office or employment, and for duly accounting for all moneys which may be entrusted to him by reason thereof.

195. Every officer and servant appointed or employed under this Act by a local authority shall, when and in such manner as may be required by such authority, make out and deliver to them a true and perfect account in writing of all moneys received by him for the purposes of this Act, stating how, and to whom, and for what purpose such moneys have been disposed of, and shall, together with such account, deliver the vouchers or receipts for all payments made by him, and pay over to the treasurer all moneys owing by him on the balance of accounts.

And every such officer or servant employed in the collection of any rate made under this Act shall, within seven days after he has received any moneys on account of any such rate, pay over the same to the treasurer, and shall, as and when the local authority may direct, deliver a list signed by him and containing the names of all persons who have neglected or refused to pay any such rate, and the sums respectively due from them.

196. If any officer or servant appointed or employed under this Act by a local authority—

Fails to render accounts, or to produce and deliver up vouchers and receipts, or to pay over any moneys, as and when required by this Act, or

Fails within five days after written notice in that behalf from the local authority to deliver up to the local authority all books, papers, writings, property, and things in his possession or power, relating to the execution of this Act, or belonging to such authority,

the local authority may complain to any justice, and such justice shall thereupon summon the party charged to appear before a court of summary jurisdiction.

On the appearance of the party charged, or on proof that the summons was personally served on him, or left at his last known place of abode or business, if it appears to the court that he has failed to render any such accounts, or to pay over such moneys, or to produce and deliver up any such vouchers or receipts, books, papers, writings, property, or things as aforesaid in accordance with the provisions of this Act, and that he still fails or refuses so to do, the court may commit the offender to gaol, there to remain without bail until he has rendered such accounts, paid over such moneys, and produced and delivered up all such vouchers, receipts, books, papers, writings, property, and things in respect of which the charge was made: Provided that a person shall not be imprisoned under this section for a period exceeding six months.

No proceeding under this section shall be construed to relieve or discharge any surety of the offender from any liability whatever.

#### *Mode of conducting Business.*

197. Every urban authority shall from time to time provide and maintain



such offices as may be necessary for transacting their business, and that of their officers and servants under this Act.

198. Where an urban authority are the council of a borough they shall, subject to the provisions of this Act, exercise and execute their powers, authorities, and duties under this Act according to the laws for the time being in force with respect to municipal corporations in England.

199. Every urban authority (not being the council of a borough) shall hold an annual meeting, and other meetings for the transaction of business under this Act once at least in each month, and at such other times as may be necessary for properly executing their powers and duties under this Act.

Meetings of local boards shall be held and the proceedings thereat shall be conducted in accordance with the rules as to meetings and proceedings contained in schedule I. to this Act; and any improvement commissioners may, if they think fit, adopt all or any of such rules.

200. Every urban authority may from time to time appoint out of their own number so many persons as they may think fit, for any purposes of this Act which in the opinion of such authority would be better regulated and managed by means of a committee: Provided that a committee so appointed shall in no case be authorized to borrow any money, to make any rate, or to enter into any contract, and shall be subject to any regulations and restrictions which may be imposed by the authority that formed it.

201. A rural authority may, at any meeting specially convened for the purpose, delegate for the current year of their office all their powers to a committee consisting wholly of their own members; provided that one-third at least of such committee shall consist of ex-officio guardians, but in case an adequate number of such ex-officio guardians does not exist, then the number deficient shall be made up of elected guardians; and any such committee shall have the powers by this Act vested in the rural authority by which it was formed, and shall be deemed to be during such year of office as aforesaid the rural authority of the district.

202. A rural authority (including any committee so formed as aforesaid) may, at any meeting specially convened for the purpose, form for any contributory place within their district a parochial committee consisting wholly of members of such authority or committee, or partly of such members and partly of such other persons liable to contribute to the rate levied for the relief of the poor in such contributory place, and qualified in such other manner (if any) as the authority forming such parochial committee may determine.

A rural authority (including any committee so formed as aforesaid) may from time to time add to or diminish the number of the members, or otherwise alter the constitution of any parochial committee formed by it, or dissolve any parochial committee.

A parochial committee shall be subject to any regulations and restrictions which may be imposed by the authority which formed it: Provided that no jurisdiction shall be given to a parochial committee beyond the limits of the contributory place for which it is formed, and that no powers shall be delegated to a parochial committee, except powers which the rural authority could exercise within such contributory place.

A parochial committee shall be deemed to be the agents of the authority



which formed it, and the appointment of such committee shall not relieve that authority from any obligation imposed on it by Act of Parliament or otherwise.

A parochial committee may be empowered by the authority which formed it to incur expenses to an amount not exceeding such amount as may be prescribed by such authority; it shall report its expenditure to such authority as and when directed by such authority, and the amount so reported, if legally incurred, shall be discharged by such authority.

203. Any casual vacancy occurring by death, resignation, disqualification, or otherwise, in any committee, may be filled up within six weeks, by the authority which formed such committee, out of qualified persons.

204. Meetings of any committee appointed under this Act shall be held, and the proceedings thereat shall be conducted (so far as such meetings and proceedings are not regulated by the authority appointing the committee), in accordance with the rules as to meetings and proceedings contained in Schedule I. to this Act.

205. Inspectors of the Local Government Board may attend any meetings of a rural authority, or of an urban authority (being a local board) when and as directed by the Local Government Board.

The local authority of the district of Oxford shall not, for the purposes of this section, be deemed to be a local board.

206. Every local authority shall make an annual report, in such form, and at such time as the Local Government Board may, from time to time direct, of all works executed, and of all sums received, and disbursements made by them under and for the purposes of this Act during the preceding year, and shall send a copy to the Local Government Board: an urban authority shall also publish a copy in some local newspaper circulating in their district.

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## PART VI.

### RATING AND BORROWING POWERS, ETC.

#### EXPENSES OF URBAN AUTHORITY AND URBAN RATES.

207. All expenses incurred or payable by an urban authority in the execution of this Act, and not otherwise provided for, shall be charged on and defrayed out of the district fund and general district rate leviable by them under this Act, subject to the following exceptions; (namely,)

That if in any district the expenses incurred by an urban authority (being the council of a borough) in the execution of the Sanitary Acts were at the time of this Act payable out of the borough fund or borough rate, then the expenses incurred by that authority in the execution of this Act shall be charged on and defrayed out of the borough fund or borough rate; and

That if in any district the expenses incurred by an urban authority (being improvement commissioners) in the execution of the Sanitary



Acts were at the time of the passing of this Act payable out of any rate in the nature of a general district rate leviable by them as such commissioners throughout the whole of their district, then the expenses incurred by that authority in the execution of this Act shall be charged on and defrayed out of such rate; and for the purposes of this section the council of the borough of Folkestone shall be deemed to be improvement commissioners; and

That where at the time of the passing of this Act the expenses incurred by an urban authority in the execution of certain purposes of the Sanitary Acts were payable out of the borough fund and borough rate, and the expenses incurred by such authority in the execution of the other purposes of the said Acts were payable out of a rate or rates leviable by that authority throughout the whole of their district for paving, sewerage, or other sanitary purposes, then the expenses incurred by that authority in the execution of the same or similar purposes respectively under this Act shall respectively be charged on and defrayed out of the borough fund and borough rate, and out of the rate or rates leviable as aforesaid.

208. Where at the time of the passing of this Act the expenses incurred by an urban authority for sanitary purposes are payable otherwise than in the manner provided by the Local Government Acts, the Local Government Board may, on the application of such authority, or of any ten persons rated to the relief of the poor within the district, declare by provisional order that the expenses of such authority incurred in the execution of this Act shall be defrayed out of a district fund and general district rate to be levied by them under this Act, subject to the provisions of this Act with respect to the mode of defraying, in certain cases, the expenses of the repair of highways.

#### *General District Rate.*

209. In the district of every urban authority whose expenses under this Act are directed to be defrayed out of the district fund and general district rate there shall be continued or established a fund called the district fund: a separate account called "the district fund account," of all moneys carried under this Act to the account of that fund shall be kept by the treasurer of the urban authority; and such moneys shall be applied by the urban authority in defraying such of the expenses chargeable thereon under this Act as they may think proper.

210. For the purpose of defraying any expenses chargeable on the district fund which that fund is insufficient to meet, the urban authority shall from time to time, as occasion may require, make by writing under their common seal, and levy in addition to any other rate leviable by them under this Act, a rate or rates to be called "general district rates."

Any such rate may be made and levied either prospectively in order to raise money for the payment of future charges and expenses, or retrospectively in order to raise money for the payment of charges and expenses incurred at any time within six months before the making of the rate: in



calculating the period of six months during which the rate may be made retrospectively, the time during which any appeal or other proceeding relating to such rate is pending shall be excluded.

Public notice of intention to make any such rate, and of the time when it is intended to make the same, and of the place where a statement of the proposed rate is deposited for inspection, shall be given by the urban authority in the week immediately before the day on which the rate is intended to be made, and at least seven days previously thereto ; but in case of proceedings to levy or recover any rate it shall not be necessary to prove that such notice was given.

211. With respect to the assessment and levying of general district rates under this Act the following provisions shall have effect ; (namely,)

- (1.) General district rates shall be made and levied on the occupier of all kinds of property for the time being by law assessable to any rate for the relief of the poor, and shall be assessed on the full net annual value of such property, ascertained by the valuation list for the time being in force, or, if there is none, by the rate for the relief of the poor made next before the making of the assessment under this Act, subject to the following exceptions, regulations, and conditions ; (namely,)

- (a.) The owner, instead of the occupier, may, at the option of the urban authority be rated in cases—

Where the rateable value of any premises liable to assessment under this Act does not exceed the sum of ten pounds ; or

Where any premises so liable are let to weekly or monthly tenants ; or

Where any premises so liable are let in separate apartments, or where the rents become payable, or are collected at any shorter period than quarterly :

Provided that in cases where the owner is rated instead of the occupier he shall be assessed on such reduced estimate as the urban authority deem reasonable of the net annual value, not being less than two-thirds, nor more than four-fifths of the net annual value ; and where such reduced estimate is in respect of tenements, whether occupied or unoccupied, then such assessment may be made on one-half of the amount at which such tenements would be liable to be rated if the same were occupied, and the rate were levied on the occupiers :

- (b.) The owner of any tithes, or of any tithe commutation rent-charge, or the occupier of any land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, and the occupier of any land covered with water, or used only as a canal or towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance, shall be assessed in respect of the same in the proportion of one-fourth part only of such net annual value thereof :



- (c.) If within any urban district or part of such district any kind of property is exempted from rating by any local Act in respect of all or any of the purposes for which general district rates may be made under this Act, the same kind of property shall, in respect of the same purposes, and to the same extent within the parts to which the exemption applies (but not further or otherwise), be exempt from assessment to any general district rates under this Act unless the Local Government Board by provisional order otherwise direct.
- (2.) If at the time of making any general district rate any premises in respect of which the rate may be made are unoccupied, such premises shall be included in the rate, but the rate shall not be charged on any person in respect of the same while they continue to be unoccupied; and if any such premises are afterwards occupied during any part of the period for which the rate was made and before the same has been fully paid, the name of the incoming tenant shall be inserted in the rate, and thereupon so much of the rate as at the commencement of his tenancy may be in proportion to the remainder of the said period shall be collected, recovered, and paid in the same manner in all respects as if the premises had been occupied at the time when the rate was made :
- (3.) If any owner or occupier assessed or liable to any such rate ceases to be owner or occupier of the premises in respect whereof he is so assessed or liable, before the end of the period for which the rate was made, and before the same is fully paid off, he shall be liable to pay only such part of the rate as may be in proportion to the time during which he continues to be such owner or occupier; and in every such case if any person afterwards become owner or occupier of the premises during part of the said period, he shall pay such part of the rate as may be in proportion to the time during which he continues to be such owner or occupier, and the same shall be recovered from him in the same manner as if he had been originally assessed or liable :
- (4.) The urban authority may divide their district or any street therein into parts for all or any of the purposes of this Act, and from time to time abolish or alter any such divisions, and may make a separate assessment on any such part for all or any of the purposes for which the same is formed; and every such part, so far as relates to the purposes in respect of which such separate assessment is made, shall be exempt from any other assessment under this Act : Provided that if any expenses are incurred, or to be incurred, in respect of two or more parts in common the same shall be apportioned between them in a fair and equitable manner.

212. For the purpose of assessing general district rates any person appointed by the urban authority may inspect, take copies of, or make extracts from, any valuation list or rate for the relief of the poor within the district, or any book relating to the same.

Any officer having the custody of any such rate or book who refuses to



permit such inspection, or the taking of such copies or extract, shall be liable to a penalty not exceeding five pounds.

*Private Improvement Rate.*

213. Whenever an urban authority have incurred or become liable to any expenses which by this Act are or by such authority may be declared to be private improvement expenses, such authority may, if they think fit, make and levy on the occupier of the premises in respect of which the expenses have been incurred, in addition to all other rates, a rate or rates to be called private improvement rates, of such amount as will be sufficient to discharge such expenses, together with interest thereon at a rate not exceeding five pounds per centum per annum, in such period not exceeding thirty years as the urban authority may in each case determine.

Provided that whenever any premises in respect of which any private improvement rate is made become unoccupied before the expiration of the period for which the rate was made, or before the same is fully paid off, such rate shall become a charge on and be paid by the owner for the time being of the premises so long as the same continue to be unoccupied.

214. Where the occupier by whom any private improvement rate is paid holds the premises in respect of which the rate is made at a rent not less than the rack-rent, he shall be entitled to deduct three-fourths of the amount paid by him on account of such rate from the rent payable by him to his landlord, and if he hold at a rent less than the rack-rent he shall be entitled to deduct from the rent so payable by him such proportion of three-fourths of the rate as his rent bears to the rack-rent; and if the landlord from whose rent any deduction is so made is himself liable to the payment of rent for the premises in respect of which the deduction is made, and holds the same for a term of which less than twenty years is unexpired (but not otherwise), he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises both receiving and liable to pay rent in respect thereof.

Provided that nothing in this section shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

215. At any time before the expiration of the period for which any private improvement rate is made, the owner or occupier of the premises assessed thereto may redeem the same, by paying to the urban authority the expenses in respect of which the rate was made, or such part thereof as may not have been defrayed by sums already levied in respect of the same:

Provided that money paid in redemption of any private improvement rate shall not be applied by the urban authority otherwise than in defraying expenses incurred by them in works of private improvement or in discharging the principal of any moneys borrowed by them to meet those expenses, whether by means of a sinking fund or otherwise.



*Highway Rate.*

216. In any urban district where the expenses under this Act of the urban authority are charged on and defrayed out of the district fund and general district rates, and no other mode of providing for repair of highways is directed by any local Act, the cost of repair of highways shall be defrayed as follows ; (that is to say,)

- (1.) Where the whole of the district is rated for works of paving, water supply, and sewerage, or for works for such of these purposes as are provided for in the district, the cost of repair of highways shall be defrayed out of the general district rate :
- (2.) Where parts of the district are not rated for works of paving, water supply, and sewerage, or for such of these purposes as are provided for in the district, the cost of repair of highways in those parts shall be defrayed out of a highway rate to be separately assessed and levied in those parts by the urban authority as surveyor of highways, and the cost of such repair in the residue of the district shall be defrayed out of the general district rate :
- (3.) Where no public works of paving, water supply, and sewerage are established in the district, the cost of repair of highways in the district shall be defrayed out of a highway rate, to be levied throughout the whole district by the urban authority as surveyor of highways :

Provided that where part of a parish is included within an urban district, and the excluded part was, before the constitution of that district, liable to contribute to the highway rates for such parish, such excluded part shall (unless in the case of an urban district constituted before the passing of this Act a resolution deciding that such excluded part should be formed into a separate highway district has been passed in pursuance of the Local Government Act, 1858, Amendment Act, 1861, or unless such excluded part has been included in a highway district under the Highway Acts), for all purposes connected with the repairs of highways and the payment of highway rates, be considered to be and be treated as forming part of such district.

Provided also, that in the case of an urban district constituted after the passing of this Act a meeting of owners and ratepayers of the excluded part (to be convened and conducted in the manner provided by Schedule III. to this Act) may decide that such excluded part shall be a highway parish, and thereupon the excluded part shall for all purposes connected with highways, surveyors of highways, and highway rates, be considered and treated as a parish maintaining its own highways ; but the requisition for holding any such meeting shall be made within six months after the constitution of the urban district.

The court of quarter sessions may by order direct that for any such excluded part a waywarden or waywardens shall be elected, and may invest any waywarden elected in pursuance of any such order with all or any of the powers of waywardens under the Highway Acts.

217. It shall not be necessary for the urban authority, in the case of any highway rate made by them, to do the following acts or any of them ; (that is to say),



To lay such rate before any justices, or obtain their allowance ;  
To annex thereto the signature of such urban authority ;  
To lay the same before the parishioners assembled in vestry ;  
To verify before any justices any accounts kept by them of such highway rates ;

and all such accounts shall be audited in all respects in the same way as the other accounts of the urban authority.

*General Provisions as to Urban Rates.*

218. Every urban authority, before proceeding to make a general district rate or private improvement rate under this Act, shall cause an estimate to be prepared of the money required for the purposes in respect of which the rate is to be made, showing—

The several sums required for each of such purposes ; and

The rateable value of the property assessable ; and

The amount of rate which for those purposes it is necessary to make on each pound of such value ;

and the estimate so made shall forthwith, after being approved of by the urban authority, be entered in the rate book, and be kept at their office, open to public inspection during office hours thereat ; but it shall not be deemed part of the rate, nor in any respect affect the validity of the same.

219. Any person interested in or assessed to any rate made under this Act may inspect the same, and any estimate made previously thereto, and may take copies of or extracts therefrom without fee or reward ; any person who, having the custody of any such estimate or rate, refuses to allow or does not permit such inspection, or such copies or extracts to be taken, shall be liable to a penalty not exceeding five pounds.

220. Where the name of any owner or occupier liable to be rated under this Act is not known to the urban authority, it shall be sufficient to assess and designate him in the rate as “the owner” or “the occupier” of the premises in respect of which the assessment is made, without further description.

221. An urban authority may from time to time amend any rate made in pursuance of this Act, by inserting therein the name of any person claiming and entitled to have his name inserted, or by inserting the name of any person who ought to have been assessed, or by striking out the name of any person who ought not to have been assessed, or by raising or reducing the sum at which any person has been assessed, if it appears to the urban authority that he has been under-rated or over-rated, or by making any other alteration which will make the rate conformable to the provisions of this Act ; and no such amendment shall be held to avoid the rate.

Provided, that any person who may feel himself aggrieved by any such amendment shall have the same right of appeal therefrom as he would have had if the matter of amendment had appeared on the rate originally made, and with respect to him an amended rate shall be considered to have been made at the time when he first received notice of the amendment ; and an



amended rate shall not be payable by any person the amount of whose rate is increased by the amendment, or whose name is thereby newly inserted, until seven days after such notice has been given to him.

222. All rates made or collected under this Act shall be published in the same manner as poor rates, and shall commence and be payable at such time or times, and shall be made in such manner and form, and be collected by such persons, and either together or separately, or with any other rate or tax, as the urban authority may from time to time appoint: Provided that no publication shall be required of any private improvement rate.

223. The production of the books purporting to contain any rate or assessment made under this Act shall, without any other evidence whatever, be received as *primâ facie* evidence of the making and validity of the rates mentioned therein.

224. Where it appears to an urban authority that any premises were sufficiently drained before the construction of any new sewer laid down by them, they may deduct from the amount of rates otherwise chargeable in respect of such premises such a sum for such time as they may under all the circumstances of the case deem just.

225. An urban authority may reduce or remit the payment of any rate on account of the poverty of any person liable to the payment thereof.

226. Nothing in this part of this Act shall alter or affect any lease, contract, or agreement, made or entered into between the landlord and tenant of any premises.

227. Any limit imposed on or in respect of any rate by any local Act of Parliament shall not apply to any rate required to be levied for the purpose of defraying any expenses incurred by an urban authority in the execution of this Act.

228. Nothing in this Act shall be deemed to alter or interfere with any liability existing at the time of the passing of this Act of the Universities of Oxford and Cambridge respectively to contribute towards the expenses of paving and pitching, repairing, lighting, and cleansing under the powers of any local Act under which the Oxford and Cambridge commissioners respectively act, the several streets and places within the jurisdiction of such commissioners respectively.

If any difference arises between either of the said universities and the urban authority with respect to the proportion and manner in which the university shall contribute towards any expenses under this Act, and to which the university is not liable under any such local Act, the same shall be settled by arbitration in manner provided by this Act.

All rates, contributions, and sums of money which may become payable under this Act by the said universities respectively, and their respective halls and colleges, may be recovered from such universities, halls, and colleges in the same manner in all respects as rates, contributions, and sums of money may now be recovered from them by virtue of any such local Act.

#### EXPENSES OF RURAL AUTHORITY.

229. The expenses incurred by a rural authority in the execution of this Act shall be divided into general expenses and special expenses.



General expenses (other than those chargeable on owners and occupiers under this Act) shall be the expenses of the establishment and officers of the rural authority, the expenses in relation to disinfection, the providing conveyance for infected persons, and all other expenses not determined by this Act or by order of the Local Government Board to be special expenses.

Special expenses shall be the expenses of the construction, maintenance, and cleansing of sewers in any contributory place within the district, the providing a supply of water to any such place and maintaining any necessary works for that purpose, if and so far as the expenses of such supply and works are not defrayed out of water rates or rents under this Act, the charges and expenses arising out of or incidental to the possession of property transferred to the rural authority in trust for any contributory place, and all other expenses incurred or payable by the rural authority in or in respect of any contributory place within the district, and determined by order of the Local Government Board to be special expenses.

Where the rural authority make any sewers or provide any water supply or execute any other work under this Act for the common benefit of any two or more contributory places within their district, they may apportion the expense of constructing any such work, and of maintaining the same, in such proportions as they think just, between such contributory places, and any expense so apportioned to any such contributory place shall be deemed to be special expenses legally incurred in respect of such contributory place.

The overseers of any contributory place, if aggrieved by any such apportionment, may, within twenty-one days after notice has been given to them of the apportionment, send or deliver a memorial to the Local Government Board stating their grounds of complaint, and the said Board may make such order in the matter as to it may seem equitable, and the order so made shall be binding and conclusive on all parties concerned.

General expenses shall be payable out of a common fund to be raised out of the poor rate of the parishes in the district according to the rateable value of each contributory place in manner in this Act mentioned.

Special expenses shall be a separate charge on each contributory place.

The following areas situated in a rural district shall be contributory places for the purposes of this Act; that is to say,

- (1.) Every parish not having any part of its area within the limits of a special drainage district formed in pursuance of the Sanitary Acts, or of this Act, or of an urban district; and
- (2.) Every such special drainage district as aforesaid; and
- (3.) In the case of a parish wholly situated in a rural district, and part of which forms or is part of any such special drainage district as aforesaid, such portion of that parish as is not comprised within such special drainage district; and
- (4.) In the case of a parish a part of which is situated within an urban district, such portion of that parish as is not comprised within such urban district, or within any such special drainage district as aforesaid.



230. For the purpose of obtaining payment from the several contributory places within their district of the sums to be contributed by them, the rural authority shall issue their precept to the overseers of each such contributory place requiring such overseers to pay, within a time limited by the precept, the amount specified in such precept to the rural authority or to some person appointed by them, care being taken to issue separate precepts in respect of contributions for general expenses and special expenses, or to make such expenses respectively separate items in any precept including both classes of expenses.

Where a contributory place is part of a parish as defined by this Act, the overseers of such parish shall for the purposes of this Act be deemed to be the overseers of such contributory place, and where any part of a contributory place is part of a parish the overseers of such parish shall for the like purposes be deemed to be the overseers of such part of such contributory place.

The overseers shall comply with the requisitions of such precept by paying the contribution required in respect of general expenses out of the poor rate of their respective parishes, and with respect to special expenses by raising the contribution required by the levy (in the case of an entire parish on the whole of such parish, and in the case of a contributory place or part of a contributory place forming part of a parish, by the levy on such place, or such part thereof, exclusive of the rest of the parish) of a separate rate in the same manner as if it were a rate for the relief of the poor, with this exception ; (namely,)

That the owner of any tithes, or of any tithe, commutation rent-charge or the occupier of any land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, and the occupier of any land covered with water, or used as a canal or towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance, shall, where a special assessment is made for the purpose of such rate, be assessed in respect of one-fourth part only of the rateable value thereof, or where no special assessment is made, shall pay in respect of the said property one-fourth part only of the rate in the pound payable in respect of houses and other property :

Provided that where the amount required by any precept or precepts from a contributory place in respect of special expenses is less than ten pounds, or is so small that a rate less than one penny in the pound would be required to raise the same, the overseers shall not assess and levy any special rate for the same, but shall pay the amount as if it formed part of the contribution required from them in respect of general expenses.

A separate rate under this section shall, as respects the powers of the overseers in relation to making, assessing, and levying such rate, and as respects the appeal against such rate, and all other incidents thereof, except the purposes to which it is applicable, and such exemption as aforesaid, and except the allowance of justices, which shall not be required, be subject to the same provisions as apply in law to a rate levied for the relief of the poor ; and the overseers of a parish shall have the same powers of levying



such separate rate in a contributory place or part of a contributory place forming part of their parish, as they would have if such contributory place, or such part thereof formed the whole of their parish.

Where a contribution for general expenses is required from a contributory place or part of a contributory place which is part of a parish, the overseers shall, from time to time, levy such increase of rate from the contributory place, or such part thereof, as may be sufficient to recoup the parish for the sum it has paid on account of the contributory place, or such part thereof, in respect of general expenses under this Act, and carry the same to the general account of the parish, and such increase of rate shall be raised in such contributory place, or part of a contributory place, by an addition to the poor rate, or by a separate rate to be assessed, made, allowed, published, collected, and levied in the same manner as a poor rate. The officers ordinarily employed in the collection of the poor rate shall, if required by the overseers, collect any separate rate made under this section, and receive out of such separate rate such remuneration for the additional duty as the overseers, with the consent of the vestry, may determine.

The overseers shall, at the expiration of their term of office, pay any surplus in their hands arising from any separate rate levied in pursuance of this Act, above the amount for which the rate was made, to the rural authority, or to such person as they may appoint, to the credit of the contributory place within which, or within part of which, such rate was made, and such surplus shall go in reduction of the next call that may be made on such contributory place, or such part thereof, for the purpose of defraying the expenses incurred by the rural authority.

231. If the amount required by any precept of a rural authority to be paid by the overseers of any parish is not paid in manner directed by such precept, and within the time therein specified for that purpose, the rural authority shall have the like remedy for recovery from the overseers of such amount as is not paid, as guardians have, for the time being, for recovery from overseers of contributions of parishes, and for that purpose the precept of the rural authority requiring the payment shall be conclusive evidence of the amount thereof.

232. Whenever a rural authority have incurred or become liable to any expenses which by this Act are, or by such authority may be declared to be private improvement expenses, such authority may make and levy a private improvement rate in the same manner as private improvement rates may be made and levied by an urban authority ; and all the provisions of this Act applicable to private improvement rates, leviable by an urban authority, shall apply accordingly to any private improvement rate leviable by a rural authority.

#### BORROWING POWERS.

233. Any local authority may, with the sanction of the Local Government Board, for the purpose of defraying any costs, charges, and expenses incurred, or to be incurred by them in the execution of the Sanitary Acts, or of this Act, or for the purpose of discharging any loans contracted under the



Sanitary Acts, or this Act, borrow, or re-borrow, and take up at interest, any sums of money necessary for defraying any such costs, charges, and expenses, or for discharging any such loans as aforesaid.

An urban authority may borrow, or re-borrow, any such sums on the credit of any fund, or all or any rates or rate out of which they are authorized to defray expenses incurred by them in the execution of this Act, and for the purpose of securing the repayment of any sums so borrowed, with interest thereon, they may mortgage to the persons by, or on behalf of whom such sums are advanced any such fund, or rates, or rate.

A rural authority may borrow, or re-borrow, any such sums, if applied, or intended to be applied to general expenses of such authority, on the credit of the common fund out of which such expenses are payable, and if applied, or intended to be applied to special expenses of such authority, on the credit of any rate, or rates, out of which such expenses are payable, and for the purpose of securing the repayment of any sums so borrowed, with interest thereon, they may mortgage to the persons by, or on behalf of whom such sums are advanced any such fund, rate, or rates.

234. The exercise of the powers of borrowing conferred by this Act shall be subject to the following regulations (namely),

- (1.) Money shall not be borrowed, except for permanent works (including, under this expression, any works of which the cost ought, in the opinion of the Local Government Board, to be spread over a term of years):
- (2.) The sum borrowed shall not at any time exceed, with the balances of all the outstanding loans contracted by the local authority under the Sanitary Acts and this Act, in the whole the assessable value for two years of the premises assessable within the district in respect of which such money may be borrowed:
- (3.) Where the sum proposed to be borrowed with such balances (if any) would exceed the assessable value for one year of such premises, the Local Government Board shall not give their sanction to such loan until one of their inspectors has held a local inquiry, and reported to the said Board:
- (4.) The money may be borrowed for such time, not exceeding sixty years, as the local authority, with the sanction of the Local Government Board, determine in each case; and, subject as aforesaid, the local authority shall either pay off the moneys so borrowed by equal annual instalments of principal, or of principal and interest, or they shall in every year set apart as a sinking fund, and accumulate in the way of compound interest by investing the same in the purchase of Exchequer bills or other Government securities, such sum as will, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the moneys so borrowed within the period sanctioned:
- (5.) A local authority may, at any time apply the whole, or any part of a sinking fund set apart under this Act, in or towards the discharge of the moneys for the repayment of which the fund has been established: Provided that they pay into the fund in each year, and



accumulate until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund, or the part of the sinking fund so applied :

- (6.) Where money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not extend beyond the unexpired portion of the period for which the original loan was sanctioned, unless with the sanction of the Local Government Board, and shall in no case be extended beyond the period of sixty years from the date of the original loan.

Where any urban authority borrow any money for the purpose of defraying private improvement expenses, or expenses in respect of which they have determined a part only of the district to be liable, it shall be the duty of such authority, as between the ratepayers of the district, to make good, so far as they can, the money so borrowed, as occasion requires, either out of private improvement rates, or out of a rate levied in such part of the district as aforesaid.

235. Where any local authority are possessed of any land, works, or other property for the purposes of disposal of sewage pursuant to this Act, they may borrow any moneys on the credit of such lands, works, or other property, and may mortgage such lands, works, or other property to any person advancing such moneys, in the same manner, in all respects, as if they were the absolute owner, both at law and in equity, of the lands, works, or other property so mortgaged. The moneys so borrowed shall be applied for purposes for which moneys may be borrowed under this Act; but it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they be responsible for any misapplication thereof.

The powers of borrowing conferred by this section shall, where the sums borrowed do not exceed three-fourths of the purchase money of such lands (but not otherwise), be deemed to be distinct from, and in addition to the general borrowing powers conferred on a local authority by this Act. Any local authority may pay out of any rates leviable by them for purposes of this Act the interest on any moneys borrowed by such authority in pursuance of this section.

236. Every mortgage authorized to be made under this Act shall be by deed, truly stating the date, consideration, and the time and place of payment, and shall be sealed with the common seal of the local authority, and may be made according to the form contained in Schedule IV. to this Act, or to the like effect.

237. There shall be kept at the office of the local authority a register of the mortgages on each rate, and within fourteen days after the date of any mortgage an entry shall be made in the register of the number and date thereof, and of the names and description of the parties thereto, as stated in the deed. Every such register shall be open to public inspection during office hours at the said office, without fee or reward; and any clerk or other person having the custody of the same, refusing to allow such inspection, shall be liable to a penalty not exceeding five pounds.



238. Any mortgagee or other person entitled to any mortgage under this Act may transfer his estate and interest therein to any other person by deed duly stamped, truly stating its date and the consideration for the transfer; and such transfers may be according to the form contained in Schedule IV. to this Act, or to the like effect.

There shall be kept at the office of the local authority a register of the transfers of mortgage charged on each rate, and within thirty days after the date of such deed of transfer, if executed within the United Kingdom, or within thirty days after its arrival in the United Kingdom, if executed elsewhere, the same shall be produced to the clerk of the local authority, who shall, on payment of a sum not exceeding five shillings, cause an entry to be made in such register of its date, and of the names and description of the parties thereto, as stated in the transfer; and until such entry is made the local authority shall not be in any manner responsible to the transferee.

On the registration of any transfer the transferee, his executors, or administrators, shall be entitled to the full benefit of the original mortgage, and the principal and interest secured thereby; and any transferee may in like manner transfer his estate and interest in any such mortgage; and no person, except the last transferee, his executors or administrators, shall be entitled to release or discharge any such mortgage, or any money secured thereby.

If the clerk of the local authority wilfully neglects, or refuses to make in the register any entry by this section required to be made, he shall be liable to a penalty not exceeding twenty pounds.

239. If at the expiration of six months from the time when any principal money or interest has become due on any mortgage of rates made under this Act, and after demand in writing, the same is not paid, the mortgagee or other person entitled thereto may, without prejudice to any other mode of recovery, apply for the appointment of a receiver to a court of summary jurisdiction; and such court may, after hearing the parties, appoint in writing under their hands and seals some person to collect and receive the whole, or a competent part of the rates liable to the payment of the principal or interest in respect of which the application is made, until such principal or interest, or both, as the case may be, together with the costs of the application and of collection, are fully paid.

On such appointment being made all such rates, or such competent part thereof as aforesaid, shall be paid to the person appointed, and when so paid shall be so much money received by, or to the use of the mortgagee or mortgagees of such rates, and shall be rateably apportioned between them:

Provided that no such application shall be entertained unless the sum or sums due and owing to the applicant amount to one thousand pounds, or unless a joint application is made by two or more mortgagees or other persons to whom there may be due, after such lapse of time and demand as last aforesaid, moneys collectively amounting to that sum.

240. Where any person has advanced money for any expenses which by this Act are, or by the local authority may be declared to be private



improvement expenses, the local authority, on being satisfied by the report of their surveyor or otherwise that the money advanced by such person has been duly expended, may issue a grant in the form in Schedule IV. to this Act to such person of a yearly rent-charge issuable out of the premises in respect whereof such advance has been made, or out of such part thereof, to be specified in such grant, as the local authority may think proper and sufficient.

Such rent-charge shall be personal estate, and shall begin to accrue from the day of completion of the works on which the money advanced has been expended, and shall be payable by equal half-yearly payments during a term not exceeding thirty years, in such manner that the whole of the sum advanced, with the costs of preparing the said grant, together with interest thereon respectively, at a rate not exceeding six pounds per centum per annum on the sum from time to time remaining unpaid, shall be repaid at the end of the said term.

The provisions of this Act with respect to deduction from the rent of a proportion of private improvement rates, and with respect to redemption of private improvement rates, shall, *mutatis mutandis*, apply to rent-charges granted under this section.

241. Rent-charges issued in pursuance of this Act, and transfers thereof, shall be registered in the same manner respectively as mortgages and transfers are required to be registered under the provisions of this Act.

242. The Public Works Loan Commissioners may, if they see fit, on the application of any local authority, make any loan to such authority for any of the purposes of this Act on the security of any fund or rate applicable to any of the purposes of this Act, without requiring any further or other security.

243. The Public Works Loan Commissioners may, on the application of any local authority and on the recommendation of the Local Government Board, make any loan to such authority in pursuance of any powers of borrowing conferred by this Act, whether for works already executed or yet to be executed, on the security of any fund or rate applicable to any of the purposes of this Act, and without requiring any further or other security, such loan to be repaid within a period not exceeding fifty years, and to bear interest at the rate of three and a half per centum per annum, or such other rate as may, in the judgment of the Commissioners of the Treasury, be necessary, in order to enable the loan to be made without loss to the Exchequer :

Provided,—

- (1.) That in determining the time when a loan under this section shall be repayable, the Local Government Board shall have regard to the probable duration and continuing utility of the works in respect of which the same is required :
- (2.) That this section shall not extend to any loan required for the purpose of defraying expenses incurred by the Local Government Board in the performance of the duty of a defaulting local authority after the passing of the Public Health Act, 1872.

In the case of a loan made before the passing of the Public Health Act,



1872, to any local authority in pursuance of any powers conferred by the Sanitary Acts, the Public Works Loan Commissioners may reduce the interest payable thereon to the rate of not less than three and a half per centum per annum.

244. Joint boards and port sanitary authorities under this Act, and the local board of health of any main sewerage district, and any joint sewerage board constituted under any of the Sanitary Acts and existing at the time of the passing of this Act, shall, for the purposes of their constitution, have like powers of borrowing on the credit of any fund or rate applicable by them to purposes of this Act or on the credit of sewage land and plant as are by this Act conferred on local authorities, and in the exercise of those powers shall be subject to the like restrictions; and the Public Works Loan Commissioners may make any loan to any of the above-mentioned authorities which they may make to a local authority under this Act.

#### AUDIT.

##### *Audit of Accounts of Local Authorities.*

245. Accounts of the receipts and expenditure under this Act of every local authority shall be made up in such form and to such day in every year as the Local Government Board may appoint.

246. Where an urban authority are the council of a borough the accounts of the receipts and expenditure under this Act of such authority shall be audited and examined by the auditors of the borough, and shall be published in like manner and at the same time as the municipal accounts, and the auditors shall proceed in the audit after like notice and in like manner, shall have like powers and authorities, and perform like duties, as in the case of auditing the municipal accounts.

Each of such auditors shall in respect of each audit be paid such reasonable remuneration, not being less than two guineas for every day in which they are employed in such audit, as such authority from time to time appoint. Any order of such authority for the payment of any money may be removed by certiorari, and like proceedings may be had thereon as under section forty-four of the Act of the first year of her Majesty, chapter seventy-eight, with respect to orders of the council of a borough for payments out of the borough fund.

247. Where an urban authority are not the council of a borough the following regulations with respect to audit shall be observed; (namely,)

- (1.) The accounts of the receipts and expenditure under this Act of such authority shall be audited and examined once in every year, as soon as can be after the twenty-fifth day of March, by the auditor of accounts relating to the relief of the poor for the union in which the district of such authority or the greater part thereof is situate, unless such auditor is a member of the authority whose accounts he is appointed to audit, in which case such accounts shall be audited by such auditor of any adjoining union as may from time to time be appointed by the Local Government Board:
- (2.) There shall be paid to such auditor in respect of each audit under



this Act, such reasonable remuneration, not being less than two guineas for every day in which he is employed in such audit, as such authority from time to time appoint, together with his expenses of travelling to and from the place of audit :

- (3.) Before each audit such authority shall, after receiving from the auditor the requisite appointment, give at least fourteen days' notice of the time and place at which the same will be made, and of the deposit of accounts required by this section, by advertisement in some one or more of the local newspapers circulated in the district ; and the production of the newspaper containing such notice shall be deemed to be sufficient proof of such notice on any proceeding whatsoever :
- (4.) A copy of the accounts duly made up and balanced, together with all rate-books, account-books, deeds, contracts, accounts, vouchers, and receipts mentioned or referred to in such accounts, shall be deposited in the office of such authority, and be open, during office hours thereat, to the inspection of all persons interested for seven clear days before the audit, and all such persons shall be at liberty to take copies of or extracts from the same, without fee or reward ; and any officer of such authority duly appointed in that behalf neglecting to make up such accounts and books, or altering such accounts and books, or allowing them to be altered when so made up, or refusing to allow inspection thereof, shall be liable to a penalty not exceeding five pounds :
- (5.) For the purpose of any audit under this Act, every auditor may, by summons in writing, require the production before him of all books, deeds, contracts, accounts, vouchers, receipts and other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, receipts, documents, or papers to appear before him at any such audit or any adjournment thereof, and to make and sign a declaration as to the correctness of the same ; and if any such person neglects or refuses so to do, or to produce any such books, deeds, contracts, accounts, vouchers, receipts, documents, or papers, or to make or sign such declaration, he shall incur for every neglect or refusal a penalty not exceeding forty shillings ; and if he falsely or corruptly makes or signs any such declaration, knowing the same to be untrue in any material particular, he shall be liable to the penalties inflicted on persons guilty of wilful and corrupt perjury :
- (6.) Any ratepayer or owner of property in the district may be present at the audit, and may make any objection to such accounts before the auditor ; and such ratepayers and owners shall have the same right of appeal against allowances by an auditor as they have by law against disallowances :
- (7.) Any auditor acting in pursuance of this section shall disallow every item of account contrary to law, and surcharge the same on the person making or authorizing the making of the illegal payment, and shall charge against any person accounting the amount of any defi-



ciency or loss incurred by the negligence or misconduct of that person, or of any sum which ought to have been but is not brought into account by that person, and shall in every such case certify the amount due from such person, and on application by any party aggrieved shall state in writing the reasons for his decision in respect of such disallowance or surcharge, and also of any allowance which he may have made :

- (8.) Any person aggrieved by disallowance made may apply to the Court of Queen's Bench for a writ of certiorari to remove the disallowance into the said court, in the same manner and subject to the same conditions as are provided in the case of disallowances by auditors under the laws for the time being in force with regard to the relief of the poor ; and the said court shall have the same powers with respect to allowances, disallowances, and surcharges under this Act as it has with respect to disallowances or allowances by the said auditors ; or in lieu of such application any person so aggrieved may appeal to the Local Government Board, which Board shall have the same powers in the case of the appeal as it possesses in the case of appeals against allowances, disallowances, and surcharges by the said poor law auditors :
- (9.) Every sum certified to be due from any person by an auditor under this Act shall be paid by such person to the treasurer of such authority within fourteen days after the same has been so certified, unless there is an appeal against the decision ; and if such sum is not so paid, and there is no such appeal, the auditor shall recover the same from the person against whom the same has been certified to be due by the like process and with the like powers as in the case of sums certified on the audit of the poor rate accounts, and shall be paid by such authority all such costs and expenses, including a reasonable compensation for loss of time incurred by him in such proceedings, as are not recovered by him from such person :
- (10.) Within fourteen days after the completion of the audit, the auditor shall report on the accounts audited and examined, and shall deliver such report to the clerk of such authority, who shall cause the same to be deposited in their office, and shall publish an abstract of such accounts in some one or more of the local newspapers circulated in the district.

Where the provisions as to audit of any local Act constituting a board of improvement commissioners are repugnant to or inconsistent with those of this Act, the audit of the accounts of such improvement commissioners shall be conducted in all respects in accordance with the provisions of this Act.

248. The accounts under this Act of every rural authority shall be audited by the same persons and in every respect in the same manner as the accounts of guardians are audited under the Acts for the relief of the poor for the time being in force.

The accounts of the overseers collecting or paying any money for the purposes of this Act shall be audited in the same manner as the accounts of



overseers collecting or paying any money for the purposes of the Acts relating to the relief of the poor for the time being in force.

An auditor shall, with respect to the accounts audited under this section, have the like powers and be subject to the like obligations in every respect as in the case of an audit under the Acts relating to the relief of the poor, and any person aggrieved by the decision of the auditor shall have the like rights and remedies as in the case of such last-mentioned audit.

249. On the application of any local authority whose accounts are required by this Act to be audited to the clerk of the peace of the county in which the district of such authority is wholly or in part situated, the said clerk or his deputy shall tax any bill due to any solicitor or attorney in respect of legal business performed on behalf of such authority ; and the allowance of any sum on such taxation shall be *primâ facie* evidence of the reasonableness of the amount, but not of the legality of the charge.

The clerk of the peace shall be allowed for such taxation a remuneration after the rate to be fixed by the master of the Crown Office, and declared by an order of the Local Government Board.

If any such bill is not taxed by the clerk of the peace or some other duly authorized taxing officer before being presented to the auditors or auditor, the decision of the auditors or auditor upon the reasonableness and the legality of the charge shall be final.

250. The accounts under this Act of officers or assistants of any local authority who are required to receive moneys or goods on behalf of such authority shall be audited by the auditors or auditor of the accounts of such authority, with the same powers, incidents, and consequences as in the case of such last-mentioned accounts.

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## PART VII.

### LEGAL PROCEEDINGS.

#### *Prosecution of Offences and Recovery of Penalties, &c.*

251. All offences under this Act, and all penalties, forfeitures, costs, and expenses under this Act directed to be recovered in a summary manner, or the recovery of which is not otherwise provided for, may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts before a court of summary jurisdiction. The court of summary jurisdiction, when hearing and determining an information or complaint under this Act, shall be constituted of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions, or of some magistrate or officer for the time being empowered by law to do alone any act authorized to be done by more than one justice of the peace sitting at some court or other place appointed for the administration of justice.

252. Any complaint or information made or laid in pursuance of this Act shall be made or laid within six months from the time when the matter of such complaint or information respectively arose.

The description of any offence under this Act in the words of this Act shall be sufficient in law.



Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information; and, if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant.

253. Proceedings for the recovery of any penalty under this Act shall not, except as in this Act is expressly provided, be had or taken by any person other than by a party aggrieved, or by the local authority of the district in which the offence is committed, without the consent in writing of the Attorney-General: Provided that such consent shall not be required to proceedings which are by the provisions of this Act relating to nuisances or offensive trades authorized to be taken by a local authority in respect of any act or default committed or taking place without their district, or in respect of any house, building, manufactory, or place situated without their district.

254. Where the application of a penalty under this Act is not otherwise provided for, one half thereof shall go to the informer, and the remainder to the local authority of the district in which the offence was committed: Provided, that if the local authority are the informer they shall be entitled to the whole of the penalty recovered; and all penalties or sums recovered by them on account of any penalty, shall be paid over to their treasurer, and shall by him be carried to the account of the fund applicable by such authority to the general purposes of this Act.

255. Where any nuisance under this Act appears to be wholly or partially caused by the acts or defaults of two or more persons, it shall be lawful for the local authority or other complainant to institute proceedings against any one of such persons, or to include all or any two or more of such persons in one proceeding; and any one or more of such persons may be ordered to abate such nuisance, so far as the same appears to the court having cognizance of the case to be caused by his or their acts or defaults, or may be prohibited from continuing any acts or defaults which, in the opinion of such court, contribute to such nuisance, or may be fined or otherwise punished, notwithstanding that the acts or defaults of any one of such persons would not separately have caused a nuisance; and the costs may be distributed as to such court may appear fair and reasonable.

Proceedings against several persons included in one complaint shall not abate by reason of the death of any among the persons so included, but all such proceedings may be carried on as if the deceased person had not been originally so included.

Whenever in any proceeding under the provisions of this Act relating to nuisances, whether written or otherwise, it becomes necessary to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the "owner" or "occupier" of such premises, without name or further description.

Nothing in this section shall prevent persons proceeded against from recovering contribution in any case in which they would now be entitled to contribution by law.

256. If any person assessed to any rate made under this Act by any urban



authority, fails to pay the same when due, and for the space of fourteen days after the same has been lawfully demanded in writing, or if any person quits or is about to quit any premises without payment of any such rate then due from him in respect of such premises, and refuses to pay the same after lawful demand thereof in writing, any justice may summon the defaulter to appear before a court of summary jurisdiction to show cause why the rate in arrear should not be paid; and if the defaulter fails to appear, or if no sufficient cause for non-payment is shown, the court may make an order for payment of the same, and, in default of compliance with such order, may by warrant cause the same to be levied by distress of the goods and chattels of the defaulter.

The cost of the levy of arrears of any rate may be included in the warrant for such levy.

257. Where any local authority have incurred expenses for the repayment whereof the owner of the premises for or in respect of which the same are incurred is made liable under this Act or by any agreement with the local authority, such expenses may be recovered, together with interest at a rate not exceeding five pounds per centum per annum, from the date of service of a demand for the same till payment thereof, from any person who is the owner of such premises when the works are completed for which such expenses have been incurred, and until recovery of such expenses and interest the same shall be a charge on the premises in respect of which they were incurred. In all summary proceedings by a local authority for the recovery of expenses incurred by them in works of private improvement, the time within which such proceedings may be taken shall be reckoned from the date of the service of notice of demand.

Where such expenses have been settled and apportioned by the surveyor of the local authority as payable by such owner, such apportionment shall be binding and conclusive on such owner, unless within three months from service of notice on him by the local authority or their surveyor of the amount settled by the surveyor to be due from such owner, he shall by written notice dispute the same.

The local authority may, by order, declare any such expenses to be payable by annual instalments within a period not exceeding thirty years, with interest at a rate not exceeding five pounds per centum per annum, until the whole amount is paid; and any such instalments and interest, or any part thereof, may be recovered in a summary manner from the owner or occupier for the time being of such premises, and may be deducted from the rent of such premises, in the same proportions as are allowed in the case of private improvement rates under this Act.

258. No justice of the peace shall be deemed incapable of acting in cases arising under this Act by reason of his being a member of any local authority, or by reason of his being as one of several ratepayers, or as one of any other class of persons liable in common with the others to contribute to, or to be benefited by any rate or fund, out of which any expenses incurred by such authority are under this Act to be defrayed.

259. Any local authority may appear before any court, or in any legal proceeding by their clerk, or by any officer or member authorized generally or



in respect of any special proceeding by resolution of such authority, and their clerk, or any officer or member so authorized shall be at liberty to institute and carry on any proceeding which the local authority is authorized to institute and carry on under this Act.

260. In any proceeding instituted by or against a local authority under this Act, it shall not be necessary for the plaintiff to prove the corporate name of the local authority or the constitution or limits of their district: Provided that this section shall not abridge or prejudice the right of any defendant to take or avail himself of any objection which he might have taken or availed himself of if this Act had not been passed.

261. Proceedings for the recovery of demands below fifty pounds, which local authorities are empowered to recover in a summary manner, may, at the option of the local authority, be taken in the county court as if such demands were debts within the cognizance of such courts.

262. No rate, order, conviction, or thing made or done or relating to the execution of this Act shall be vacated, quashed, or set aside for want of form, or (unless otherwise expressly provided by this Act) be removed or removable by certiorari or any other writ or process whatsoever into any of the superior courts: Provided that nothing in this section shall prevent the removal of any case stated for the opinion of a superior court, or of any rate, order, conviction, or thing to which such special case relates.

263. Any person who, on any examination on oath, under any of the provisions of this Act, wilfully and corruptly gives false evidence, shall be liable to the penalties inflicted on persons guilty of wilful and corrupt perjury.

264. A writ or process shall not be sued out against or served on any local authority, or any member thereof, or any officer of a local authority, or person acting in his aid, for anything done or intended to be done or omitted to be done under the provisions of this Act, until the expiration of one month after notice in writing has been served on such local authority, member, officer, or person, clearly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause; and on the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the notice so served; and unless such notice is proved the jury shall find for the defendant.

Every such action shall be commenced within six months next after the accruing of the cause of action, and not afterwards, and shall be tried in the county or place where the cause of action occurred, and not elsewhere.

Any person to whom any such notice of action is given as aforesaid may tender amends to the plaintiff, his attorney, or agent, at any time within one month after service of such notice, and, in case the same be not accepted, may plead such tender in bar; and in case amends have not been tendered as aforesaid, or in case the amends tendered are insufficient, the defendant may, by leave of the court, at any time before trial, pay into court under plea such sum of money as he may think proper; and if upon issue joined, or upon any plea pleaded for the whole action, the jury find generally for the defendant, or if the plaintiff be nonsuited or judgment be given



for the defendant, then the defendant shall be entitled to full costs of suit, and have judgment accordingly.

265. No matter or thing done, and no contract entered into by any local authority or joint board or port sanitary authority, and no matter or thing done by any member of any such authority or by any officer of such authority or other person whomsoever acting under the direction of such authority, shall, if the matter or thing were done or the contract were entered into *bonâ fide* for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim or demand whatsoever; and any expense incurred by any such authority, member, officer, or other person acting as last aforesaid shall be borne and repaid out of the fund or rate applicable by such authority to the general purposes of this Act.

Provided that nothing in this section shall exempt any member of any such authority from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of such authority, and which such member authorized or joined in authorizing.

#### *Notices.*

266. Notices, orders, and other such documents 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 local authority the signature thereof by the clerk to the local authority or their surveyor or inspector of nuisances shall be sufficient authentication.

267. Notices, orders, and any other documents required or authorized to be served under this Act may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or where addressed to the owner or occupier of premises by delivering the same or a true copy thereof to some person on the premises, or if there is no person on the premises who can be so served by fixing the same on some conspicuous part of the premises; they may also be served by post by a prepaid letter, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice, order, or other document was properly addressed and put into the post.

Any notice by this Act required to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given, without further name or description.

#### *Appeal.*

268. Where any person deems himself aggrieved by the decision of the local authority in any case in which the local authority are empowered to recover in a summary manner any expenses incurred by them, or to declare such expenses to be private improvement expenses, he may, within twenty-



one days after notice of such decision, address a memorial to the Local Government Board, stating the grounds of his complaint, and shall deliver a copy thereof to the local authority; the Local Government Board may make such order in the matter as to the said Board may seem equitable, and the order so made shall be binding and conclusive on all parties.

Any proceedings that may have been commenced for the recovery of such expenses by the local authority shall, on the delivery to them of such copy as aforesaid, be stayed; and the Local Government Board may, if it thinks fit, by its order, direct the local authority to pay to the person so proceeded against such sum as the said Board may consider to be a just compensation for the loss, damage or grievance thereby sustained by him.

269. Where any person deems himself aggrieved by any rate made under the provisions of this Act, or by any order, conviction, judgment, or determination of or by any matter or thing done by any court of summary jurisdiction, such person may appeal therefrom, subject to the conditions and regulations following:

- (1.) The appeal shall be made to the next court of quarter sessions for the county division or place in which the cause of appeal has arisen, holden not less than twenty-one days after the demand of the rate or the decision of the court from which the appeal is made:
- (2.) The appellant shall, within fourteen days after the cause of appeal has arisen, give notice to the other party and to the authority or court of summary jurisdiction by whose act he deems himself aggrieved, of his intention to appeal, and of the ground thereof:
- (3.) The appellant shall, immediately after such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security by deposit of money or otherwise as the justice may allow:
- (4.) Where the appellant is in custody the justice may, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody:
- (5.) On appeals under this Act against any rate the court of appeal shall have the same power to amend or quash any rate or assessment, and to award costs between the parties to the appeal, as is or may by law be vested in any court of quarter sessions with respect to amending or quashing any rate or assessment, or awarding costs, on appeals with respect to rates for the relief of the poor; and the costs awarded by the said court under this Act may be recovered in the same manner in all respects as costs awarded on the last-mentioned appeals: Provided that, notwithstanding the quashing of any rate appealed against, all moneys charged by such rate shall, if the court of appeal think fit so to order, be levied as if no appeal had been made, and such moneys, when paid, shall be taken as payment on account of the next effective rate for the purposes in respect of which the quashed rate was made:



- (6.) In the case of other appeals the court of appeal may if it thinks fit adjourn the appeal, and on the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just :
- (7.) The decision of the court of appeal shall be binding on all parties : Provided that the court of appeal may, if such court thinks fit, state the facts specially for the determination of a superior court.

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## PART VIII.

### ALTERATION OF AREAS AND UNION OF DISTRICTS.

#### *Alteration of Areas.*

270. The following enactments shall be made as to alteration of areas :
- (1.) The Local Government Board, by provisional order, may dissolve any local government district, and may merge any such district in some other urban or rural district or districts ; or it may by provisional order declare the whole or any portion of a local government or a rural district immediately adjoining a local government district to be included in such last-mentioned district ; or it may by provisional order declare any portion of a local government district immediately adjoining a rural district to be included in such rural district ; and thereupon the included area shall, for the purposes of this Act, be deemed to form part of the district in which it is included by such order ; and the remaining part (if any) of the local government district or rural district affected by such order shall continue subject to the like jurisdiction as it would have been subject to if such order had not been made unless and until the Local Government Board by provisional order otherwise directs :
  - (2.) In the case of a borough comprising within its area the whole of an improvement Act district, or having an area co-extensive with such district, the Local Government Board by provisional order may dissolve such district and transfer to the council of the borough all or any of the jurisdiction and powers of the improvement commissioners of such district remaining vested in them at the time of the passing of this Act :
  - (3.) The Local Government Board may by order dissolve any special drainage district constituted either before or after the passing of this Act in which a loan for the execution of works has not been raised, and merge it in the parish or parishes in which it is situated, and



the Local Government Board may by provisional order dissolve any such district in which a loan has been raised for the execution of works, and merge it in the parish or parishes in which it is situated.

271. The Local Government Board may, by provisional order, declare any rural district, or any portion of any rural district or districts, to be a local government district; and from and after the commencement of the order, the district or portion of the district or districts therein referred to shall become a local government district, and shall be subject to the jurisdiction of a local board, to be elected in manner provided by Schedule II. to this Act.

The Local Government Board may, by any order constituting a local government district under this section, divide such district into wards for the election of members of the local board.

272. The owners and ratepayers of any place situated in any rural district or districts, and having a known and defined boundary, may, by a resolution passed in manner provided by Schedule III. to this Act, declare that it is expedient that such place should be constituted a local government district; and the Local Government Board may, if it thinks fit, by order made not less than six weeks after the receipt of a copy of such resolution by the said Board, declare such place to be a local government district, and from and after the commencement of such order such place shall become a local government district, and be subject to the jurisdiction of a local board to be elected in manner provided by Schedule II. to this Act.

A petition may be presented to the Local Government Board from any place so situated as aforesaid, and not having a known and defined boundary, to settle its boundary for the purposes of this Act; the petition shall state the proposed boundaries of the place, shall be signed by one-tenth of the persons rated to the relief of the poor and resident within such boundaries, and shall be supported by such evidence as the Local Government Board may require. The Local Government Board may, after local inquiry as to the genuineness of the petition, and as to the propriety of the proposed boundaries, either dismiss the petition altogether or make order as to the boundaries of the place, and may also make order as to the costs of the proceedings in relation thereto, and the persons by whom such costs are to be borne.

Any place the boundaries of which have been settled in pursuance of the foregoing provisions shall thenceforth, for the purposes of this Act, be deemed to be a place with a known and defined boundary.

273. Where not less than one-twentieth of the owners and ratepayers of any place (such twentieth to be one twentieth in number of the owners and ratepayers of the place taken together, or the owners and ratepayers in respect of one twentieth of the rateable property in the place,) in which a resolution has been passed declaring that it is expedient that such place should be constituted a local government district, are desirous that such district should not be constituted, or that any part of such place should be excluded therefrom, they may present a petition to the Local Government



Board objecting to such resolution, and specifying the grounds of their objection.

Such petition shall be subscribed by the owners and ratepayers presenting the same, and shall be presented within six weeks from the date of the passing of the resolution objected to, and shall, where the exclusion of part of the place is prayed for, state the part of the place proposed to be excluded, accompanied with an explanatory plan.

The Local Government Board may after local inquiry make order with respect to the matter in question, and such order shall be binding on the place in respect of which it is made.

274. Any owner or ratepayer who disputes the validity of the vote for the adoption of the resolution may appeal, within six weeks from the declaration of the decision of the meeting, to the Local Government Board, setting forth the grounds on which he disputes the validity of the vote; and the Local Government Board may, on such appeal, after local inquiry, make such order as to the said Board seems fit as to the validity or invalidity of the vote, and any other questions arising on the appeal.

But no objection shall be made, at any trial or in any legal proceeding, to the validity of the vote for the adoption of the resolution, or to any order made in pursuance thereof, or to any proceedings on which such order was founded, unless the objector gives fourteen days' notice to the other parties interested in such trial or proceeding of his intention to make the same, specifying fully the nature of the objection to be made; and no objection whatever in respect of the matters mentioned in this section shall be admissible at any trial or in any legal proceeding after the expiration of six months from the date of the constitution of the district.

275. Every order made by the Local Government Board under this part of this Act shall specify a day on which such order shall come into operation (in this Act referred to as the commencement of the order); and from and after the commencement of the order all the powers, rights, duties, capacities, liabilities, obligations and property which under this Act are exercisable by, or attaching to, or vested in the local authority having, under this Act, jurisdiction in any district or part of a district which is by such order included in some other district, shall (so far as the same relate to the district or part of a district so included) pass to and vest in the local authority of such other district: Provided that in the case of the constitution of a new local government district, all the powers, rights, duties, capacities, liabilities, obligations and property which under this Act are exercisable by or attaching to or vested in any local authority or authorities having, under this Act, jurisdiction in the area so constituted a local government district, shall continue to be exercisable by attached to and vested in such authority or authorities, until the day of the first meeting of the local board for the district so constituted.

Any order made in pursuance of this part of this Act may, if necessary, provide for the settlement of any differences, or the adjustment of any accounts or apportionment of any liabilities arising between districts, parishes, or other places in consequence of the exercise of any powers conferred by this part of this Act, and may direct the persons by whom,



and to whom any moneys found to be due are to be paid, and the mode of raising such moneys; and where any local government district is diminished or increased in extent under this part of this Act, the order shall prescribe the number of members to be elected for the district when altered.

The Local Government Board may include in the same order provisions for the dissolution of one district, and for the inclusion of the whole, or any part of such district in any other district or districts.

276. The Local Government Board may, on the application of the authority of any rural district, or of persons rated to the relief of the poor, the assessment of whose hereditaments amounts at the least to one-tenth of the net rateable value of such district, or of any contributory place therein, by order to be published in the *London Gazette*, or in such other manner as the Local Government Board may direct, declare any provisions of this Act in force in urban districts to be in force in such rural district or contributory place, and may invest such authority with all or any of the powers, rights, duties, capacities, liabilities, and obligations of an urban authority under this Act, and such investment may be made either unconditionally, or subject to any conditions to be specified by the Board as to the time, portion of the district, or manner during, at, and in which such powers, rights, duties, liabilities, capacities, and obligations are to be exercised and attach: Provided that an order of the Local Government Board made on the application of one-tenth of the persons rated to the relief of the poor in any contributory place shall not invest the rural authority with any new powers beyond the limits of such contributory place.

277. It shall be lawful for a rural authority, by resolution, to be approved by the Local Government Board, but not otherwise, to constitute any portion of the area within their jurisdiction a special drainage district, for the purpose of charging thereon exclusively the expenses of works of sewerage, water supply, or of other works, which by this Act are, or by order of the Local Government Board may be declared to be special expenses, and thereupon such area shall become a separate contributory place.

278. On the application of any urban authority (being a local board or improvement commissioners), the Local Government Board may, by order after local inquiry, settle any dispute as to the boundaries of the district of such authority; such order shall be published in some local newspaper circulating in the district to which it relates, and from and after its commencement shall be conclusive on the question determined by it.

#### *Union of Districts.*

279. Where, on the application of the local authorities of any urban or rural districts, or of any of such authorities, it appears to the Local Government Board that it would be for the advantage of such districts, or any of them, or any parts thereof, or of any contributory places in any rural



district or districts, to be formed into a united district for all, or any of the purposes following ; (that is to say,)

- (1.) The procuring a common supply of water ; or
- (2.) The making a main sewer, or carrying into effect a system of sewerage for the use of all such districts or contributory places ; or
- (3.) For any other purposes of this Act ;

the Local Government Board may, by provisional order, form such districts or contributory places into a united district.

All costs, charges, and expenses of, and incidental to the formation of a united district, shall, in the event of the united district being formed, be a first charge on the rates leviable in the united district in pursuance of this Act.

280. The governing body of a united district shall be a joint board consisting of such ex-officio members and of such number of elective members as the Local Government Board may, by the provisional order forming the district, determine.

A joint board shall be a body corporate by such name as may be determined by the provisional order, having a perpetual succession and a common seal, with power to hold lands for the purposes of its constitution, without any license in mortmain.

281. The provisional order forming a united district under this Act shall define the purposes for which such united district is formed, and the powers, rights, duties, capacities, liabilities and obligations under this Act which the joint board is authorized to exercise or perform, or is made subject to, and shall contain regulations as to the qualification and mode of election of elective members of the joint board, as to their continuance in office, as to casual vacancies in the joint board, as to their meetings and officers, and any other matter or thing, including the adjustment of present and future liabilities and property with respect to which the Local Government Board may think fit to make any regulations for the better carrying into effect the provisions of this Act with respect to united districts.

Upon the constitution of a joint board the local authorities, having jurisdiction in the component districts or contributory places, shall cease to exercise therein any powers, or to perform any duties, or to be subject to any liabilities or obligations, which the joint board is authorized to exercise or perform, or is made subject to ; nevertheless, the joint board may delegate to the local authority of any component district the exercise of any of its powers, or the performance of any of its duties.

282. Meetings of any joint board shall be held, and the proceedings thereat shall be conducted (so far as such meetings and proceedings are not regulated by the order forming the joint board) in accordance with the rules as to meetings and proceedings contained in Schedule I. to this Act.

283. Any expenses incurred by a joint board in pursuance of this Act, unless otherwise determined by the provisional order, shall be defrayed out of a common fund, to be contributed by the component districts or



contributory places in proportion to the rateable value of the property in each district or contributory place, such value to be ascertained according to the valuation list in force for the time being.

284. For the purpose of obtaining payment from component districts of the sums to be contributed by them, the joint board shall issue their precept to the local authority of each component district, stating the sum to be contributed by such authority, and requiring such authority, within a time limited by the precept, to pay the sums therein mentioned to the joint board, or to such person as the joint board may direct.

Any sum mentioned in a precept addressed by a joint board to a local authority as aforesaid shall be a debt due from that authority, and may be recovered accordingly, such contribution in the case of a rural authority being deemed to be general expenses.

If any local authority makes default in complying with the precept addressed to it, the joint board may, instead of instituting proceedings for the recovery of a debt, or in addition to such proceedings as to any part of a debt which may, for the time being, be unpaid, proceed in a summary manner, as in this Act mentioned, to raise within the district of the defaulting authority such sum as may be sufficient to pay the sum due.

For the purpose of obtaining payment from contributory places of the sums to be contributed by them, the joint board shall have the same powers of issuing precepts, and of recovering the amounts named therein, as if such contributory places formed a rural district, and the joint board were the authority thereof.

285. Any local authority may, with the consent of the local authority of any adjoining district, execute and do in such adjoining district, all, or any of such works and things as they may execute and do within their own district, and on such terms as to payment or otherwise, as may be agreed on between them and the local authority of the adjoining district; moreover, two or more local authorities may combine together for the purpose of executing and maintaining any works that may be for the benefit of their respective districts, or any part thereof. All moneys which any local authority may agree to contribute for defraying expenses incurred under this section shall be deemed to be expenses incurred by them in the execution of works within their district.

286. Where it appears to the Local Government Board, on any representation made to it, that the appointment of a medical officer of health for two or more districts situated wholly or partially in the same county would diminish expense, or otherwise be for the advantage of such districts, the Local Government Board may, by order, unite such districts for the purpose of appointing a medical officer of health, and may make regulations as to the mode of his appointment and removal by representatives of the authorities of the constituent districts, and as to the meetings from time to time of such representatives, and the proportion in which the expenses of the appointment, and of the salary and expenses of such officer are to be borne by such authorities, and as to any other matters (including the necessary expenses of such representatives) which, in the opinion of



the said Board, require regulation for the purposes of this section ; and no other medical officer of health shall be appointed for any constituent district, except as an assistant to the officer appointed for the united districts :

Provided that no urban district containing a population of twenty-five thousand and upwards, or (in the case of a borough) having a separate court of quarter sessions, shall be included in any union of districts formed under this section without the consent of the local authority of such district or borough.

Not less than twenty-eight days' notice that it is proposed to make an order under this section shall be given by the Local Government Board to the local authority of any district proposed to be included in the union, and if within twenty-one days after such notice has been given to any such authority they give notice to the Local Government Board that they object to the proposal, the Local Government Board may include their district in the union by a provisional order, but not otherwise.

There may be assigned by the Local Government Board to the district medical officer of any union comprising, or coincident with any constituent district, such duties in rendering local assistance to the medical officer of health appointed for the united districts as the said Board may think fit ; and such district medical officer shall receive, in respect of any duties so assigned to him, such additional remuneration to be paid by the local authority or authorities of the district or districts within which his duties under this section are performed as those authorities may, with the approval of the Local Government Board, determine.

#### PORT SANITARY AUTHORITY.

287. The Local Government Board may, by provisional order, permanently constitute any local authority whose district, or part of whose district forms part of, or abuts on any part of a port in England, or the waters of such port, or any conservators, commissioners, or other persons having authority in, or over such port, or any part thereof (which local authority, conservators, commissioners, or other persons, are, in this Act, referred to as a "riparian authority,") the sanitary authority of the whole of such port, or of any part thereof (in this Act referred to as the "port sanitary authority").

The Local Government Board may, also by provisional order, permanently constitute a port sanitary authority for the whole, or any part of a port, by combining any two or more riparian authorities having jurisdiction within such port, or any part thereof, and may prescribe the mode of their joint action ; or by forming a joint board consisting of representative members of any two or more riparian authorities, in the same manner as is by this Act provided with respect to the formation of a united district. Moreover, the Local Government Board may, by provisional order, permanently constitute a port sanitary authority for any two or more ports, by forming a joint board consisting of representative members of all, or any of the riparian authorities having jurisdiction within such ports, or any part thereof.



In any case, in which the Local Government Board are by this section authorized permanently to constitute, by provisional order, a port sanitary authority, the said Board may, if it thinks fit, until such order has been made and confirmed by Parliament, temporarily constitute by order any such authority, and may from time to time renew any such last-mentioned order, and may by any order so made or renewed, make any such provisions as it is by this section empowered to make by provisional order.

Any order constituting a port sanitary authority may assign to such authority any powers, rights, duties, capacities, liabilities and obligations under this Act, and direct the mode in which the expenses of such authority are to be paid; and where such order constitutes a joint board the port sanitary authority, it may contain regulations with respect to any matters for which regulations may be made by a provisional order forming a united district under this Act.

A port shall mean a port as established for the purposes of the laws relating to the customs of the United Kingdom.

288. The order of the Local Government Board constituting a port sanitary authority shall be deemed to give such authority jurisdiction over all waters within the limits of such port, and also over the whole or such portions of the district within the jurisdiction of any riparian authority as may be specified in the order.

289. A port sanitary authority may, with the sanction of the Local Government Board, delegate to any riparian authority within, or bordering on their district, the exercise of any powers conferred on such port sanitary authority by the order of the Local Government Board, but, except in so far as such delegation may extend, no other authority shall exercise any powers conferred on a port sanitary authority by the order of the Local Government Board within the district of such port sanitary authority.

290. Any expenses incurred by a port sanitary authority constituted temporarily in carrying into effect any purposes of this Act shall be defrayed out of a common fund to be contributed by the riparian authorities in such proportions as the Local Government Board thinks just.

Such port sanitary authority, if itself a local authority under this Act independently of its character of a port sanitary authority, shall raise the proportion of expenses due in respect of its own district in the same manner as if such expenses had been incurred by it in the ordinary manner for the purposes of this Act.

For the purpose of obtaining payment from the contributory riparian authorities of the sums to be contributed by them, such port sanitary authority shall issue their precept to each such authority, requiring such authority, within a time limited by the precept, to pay the amount therein mentioned to such port sanitary authority, or to such person as such port sanitary authority may direct.

Any contribution payable by a riparian authority to such port sanitary authority shall be a debt due from them, and may be recovered accordingly, such contribution in the case of a rural authority being deemed general expenses of that authority. If any riparian authority makes default in com-



plying with the precept addressed to it by such port sanitary authority, such port sanitary authority may, instead of instituting proceedings for the recovery of the debt, or in addition to such proceedings, as to any part of the debt which may for the time being be unpaid, proceed in the summary manner in this Act mentioned to raise within the district of the defaulting authority such sum as may be sufficient to pay the debt due.

Where several riparian authorities are combined in the district of one port sanitary authority, the Local Government Board may by order declare that some one or more of such authorities shall be exempt from contributing to the expenses incurred by such authorities.

291. The mayor, aldermen, and commons of the City of London shall be the port sanitary authority of the port of London, and shall pay out of their corporate funds all their expenses as such port sanitary authority.

292. Where any port sanitary authority, joint board, or other authority are authorized, in pursuance of this Act, to proceed in a summary manner to raise within the district of a defaulting authority such sum as may be sufficient to pay any debt due to them, the authority so authorized for the purpose of raising such sum shall, within the district of the defaulting authority, have, so far as relates to the raising such sum, the same powers as if they were the defaulting authority, and as if such sum were expenses properly incurred by the defaulting authority within the district of such authority.

Where the defaulting authority have power to raise any moneys due for their expenses by levy of a rate from individual ratepayers, the authority so authorized as aforesaid shall have power to levy such a rate by any officer appointed by them, and the officer so appointed shall have the same powers, and the rate shall be levied in the same manner and be subject to the same incidents in all respects as if it were being levied by the officer of the defaulting authority for the payment of the expenses of that authority; and where the defaulting authority have power to raise moneys due for their expenses by issuing precepts, or otherwise requiring payments from any other authorities, the authority so authorized as aforesaid shall have the same power as the defaulting authority would have of issuing precepts, or otherwise requiring payment from such other authorities.

Any precepts issued by the authority so authorized as aforesaid for raising the sum due to them may be enforced in the same manner in all respects as if they had been issued by the defaulting authority.

The authority so authorized as aforesaid may, in making an estimate of the sum to be raised for the purpose of paying the debt due to them, add such sums as they think sufficient, not exceeding ten per cent. on the debt due, and may defray thereout all costs, charges, and expenses (including compensation to any persons they may employ) to be incurred by such authority by reason of the default of the defaulting authority; and the authority so authorized as aforesaid shall apply all moneys raised by them in payment of the debt due to them, and such costs, charges, and expenses as aforesaid, and shall render the balance, if any, remaining in their hands after such application to the defaulting authority.

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## PART IX.

## LOCAL GOVERNMENT BOARD.

*Inquiries by Board.*

293. The Local Government Board may from time to time cause to be made such inquiries as are directed by this Act, and such inquiries as they see fit in relation to any matters concerning the public health in any place, or any matters with respect to which their sanction, approval, or consent is required by this Act.

294. The Local Government Board may make orders as to the costs of inquiries or proceedings instituted by, or of appeals to the said Board under this Act, and as to the parties by whom or the rates out of which such costs shall be borne ; and every such order may be made a rule of one of the superior courts of law on the application of any person named therein.

295. All orders made by the Local Government Board in pursuance of this Act shall be binding and conclusive in respect of the matters to which they refer, and shall be published in such manner as that Board may direct.

296. Inspectors of the Local Government Board shall, for the purposes of any inquiry directed by the Board, have in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those which poor law inspectors have under the Acts relating to the relief of the poor for the purposes of those Acts.

*Provisional Orders by Board.*

297. With respect to provisional orders authorized to be made by the Local Government Board under this Act, the following enactments shall be made :—

- (1.) The Local Government Board shall not make any provisional order under this Act unless public notice of the purport of the proposed order has been previously given by advertisement in two successive weeks in some local newspaper circulating in the district to which such provisional order relates :
- (2.) Before making any such provisional order, the Local Government Board shall consider any objections which may be made thereto by any persons affected thereby, and in cases where the subject matter is one to which a local inquiry is applicable, shall cause to be made a local inquiry, of which public notice shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections :
- (3.) The Local Government Board may submit to Parliament for confirmation any provisional order made by it in pursuance of this Act, but any such order shall be of no force whatever unless and until it is confirmed by Parliament :
- (4.) If while the Bill confirming any such order is pending in either House of Parliament, a petition is presented against any order comprised therein, the Bill, so far as it relates to such order, may be



referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private bills :

- (5.) Any Act confirming any provisional order made in pursuance of any of the Sanitary Acts or of this Act, and any Order in Council made in pursuance of any of the Sanitary Acts, may be repealed, altered, or amended by any provisional order made by the Local Government Board and confirmed by Parliament :
- (6.) The Local Government Board may revoke, either wholly or partially, any provisional order made by them before the same is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament :
- (7.) The making of a provisional order shall be *primâ facie* evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such provisional order have been complied with :
- (8.) Every Act confirming any such provisional order shall be deemed to be a public general Act.

298. The reasonable costs of any local authority in respect of provisional orders made in pursuance of this Act, and of the inquiry preliminary thereto, as sanctioned by the Local Government Board, whether in promoting or opposing the same, shall be deemed to be expenses properly incurred for purposes of this Act by the local authority interested in or affected by such provisional orders, and such costs shall be paid accordingly ; and if thought expedient by the Local Government Board, the local authority may contract a loan for the purpose of defraying such costs.

*Power of Board to enforce Performance of Duty by defaulting Local Authority.*

299. Where complaint is made to the Local Government Board that a local authority has made default in providing their district with sufficient sewers, or in the maintenance of existing sewers, or in providing their district with a supply of water, in cases where danger arises to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply of water, and a proper supply can be got at a reasonable cost, or that a local authority has made default in enforcing any provisions of this Act which it is their duty to enforce, the Local Government Board, if satisfied, after due inquiry, that the authority has been guilty of the alleged default, shall make an order limiting a time for the performance of their duty in the matter of such complaint. If such duty is not performed by the time limited in the order, such order may be enforced by writ of *Mandamus*, or the Local Government Board may appoint some person to perform such duty, and shall by order direct that the expenses of performing the same, together with a reasonable remuneration to the person appointed for superintending such performance, and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the authority in default ; and any order made for the payment of such expenses and costs may be removed into the Court of Queen's Bench, and be enforced in the same manner as if the same were an order of such Court.



Any person appointed under this section to perform the duty of a defaulting local authority shall, in the performance and for the purposes of such duty, be invested with all the powers of such authority other than (save as hereinafter provided) the powers of levying rates ; and the Local Government Board may from time to time by order change any person so appointed.

300. Any sum specified in an order of the Local Government Board for payment of the expenses of performing the duty of a defaulting local authority, together with the costs of the proceedings, shall be deemed to be expenses properly incurred by such authority, and to be a debt due from such authority, and payable out of any moneys in the hands of such authority or of their officers, or out of any rate applicable to the payment of any expenses properly incurred by such authority, which rate is in this part of this Act referred to as "the local rate." If the defaulting authority refuses to pay any such sum, with costs, as aforesaid, for a period of fourteen days after demand, the Local Government Board may by order empower any person to levy, by and out of the local rate, such sum (the amount to be specified in the order) as may, in the opinion of the Local Government Board, be sufficient to defray the debt so due from the defaulting authority, and all expenses incurred in consequence of the non-payment of such debt.

Any person or persons so empowered shall have the same powers of levying the local rate, and requiring all officers of the defaulting authority to pay over any moneys in their hands, as the defaulting authority would have in the case of expenses legally payable out of a local rate to be raised by such authority ; and the said person or persons, after repaying all sums of money so due in respect of the order, shall pay the surplus, if any, (the amount to be ascertained by the Local Government Board,) to or to the order of the defaulting authority.

301. The Local Government Board may from time to time certify the amount of expenses that have been incurred, or an estimate of the expenses about to be incurred, by any person appointed by the said Board under this Act to perform the duty of a defaulting local authority ; also, the amount of any loan required to be raised for the purpose of defraying any expenses that have been so incurred, or are estimated as about to be incurred ; and the certificate of the said Board shall be conclusive as to all matters to which it relates.

Whenever the Local Government Board so certifies a loan to be required, the Public Works Loan Commissioners may advance to the Local Government Board, or to any person appointed as aforesaid, the amount of the loan so certified to be required on the security of the local rate, without requiring any other security ; and the Local Government Board, or the person so appointed, may, by any instrument duly executed, charge the local rate with the repayment of the principal and interest due in respect of such loan, and every such charge shall have the same effect as if the defaulting local authority were empowered to raise such loan on the security of the local rate, and had duly executed an instrument charging the same on the local rate.

302. Any principal money or interest for the time being due in respect of



any loan under this Act made for payment of the expenses incurred or to be incurred in the performance of the duty of a defaulting local authority shall be taken to be a debt due from such authority, and, in addition to any other remedies, may be recovered in the manner in which a debt due from a defaulting authority may be recovered in pursuance of the provisions of this part of this Act.

The surplus (if any) of any such loan, after payment of the expenses aforesaid, shall, on the amount thereof being certified by the Local Government Board, be paid to or to the order of the defaulting authority.

“Expenses,” for the purposes of the provisions of this part of this Act relating to defaulting local authorities, shall include all sums payable under those provisions by or by the order of the Local Government Board, or the person appointed by that Board.

*Powers of Board in relation to Local Acts, &c.*

303. The Local Government Board may, on the application of the local authority of any district, by provisional order, wholly or partially repeal, alter, or amend any local Act, other than an Act for the conservancy of rivers, which is in force in any area comprising the whole or part of any such district, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject matters as this Act.

Any such provisional order may provide for the extension of the provisions of the local Act referred to therein beyond the district or districts within the limits of such Act, or for the exclusion of the whole or a portion of any such district from the application of such Act; and may provide what local authority shall have jurisdiction for the purposes of this Act in any area which is by such order included in or excluded from such district.

304. On the application of any authority from whom or to whom any powers, rights, duties, capacities, liabilities, obligations, and property, or any of them, are at any time transferred or alleged, or claimed to be transferred in pursuance of this Act, or any provisional order made thereunder, or on the application of any person affected by such transfer, the Local Government Board may by order settle any doubt or difference, and adjust any accounts arising out of or incidental to such powers, rights, duties, capacities, liabilities, obligations, or property, or to the transfer thereof, and direct the parties by whom and to whom any moneys found to be due are to be paid, and the mode of raising such moneys; and any provisions contained in any order so made shall be deemed to have been made in pursuance of and to be within the powers conferred by this section, subject to this proviso, that where any such order directs any rate to be made, or other act or thing to be done, which the party required to make or do would not, apart from the provisions of this Act, have been enabled to make or do by law, such order shall be provisional only until it has been confirmed by Parliament.

Any settlement or adjustment under this section may be included in any provisional order which gives rise to the same.

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## PART X.

## MISCELLANEOUS AND TEMPORARY PROVISIONS.

*Miscellaneous.*

305. Whenever it becomes necessary for a local authority or any of their officers to enter, examine, or lay open any lands or premises for the purpose of making plans, surveying, measuring, taking levels, making, keeping in repair, or examining works, ascertaining the course of sewers or drains, or ascertaining or fixing boundaries, and the owner or occupier of such lands or premises refuses to permit the same to be entered upon, examined, or laid open for the purposes aforesaid, or any of them, the local authority may, after written notice to such owner or occupier, apply to a court of summary jurisdiction for an order authorizing the local authority to enter, examine, and lay open the said lands and premises for the purposes aforesaid or any of them.

If no sufficient cause is shown against the application, the court may make an order accordingly, and on such order being made the local authority or any of their officers may, at all reasonable times, between the hours of nine in the forenoon and six in the afternoon, enter, examine, or lay open the lands or premises mentioned in such order, for such of the said purposes as are therein specified, without being subject to any action or molestation for so doing: Provided that, except in case of emergency, no entry shall be made, or works commenced under this section, unless at least twenty-four hours' notice of the intended entry, and of the object thereof, be given to the occupier of the premises intended to be entered.

306. Any person who wilfully obstructs any member of the local authority, or any person duly employed in the execution of this Act, or who destroys, pulls down, injures, or defaces any board on which any bye-law, notice, or other matter is inscribed, shall, if the same was put up by authority of the Local Government Board, or of the local authority, be liable for every such offence to a penalty not exceeding five pounds.

Where the occupier of any premises prevents the owner thereof from obeying or carrying into effect any provisions of this Act, any justice to whom application is made in this behalf shall, by order in writing, require such occupier to permit the execution of any works required to be executed, provided that the same appear to such justice to be necessary for the purpose of obeying or carrying into effect the provisions of this Act; and if within twenty-four hours after the making of the order such occupier fails to comply therewith, he shall be liable to a penalty not exceeding five pounds for every day during the continuance of such non-compliance.

If the occupier of any premises, when requested by or on behalf of the local authority to state the name of the owner of the premises occupied by him, refuses or wilfully omits to disclose, or wilfully mis-states the same, he shall (unless he shows cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding five pounds.

307. Any person who wilfully damages any works or property belonging to



any local authority shall, in cases where no other penalty is provided by this Act, be liable to a penalty not exceeding five pounds.

308. Where any person sustains any damage by reason of the exercise of any of the powers of this Act, in relation to any matter as to which he is not himself in default, full compensation shall be made to such person by the local authority exercising such powers; and any dispute as to the fact of damage or amount of compensation shall be settled by arbitration in manner provided by this Act, or if the compensation claimed does not exceed the sum of twenty pounds, the same may at the option of either party be ascertained by, and recovered before a court of summary jurisdiction.

309. If any officer of any trustees, commissioners, or other body of persons intrusted with the execution of any local Act, whether acting exclusively under the local Act, or partly under the local Act and partly under the Local Government Acts, or any officer of any sanitary authority under the Sanitary Acts by this Act repealed, or of any local authority under this Act, is, by or in pursuance of the Public Health Act, 1872, or of this Act, or of any provisional order made in pursuance of either of those Acts, removed from his office, or deprived of the whole or part of the emoluments of his office, and does not afterwards receive remuneration to an equal amount in respect of some office or employment under or by the authority of any district under this Act, the Local Government Board may by order award to such officer such compensation as the said Board may think just; and such compensation may be by way of annuity or otherwise, and shall be paid by the local authority of the district in which such officer held his office out of any rates applicable to the general purposes of this Act within that district.

310. Where, after the passing of this Act, a district or part of a district under the jurisdiction of improvement commissioners, or a district or part of a district under the jurisdiction of a local board, is constituted or included in a borough, all the powers, rights, duties, capacities, liabilities, obligations, and property exercisable by attaching to or vested in such improvement commissioners or local board (as the case may be) under this Act, or under any local Act for purposes the same as or similar to those of this Act, or under any general Act of Parliament, within or for the benefit of such district or part of a district, shall pass to and be exercisable by and vested in the council of such borough.

The transfer by virtue of the Public Health Act, 1872, of the powers, rights, duties, capacities, liabilities, obligations, and property of any local board, or improvement commissioners to an urban sanitary authority, shall be deemed to have included all powers, rights, duties, capacities, liabilities, obligations, and property exercisable by attaching to or vested in such local board or improvement commissioners as a burial board under any general Act of Parliament.

311. Any local board constituted either before or after the passing of this Act may, with the sanction of the Local Government Board, change their name. Every such change of name shall be published in such manner as the Local Government Board may direct. No such change of name shall affect any rights or obligations of the local board, or render defective any legal pro-



ceedings instituted by or against the local board ; and any legal proceedings may be continued or commenced against the local board by their new name which might have been continued or commenced against the local board by their former name.

312. The retirement and mode of election of members of any authority invested by any local Act with powers of town government and rating, whose retirement and mode of election were at the time of the passing of this Act, regulated by the Local Government Acts, shall be regulated in all respects by the rules for election of local boards contained in Schedule II. to this Act ; but this enactment shall not affect the qualification fixed for members of such authority by the local Act under which such authority are constituted, or the qualification and tenure of office of any ex-officio members of such authority.

313. Where in any Act, or order made by one of her Majesty's Principal Secretaries of State or by the Local Government Board, and in force at the time of the passing of this Act, or in any document, any provisions of any of the Sanitary Acts which are repealed by this Act are mentioned or referred to, such Act, order, or document shall be read as if the provisions of this Act applicable to purposes the same as or similar to those of the repealed provisions were therein mentioned or referred to instead of such repealed provisions, and were substituted for the same ; nevertheless those substituted provisions shall have effect subject to any modification or restriction in such Act, order, or document expressed in relation to the repealed provisions therein mentioned or referred to.

314. Any local authority may, if they think fit, make bye-laws for securing the decent lodging and accommodation of persons engaged in hop-picking within the district of such authority.

315. Any bye-law made by any sanitary authority under the Sanitary Acts which is inconsistent with any of the provisions of this Act shall, so far as it is inconsistent therewith, be deemed to be repealed.

316. In the construction of the provisions of any Act incorporated with this Act, the term "the special Act" includes this Act, and, in the case of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, any order confirmed by Parliament, and authorizing the purchase of lands otherwise than by agreement under this Act ; the term "the limits of the special Act" means the limits of the district ; and the urban or rural authority shall be deemed to be "the promoters of the undertaking," "the commissioners," or "the undertakers," as the case may be.

All penalties incurred under the provisions of any Act incorporated with this Act, shall be recovered and applied in the same way as penalties incurred under this Act.

317. The schedules to this Act shall be read and have effect as part of this Act.

The forms contained in Schedule IV. to this Act, or forms to the like effect, varied as circumstances may require, may be used and shall be sufficient for all purposes.



*Temporary Provisions.*

318. Nothing in this Act shall affect the rights or position of any clerk or treasurer the tenure of whose office is regulated by section twelve of the Public Health Act, 1872.

319. Nothing in this Act shall affect the making and levying of any special district rates, or the discharge of sums borrowed on the credit of any special district rates, or any right or remedy for the recovery of the same, under any provision of the Local Government Acts in force at the time of the passing of this Act.

320. Where under the provisions of any local Act in that behalf, any expenses directed by this Act to be paid in the case of a council of a borough out of the borough fund or borough rate were, before the passing of the Public Health Act, 1872, divided between landlord and tenant in moieties or otherwise, the Local Government Board may, on the application either of landlord or tenant, by order make provision for the continuance of such division of expenses during the continuance of any contract existing between them at the passing of the last-mentioned Act.

321. Where by any sanction to a loan given, or by any provisional order made under the Sanitary Acts, it is directed that the sums borrowed shall be repaid within a limited period of years from the date of the borrowing thereof, any security which has been given for a sum so borrowed, shall not be invalid by reason of the sum having been made repayable within a period less than the period so limited.

322. Where by any local Act powers are conferred on any turnpike trustees for any purposes the same as or similar to any of the purposes of the Sanitary Acts or of this Act, such trustees shall not be deemed to be an urban authority under this Act, but all their powers and obligations under such local Act for such purposes shall be transferred to the local authority within whose district the area to which such local Act applies is contained.

323. Where any district has been constituted in pursuance of the provisions of the Public Health Act, 1848, for the purposes of main sewerage only, or where a district has been formed subject to the jurisdiction of a joint sewerage board in pursuance of the Sewage Utilization Act, 1867, the Local Government Board may by provisional order dissolve such district, or may constitute such district a united district subject to the jurisdiction of a joint board in manner provided by this Act, without application previous to the making of any such order; and until an order has been made by the Local Government Board under this section, the authority of any such district shall continue to be the authority thereof, and their members shall be elected as if this Act had not passed: Provided that the provisions of this Act applicable to purposes the same as or similar to those of any enactments of the Sanitary Acts which are in force within the district of any such authority at the time of the passing of this Act and are repealed by this Act, shall be deemed to be substituted for those enactments.

Any order made under this section may, if necessary, provide for the settlement of any differences, or the adjustment of any accounts, or the apportionment of any liabilities arising between districts, parishes, or other



places in consequence of the exercise of any of the powers conferred by this section, and may direct the persons by and to whom any moneys found to be due are to be paid and the mode of raising such moneys.

324. The accounts of any urban or rural sanitary authority under the Sanitary Acts by this Act repealed, not audited at the time of the passing of this Act, shall be deemed for the purposes of audit to be accounts of such authority under this Act.

325. The power conferred by section twenty of "The Public Health Act, 1872," of temporarily constituting a port sanitary authority shall be deemed to have authorized a renewal from time to time of any order made under that section.

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## PART XI.

### SAVING CLAUSES AND REPEAL OF ACTS.

#### *Saving Clauses.*

326. All urban sanitary authorities and rural sanitary authorities existing at the time of the passing of this Act shall be deemed to be urban authorities and rural authorities under this Act; and all joint boards, port sanitary authorities, committees of rural sanitary authorities, and parochial committees, and all local government districts constituted in pursuance of the Sanitary Acts, and existing at the time of the passing of this Act, shall be deemed to be joint boards, port sanitary authorities, committees of rural sanitary authorities, and parochial committees, and local government districts under this Act; and the members of all the above-mentioned bodies shall hold office (subject to the provisions of this Act respecting the election of members of local boards) for such time as they would respectively have held office if this Act had not been passed; and the officers and servants of all the above-mentioned bodies shall continue to hold their several offices and employments on the same terms and subject to the same conditions, as to duties, remuneration, and otherwise, as they would have held them if this Act had not been passed; and all bye-laws duly made under any of the Sanitary Acts by this Act repealed and not inconsistent with any of the provisions of this Act shall be deemed to be bye-laws under this Act; and all the provisions of this Act shall apply to all such bodies existing at the time of the passing of this Act, and to their several officers and servants, in substitution for the provisions of the Sanitary Acts by this Act repealed, but so as not to affect any right acquired or liability incurred under the Sanitary Acts, or any of them, before the passing of this Act, and existing at the time of the passing of this Act.

327. Nothing in this Act shall be construed to authorize any local authority—

- (1.) To use, injure, or interfere with any sluices, floodgates, sewers, groynes, or sea defences or other works, already or hereafter made under the authority of any commissioners of sewers appointed by the Crown,



- or any sewers or other works already or hereafter made and used by any body of persons or person for the purpose of draining, preserving, or improving land under any local or private Act of Parliament, or for the purpose of irrigating land ; or
- (2.) To disturb or interfere with any lands or other property vested in the Lord High Admiral of the United Kingdom or the Commissioners for executing the office of the Lord High Admiral for the time being or in her Majesty's Principal Secretary of State for the War Department for the time being ; or
  - (3.) To interfere with any river, canal, dock, harbour, lock, reservoir, or basin, so as to injuriously affect the navigation thereon, or the use thereof, or to interfere with any towing-path so as to interrupt the traffic thereof, in cases where any body of persons or person are or is by virtue of any Act of Parliament entitled to navigate on or use such river, canal, dock, harbour, lock, reservoir, or basin, or to receive any tolls or dues in respect of the navigation thereon or use thereof ; or
  - (4.) To interfere with any watercourse in such manner as to injuriously affect the supply of water to any river, canal, dock, harbour, reservoir, or basin, in cases where any such body of persons or person as last aforesaid would, if this Act had not passed, have been entitled by law to prevent or be relieved against such interference ; or
  - (5.) To interfere with any bridges crossing any river, canal, dock, harbour, or basin, in cases where any body of persons or person are or is authorized by virtue of any Act of Parliament to navigate or use such river, canal, dock, harbour, or basin, or to demand any tolls or dues in respect of the navigation thereon or use thereof ; or
  - (6.) To execute any works in, through, or under any wharves, quays, docks, harbours, or basins, to the exclusive use of which any body of persons or person are or is entitled by virtue of any Act of Parliament, or for the use of which any body of persons or person are or is entitled by virtue of any Act of Parliament to demand any tolls or dues,—

Without the consent in every case of such Lord High Admiral or Commissioners for executing the office of Lord High Admiral, Secretary of State, commissioners, body of persons or person as are herein-before in that behalf respectively mentioned, such consent to be expressed in writing in the case of a corporation under their common seal, and in the case of any body of persons not being a corporation under the hand of their clerk or other duly authorized officer or agent. And nothing in this Act shall prejudice or affect the rights, privileges, powers, or authorities given or reserved to any person under such local or private Acts for draining, preserving, or improving land as are in this section mentioned.

328. Where any matters or things proposed to be done by any local authority, and not being within the prohibition aforesaid, interfere with the improvement of any river, canal, dock, harbour, lock, reservoir, basin, or towing path which any body of persons or person are or is entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the navigation



whereon or use whereof to demand any tolls or dues, or interfere with any works belonging to such river, canal, dock, harbour, or basin, or with any land necessary for the enjoyment or improvement thereof, the local authority shall give to such body of persons or person a notice specifying the particulars of the matters and things so intended to be done. If the parties on whom such notice is served do not consent to the requisitions thereof, the matter in difference shall be referred to arbitration; and the following questions shall be decided by such arbitration; (that is to say,)

- (1.) Whether the matters or things proposed to be done by the local authority will cause any injury to such river, canal, dock, harbour, basin, towing-path, works or land, or to the enjoyment or improvement of such river, canal, dock, harbour, or basin as aforesaid:
- (2.) Whether any injury that may be caused by such matters or things, or any of them, is or is not of a nature to admit of being fully compensated by money.

329. The result of any such arbitration shall be final, and the local authority shall do as follows; (that is to say,)

- (1.) If the arbitrators are of opinion that no injury will be caused, the local authority may forthwith proceed to do the proposed matters and things:
- (2.) If the arbitrators are of opinion that injury will be caused, but that such injury is of a nature to admit of being fully compensated by money, they shall proceed to assess such compensation; and on payment of the amount so assessed, but not before, the local authority may proceed to do the proposed matters and things:
- (3.) If the arbitrators are of opinion that injury will be caused, and that it is not of a nature to admit of being fully compensated by money, the local authority shall not proceed to do any matter or thing in respect of which such opinion may be given.

330. No transfer of powers and privileges under this Act shall deprive any body of persons or person authorized by virtue of any Act of Parliament to navigate on any river or canal, or to demand for their or his own benefit in respect of such navigation any tolls or dues, of such powers and privileges as are vested in them by any Act of Parliament in relation to such river or canal.

331. Any body of persons or person authorized by virtue of any Act of Parliament to navigate on or use any river, canal, dock, harbour, or basin, or to demand any tolls or dues in respect of the navigation on such river or canal, or the use of such dock, harbour, or basin, may, at their own expense, and on substituting other sewers, drains, culverts, and pipes equally effectual, and certified as such by the surveyor to the local authority, take up, divert, or alter the level of any sewers, drains, culverts, or pipes constructed by any local authority, and passing under or interfering with such rivers, canals, docks, harbours, or basins, or the towing-paths thereof, and may do all such things as may be necessary for carrying into effect such taking up, diversion, or alteration.

332. Nothing in this Act shall be construed to authorize any local authority to injuriously affect any reservoir, canal, river, or stream, or the feeders



thereof, or the supply, quality, or fall of water contained in any reservoir, canal, river, stream, or in the feeders thereof, in cases where any body of persons or person would, if this Act had not passed, have been entitled by law to prevent or be relieved against the injuriously affecting such reservoir, canal, river, stream, feeders, or such supply, quality, or fall of water, unless the local authority first obtain the consent in writing of the body of persons or person so entitled as aforesaid.

333. Any difference of opinion that may arise between a local authority and any such body of persons or person as aforesaid, whether any sewers, drains, culverts, or pipes substituted under the powers of this Act for sewers, drains, culverts or pipes constructed or laid down by any local authority are equally effectual with those for which they are substituted, or whether the supply, quality, or fall of water in any such reservoir, canal, river, or stream as last aforesaid is injuriously affected by the exercise of powers under this Act, may, at the option of the party complaining, be determined by arbitration in manner by this part of this Act provided. The arbitrators shall decide the same questions as to the alleged injury, and the local authority shall proceed in the same way as is by this Act provided with regard to arbitrations in cases of alleged injury to rivers, canals, docks, harbours, and basins.

334. Nothing in this Act shall be construed to extend to mines of different descriptions so as to interfere with or to obstruct the efficient working of the same; nor to the smelting of ores and minerals, nor to the calcining, puddling, and rolling of iron and other metals, nor to the conversion of pig iron into wrought iron, so as to obstruct or interfere with any of such processes respectively.

335. Any collegiate or other corporate body required or authorized by or in pursuance of any Act of Parliament to divert its sewers or drains from any river, or to construct new sewers, and any public department of the Government, shall have the like powers and be subject to the like obligations under this Act as they had or were subject to under the Sewage Utilization Act, 1867; and for that purpose the provisions of this Act applicable to purposes the same as or similar to those of the Sewage Utilization Act, 1865, and the Sewage Utilization Act, 1867, shall apply in substitution for the last-mentioned provisions.

336. Nothing in or done under this Act shall affect any outfall or other works of the Metropolitan Board of Works (although beyond the metropolis) executed under the Metropolis Management Act, 1855, and the Acts amending the same, or take away, abridge, or prejudicially affect any right, power, authority, jurisdiction, or privilege of the Metropolitan Board of Works.

337. Nothing in this Act shall affect the payment or recovery of any yearly sum payable at the time of the passing of this Act in pursuance of the Local Government Act, 1858, Amendment Act, 1861, to any local authority in respect of any premises without their district which have a drain communicating with a sewer within their district: Provided that any such sum shall cease to be payable, if and when the connexion between the drain and the sewer is discontinued, from the time of such discontinuance;



but if after the discontinuance the connexion is re-established, the yearly sum shall again become payable, and so from time to time.

338. All rates, orders, acts, or things made, assessed, performed, or done, before the passing of this Act, by any authority purporting to act under the powers conferred on them by a local Act with respect to any sanitary purposes shall be valid, notwithstanding the passing of the Public Health Act, 1872, or of this Act.

339. Nothing in this Act shall affect the composition of any local board constituted by any Order in Council or any provisional order made under the Public Health Act, 1848, and confirmed by Parliament, or the qualification or number of members of any such board; but any such Order in Council, or order so confirmed, or the Act confirming any such last-mentioned order, may be repealed, altered, or amended in manner provided by this Act.

340. Where within the district of a local authority any local Act is in force, providing for purposes the same as or similar to the purposes of this Act, proceedings may be instituted at the discretion of the authority or person instituting the same, either under the local Act or this Act, or under both, subject to these qualifications:

- (1.) That no person shall be punished for the same offence both under a local Act and this Act; and
- (2.) That the local authority shall not, by reason of any local Act in force within their district, be exempted from the performance of any duty or obligation to which they may be subject under this Act.

341. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed; and nothing in this Act shall exempt any person from any penalty to which he would have been subject if this Act had not passed.

Provided that no person who has been adjudged to pay any penalty in pursuance of this Act shall for the same offence be liable to a penalty under any other Act.

#### *Oxford.*

342. The local government district of Oxford shall be subject to the jurisdiction of a local board consisting of the vice-chancellor of the university of Oxford and the mayor of Oxford for the time being, of forty-five other members, fifteen to be elected by the university of Oxford, sixteen by the town council of Oxford, and fourteen by the ratepayers of the parishes situated within the area formerly within the jurisdiction of the commissioners for amending certain mileways leading to Oxford, and making improvements in the university and city of Oxford, the suburbs thereof and the adjoining parish of Saint Clement, and of the members for any parishes or parts of parishes which may have been or may hereafter be added to the Oxford district.

After the passing of this Act, a district formed out of the rural sanitary



districts of the city of Oxford, and the Abingdon union, to be termed the "Grandpont district," shall be defined by an order of the Local Government Board, and on a day to be mentioned in such order, the said district shall form part of the said local government district of Oxford. The election of members of the said local board by the town council and by the rate-payers of the parishes and parts of parishes respectively shall be conducted at the same time, in the same way, and subject to the same regulations in and subject to which such election is conducted at the time of the passing of this Act.

As regards the district of Cowley now comprised in the said local government district of Oxford, and the district of Grandpont when added to the same district, the chairman of the said local board or, in his absence, the clerk to the local board, shall summon a meeting of the several persons rated to the relief of the poor in respect of hereditaments situated in the said Cowley and Grandpont districts respectively, by public notices under his hand, to be affixed three clear days previously to the principal doors of every church and chapel in the districts, such meeting to be held on the day when the members for the parishes are elected, and at a place in each such district to be fixed by the chairman or clerk, and the appointment of a chairman and all other the business of such meetings shall be conducted as if the meetings respectively were the meetings of a vestry in a parish.

An election of the member for the Grandpont district shall take place as soon as convenient after that district has been added to the Oxford local government district as aforesaid, and he shall continue in office until the next annual election of the said local board.

The fifteen members to be elected by the university shall be elected as follows; namely, four members shall be elected by the university in convocation, and eleven members shall be elected by the heads and senior resident bursars of the several colleges entitled by any statute of the university or otherwise to matriculate students, and by the heads of the several halls; any member of the university, being of the degree of Master of Arts, Bachelor of Civil Law, or Bachelor in Medicine, or any superior degree of the university, shall be qualified to be elected; and the elections shall be conducted by the said university, and by the colleges and halls respectively, at the same time, and in the same way, and subject to the same regulations, in and subject to which guardians of the poor for the university and for the colleges and halls are now or may hereafter be chosen by them respectively, save that in the election of members the heads and bursars of all the colleges and the heads of all the halls shall be summoned by the vice-chancellor for that purpose, and shall be entitled to vote.

Except as above provided, nothing in this Act shall affect the provisions of any order confirmed by Parliament relating to the local government district of Oxford, and in force at the time of the passing of this Act.

#### *Repeals of Acts.*

343. The Acts specified in the first and second parts of Schedule V. to this



Act are hereby repealed to the extent in the third column in the said parts of that schedule mentioned, with the following qualification; (that is to say,)

That so much of the said Acts as is set forth in the third part of that schedule shall be re-enacted in manner therein appearing, and shall be in force as if enacted in the body of this Act.

Provided also, that this repeal shall not affect—

- (a.) Anything duly done or suffered under any enactment hereby repealed; or
  - (b.) Any right or liability acquired, accrued, or incurred under any enactment hereby repealed; or
  - (c.) Any security given under any enactment hereby repealed; or
  - (d.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or
  - (e.) Any investigation, legal proceeding, or remedy in respect of any such right, liability, security, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding and remedy may be carried on as if this Act had not been passed.
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It being expedient to amend the Public Health Act, 1875, so far as relates to the supply of water, it was enacted by the Public Health (Water) Act, 1878, 41 and 42 Vict., Ch. 25,

1. This Act shall be construed as one with the Public Health Act, 1875.

2. This Act shall come into operation on the twenty-fifth day of March, one thousand eight hundred and seventy-nine, which day is in this Act referred to as the commencement of this Act.

3. It shall be the duty of every rural sanitary authority, regard being had to the provisions in this Act contained, to see that every occupied dwelling-house within their district has within a reasonable distance an available supply of wholesome water sufficient for the consumption and use for domestic purposes of the inmates of the house.

Where it appears to a rural sanitary authority, on the report of their inspector of nuisances, or their medical officer of health, that any occupied dwelling-house within their district has not such supply within a reasonable distance, and the authority are of opinion that such supply can be provided at a reasonable cost not exceeding a capital sum the interest on which at the rate of five per centum per annum would amount to twopence per week, or at such other cost not exceeding a capital sum the interest on which at the rate of five per centum per annum would amount to threepence per week, as the Local Government Board may on the application of the local authority determine under all the circumstances of the case to be reasonable, and that the expense of providing the supply ought to be paid by the



owner or defrayed as private improvement expenses, proceedings may be taken as follows :

- (1.) The authority may serve on the owner of the house a notice requiring him, within a time specified in the notice and not exceeding six months from the date of the service thereof, to provide such supply, and to do all such works as may be necessary for that purpose.
- (2.) If at the expiration of the time so specified the notice is not complied with, the authority may serve on the owner a second notice, informing him that if the requirements of the first notice are not complied with within one month from the date of the service of the second notice, the authority will themselves provide such supply, and that the expense of providing the supply will in that case be payable by the owner or as a private improvement expense.
- (3.) If at the expiration of one month from the date of the service of the second notice the requirements of the first notice are not complied with, the authority may, subject as in this Act is mentioned, themselves provide the supply, and for that purpose they may enter upon the premises and execute all such works as appear to them necessary for obtaining a supply of water for the house, and for the purposes of such entry sections 102 and 103 of the Public Health Act, 1875, shall apply until the works are completed, in the same manner as if an order of a court of summary jurisdiction had been made for the abatement of a nuisance on the premises, and that order had not been complied with.
- (4.) Any expense incurred by the authority in providing such supply and doing such works may, when the supply has been provided, be recovered in a summary manner from the owner of the house, or may, at the option of the authority, be declared, by their order, to be private improvement expenses.
- (5.) Where the owners of two or more houses have failed to comply with the requirements of the notices served on them under this section, and the authority might, under this Act, execute the necessary works for providing a water supply for each house, the authority may, if it appears to them desirable, and no greater expense would be occasioned thereby, execute works for the joint supply of water to those houses, and apportion the expenses as they deem just.

The authority may, on cause being shown to their satisfaction why the requirements of a notice served by them under this section should not be complied with, withdraw the notice or modify the requirements thereof.

Provided that nothing in this section contained shall be deemed to relieve the authority from the duty imposed upon them by the Public Health Act, 1875, of providing their district or any contributory place or part of a contributory place therein with a supply of water in cases where danger arises to the health of the inhabitants from the insufficiency



or unwholesomeness of the existing supply, and a general scheme of supply is required, and such supply can be got at a reasonable cost.

4. Where an owner of a house has been required by the notice of a rural sanitary authority to provide a supply of water for his house, and objects to such requirement on any of the following grounds; that is to say,

- (1.) That the supply is not required; or,
- (2.) That the time limited by the notice for providing the supply is insufficient; or,
- (3.) That it is impracticable to provide the supply at a reasonable cost; or,
- (4.) That the authority ought themselves to provide a supply of water for the district or contributory place in which the house is situate, or to render the existing supply of water wholesome; or,
- (5.) That the whole or part of the expense of providing the supply, or of rendering the existing supply wholesome, ought to be a charge on the district or contributory place;

he may, within twenty-one days after service on him of the second notice, address a memorial to the authority, stating his objections, and in that case it shall not be lawful for the authority to proceed with the execution of the works which they might otherwise execute under this Act until they have been authorized to execute the same by a court of summary jurisdiction or by the Local Government Board in manner hereinafter provided.

If the objections stated in the memorial do not include either the fourth or fifth of the above-mentioned grounds, the authority may apply to a court of summary jurisdiction for an order authorizing them to proceed with the works, and thereupon the court shall summon the owner, and, if satisfied on hearing the case that the objections are not well founded, shall make an order authorizing the authority to proceed with the works in the event of their not being executed by the owner within a time limited by the order.

If the objections stated in the memorial are or include the fourth and fifth of the above-mentioned grounds, or either of them, the authority shall forward a copy of the memorial to the Local Government Board, who may either cancel the requirement of the authority, or confirm the same, with or without modifications.

If the Local Government Board confirm the requirement they shall issue an order authorizing the authority, subject to such modifications, if any, as they prescribe, to execute the works in the event of such works not being executed by the owner within a time limited by the order.

Any such order may, if the Local Government Board think it equitable so to do, apportion the expense of providing the supply between the owner of the house and the authority of the district comprising the contributory place in which the house is situate, or between the owner and any other person or persons.

If the Local Government Board cancel the requirement on the grounds that the authority ought themselves to provide a supply of water for the district or contributory place in which the house is situate, or to render



the existing supply wholesome, the memorial shall be deemed to have been a complaint of default made to the Local Government Board against the authority under the 299th section of the Public Health Act, 1875.

5. Where the expenses of providing a joint supply of water for two or more houses are apportioned under this Act by a rural sanitary authority among the owners of the several houses, notice of such apportionment shall be forthwith given to each of such owners, and if any owner objects to the apportionment as unjust, he may, within twenty-one days after service on him of notice thereof, apply to a justice, and thereupon the justice may summon the authority, and also the other owners, to show cause before a court of summary jurisdiction why the apportionment should not be varied, and the court may either dismiss the application or make such order varying the apportionment as to the court may appear reasonable.

6. It shall not be lawful in any rural district for the owner of any dwelling-house which may be erected after the date of the commencement of this Act, or of any dwelling-house which after that date may be pulled down to or below the ground floor and rebuilt, to occupy the same, or cause or permit the same to be occupied, unless and until he has obtained from the sanitary authority of the district a certificate that there is provided, within a reasonable distance of the house, such an available supply of wholesome water as may appear to such authority, on the report of their inspector of nuisances or of their medical officer of health, to be sufficient for the consumption and use for domestic purposes of the inmates of the house.

If the sanitary authority refuse to grant such certificate, the owner may apply to a court of summary jurisdiction for an order authorizing the occupation of the house, notwithstanding the refusal of the certificate, and thereupon the court shall summon the authority, and if the court, after hearing the case, is of opinion that the certificate ought to have been granted, the court may make an order authorizing the occupation of the house.

Any owner who occupies a house, or causes or permits it to be occupied in contravention of this section shall be liable, on conviction by a court of summary jurisdiction, to a penalty not exceeding ten pounds.

7. It shall be the duty of every rural sanitary authority from time to time to take such steps as may be necessary to ascertain the condition of the water supply within their district, and the authority may pay all reasonable costs and expenses incurred by them for the purpose of taking such steps. The authority, or any of their officers, or any person duly authorized in writing for that purpose by the authority, if they or he have, or has reasonable ground for believing that any occupied dwelling-house within the district is without a proper supply of wholesome water, sufficient for the consumption and use for domestic purposes of the inmates of such house, shall be admitted into the premises for which such supply is required, or from which the water supply may be derived, for the purpose of ascertaining whether or not such house has such a supply within a reasonable distance; and for the purposes of any such admission sections 102 and 103 of the Public Health Act, 1875, shall apply in the same manner



as if such admission were necessary for the purpose of examining as to the existence of any nuisance on the premises, and the person so authorized as aforesaid were an officer of the rural sanitary authority.

8. Where application is made to the Local Government Board by a local authority under section 62 of the Public Health Act, 1875, to determine what is a reasonable cost within the meaning of that section, the Board may, for that purpose, fix, by order, a general scale of charges for the whole or any part of the district of the local authority, and the cost of the supply of water to any house within the area specified in the order shall be deemed to be determined to be a reasonable cost within the meaning of that section if it does not exceed the cost authorized by such general scale of charges.

9. Where a rural sanitary authority have provided a stand-pipe or stand-pipes for the supply of water to any portion of their district, they may recover water rates or water rents from the owner or occupier of every dwelling-house within two hundred feet of any such stand-pipe, in the same manner in all respects as if the supply had been given on the premises.

Provided that if any such dwelling-house has, within a reasonable distance, and from other sources, a supply of wholesome water sufficient for the consumption and use of the inmates of the house, no water rate or water rent shall be recoverable from the owner or occupier of the house, unless and until the water supplied by the authority by means of such stand-pipes is used by inmates of the house.

10. Where a sanitary authority under the provisions of the Public Health Act, 1875, as amended by this Act, supply water in any urban district, or in any contributory place, and an application is made to them by any ten persons rated to the relief of the poor in such urban district, or by any five persons so rated in such contributory place, to charge water rates or water rents in respect of the water so supplied, it shall be incumbent upon the authority to exercise the powers given to them by the Public Health Act, 1875, and by this Act, of charging water rates or water rents in respect of all water supplied by them in such urban district or in such contributory place.

11. The Local Government Board may, if they think fit, by order, invest any urban sanitary authority with all or any of the powers and duties which are by this Act given to a rural sanitary authority, and such investment may be made either unconditionally or subject to any conditions to be specified by the Board as to the time, portion of the district, or manner during at or in which the powers and duties are to be exercised.

The forms contained in the schedule to this Act, or forms to like effect, varied as circumstances may require, may be used, and shall be deemed sufficient for all purposes.

All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law, or custom.



By the Public Health (Interments) Act, 1879, 42 and 43 Vict. ch. 31, which is to be considered as an amendment to the Principal Act (Public Health), 1875, the powers of the local authority to provide a mortuary are extended to the provision of a place for the interment of the dead, and for that purpose they may acquire, construct, and maintain a cemetery, either wholly or partly within or without their district, subject as to works without their district for the purpose of a cemetery, to the provision of the Principal Act as to sewage works by a local authority without their district; the local authority may accept a donation of land for the purpose of a cemetery, and a donation of money or other property for enabling them to acquire, construct, or maintain a cemetery; with this Act the Cemetery Clauses Act, 1847, is incorporated.

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By section 14 of Poor Law Act, 1877, 42 and 43 Vict. ch. 54, it is enacted that if it appear to the guardians of any union desirable that any hospital or building vested in them as guardians under the Acts relating to the relief of the poor should be vested in them as the rural sanitary authority of such union, for the reception of persons suffering from any dangerous infectious disorder, the guardians may, by resolution, to be confirmed by an order of the Local Government Board, transfer such hospital or building accordingly, and from and after the date named in the order such hospital or building shall be deemed to be vested in the guardians as the rural sanitary authority of the union, for the use of the inhabitants of the union, or part thereof named in the resolution and order.

If the same is to be for the use of the inhabitants of any part of the union comprised in an urban sanitary district the order may determine the contribution to be made by the urban sanitary authority of such district towards the maintenance of the hospital or building. When an urban sanitary district comprises part of the union, and the said hospital or building is not to be for the use of the inhabitants of that part, the order may determine the value of the interest of that part of the union in such hospital or building, and the manner in which such value is to be paid to that part by the residue of the union for whose use the building or hospital is to be kept, and the application of the sum so paid.

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By the Public Health (Fruit-Pickers' Lodgings) Act, 1882, 45 & 46 Vict. Ch. 23, which is an act to extend the Public Health Act, 1875, to the making of bye-laws for fruit-pickers, 12th July, 1882, it is enacted that Section 314 of the Public Health Act, 1875, which enables any local authority to make bye-laws for securing the decent lodging and accommodation of persons engaged in hop-picking within the district of such authority, shall be deemed to extend to and authorize the making of bye-laws for securing the decent lodging and accommodation of persons engaged in the picking of fruit and vegetables.



## CHAPTER III.

## PUBLIC HEALTH (SCOTLAND) ACT, 1867.

(30 and 31 Vict. ch. 101.)

THIS is an Act to consolidate and amend the laws applicable to Scotland for removal of nuisances, for prevention of diseases, and for sanitary purposes generally.

3. In this Act the following words and expressions shall have the meanings hereinafter assigned to them, unless such meaning is inconsistent with the context :

The word " Board " shall signify the Board of Supervision for the relief of the poor in *Scotland* :

The word " Secretary " shall include Assistant Secretary :

The expression " Medical Officer " shall signify a duly qualified medical practitioner appointed under the Act Eighth and Ninth *Victoria*, Chapter Eighty-three, or under this Act :

The word " Sheriff " shall include Sheriff Substitute :

The word " Burgh " shall include not only royal burgh, parliamentary burgh, burgh incorporated by Act of Parliament, burgh of barony, and burgh of regality, but also any populous place having a town council, police commissioners, or trustees exercising the functions of police commissioners under any general or local Act :

The word " Magistrate " shall include a magistrate or judge having police jurisdiction under the General Police and Improvement (*Scotland*) Act, 1862, or under any General or Local Police Act which may be in force :

The word " Decree " or " decern " shall include any warrant, sentence, judgment, order, or interlocutor :

The word " Owner " shall signify the person for the time entitled to receive, or who would, if the same were let, be entitled to receive, the rents of the premises, and shall include a trustee, factor, tutor, or curator, and in case of public or municipal property shall apply to the persons to whom the management thereof is intrusted :

The word " Ship " shall include any sailing or steam ship, vessel, or boat :

The word " Premises " shall include lands, buildings, structures of any kind, streams, lakes, drains, ditches, or places open, covered, or inclosed, and any ship, lying in any sea, river, harbour, or other water, or *ex adverso* of any place within the limits of the local authority :



The word "Person," and words applied in this Act to any person or individual, shall apply to and include women, corporations, clubs, societies, statutory boards or commissioners, joint stock companies, partnerships, joint owners, and joint occupants, and trustees :

The word "Company" shall apply to and include commissioners :

The expression "Author of a Nuisance" shall signify the person through whose act or default the nuisance is caused, exists, or is continued, whether he be the owner or occupier, or both :

The expression "Common Lodging-House" shall signify a house, or part thereof, where lodgers are housed at an amount not exceeding fourpence *per* night for each person, whether the same be payable nightly or weekly, or at any period not longer than a fortnight, or where the house is licensed to lodge more than twelve persons :

The expression "Keeper of a Common Lodging-House" shall include any person having or acting in the care and management of a common lodging house.

4. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall, for the special purposes hereinafter mentioned, be incorporated with, and form part of this Act, and shall be hereinafter referred to as "The Lands Clauses Acts."

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## PART I.

### *Local Authority and Board of Supervision.*

5. The following bodies shall respectively be the local authority to execute this Act in the districts hereunder stated in *Scotland* :

In places within the jurisdiction of any town council, and not subject to the jurisdiction of police commissioners or trustees as after mentioned,—the town council :

In places within the jurisdiction of police commissioners or trustees exercising the functions of police commissioners under any general or local Act,—the police commissioners or trustees :

In any parish, or part thereof, over which the jurisdiction of a town council or of police commissioners or trustees exercising the functions of police commissioners does not extend,—the parochial board of such parish :

Provided always, that where any parish shall be partly within and partly beyond the jurisdiction of a town council and of police commissioners or trustees, and of a parochial board, or of any two or more of such bodies, the Board, if application be made to them by any of these bodies, or by any person having interest, may, if they see fit, determine



which of the said several bodies shall be the local authority within the whole limits or within any portion of such parish, and the Board may from time to time recall or vary such determination; and provided further, that all determinations already made under the Fifth Section of the Nuisances Removal (*Scotland*) Act, 1856, shall be valid and effectual till recalled or varied under this Act.

6. Where any parish or burgh shall be situated in more than one county, the Board shall, on application being made to them by any person having interest, determine in which one of such counties such parish or burgh shall be held to be situated for the purposes of this Act, whose decision shall be final; and the jurisdiction and powers of magistrates, justices, and sheriffs, and the powers of their officers under this Act, shall be regulated accordingly, and the Board may from time to time recall or vary such determination; provided always, that all determinations already made under the Fifth Section of the Nuisances Removal (*Scotland*) Act, 1856, shall be valid and effectual till recalled or varied under this Act.

7. The local authorities shall respectively be bodies corporate, designated by such names as they may usually bear or adopt, with power to sue and be sued in such names, and to hold lands for the purposes of this Act; and the local authority may appoint any committee or committees of their own body to receive notices, to take proceedings, and in all or certain specified respects to execute this Act, whereof two shall be a quorum, unless a larger quorum be specified in their appointment; and such local authority or their committee, thereto duly authorized, may, by minute or other writing signed by the chairman of such body or committee, empower any officer or person to make complaints and take proceedings on their behalf; and all acts done or proceedings taken by or against such committee or officer or person shall be as valid as if they were done by or taken in the name of all the members of the local authority; and the local authority shall have power to commence or carry on all proceedings commenced, or which might have been commenced before the passing of this Act, by the local authority under any of the before repealed Acts, and shall be vested with all property or pecuniary claims so vested in such last-mentioned local authority.

8. The local authority may, and where it shall be thought necessary by the Board for the purposes of this Act, the local authority shall, appoint a sanitary inspector or inspectors, who shall be also inspector or inspectors of common lodging-houses, and a medical officer or medical officers, and may make bye-laws for regulating the duties of such inspectors and medical officers, which bye-laws shall not be effectual until they are approved of by the Board; and the local authority shall appoint convenient places for their offices, and shall allow to every such inspector and medical officer on account of his employment a proper salary; and if no such inspector or medical officer is appointed the local authority shall, in all cases in which any duty is laid on them by this Act, appoint some person, where the same shall be necessary, to perform such duty, and shall remunerate him as they shall see fit; and the names and addresses and salaries of the said inspectors and medical officers shall be reported by the local authority to the Board imme-



diately on such persons being appointed and such salaries fixed ; and the said inspectors and medical officers shall be bound to make such returns and special reports to the Board as the Board shall require them to make ; and the said inspectors shall be removable from office only by the Board, except in the case where the local authority is the town council or police commissioners or trustees in any burgh in *Scotland* having a local Act for police purposes, or having a population of ten thousand or upwards according to the census last taken, in which case the inspectors shall be removable from office by the local authority.

9. It shall be lawful for the Board, upon written application by two or more parties interested or upon the report of any of their inspecting officers, to inquire into the sanitary condition of any parish in *Scotland*, or into the sanitary condition of any burgh in *Scotland* not having a local Act for police purposes, or not having a population of ten thousand or upwards according to the census last taken, and also in these two latter cases with the consent of one of her Majesty's Principal Secretaries of State, after duly considering any representation which may be made to him by any town council, stating that such consent ought not in the case of such burgh to be given ; and for this purpose the Board are hereby empowered to make inquiries, and require answers or returns to be made to the Board upon any question or matter connected with or relating to the purposes of this Act, and also by a summons, signed by one of their number or by the Secretary, to require the attendance of all such persons as they may think fit to call before them upon any such question or matter, and to administer oaths to and examine upon oath all such persons, and to require and enforce the production upon oath of all books, contracts, agreements, accounts, and writings, or copies thereof respectively, in anywise relating to any such question or matter, or, in lieu of requiring such oath as aforesaid, the Board may, if they think fit, require any such person to make and subscribe a declaration of the truth of the matters respecting which he shall have been or shall be so examined.

10. It shall and may be lawful for the Board, whenever it may seem fitting to them, with the consent of one of her Majesty's Principal Secretaries of State or of her Majesty's Advocate for *Scotland*, to authorize and empower for a limited time one of the members thereof to conduct any special inquiry in any part of *Scotland*, and to report thereon to the Board ; and such member so authorized and empowered shall be entitled to summon and examine on oath witnesses and havers, and to exercise all such other of the powers by this Act given to the Board as may be necessary for conducting such inquiry, and such member shall be reimbursed by the Board of all expenses necessarily incurred by him in conducting such inquiry, and such expenses shall be deemed part of the expenses attending the execution of this Act, and be defrayed in the same manner as the general expenses of the Board are now defrayed.

11. It shall and may be lawful for the Board, whenever it may seem fitting to them, with the consent of one of her Majesty's Principal Secretaries of State or of her Majesty's Advocate for *Scotland*, or wherever the Board may be thereunto required by one of her Majesty's said Secretaries of State or by her Majesty's Advocate, to appoint some person, not being a



member of the Board, but being a member of the Faculty of Advocates, or a duly qualified medical practitioner, or an architect or surveyor or engineer, or two of such persons, to act as a commissioner or commissioners for the purpose of conducting any special inquiry for a limited period, and to report thereon; and the Board shall delegate to every person so appointed for the purpose of conducting such inquiry all such of the powers of the Board as they may deem necessary or expedient for summoning or examining witnesses and havers, and otherwise conducting such inquiry; and every such appointment shall be subject to the approval of one of her Majesty's said Secretaries of State or of her Majesty's said Advocate; and every person so appointed as aforesaid to conduct any special inquiry shall, before he enter on the execution of his duties, take an oath *de fidei administratione officii*, which oath may be administered to him by any member of the Board, or by any one of the judges of the Court of Session, or by the sheriff of any county; and it shall not be necessary to notify the appointment of any such commissioner otherwise than by intimating the same by letter under the hand of the secretary or of any member of the Board to the sheriff of the county within which the inquiry in question is to be made; and every such commissioner shall be reimbursed by the Board for all expenses necessarily incurred by him in conducting such inquiry, and shall also receive such reasonable remuneration for his time and trouble as may have been agreed upon between him and the said Board, and approved of by the Commissioners of her Majesty's Treasury, or by such person or persons as they shall name.

12. It shall be lawful for the Board, in any case where they see fit, to order and allow such expenses of witnesses, and such expenses of or concerning the production of any books, contracts, agreements, accounts, or writings, or copies thereof, to or before the said Board, or member thereof, or commissioner or commissioners, as such Board may deem reasonable; and such expenses so ordered and allowed shall be deemed part of the expenses attending the execution of this Act, and be defrayed in the same manner as the general expenses of this Board are now defrayed.

13. If any person, upon any examination on oath under the authority of this Act, shall wilfully give false evidence, he shall be deemed guilty of perjury, and shall be liable to the pains and penalties thereof; and in case any person shall wilfully refuse to attend in obedience to any summons of the Board, or member or commissioner authorized or appointed by the Board as aforesaid, or to give evidence, or shall wilfully refuse to produce any books, contracts, agreements, accounts, and writings, or copies of the same, which may be required to be produced before the Board, or member thereof, or commissioner or commissioners, or shall wilfully neglect or disobey any of the orders of the Board, or member or commissioner, or be guilty of any contempt of the Board, or member or commissioner, such person being thereof lawfully convicted, shall forfeit and pay for the first offence any sum not exceeding five pounds, for the second and every subsequent offence any sum not exceeding twenty pounds nor less than five pounds.

14. The Board are hereby empowered from time to time to appoint all such officers and clerks as they shall deem necessary, and from time to time,



at the discretion of the Board, to remove such officers and clerks, or any of them, and to appoint others in their stead ; provided that the amount of the salaries of such officers and clerks shall from time to time be regulated by the Commissioners of her Majesty's Treasury ; and the name of every person so appointed or removed as aforesaid shall forthwith be intimated to one of her Majesty's Principal Secretaries of State for his approval, who shall be understood to approve of such appointment or removal, if no notice to the contrary be received by the Board within twenty-one days from the day of the date of such intimation.

15. The sheriffs of *Perth*, *Renfrew*, and *Ross* and *Cromarty* shall each receive, so long as they act as members of the Board of Supervision, the sum of one hundred and fifty pounds sterling *per annum*, and such allowance shall come in place of the allowance of one hundred pounds sterling provided to the said sheriffs by the Act eighth and ninth of her Majesty, chapter eighty-three, section four.

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## PART II.

### *Removal of Nuisances.*

16. The word "Nuisance" under this Act shall include—

- (a.) Any insufficiency of size, defect of structure, defect of ventilation, want of repair or proper drainage, or suitable water-closet, or privy accommodation or cesspool and any other matter or circumstance rendering any inhabited house, building, premises, or part thereof, injurious to the health of the inmates or unfit for human habitation or use :
- (b.) Any pool, watercourse, ditch, gutter, drain, sewer, privy, urinal, cesspool, or ashpit so foul as to be injurious to health, or any well or other water supply used as a beverage or in the preparation of human food, the water of which is so tainted with impurities or otherwise unwholesome as to be injurious to the health of persons using it, or calculated to promote or aggravate epidemic disease :
- (c.) Any stable, byre, pigstye, or other building in which any animal or animals are kept in such a manner as to be injurious to health :
- (d.) Any accumulation or deposit of manure or other offensive matter within fifty yards of any dwelling-house within the limits of any burgh, or wherever situated if injurious to health, or any accumulation of police manure within a quarter of a mile of the municipal boundaries of any burgh (excepting the city of *Glasgow*), or any accumulation of deposits from ashpits or manure from town or village laid nearer than fifty yards to a public or parish road or dwelling-house :
- (e.) Any work, manufactory, trade, or business injurious to the health of



the neighbourhood, or so conducted as to be offensive or injurious to health, or any collection of bones or rags injurious to health :

- (f.) Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates :
- (g.) Any factory, workshop, or workplace, not under the operation of any general Act for the regulation of factories or bakehouses, and not kept in a cleanly state, or not ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust, or other impurities generated in the course of the work carried on therein, and injurious or dangerous to the health of persons employed therein, or any such factory, workshop, or workplace as is so overcrowded, while work is carried on therein, as to be dangerous or injurious to the health of those employed therein :
- (h.) Any fireplace or furnace which does not as far as practicable consume the smoke arising from the combustible matter used in such fireplace or furnace, and is used within any burgh, for working engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse, or gaswork, or in any manufactory or trade process whatsoever :
- (i.) Any chimney (not being the chimney of a private dwelling-house) sending forth smoke so as to be injurious to health :

Provided that in places where at the time of the passing of this Act no enactment is in force compelling fireplaces or furnaces to consume their own smoke, the foregoing enactment as to fireplaces and furnaces consuming their own smoke shall not come into operation until the expiration of one year from the date of the passing of this Act :

- (j.) Any churchyard, cemetery, or place of sepulture so situated or so crowded with bodies or otherwise so conducted as to be offensive or injurious to health.

17. If the local authority or sanitary inspector have reasonable grounds for believing that nuisance exists in any premises, such local authority or inspector may demand admission for themselves, the superintendent of police, and the medical officer, or any other person or persons whom the local authority may desire to inspect such premises, or for any or all of them, to inspect the same at any hour between nine in the morning and six in the evening, or at any hour when the operations suspected to cause the nuisance are in progress or are usually carried on ; and if admission be refused, the local authority or sanitary inspector may apply to the sheriff, or to any magistrate or justice of the peace having jurisdiction in the place, stating on oath such belief ; and such sheriff, magistrate, or justice may, with or without intimation to the owner, occupier, or person in charge of the premises, by order in writing, require the occupier or person having the custody of such premises to admit the local authority and others aforesaid ; and if such occupier or person refuse or fail to obey such order, he shall on conviction of such offence be liable to a penalty not exceeding five pounds ; and on being satisfied of such failure or refusal, the sheriff, magistrate, or justice may grant warrant to such person or persons for immediate forcible entry into the premises ; and if no such occupier or person can be dis-



covered, or if no person is found on the premises to give or refuse admission, the local authority or their officers may enter the premises without any order or warrant, and forcibly, if need be.

18. In any case where the existence of a nuisance is ascertained to their satisfaction by the local authority, or is certified to them in writing, signed by the medical officer, or where the nuisance in the opinion of the local authority did exist at the time when demand of admission was made or the certificate was given, and, although the same may have been since removed or discontinued, is in their opinion likely to recur or to be repeated, they may apply to the sheriff or to any magistrate or justice, by summary petition in manner hereinafter directed, and if it appear to his satisfaction that the nuisance exists, or, if removed or discontinued since the demand of admission was made or the certificate was given, that it is likely to recur or to be repeated, he shall decern for the removal or remedy or discontinuance or interdict of the nuisance as hereinafter mentioned; provided that in the cases under the heads marked (e.) and (g.) in section sixteen such application shall be made only on medical certificate as aforesaid, or on a requisition in writing under the hands of any ten inhabitants of the district of the local authority, and that in these cases, and the cases under the heads marked (h.) and (i.) in said section, shall be made only to the sheriff; and farther, that in the cases under the head marked (j.) in section sixteen it shall not be necessary to cite any person as the author of the nuisance, but such application shall be proceeded with by the sheriff (to whom alone it shall be made) after such intimation to the collector of the churchyard or other dues, or to such other person as to the sheriff shall seem meet; and such person or persons as shall appear after such intimation shall, if the sheriff think proper, be allowed to be heard and to object to such application in the same manner as if he or they were the author of the alleged nuisance within the meaning of this Act.

19. It shall not be necessary to restrict such decree to any special remedy prayed for in the petition, but, as the case shall require, the author of the nuisance, or owner of the premises, may be ordained to provide sufficient privy, or watercloset, or ash-pit accommodation, means of drainage or ventilation for, or to repair, make safe, and habitable, or to floor, pave, cleanse, whitewash, disinfect, or purify, the dwelling-house, building, or premises, or to drain, empty, cleanse, fill up, cover, repair, or remove any pool, ditch, gutter, watercourse, privy, cesspool, drain, or ash-pit, or to shut up or purify any well, or to provide a substitute for that complained of, or to abstain from any operation which may pollute a well or stream from which the inhabitants obtain a supply of water, or to cease to use the water of any well or stream as a beverage, or in the preparation of human food, or to remove the animal, or to carry away the offensive matter, or to discontinue the work, trade, manufactory, or business, or prevent the injurious effects thereof (according to the nature of the case), or to limit the number of persons who may be accommodated in any house or part thereof overcrowded, or the number of separate dwellings into which such house or part thereof may be divided or let for the use of separate families or persons, or to increase the means of ventilation, or



to shut up or regulate the use of any churchyard, cemetery, or place of sepulture, or to do such other works or acts as are necessary to remove the nuisance complained of, in such manner and within such time as in the interlocutor shall be specified; and if the sheriff, magistrate, or justice is of opinion that such, or the like nuisance is likely to recur, he may further grant interdict against the recurrence of it, or do otherwise, as the case may in his judgment require; and if the nuisance proved to exist be such as to render a house or building unfit for human habitation, he may prohibit the using thereof for that purpose until it is rendered fit for that purpose, or do otherwise as the case may, in his judgment, require.

20. If the said decree be not complied with in good and sufficient manner, and within the time appointed, the author of the nuisance, or the owner, as the case may be, shall be liable, in the case of nuisances specified in clauses (a.), (b.), (c.), (d.), (f.), (i.), and (j.) in section sixteen of this Act, to a penalty of not more than ten shillings *per* day during his failure so to comply; and if the said interdict be knowingly infringed by the act or authority of the owner or occupier, such owner or occupier shall be liable for every such offence to a penalty not exceeding twenty shillings *per* day during such infringement; and in the case of nuisances specified in clauses (e.), (g.), and (h.) in the said section, the party not complying with or infringing such decree shall be liable to a penalty not exceeding five pounds nor less than two pounds for the first offence, and of ten pounds for the second, and for each subsequent conviction a sum double the amount of the penalty in the last preceding conviction, but no penalty shall exceed two hundred pounds: Provided always, in the case of such last-mentioned nuisance (h.), that if it appears to the sheriff that the best means then known to be available for mitigating the nuisance, or the injurious effects thereof, have not been adopted, he may suspend his final determination upon condition that the author of the nuisance shall undertake to adopt within a reasonable and definite time such means as he shall judge to be practicable, and order to be carried into effect, for mitigating or preventing such injurious effects.

21. When it shall appear to the sheriff, magistrate, or justice that the execution of structural works is required for the removal or remedy of a nuisance, he may appoint such works to be carried out under the direction and subject to the approval of any person he may appoint; and he may, before making his order, require the local authority, within a time to be specified by him, to furnish him with an estimate of the cost of the required works.

22. In case of non-compliance with, or infringement of any decree aforesaid, the sheriff, magistrate, or justice may, on application by the local authority, grant warrant to such person or persons as he may deem right to enter the premises to which such decree relates, and remove or remedy the nuisance thereby condemned or interdicted, and do whatever may be necessary in execution of such decree; or if in the original application it appears to his satisfaction that the author of the nuisance is not known



or cannot be found, then such decree may at once ordain the local authority to execute the works thereby directed; and all expenses incurred by the local authority in executing the works may be recovered from the author of the nuisance or the owner of the premises.

23. Any article or articles removed by the local authority in pursuance of this Act may be sold by public roup, after not less than five days notice by printed handbills posted in the locality, except in cases where delay would be prejudicial to health, or in which the article or articles are not of the value of two pounds or upwards, in which case the sheriff, magistrate, or justice may, by writing under his hand, order the immediate removal, sale, or destruction of the thing, and the proceeds of the sale shall be retained by the local authority, and applied *pro tanto* in payment of all expenses incurred under this Act with reference to such nuisance; and the surplus, if any, shall be paid, on demand, by the local authority, to the owner of such thing; and the balance of such expenses shall be defrayed, if such proceeds are insufficient for that purpose, by the author of the nuisance, or the owner of the premises.

24. Whenever any watercourse, ditch, gutter, or drain along the side of any public road, street, or lane, shall be used or partly used for the conveyance of any water, sewage, or other matter from any premises, and cannot, in the opinion of the local authority, be rendered free from foulness or offensive smell without the laying down of a sewer, or of some other structure, such local authority shall, and they are hereby required, subject to the approval of the Board, to lay down such sewer or other structure within the limits of their district, or, where necessary for the purpose of outfall or distribution of sewage, without their district, and to keep the same in good and serviceable repair; and they may enter any premises for such purposes, and use such part thereof as shall be necessary, and for such use shall pay such damages as may be assessed by the sheriff on a summary application, and to such party as the sheriff may direct: Provided always, that no damage shall be payable to any person who has caused, or contributed to cause, such watercourse, ditch, gutter, or drain to become foul or offensive, unless such person shall satisfy the sheriff that he had justifiable excuse for so doing; and such local authority are hereby authorized and empowered to assess the owners of all the premises (according to the yearly value thereof) from which then, or at any time thereafter, any material other than pure water flows, falls, or is carried into the said sewer or other structure, for payment of all expenses incurred in making and maintaining the same, and that either in one sum or in instalments, as they shall think just and reasonable, and after fourteen days notice at the least left with the said owners, if resident within the district, and if not so resident with the occupiers of the said premises, to levy and collect the sums so assessed, with the same remedies in case of default in payment thereof as are hereinafter provided with reference to the general charge and expenses incurred by the local authority under this Act.

25. Nothing in this Act contained shall enable any local authority or other person to injuriously affect—



- (1.) The irrigation of lands in a rural district, or the supply of water used for such irrigation ;
- (2.) The supply of water required for the purposes of any waterworks established by Act of Parliament, or of the compensation water required to be given by the owners of such waterworks, unless the local authority shall have previously obtained the consent of such owners ;
- (3.) The navigation on, or use of any river, canal, dock, harbour, lock, reservoir, or basin, in respect of which any persons are by virtue of any Act of Parliament entitled to take tolls or dues, or the supply of water to the same, or any bridges crossing the same, or any towing-path thereon ;

Provided always, that it shall not be lawful for the local authority to execute any works in, through, or under any wharves, quays, docks, harbours, locks, reservoirs, or basins without the consent in writing in every case, of the persons entitled by virtue of any Act of Parliament to take tolls or dues in respect thereof, and such persons may, at their own expense, and on substituting other sewers, drains, culverts, and pipes equally effectual, and certified as such by the inspector to the local authority, take up, divert, or alter the level of any sewers and drains, culverts or pipes, constructed by any local authority, and passing under or interfering with such rivers, canals, docks, harbours, reservoirs, or basins, or the towing-paths thereof, and do all such matters and things as may be necessary for carrying into effect such taking up, diversion, or alteration.

26. The sanitary inspector may at all reasonable times enter any premises to inspect and examine any carcass, meat, poultry, game, flesh, fish, fruit, or vegetables exposed for sale, or which there is probable cause for believing to be intended for human food ; and in case any such carcass, meat, poultry, game, flesh, fish, fruit, or vegetables appear to him to be unfit for such food, the same may be seized without any warrant ; and if it appear to the sheriff, or any two magistrates or justices, that any such carcass, meat, poultry, game, flesh, fish, fruit, or vegetables are unfit for the food of man, he or they shall, by a writing under his or their hand or hands, order the same to be destroyed, or to be so disposed of as to prevent the same being exposed for sale or used for such food ; and the person to whom such carcass, meat, poultry, game, flesh, fish, fruit, or vegetables belong, or in whose custody the same are found, shall be liable to a penalty not exceeding ten pounds for such carcass, piece of meat or flesh, or for any quantity of fish, poultry, game, fruit, or vegetables, or any refuse thereof, and also to pay all expenses caused by the seizure, detention, or disposal thereof.

27. Any person engaged in the manufacture of gas, naphtha, vitriol, paraffin, or dye stuffs, or any other deleterious substance, or in any trade in which the refuse produced in any such manufacture is used, who shall at any time cause or suffer to be brought or to flow into any stream, reservoir, aqueduct, well, or pond, or place for water, constructed or used for the supply of water for domestic purposes, or into any pipe or drain communicating therewith, any product, washing, or other substance pro-



duced in any such manufacture, or shall wilfully do any act connected with any such manufacture, whereby the water in any such stream, reservoir, aqueduct, well, pond, or place for water shall be fouled, and any person who shall wilfully do or permit to be done any act whereby the water in any stream, reservoir, aqueduct, well, pond, or place constructed for the supply of water for domestic purposes shall be fouled, shall forfeit for every such offence a sum not exceeding fifty pounds.

28. Such penalty may be recovered, with expenses, by the person into whose water such product, washing, or other substance shall be conveyed or shall flow, or whose water shall be fouled by any such act as aforesaid, or in default of proceedings by such person, after notice to him from the local authority of their intention to proceed for such penalty, or if there be no such person, by the local authority; but such penalty shall not be recoverable unless it be sued for during the continuance of the offence, or within six months after it shall have ceased.

29. In addition to the said penalty (and whether such penalty shall have been recovered or not), the person so offending shall forfeit a sum not exceeding five pounds (to be recovered in the like manner) for each day during which such product, washing, or other substance shall be brought, or shall flow as aforesaid, or during which the act by which such water shall be fouled shall continue, after the expiration of twenty-four hours from the time when notice of the offence shall have been served on such person by the local authority, or by the person into whose water such product, washing, or other substance shall be brought or flow, or whose water shall be fouled thereby, and such penalty shall be paid to the local authority or person from whom such notice shall proceed; and all monies recovered by the local authority under this or the preceding section shall, after payment of any damage caused by the Act for which the penalty is imposed, be applied towards defraying the expenses of executing this Act.

30. The business of a blood boiler, bone boiler, tanner, slaughterer of cattle, horses, or animals of any description, soap boiler, skinner, tallow melter, tripe boiler, or other business, trade, or manufacture injurious to health, shall not, after the passing of this Act, be newly established or enlarged in any building or place within any burgh or village, or within five hundred yards therefrom, without the consent in writing of the local authority previously had and obtained, and published in one or more newspapers circulating within the district; and if any question arises under this section as to the existence or limits of a burgh or village, or as to the extent included within the said five hundred yards, or as to whether a business, trade, or manufacture, other than those above specified, is injurious to health, or as to whether such consent ought to have been given, any such question shall be finally determined by the Board; and the party dissatisfied may bring the same before the Board within twenty-one days after the resolution or order of the local authority has been published as aforesaid; and any person contravening this enactment shall, in addition to discontinuance of such business, trade, or manufacture, be liable for each offence to a penalty not exceeding fifty pounds, and a further



penalty of not exceeding forty shillings for each day during which the offence is continued; and the local authority may from time to time make such bye-laws with respect to any such businesses so newly established as they may think necessary, and in order to prevent or diminish the noxious or injurious effects thereof.

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### PART III.

#### *Prevention and Mitigation of Diseases under Order in Council.*

31. Whenever any part of the United Kingdom appears to be threatened with, or is affected by any formidable epidemic, endemic, or contagious disease, the Lords and others of her Majesty's most Honourable Privy Council, or any three or more of them (the Lord President of the Council, or one of her Majesty's Principal Secretaries of State being one), may, by order or orders by them from time to time made, direct that the provisions for the prevention of diseases contained in Part III. hereof be put in force *Scotland*, or in such parts thereof, or in such places therein as in such order or orders may be expressed, and may, from time to time, as to all or any of the parts or places to which any such order or orders extend, and in like manner, revoke or renew any such order; and, subject to revocation and renewal as aforesaid, every such order shall be in force for six calendar months, or for such shorter period as in such order shall be expressed; and every such order of her Majesty's Privy Council, or any members thereof as aforesaid shall be certified under the hand of the Clerk in Ordinary of her Majesty's Privy Council, and shall be published in the *Edinburgh Gazette*, and such publication shall be conclusive evidence of such order.

32. When any such order has been issued, the Board shall be vested with the powers after provided; and it shall be lawful for her Majesty to appoint the sheriff of any county in *Scotland*, other than *Renfrew*, *Perth*, or *Ross and Cromarty*, to be an additional member of the Board during the subsistence of such order, and such sheriff shall receive such remuneration as the Commissioners of her Majesty's Treasury may think proper, not exceeding one hundred and fifty pounds *per annum*, to be paid out of money to be voted for that purpose by Parliament; and the Board may also appoint a general or superintending medical officer to act under their directions during such period, and such officer shall receive a salary to be fixed and paid in like manner; and the Board may, with the sanction of the said Commissioners of her Majesty's Treasury, employ such additional clerks as may be necessary during such period; and the salary of such clerks and the office expenses incurred under this Act shall be defrayed in the same manner as the general expenses of the Board are now defrayed.



33. From time to time, after the issuing of any such order as aforesaid, and whilst the same continues in force, the Board may issue such directions and regulations as they shall think fit for the prevention, as far as possible, or mitigation of such epidemic, endemic, or contagious diseases, and from time to time may revoke, renew, and alter any such directions and regulations; and the same shall extend to all parts or places in which the provisions of this Act for the prevention and mitigation of disease shall, for the time being, be put in force under such orders as aforesaid, unless such directions and regulations be expressly confined to some of such parts or places, and then to such parts or places as therein are specified; and (subject to the power of revocation and alteration herein contained) such directions and regulations shall continue in force so long as the said provisions of this Act shall, under such order, be applicable to the same parts or places; and all such directions and regulations shall be published by being inserted in the *Edinburgh Gazette*, which publication shall be conclusive evidence thereof, and may be further published, and may be specially communicated to any local authority, by the secretary of the Board, as the Board may direct.

34. Every order of her Majesty's Privy Council, and direction and regulation of the Board under Part III. of this Act, shall be laid before both Houses of Parliament forthwith upon the issuing thereof, if Parliament be then sitting, and if not then within fourteen days next after the commencement of the then next session of Parliament.

35. The Board, by such directions and regulations, may provide—

For the speedy interment of the dead :

For house to house visitation :

For the dispensing of medicines, and for affording to persons afflicted by, or threatened with such epidemic, endemic, or contagious diseases such medical aid and such accommodation as may be required :

For any such matters or things as may to them appear advisable for preventing or mitigating such diseases :

And the local authority shall superintend and see to the execution of such directions and regulations, and shall do and provide all such Acts, matters, and things as may be advisable for mitigating such disease, or for superintending or aiding in the execution of such directions and regulations, or for executing the same as the case may require, and may direct any prosecutions or legal proceedings for, or in respect of the wilful violation or neglect of any such directions and regulations, and such wilful violation or neglect shall be deemed to be an offence under this Act.

36. The local authority acting in the execution of such directions and regulations, or the officers or persons by them in this behalf authorized, may enter at reasonable times in the daytime and inspect any premises where they have ground for believing that any person has recently died of any such disease, or that necessity may otherwise exist for executing in relation to the premises any of such directions and regulations.

37. When any such order of council is in force in any place, on the certificate of a sanitary inspector, or of a medical officer, or of two duly qualified medical practitioners, or other sufficient evidence, that any house



or part of a house is so overcrowded as to be dangerous to health, the local authority shall have power to regulate the same according to the provisions of this Act in reference to common lodging-houses.

38. All orders of council for executing this Act shall extend to ports and arms of the sea lying within the jurisdiction of the Admiralty, and adjacent to the place to which such orders relate; and the Board may issue, under the said orders, directions, and regulations for cleansing, purifying, ventilating, and disinfecting, and preventing disease in ships and vessels, as well upon arms and ports of the sea aforesaid as upon inland waters.

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#### PART IV.

##### *General Prevention and Mitigation of Disease.*

39. The local authority may provide within their district hospitals or temporary places for the reception of the sick, for the use of the inhabitants.

Such authority may build such hospitals or places of reception, provided the Board approve of the situation and construction thereof, or they may make contracts for the use of any existing hospital or part of an hospital, or for the temporary use of any place for the reception of the sick.

Such authority may enter into any agreement with any person or body of persons having the management of any hospital for the reception of the sick inhabitants of their district, on payment by the local authority of such annual or other sum as may be agreed upon.

Two or more contiguous local authorities having respectively the power to provide separate hospitals may combine in providing a common hospital, provided the Board approve of the situation and construction thereof, and all expenses incurred by such authorities in providing such hospitals shall be deemed to be expenses incurred by them respectively in carrying into effect the purposes of this Act, and if any question shall arise as to the allocation of expenses, the same shall be determined by the Board, whose decision shall be final; and such common hospital shall be deemed to be for the purposes of this Act an hospital within the district of each of the local authorities so combining.

40. The local authority in each district may provide a proper place, with all necessary apparatus and attendance, for disinfection of woollen or other articles, clothing, or bedding which have become infected, and they may cause any articles brought for disinfection to be disinfected free of charge; and it shall be lawful at all times for the local authority to provide and maintain a carriage or carriages suitable for the conveyance of persons suffering under any contagious or infectious disease, and to pay the expense of conveying any person therein or otherwise to a hospital or place



for the reception of the sick or to his own home ; and farther, if the local authority shall be of opinion, upon the certificate of any legally qualified medical practitioner, that the cleansing and disinfecting of any house or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check contagious or infectious disease, it shall be the duty of the local authority to give notice in writing, requiring the occupier or owner of such house or part thereof to cleanse and disinfect the same ; and if the person to whom notice is so given fail to comply therewith within the time specified in the notice, he shall be liable to a penalty not exceeding one pound for every day during which he continues to make default ; and the local authority shall cause such house or part thereof to be cleansed and disinfected, and may recover the expenses incurred from the occupier or owner ; and when such occupier or owner is from poverty or otherwise unable, in the opinion of the local authority, effectually to carry out such cleansing and disinfection, the local authority may, at their own expense, cleanse and disinfect such house or part thereof, and any such articles therein.

41. The local authority may erect such public water-closets, privies, and urinals, and in such situations, as they may think fit, and may defray the expense thereof, and of keeping the same in repair and in good order, and shall cause such privies to be cleansed daily ; and the local authority may also, by written notice to the owner or occupier of any school-house or of any factory or building in which more than ten persons are employed at one time in any manufacture, trade, or business, require them or either of them, within a time specified, to construct a sufficient number of water-closets or privies for the separate use of each sex ; and any person failing to comply with such notice shall be liable for each offence in a penalty not exceeding twenty pounds.

42. Where a hospital or place for the reception of the sick is provided or exists within the district of a local authority, the sheriff or any magistrate or justice may, on the application of the local authority, with the consent of the superintending body of such hospital or place, by order on a certificate signed by a legally qualified medical practitioner, direct the removal to such hospital or place for the reception of the sick, at the cost of the local authority, of any person suffering from any dangerous, contagious, or infectious disorder, and being without proper lodging or accommodation, or lodged in a room occupied by others besides those in attendance on such person, or being on board any ship or vessel, or may direct the removal from the room occupied by such person of all others not in attendance on him, the local authority providing suitable accommodation for such other persons.

43. Any local authority may provide a proper place for the reception of dead bodies, and where any such place has been provided, and any dead body of one who has died of any infectious disease is retained in a room in which persons live or sleep, or any dead body which is in such a state as to endanger the health of the inmates of the same house or room is retained in such house or room, the sheriff or any magistrate or justice may, on a certificate signed by a legally qualified medical practitioner, order by a



writing under his hand the body to be removed to such proper place of reception at the cost of the local authority, and direct the same to be buried within a time to be limited in such order; and unless the friends or relations of the deceased undertake to bury the body within the time so limited, and do bury the same, it shall be the duty of the local authority to bury such body; and it shall also be the duty of the local authority to bury any dead body found within the district, and which is unclaimed, or which no sufficient person undertakes to bury; but any expense so incurred in regard to any such burial may be recovered by the local authority in a summary manner from any person legally liable to pay the expense of such burial.

44. The local authority having jurisdiction under this Act in any burgh or populous place containing, according to the census last taken, a population of not less than one thousand inhabitants, may, after publication of the proposed regulations in one or more newspapers circulating in the district for one month, make, with consent of the Board, regulations for all or any of the following matters; that is to say,—

1. For fixing the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family:
2. For the registration of houses thus let or occupied in lodgings:
3. For the inspection of such houses, and the keeping the same in a cleanly and wholesome state:
4. For enforcing therein the provision of privy accommodation, or water-closet accommodation, and other appliances and means of cleanliness in proportion to the number of lodgings and occupiers, and the cleansing and ventilation of the common passages and staircases:
5. For the cleansing and lime-whiting at stated times of such premises:
6. For the enforcement of the above regulations by penalties not exceeding forty shillings for any one offence, with an additional penalty not exceeding twenty shillings for every day during which a default in obeying such regulations may continue.

45. It shall not be lawful to let separately, except as a warehouse or storehouse, or to suffer to be occupied as a dwelling-place, any cellar whatsoever, or any vault or underground room (not being entirely open on one or other of its sides), which vault or room shall be less in height from the floor to the ceiling than seven feet in the case of houses built prior to the passing of this Act, or less in height than eight feet in the case of houses built subsequently to the passing hereof, or which shall be less than one-third of its height above the level of the street or ground adjoining the same, or otherwise shall not have three feet at least of its height from the floor to the ceiling above the said level, with an open area of two feet six inches wide from the level of the floor of such vault or room up to the level of the said street or ground, or which shall not have appurtenant thereto the use of a water-closet or privy and ashpit, or which shall not also have a glazed window made to open to the full extent of the half thereof, the area of which is not less than nine superficial feet clear of the frame, and a fire-



place with a chimney or flue, or which vault or underground room being an inner or back vault or cellar let or occupied along with a front vault or room, as part of the same letting or occupation, has not a ventilating flue (unless such inner or back vault or room shall be part of a house built before the passing of this Act), or which shall not be well and effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor of such vault, cellar, or room, after the local authority have given notice to the owners thereof that the letting of such cellars, vaults, or underground rooms as dwelling-places is prohibited from that time forth; and it shall be the duty of the local authority to issue such notices from time to time, as soon as is convenient, until such notice has been given with respect to every cellar, vault, or underground room occupied as a dwelling-house within the district; and it shall not be lawful, after such notice, to let or continue to let, or to occupy or suffer to be occupied, separately, as a dwelling-house, any such cellar, vault, or underground room.

46. Every person who lets separately, or who knowingly suffers to be occupied for hire as a dwelling, any vault, cellar, or room contrary to the provisions of this Act, shall be liable to a penalty not exceeding twenty shillings for every day during which such vault, cellar, or room is so occupied after conviction of the first offence.

47. Where two convictions against the provisions of this Act relating to the overcrowding of any house, or the occupation of any cellar, vault, or underground room as a separate dwelling-place, shall have taken place within the period of three months, whether the person so convicted were or were not the same, it shall be lawful for the sheriff or any magistrate or justice to direct the closing of such premises for such time as he may deem necessary, and, in the case of cellars occupied as aforesaid, to empower the local authority to permanently close the same in such manner as they may deem fit.

48. If any person suffering from any infectious disorder shall enter, or any person in charge of a person so suffering shall place such person in, any steamboat, sailing vessel, railway carriage, stage coach, hackney carriage, or other public conveyance without previously notifying to the owner or person in charge thereof that such person is so suffering, the person so contravening this provision shall, on conviction thereof before any sheriff, magistrate, or justice, be liable to a penalty not exceeding five pounds; and no owner or person in charge of any public conveyance shall be bound to convey any person so suffering.

49. Any person suffering from any infectious disorder who wilfully exposes himself, without proper precaution against spreading the said disorder, in any street, public place, or public conveyance, and any person in charge of one so suffering who so exposes the sufferer, and any owner or person in charge of a public conveyance who does not immediately provide for the disinfection of his conveyance after it has, with the knowledge of such owner or person in charge, conveyed any such sufferer, and any person who, without previous disinfection, knowingly gives, lends, sells, transmits, or exposes any bedding, clothing, rags, or other things which have been



exposed to infection from such disorders, shall, on conviction of such offence before the sheriff or any magistrate or justice, be liable to a penalty not exceeding five pounds: Provided that no proceedings under this section shall be taken against persons transmitting with proper precautions any such bedding, clothing, rags, or other things for the purpose of having the same disinfected.

50. If any person knowingly lets any house, room, or part of a house in which any person suffering from any infectious disorder has been to any other person without having such house, room, or part of a house, and all articles therein liable to retain infection, disinfected to the satisfaction of a qualified medical practitioner, as testified by a certificate given by him, and lodged with the sanitary inspector or other person appointed to perform the duties of sanitary inspector, such person shall be liable to a penalty not exceeding twenty pounds. For the purposes of this section the keeper of an inn or hotel shall be deemed to let part of a house to any person admitted as a guest into such inn or hotel.

51. Where notice has been given by the local authority or their officer or officers for the periodical removal of manure or other refuse matter from mews, stables, or other premises (whether such notice shall be by public announcement in the locality or otherwise), and subsequent to such notice the person or persons to whom the manure or other refuse matter belongs shall not so remove the same, or shall permit a further accumulation, and shall not continue such periodical removal at such intervals as the local authority or their officer or officers shall direct, he or they shall be liable, without further notice, to a penalty of not exceeding twenty shillings *per* day for every day during which such manure or other refuse matter shall be permitted to accumulate, such penalty to be recovered in a summary manner.

52. Any ship lying in any river, harbour, or other water shall be subject to the local authority of the district within or *ex adverso* of which such river, harbour, or other water is situate, and to the sheriff, magistrates, and justices of the peace having jurisdiction in such district, and shall be within the provisions of this Act in the same manner as if such ship were a house within such district, and the master or other officer in charge of such ship shall be deemed for the purposes of this Act to be the occupier of such ship; but this section shall not apply to any ship belonging to her Majesty or to any foreign Government.

53. For the purposes of this Act, any ship that is in a place within three miles of the coasts of *Scotland*, and not within the district of a local authority, shall be deemed to be within the district of such local authority as may be prescribed by the Board, and until a local authority has been prescribed then of the local authority whose district nearest adjoins the place where such ship is lying, the distance being measured in a straight line.

54. Whenever, in compliance with any regulation of the Board which they may be empowered to make under this Act, any medical officer shall perform any medical service on board of any ship, such medical officer shall be entitled to charge extra for any such service, at the general rate of his allowance for his services for the parish or place for which he is appointed,



and such charges shall be payable by the person in charge of the ship, on behalf of the owners, together with any reasonable expenses for the treatment of the sick ; and if such services shall be rendered by any medical practitioner who is not a medical officer, he shall be entitled to charge for any service rendered on board, with extra remuneration on account of distance, at the same rates as those which he is in the habit of receiving from private patients of the class of those attended and treated on shipboard, to be paid as aforesaid ; and in case such charges be not paid, the medical officer or practitioner may bring an action against the person in charge of such ship for the same, and the ship, cargo, and tackle thereof shall be subject to a lien for the amount of such charges.

55. Any local authority may, with the sanction of the Board, lay down rules for the removal to any hospital to which such authority are entitled to remove patients, and for keeping in such hospital so long as may be necessary, any persons brought within their district by any ship who are infected with an infectious disorder, and they may by such rules impose any penalty not exceeding five pounds on any person committing any offence against the same.

56. Every ship having on board any person affected with a dangerous or infectious disorder shall be deemed to be within the provisions of the Act of the sixth year of King *George the Fourth*, chapter seventy-eight, intituled *an Act to repeal the several laws relating to quarantine, and to make other provisions in lieu thereof*, although such ship has not commenced the voyage, or has come from or is bound for some place in the United Kingdom ; and nothing in this Act contained shall interfere with or prevent the execution of any orders, regulations, or restrictions to be made by the Lords and others of her Majesty's Privy Council pursuant to the said Act ; and any expenses incurred by any local authority in carrying into effect such orders, regulations, or restrictions shall be deemed to be expenses incurred by them in carrying into effect this Act ; and all penalties imposed by the said Act of the sixth year of King *George the Fourth*, chapter seventy-eight, may be reduced by the justices or court having jurisdiction in respect of such penalties to such sum as the justices or court think just.

57. The local authority may defray the cost of vaccinating such persons as to them may seem expedient, not being paupers or the children of paupers, or persons ordered to be vaccinated in terms of the eighteenth section of the Act twenty-six and twenty-seven *Victoria*, chapter one hundred and eight.

58. The local authority may provide, maintain, lay out, and improve grounds for public recreation, and support or contribute towards any premises provided for such purposes by any person whomsoever.

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## PART V.

*Regulation of Common Lodging-Houses.*

59. The local authority shall cause a register to be kept, in which shall be entered the names and residences of the keepers of all common lodging-houses within the district of the local authority, and the situation of every such house, and the number of lodgers authorized according to this Act to be kept therein, and in each apartment thereof; and the local authority may refuse to register as the keeper of a common lodging-house any person who does not produce to the local authority a certificate of character, in such form as the local authority shall direct, signed by three inhabitant householders of the parish respectively assessed for the relief of the poor of the parish within which such lodging-house is situate; and the local authority may, from time to time, on the approval of the Board, raise or diminish the sum payable *per* night, according to which, as hereinbefore mentioned, it is ascertained whether a house or part thereof is a common lodging-house, but so as not to exceed sixpence *per* night.

60. From and after the date when this Act shall come into operation, it shall not be lawful to keep or use as a common lodging-house any house, not being a licensed victualling house, or to receive or retain any lodgers therein, unless such house shall have been inspected and approved for that purpose by the inspector of common lodging-houses for the district, and shall have been registered as by this Act provided; and if any person shall contravene this enactment he shall be guilty of an offence under this Act.

61. A copy of an entry made in a register kept under this Act, purporting to be certified by the person having the charge of such register to be a true copy, shall be received in all courts and on all occasions whatsoever as evidence, and shall be *prima facie* proof of all things therein registered without the production of the register, or of any document, act, or thing on which the entry is founded, or proof of the signature; and every person applying at a reasonable time shall be furnished by the person having such charge with a certified copy of any such entry for payment of twopence.

62. The local authority may from time to time make rules and regulations respecting common lodging-houses within its jurisdiction for the well ordering of such houses, and for the separation of the sexes therein, and for fixing the number of lodgers which may be received in each such house, and in each room therein, and for promoting the cleanliness and ventilation of such houses, and with respect to the inspection thereof, and the conditions and restrictions under which such inspection may be made; and the said local authority may, by any such rules and regulations, impose upon offenders against the same such reasonable penalties as they shall think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding the sum of forty shillings for each day after written notice of the offence from the said local authority; and the said local authority may alter or repeal any such rules and regula-



tions: Provided always, that all such rules and regulations imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty: Provided also, that such rules and regulations shall not be of any force or effect until the same be submitted to and confirmed by the Board, who are hereby empowered to confirm or disallow the same as they may think proper: Provided further, that no such rules and regulations shall be confirmed, unless notice of the intention to apply for confirmation of the same shall have been given in one or more of the public newspapers usually circulated within the parish or place to which such bye-laws relate one month at least before the making of such application; and for one month at least before any such application a copy of the proposed rules and regulations, in writing, signed by the chairman of the meeting at which they were made, shall be kept at the office or usual place of meeting of the local authority, and be open during business hours thereat for the inspection of parties assessed to the relief of the poor in such parish or place, without fee, and the local authority shall cause every such party assessed as aforesaid, who shall apply for the same, to be furnished with a copy thereof, on payment of sixpence for every 100 words contained in such copy.

63. All such rules and regulations made by the local authority in pursuance of this Act shall, when confirmed as aforesaid, be printed, and hung up in the office or usual place of meeting of the said local authority, and copies thereof shall be furnished gratis to every keeper of a common lodging-house, and such keeper shall be bound to keep a copy thereof hung up in some conspicuous place in each room in which lodgers are received, and copies shall also be furnished to any party assessed as aforesaid, upon application, and payment of one penny each for the same; and a copy of such rules and regulations, purporting to be signed by the Secretary of the Board, shall be received in evidence of such regulations, and of the duly making and confirming thereof, without proof of the signature.

64. Where it appears to the local authority that a common lodging-house is without a proper supply of water for the use of the lodgers, and that such a supply can be furnished thereto at a reasonable rate, the local authority may, by notice in writing, require the owner or keeper of the common lodging-house, within a time specified therein, to obtain such supply, and to execute all works necessary for that purpose; and if such notice be not complied with accordingly, the local authority may remove the common lodging-house from the register until it be complied with.

65. The keeper of a common lodging-house shall, from time to time, if required by any order of the local authority served on such keeper, report to the local authority, or to such person or persons as the said local authority shall direct, every person who resorted to such house during the preceding day or night, and for that purpose schedules shall be furnished by the local authority to the persons so ordered to report, which schedules they shall fill up with the information required, and transmit to the local authority.

66. When a person in a common lodging-house is ill of fever, or any infectious or contagious disease, the local authority may cause such person



to be removed to a hospital or infirmary, with the consent of the authorities thereof, where different from the local authority, and on the certificate of the medical officer of the parish, or of any qualified medical practitioner, that the disease is infectious or contagious, and that the patient may be safely removed; and the local authority may, so far as they think requisite for preventing the spread of disease, cause any clothes or bedding used by such person to be disinfected or destroyed, and may pay to the owners of the clothes and bedding so disinfected or destroyed reasonable compensation for the injury or destruction thereof, the amount of such compensation being first certified in writing upon a list of such articles.

67. The keeper of a common lodging-house shall, when a person in such house is ill of fever or any infectious or contagious disease, give immediate notice thereof, either to the medical officer, or to the inspector of common lodging-houses, or the inspector of the poor of the parish in which such common lodging-house is situated, who shall forthwith inform the local authority and the medical officer that such notice has been received, and thereupon the medical officer shall forthwith visit and report on the case.

68. The keeper of a common lodging-house shall, at all times, when required by any officer of the local authority, give him free access to such house and every part thereof.

69. The keeper of a common lodging house shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, ashpits, cesspools, and drains thereof, to the satisfaction of the inspector, and so often as he shall be required by or in accordance with any regulation of the local authority, and shall well and sufficiently, and to the like satisfaction, lime-wash the walls and ceilings thereof in the first week of each of the months of *April* and *October* in every year, and at such other times as the local authority may, by special order, appoint or direct.

70. Where a keeper of a common lodging-house is convicted of a third or any subsequent offence under this Act, it may be adjudged as the punishment, or part of the punishment, for such offence, that he shall not, at any time within five years, or any shorter period after such conviction, keep, or have, or act in the care or management of a common lodging-house, without the previous licence in writing of the local authority, which licence the local authority may withhold, or may grant on such terms and conditions as they think fit.

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## PART VI.

### *Sewers, Drains, and Water Supply.*

71. All sewers presently existing within a district, and not being private property, or not being and continuing under the management of persons appointed by the Crown or by Act of Parliament, shall be vested in the



local authority: Provided always, that nothing in this Act contained shall affect the rights of any person or persons to the property or management of any sewers in virtue of any existing local or general police statute.

72. The local authority may, in terms of the Lands Clauses Acts, acquire the rights and powers vested in any person to make sewers, or to use any sewer, with or without the buildings and other things thereto pertaining; provided that they shall make compensation for the rights so acquired, and shall also make compensation for the rights so acquired, and shall make compensation to the proprietors and occupiers of any lands and heritages which may be damaged by reason of the exercise of the powers hereby conferred, in terms of the said last-mentioned Acts.

73. The local authority shall have power to construct within their district, and, also when necessary for the purpose of outfall or distribution of sewage, without their district, such sewers as they may think necessary for keeping their district properly cleansed and drained, and may carry such sewers through, across, or under any turnpike or other road, or any street or place, or under any cellar or vault which may be under the foot pavement or carriageway of any street or road, and after reasonable notice in writing (if upon the report of surveyor it should appear to be necessary), into, through, or under any lands whatsoever, and from time to time to enlarge, lessen, alter, arch over, or otherwise improve, or to close up or destroy all sewers vested in them, provided no nuisance is created by such operations; and if any person is thereby deprived of the lawful use of any sewer, the local authority shall provide another sufficiently effectual for his use. The local authority shall cause their sewers to be so constructed, kept, and cleansed as not to be a nuisance, and for the purpose of cleansing and emptying them may construct and place, either above or under ground, such reservoirs, sluices, engines, or other works as may be necessary, and may cause such sewers to communicate with and be emptied into such places as may be fit and necessary either within their district, or, if necessary, for the purpose of outfall or distribution of sewage, without their district, and to cause the sewage and refuse therefrom to be collected for sale or for any purpose whatsoever, but so as not to create a nuisance.

74. The local authority may, from time to time, for the purpose of utilizing sewage, agree with any person as to the supply of such sewage or the distribution thereof over land, and as to the works to be made for the purpose of such supply or distribution, and as to the parties to execute the same and to bear the costs thereof, and as to the sums of money, if any, to be paid for that supply; provided that no contract shall be made for the supply of sewage for a period exceeding five years, unless with the authority of the Board, and not for any period exceeding twenty-five years; and the local authority may contract for, purchase, or take on lease any lands, buildings, engines, materials, or apparatus for the purpose of receiving, storing, disinfecting, or distributing sewage.

75. In case it shall become necessary to enter, examine, or lay open any lands or premises for the purpose of making plans, surveying, measuring,



taking levels, examining works, ascertaining the course of sewers or drains, making or repairing, altering or enlarging sewers or drains, or other purposes ancillary to the powers herein given as to sewers and drains, and the owner or occupier of premises refuses or withholds access and leave to perform the said operations, the local authority may apply to the sheriff, who, if no sufficient cause be shown to the contrary, shall grant warrant to the local authority, their officers and others thereby authorized, to enter and do all or any of the works or operations foresaid.

76. Upon requisition to that effect made in writing by not fewer than ten inhabitants of the district, the local authority shall be bound to meet, after twenty-one clear days' notice, and shall consider the propriety of forming part of their district into a special drainage district, and the resolution of the local authority at such meeting shall be published in one or more newspapers circulating in the district: and the production of such newspaper, or a certificate under the hand of the chairman or acting clerk of the local authority (whose signature need not be proved), shall be sufficient evidence of such resolution; and within ten days after the date of such resolution it shall be competent for any person interested to appeal against the resolution to the sheriff, and the sheriff, not being a sheriff substitute resident within the district, may either approve or disapprove of such resolution, and if he disapproves thereof he may either find that no special drainage district should be formed, or may enlarge or limit the special district as defined by the resolution of the local authority, or may find that a special drainage district should be formed, and may define the limits thereof; and the decision of the sheriff shall be binding upon the local authority, and shall be final, except where it is pronounced by a sheriff substitute, in which case it may be appealed to the sheriff.

77. Any owner or occupier of premises within the district of a local authority liable for general or special sewerage or drainage assessment shall be entitled to cause his drains to empty into the sewers of such local authority, on condition of his giving twenty days' previous notice of his intention so to do to the local authority, and of complying with their regulations in respect of the mode in which the communications between such drains and sewers are to be made, and subject to the control of any person who may be appointed by the local authority to superintend the making of such communications.

78. Any owner or occupier of premises beyond the limits of the district of a local authority or within said limits, who is not liable for general or special sewerage or drainage assessment, may cause any sewer or drain from such premises to communicate with any sewer of the local authority, upon such terms and conditions as may be agreed upon between such owner or occupier and such local authority, or, in case of dispute, shall be settled by the sheriff.

79. Every person not being authorized by the local authority who shall make any drain into any sewer vested in the local authority shall be liable in a penalty not exceeding five pounds, besides shutting up said drain or paying the expense of shutting it up.

80. Before entering into any contract for executing any such work as hereinbefore or after mentioned, falling under Part VI. of this Act, or



connected with sewerage or drainage, if the expense thereof may exceed thirty pounds, the local authority shall procure from a surveyor an estimate of the probable expense of constructing the same in a substantial manner, and of the yearly expense of maintaining the same in repair; and such surveyor shall accompany such estimate with a report as to the most advantageous mode of constructing such work, whether under a contract for constructing the same merely, or a contract for constructing the same and maintaining it in repair during a given term of years.

81. Unless with consent of the local authority, no building shall be erected over any sewer belonging to the local authority, and no vault, arch, or cellar shall be made so as to interfere with any such sewer.

82. All sewers and drains, whether public or private, shall be provided by the persons to whom they severally belong, with proper traps or other coverings or means of ventilation, so as to prevent stench or deleterious exhalation.

83. The owners or occupiers of distilleries, manufactories, and other works shall be compelled, where possible, to dig, make, and construct pools or reservoirs within their own ground, or as near their works as possible, for receiving and depositing the refuse of such works, so far as offensive or injurious to the health of those living in the vicinity thereof, or to use the best practical means for rendering the same inoffensive or innoxious before discharging it into any river, stream, ditch, sewer, or other channel.

84. If the local authority shall consider it necessary for public health that any drain should discharge itself below high-water mark, they shall be entitled, with the consent of the Board of Trade (without prejudice to any question as to the right to the foreshores), to construct the requisite works for that purpose.

85. If a dwelling-house, distillery, manufactory, or other work, or any erection, or enclosure for the keeping of live stock within the district of a local authority is without a drain, or without such drain as is sufficient for effectual drainage, the local authority may, by notice, require the owner of such house, distillery, manufactory, work, erection, or enclosure, within a reasonable time therein specified, to make a sufficient drain emptying into any sewer which the local authority are entitled to use, and with which the owner is entitled to make a communication, so that such sewer be not more than 100 feet from the site of the said premises of such owner; but if no such means of drainage are within that distance, then emptying into such covered cesspool or other place, not being under any house, as the local authority may direct; and if the person on whom such notice is served fails to comply with the same, the local authority may, at the expiration of the time specified in the notice, do the work required, and the expenses incurred by them in so doing may be recovered from such owner in a summary manner.

86. It shall be lawful for the local authority to borrow for the purpose of making, enlarging, or constructing sewers, and on the security of the after-mentioned special sewer assessments, where such exist, and general assessments, or either of them, such sums of money, and at such times, as the local authority shall deem necessary for that purpose, and to assign



the said special sewer assessments and general assessments, or any of them in security of the money to be so borrowed ; and the bonds to be granted on such borrowing and transferences or assignments and discharges thereof may be in or near to the forms contained in the schedule hereto annexed, and such bonds shall be signed by the chairman and two members of the local authority, and shall constitute a lien over the special sewer assessments and general assessments thereby assigned, and shall entitle the creditors therein to recover the sums thereby due from the local authority out of the first and readiest of the said special and general assessments ; but no member or officer of the local authority shall be personally liable for the repayment of such money so borrowed, and all such obligations shall be deemed and taken to be granted on the sole security of the assessments assigned ; and the money so borrowed shall be repayable, either in one sum, or by instalments, as may be arranged between the local authority and the lender, but so that the same shall be wholly repaid, together with the accruing interest, within thirty years from the date of the loan, but the amount of such loans, including interest, shall form a charge against the assessments of the years intervening between the date of such loans and the date of full repayment in equal proportions ; and the money so borrowed as aforesaid shall be applied wholly in defraying the expense of making, enlarging, and re-constructing sewers, and to no other purpose whatsoever.

87. Two or more local authorities may, with the sanction of the board, combine together for the purpose of executing and maintaining any works by this Act authorized in regard to sewerage or drainage that may be for the benefit of their respective districts ; and all monies which they may agree to contribute for the execution and maintenance of such common works shall, in the case of each local authority, be deemed to be expenses incurred by them in the execution of works within their district.

88. With respect to burghs having a population of ten thousand or upwards according to the census last taken, or having a local Act for police purposes, it shall be lawful for the local authority, if they think it expedient so to do, to contract or arrange with any water company established by Act of Parliament for a supply of water, or, where there is no such company, themselves to provide a supply of water, to such extent as may be necessary for the sanitary and other public purposes of this Act hereinbefore provided.

89. With respect to the improvement of burghs having a population of less than ten thousand, according to the census last taken, and not having a local Act for police purposes, and with respect to parishes (exclusive of any parts of such parishes as are situated within the district of any local authority other than the parochial boards of such parishes).—

(1) The local authority, if they think it expedient so to do, may acquire and provide or arrange for a supply of water for the domestic use of the inhabitants, and for that purpose may conduct water from any lake, river, or stream, may dig wells, make and maintain reservoirs, may purchase, take upon lease, hire, construct, lay down, and maintain such waterworks, pipes, and premises, and do and



execute all such works, matters, and things as shall be necessary and proper for the aforesaid purpose, and may themselves furnish a supply of water, or contract or arrange with any other person to furnish the same; and for the purposes aforesaid the local authority shall be held to have all the powers and rights given to promoters of undertakings by the Lands Clauses Acts: provided always, that they shall make reasonable compensation for the water so taken by them, and for the damage which may be done to any lands by reason of the exercise of the powers hereby conferred in terms of the said Acts; and further, that for the purposes of this Act the words "lands" and "land" in the said Acts and in this Act shall include "water" and the right thereto: provided also, that it shall not be lawful for the local authority to provide or supply water in any burgh, parish, or district which any company, established by Act of Parliament, is authorized to supply with water, unless the local authority shall previously have purchased or acquired the undertaking of such company:

- (2.) If any house within the district is without a proper supply of water at or near the same, the local authority shall compel the owner to obtain such supply, and to do all such works as may be necessary for that purpose:
- (3.) The local authority, if they have any surplus water after fully supplying what is required for domestic purposes, may supply water from such surplus to any public baths and wash-houses, or for trading or manufacturing purposes, on such terms and conditions as may be agreed on between the local authority and the persons desirous of being so supplied: provided, that when water is thus supplied from such surplus, it shall not be lawful for the local authority to charge the parties obtaining the same both with the special water assessment and also for the supply of water obtained by them; but the local authority may either charge the special water assessment leviable on such premises, or charge for the supply of water furnished to the same, as they shall think fit:
- (4.) The local authority may cause all existing public cisterns, pumps, wells, reservoirs, conduits, aqueducts, and works used for the gratuitous supply of water to the inhabitants to be continued, maintained, and plentifully supplied with water, and may, if they shall think fit, provide and gratuitously supply water for any public baths or wash-houses established otherwise than for private profit or supported out of any burgh rates:
- (5.) Upon requisition to that effect, made in writing by not fewer than ten inhabitants of the district, the local authority shall be bound to meet, after twenty-one clear days' notice, and shall consider the propriety of forming part of their district into a special water supply district, and the resolution of the local authority at such meeting shall be published in one or more newspapers circulating in the district; and the production of such newspaper, or a certificate under the hand of the chairman or acting clerk of the local authority



(whose signature need not be proved), shall be sufficient evidence of such resolution ; and within ten days after the date of such resolution, it shall be competent for any person interested to appeal against the same to the sheriff ; and the sheriff, not being a sheriff substitute resident within the district, may either approve or disapprove of such resolution ; and if he disapproves thereof he may either find that no special water supply district should be formed, or may enlarge or limit the special district as defined by the resolution of the local authority, or may find that a special water supply district should be formed, and may define the limits thereof ; and the decision of the sheriff shall be binding upon the local authority, and shall be final, except where it is pronounced by a sheriff substitute, in which case it may be appealed to the sheriff :

- (6.) It shall be lawful for the local authority to borrow for the purpose of constructing, purchasing, enlarging, or reconstructing such works as are herein authorized for providing a supply of water for the use of the inhabitants of the district, or for the purpose of entering into and implementing any contract or arrangement with any person for such supply, and on the security of the after-mentioned special water assessments, where such exist, and of general assessments, or either of them, such sums of money and at such times as the local authority shall deem necessary for that purpose, and to assign the said special water assessments and general assessments, or either of them, in security of the money to be so borrowed ; and the bonds to be granted on such borrowing and transferances or assignments and discharges thereof may be in or near to the forms contained in the schedule hereto annexed ; and such bonds shall constitute a lien over the assessments thereby assigned, and shall entitle the creditors therein to recover the sums thereby due from the local authority out of the first and readiest of the said assessments ; but no member or officer of the local authority shall be personally liable for the repayment of such money so borrowed, and all such obligations shall be deemed and taken to be granted on the sole security of the assessments thereby assigned, and the money so borrowed shall be repayable either in one sum or by instalments, as may be arranged between the local authority and the lender, but so that the same shall be wholly repaid, together with the accruing interest, within thirty years from the date of the loan ; but the amount of such loans, including interest, shall form a charge against the assessments of the years intervening between the date of such loans and the date of full repayment in equal proportions ; and the money so borrowed as aforesaid shall be applied wholly in defraying the expense of purchasing, making, enlarging, and reconstructing such works, and to no other purpose whatsoever.

90. The following regulations shall be observed with respect to the purchase and taking of lands otherwise than by agreement by local authorities for the purposes of this Act :

- (1.) The local authority before putting in force any of the powers of the



said Lands' Clauses Acts with respect to the purchase and taking of land shall

Publish once at the least in each of three consecutive weeks in the month of *November*, in some newspaper circulated in the district or some part of the district within which such local authority has jurisdiction is situate, an advertisement describing shortly the purpose for which the land is proposed to be taken, naming a place where a plan of the proposed works may be seen at all reasonable hours, and stating the quantity of land that they require ; and shall further in the month of *December*

Serve a notice in manner hereinafter mentioned on every owner or reputed owner, lessee or reputed lessee, and occupier of such land, defining in each case the particular land intended to be taken, and requiring an answer, stating whether the person so served assents, dissents, or is neuter in respect of taking such land ; such notice to be served

By delivery of the same personally to the party on whom it is required to be served, or, if such party is absent abroad, to his agent ; or

By leaving the same at the usual or last known place of abode of such party as aforesaid ; or

By forwarding the same by post in a registered letter addressed to the usual or last known place of abode of such party :

- (2.) Upon compliance with the provisions hereinbefore contained with respect to advertisements and notices, the local authority may, if they shall think fit, present a petition to one of her Majesty's Principal Secretaries of State ; the petition shall state the land intended to be taken, and the purposes for which it is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking such land, or who have returned no answer to the notice ; it shall pray that the local authority may, with reference to such land, be allowed to put in force the powers of the said Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement, and such prayer shall be supported by such evidence as the Secretary of State requires :
- (3.) Upon the receipt of such petition, and upon due proof of the proper advertisements having been published and notices served, the Secretary of State shall take such petition into consideration, and may either dismiss the same or direct an inquiry in the district in which the land is situate, or otherwise inquire as to the propriety of assenting to the prayer of such petition ; but until such inquiry has been made in the district, after such notice as may be directed by the Secretary of State, no provisional order shall be made affecting any land without the consent of the owners, lessees, and occupiers thereof :
- (4.) After the completion of the inquiry as last aforesaid, the Secretary of State may, by provisional order, empower the local authority to



put in force, with reference to the land referred to in such order, the powers of the said Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement, or any of them, and either absolutely, or with such conditions and modifications as he may think fit, and it shall be the duty of the local authority to serve a copy of any order so made in the manner, and upon the person in which and upon whom notices in respect of such land are hereinbefore required to be served :

- (5.) No provisional order so made shall be of any validity, unless the same has been confirmed by Act of Parliament, and it shall be lawful for the Secretary of State, as soon as conveniently may be, to obtain such confirmation, and the Act confirming such order shall be deemed to be a public general Act of Parliament :
- (6.) All costs, charges, and expenses incurred by the said Secretary of State in relation to any such provisional order as last aforesaid shall, to such amount as the Commissioners of her Majesty's Treasury think proper to direct, become a charge upon the assessment or special water supply assessment levied in the district, or special water supply district, as the case may be, to which such order relates, and be repaid to the said Commissioners of her Majesty's Treasury by annual instalments not exceeding five, together with interest after the yearly rate of five pounds in the hundred, to be computed from the date of any such last-mentioned order, upon so much of the principal sum due in respect of the said costs, charges, and expenses as may from time to time remain unpaid.

91. The Public Works Loan Commissioners, as defined by the Public Works Loan Act, 1853, may advance to the Commissioners mentioned in the 196th section of the Police and Improvement (*Scotland*) Act, 1862, for the purposes mentioned in that section, and upon the security therein mentioned, and to any local authority for the purposes mentioned in Part VI. of this Act, such sums of money as may be recommended by one of her Majesty's Principal Secretaries of State.

92. Two or more local authorities may combine together for the purpose of executing and maintaining any works by this Act authorized in regard to water supply that may be for the benefit of their respective districts ; and all monies which they may agree to contribute for the execution and maintenance of such common works shall, in the case of each local authority, be deemed to be expenses incurred by them in the execution of works within their district.

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## PART VII.

*Assessments.*

93. Where any special drainage district has been formed as hereinbefore provided, the expense of the sewerage and drainage incurred by the local authority within the same, or for the purposes thereof, and the sums necessary for payment as before mentioned of any money borrowed for sewerage purposes as hereinbefore provided, shall be paid out of a special assessment which the local authority shall raise and levy on and within such special district, in the same manner and with the same remedies and modes of recovery as are herein provided for the district of the local authority.

94. With respect to burghs having a population of less than 10,000, according to the census last taken, and not having a local Act for police purposes, and with respect to parishes (exclusive of any parts of such parishes as are situated within the district of any local authority other than the parochial boards of such parishes),—

- (1.) Where any special water supply district has been formed as hereinbefore provided, the expense incurred for water supply within the same, or for the purposes thereof, and the sums necessary for payment as before mentioned of any money borrowed for water supply purposes as hereinbefore provided, shall be paid out of a special assessment which the local authority shall raise and levy on or within such special district, in the same manner and with the same remedies and modes of recovery as are herein provided for the district of the local authority :
- (2.) All charges and expenses incurred by the local authority in executing this Act or any of the Acts hereby repealed, and not recovered as hereinbefore or after provided, may be defrayed out of an assessment to be levied by the local authority along with but as a separate assessment from any one of the assessments hereinafter mentioned in this section ; that is to say, the said assessment shall be assessed, levied, and recovered in like manner and under like powers (which powers are hereby given and are declared to extend over the whole and every part of the district of the local authority) as—

The prison assessment, or police assessment, as the local authority shall resolve, where the local authority is a town council or police commissioners, or trustees acting as police commissioners ; or, if there be no prison or police assessment, an assessment levied in like manner as is hereinafter authorized, where the local authority is a parochial board :

The assessment for the relief of the poor, where the local authority is a parochial board, or, where there is no such assessment, by an assessment levied in such manner as an assessment might have been levied for the relief of the poor :

Provided always, that where the local authority is a town council



or police commissioners, or trustees acting as police commissioners, or where a parochial board is the local authority in a district, including, as well as the landward part of a parish, a burgh or town having a town council or police commissioners, or trustees acting as police commissioners, the annual value of the following lands or premises shall for the whole assessments under this Act be held to be the nearest aggregate sum of pounds sterling to one-fourth of the annual value thereof entered in the valuation roll, made up and completed in terms of the Acts in force for the valuation of lands and heritages in *Scotland*; viz.,

1. All lands and premises used exclusively as a canal or basin of a canal, or towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance, excepting the stations, depôts, wharfs, and buildings, which shall be assessable on their full annual value :
2. All the underground water or gas pipes, or underground works of any water or gas company :
3. All woodland, arable, meadow, or pasture land, or other land used for agricultural purposes :
4. All mines, minerals, and quarries :

And in the event of any dispute arising as to the lands and premises falling under the above exceptions, it shall be lawful to the owner or occupier of such lands and premises to present a petition to the sheriff, praying to have the same declared for the time being liable to assessment upon the said proportion of their value only, and the sheriff shall thereupon order the petition to be served on the local authority upon a short induciæ, and, after hearing parties and taking such evidence as he shall think necessary, shall pronounce such judgment as to him shall seem just and right, and which judgment shall be final, except that where pronounced by a sheriff substitute it shall be subject to appeal to the sheriff: Provided also, that where a special drainage district has been formed as hereinbefore provided, and the drainage works therein have been executed and are maintained under the authority of this Act, the lands and premises situated within such special district shall not be liable to assessment for the expense of making sewers and drainage works in other parts of the district of the local authority; and where a special water supply district has been formed as hereinbefore provided, and a sufficient supply of water has been obtained and is maintained therein under the authority of this Act, the lands and premises situated within such special water supply district shall not be liable to assessment for the expense of supplying water for other parts of the district of the local authority :

- (3.) The assessments specified in this and the preceding section shall not in any year exceed the rate of one shilling and threepence in the pound where the enactments with respect to water for the



domestic use of the inhabitants have been put in force, or the rate of threepence in the pound where such enactments have not been put in force.

95. With respect to burghs having a population of 10,000 or upwards, according to the census last taken, or having a local Act for police purposes,—

- (1.) All charges and expenses incurred by the local authority in executing this Act or any of the Acts hereby repealed, and not recovered as hereinbefore provided, may be defrayed out of an assessment to be levied by the local authority along with but as a separate assessment from any other assessment which they may be entitled to levy; that is to say, the said assessment shall be assessed, levied, and recovered in like manner, and under the like powers (which powers are hereby given, and are declared to extend over the whole and every part of the district of the local authority) as—

The prison assessment or police assessment, as the local authority shall resolve, where the local authority is a town council or police commissioners, or trustees acting as police commissioners; or, if there be no prison or police assessment, an assessment levied in like manner as is hereinafter authorized where the local authority is a parochial board:

The assessment for the relief of the poor where the local authority is a parochial board, or, where there is no such assessment, by an assessment levied in such manner as an assessment might have been levied for the relief of the poor:

Provided always, that the annual value of the following lands or premises shall for the whole assessments under this Act be held to be the nearest aggregate sum of pounds sterling to one-fourth of the annual value thereof entered in the valuation roll, made up and completed in terms of the Acts in force for the valuation of lands and heritages in *Scotland*; viz.,

1. All lands and premises used exclusively as a canal or basin of a canal, or towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance, excepting the stations, depôts, wharfs, and buildings, which shall be assessable on their full annual value:
2. All the underground water or gas pipes, or underground works of any water or gas company:
3. All woodland, arable, meadow, or pasture land, or other land used for agricultural purposes:
4. All mines, minerals, and quarries:

And in the event of any dispute arising as to the lands and premises falling under the above exceptions, it shall be lawful to the owner or occupier of such lands and premises to present a petition to the sheriff, praying to have the same declared for the time being liable to assessment upon the said proportion of their value only, and the sheriff shall thereupon order the petition to be served on the local authority upon a short *induciæ*, and, after hearing parties, and



taking such evidence as he shall think necessary, shall pronounce such judgment as to him shall seem just and right, and which judgment shall be final, except that where pronounced by a sheriff substitute it shall be subject to appeal to the sheriff: Provided also, that where a special drainage district has been formed as hereinbefore provided, and the drainage works therein have been executed and are maintained under the authority of this Act, the lands and premises situated within such special district shall not be liable to assessment for the expense of making sewers and drainage works in other parts of the district of the local authority:

- (2.) The assessments specified in this section and in the ninety-third section hereof, shall not in any year exceed the rate of threepence in the pound.

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## PART VIII.

### *Enforcement of and Procedure under this Act.*

96. If any nuisance shall exist upon or in premises possessed or managed by the local authority, or in which the local authority have any interest, or if the local authority shall fail or neglect to perform any duty imposed upon them by this Act, or to take all due proceedings in this Act authorized for the removal of nuisances or preservation of health, or due regulation of lodging-houses, or for any other of the purposes of this Act, it shall be competent for any two householders residing within the district, or for the inspector of the poor of the parish, or for the procurator-fiscal of the sheriff or justice of the peace court of the county, or of the burgh court, or for the Board, to give written notice to such local authority of the matters in which such neglect exists; and if the local authority do not within fourteen days after such notice, or, in the case of neglect to enforce any regulation or direction of the Board under Part III. of this Act, within two days after such notice, remove or remedy the nuisance referred to, or in any other case neglect to take the steps authorized or required by or under this Act, it shall be competent for the parties aforesaid, or any one of them, to apply to the sheriff by summary petition, and the sheriff shall thereupon inquire into the same, and may make such decree as shall in his judgment be required to enforce the removal or remedy of the nuisance, or otherwise to compel execution of or carry out the provisions and purposes of this Act, and may appoint the same to be carried into effect by and at the sight of such persons as he may think fit, and at the expense of the local authority, or of other parties on whom the expense ought in his opinion to be laid, and for payment of the expenses of such application by the petitioners or by the



local authority or other party, as justice may require ; and further, it shall be competent for the Board to present a petition to the sheriff, under the fourth section of the Burial Grounds (*Scotland*) Act, 1855, to the same effect, and to be followed out in like manner as if presented by any of the persons or parties therein mentioned : Provided always, that in regard to any nuisance for the removal of which drainage works are necessary, the sheriff or other judge or court may suspend consideration of the complaint for such time as may seem proper, in order to enable a general system of drainage under any general or local Act or otherwise to be carried out, the better to remove such nuisances.

97. In case any local authority shall refuse or neglect to do what is herein or otherwise by law required of them, or in case any obstruction shall arise in the execution of this Act, it shall be lawful for the Board, with the approval of the Lord Advocate, to apply by summary petition to either division of the court of session, or during vacation or recess to the lord ordinary on the bills, which division or lord ordinary are hereby authorized and directed to do therein and to dispose of the expenses of the proceedings as to the said division or lord ordinary shall appear to be just.

98. In any place within the jurisdiction of a local authority the procurator-fiscal of the sheriff court, on the board being satisfied that the local authority have made default in doing their duty, may, with the approval of the Lord Advocate, institute and follow out proceedings against the local authority for compelling them to do their duty, and may institute and follow out in all respects any proceeding which the local authority of such place might institute with respect to the removal of nuisances or otherwise ; and the expense as between agent and client of all such proceedings shall be paid by the local authority, but with such relief to them against the author of any nuisance or any other party as may be competent.

99. It shall be the duty of the local authority to make from time to time, and also when required by the board, either by themselves or by their officers, inspection of the district, with a view to ascertain what nuisances exist calling for abatement under the powers of this Act, and to enforce the provisions of the Act in order to cause the abatement thereof, also to enforce the provisions of any Act that may be in force within its district requiring fireplaces and furnaces to consume their own smoke : Where a nuisance is situated in a district the local authority of which does not cause the same to be abated, and which nuisance is offensive or injurious to another district, the local authority of the latter district may call on the first-mentioned local authority to take all competent steps for removal of such nuisance, and the said first-mentioned local authority shall be bound to do so accordingly ; and any expense thereby occasioned to the said second-mentioned local authority shall be reimbursed by the first-mentioned local authority, the amount of such reimbursement in the case of dispute to be finally determined by the Board.

100. It shall be lawful for the local authority, at their discretion, to require the payment of any costs or expenses which the owner of any premises may be liable to pay under this Act, either from the owner or from any person who then or at any time thereafter occupies such premises,



and such owner or occupier shall be liable to pay the same, and the same shall be recovered in manner authorized by this Act, and the owner shall allow such occupier to deduct the sums of money which he so pays out of the rent from time to time becoming due in respect of the said premises, as if the same had been actually paid to such owner as part of such rent: Provided always, that no such occupier who shall not be the author of a nuisance shall be required to pay any further sum than the amount of rent for the time being due from him, or which, after such demand of such costs or expenses from such occupier, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuse, on application being made to him for that purpose by or on behalf of the local authority, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable, but the burden of proof that the sum demanded from any such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall lie upon such occupier: Provided also, that nothing herein contained shall be taken to affect as between the contracting parties any contract made or to be made between any owner, tenant, or occupier of any house, building, or other property, whereby it is or may be agreed that the tenant, or occupier shall pay or discharge all rates, dues, and sums of money payable in respect of such house, building, or other property, or to affect as between the contracting parties any contract whatsoever between landlord and tenant.

101. If any person wilfully damages any works or property belonging to any local authority, he shall be liable to a penalty not exceeding five pounds, in addition to the cost of repairing such works or property.

102. Any local authority may appear and plead before any sheriff, magistrate, or justice, or in any legal proceeding, by any officer or member, or other person authorized generally, or in respect of any special proceeding, by resolution of such authority, and such person being so authorized shall be at liberty to institute and carry on any proceeding which the authority is authorized to institute and carry on under this Act; and it shall not be necessary for the local authority to appear in any other manner in any prosecution or proceeding at their instance.

103. All penalties under this Act, and also all sums of money and expenses herein directed to be recovered in a summary manner, may, unless otherwise provided in this Act, be recovered at the suit of the local authority, and may be applied for the purposes of this Act: Provided always, that nothing contained in this section shall impair or affect any other mode of recovery allowed by this Act: Provided also, that all contraventions of the provisions contained in this Act relating to overcrowding of houses, and all contraventions of the provisions in this Act or of the rules and regulations made under the authority of this Act relating to common lodging-houses, may be prosecuted as police offences before any judge or magistrate having police jurisdiction, and in the same way and manner as police offences are prosecuted before him under any general or local police Act; and in the event of the offender being convicted, and failing to make immediate payment of the penalty which may have been imposed, he shall be liable to



imprisonment for any period not exceeding fourteen days, without prejudice to diligence by poinding or arrestment, if no imprisonment has followed on the conviction.

104. All powers given by this Act shall be deemed to be in addition to, and not in derogation of, any powers conferred by Act of Parliament not hereby repealed, or any law or custom; and such last-mentioned powers may be exercised in the same manner as if this Act had not passed, but without prejudice to the powers conferred by this Act.

105. All applications to enforce any provision of this Act, or for the recovery of penalties herein imposed, or other sums of money becoming due to the local authority in virtue of this Act, in so far as not herein otherwise provided for, may be by summary petition, and such petition may refer to the clauses of this Act on which it is founded, without setting forth the same; and the sheriff, magistrate, or justice shall thereupon, if he see fit, appoint the petition to be answered within three days after service, or may order the parties to attend him in person, and on advising such answer, or hearing the parties, or on the respondent failing to appear, he may at once decern, or may appoint any competent person to examine the premises and report to him, and may decern on such report, or he may, if either party desire it, order proof to be led before himself on any specified points, and shall in that case appoint a day, not more than five days thereafter, for hearing such proof, and if the proof be not on that day completed may adjourn the same from time to time until completed, and within three days after such completion he shall give decree, and he may find either party liable in expenses, or in any modified sum of expenses, and may, without prejudice to diligence by poinding or arrestment, grant warrant for the imprisonment of the person convicted or found liable in a penalty or sum of money, unless he shall pay the whole sums found due within a specified time, until the same be paid, such imprisonment not to exceed a specified time, but the judgment shall not be invalidated by any deviation from any of the said periods of time.

106. No written pleadings, other than the petition and answers (when ordered), shall be allowed, and the sheriff, magistrate, or justice shall have power to grant diligence in common form to cite witnesses and havers, and in cases under the heads marked (*h.*), (*i.*), and (*j.*) in section sixteen the sheriff shall take notes of the evidence in like manner as in civil proofs: Provided always, that no decree under this Act against any party shall bar his right to relief against any other party legally liable therein.

107. Where in cases under the heads (*h.*), (*i.*), and (*j.*) in section sixteen it shall appear to the sheriff that the true value of the subject complained of as a nuisance, or the cost of the operations necessary to remove or amend it as ordered, or the value of the trade or business interfered with, exceeds the sum of twenty-five pounds or the sum of fifty pounds respectively, he shall certify his opinion to that effect in his decree, and the parties shall thereupon be entitled to appeal from the sheriff substitute, where the judgment has been pronounced by him to the sheriff, on lodging, within three days after the decree, a note of appeal with the sheriff clerk, and serving the same on the opposite party or the agent acting in such proceedings for



such party, and such note shall operate as a sist of execution until the appeal be determined ; and on such note being lodged the sheriff clerk shall transmit the process, together with the sheriff substitute's notes of evidence, to the sheriff, whose decision thereon shall be final where the value certified is not above fifty pounds ; and in the event of such value or cost being so certified to exceed the sum of fifty pounds, the parties shall be entitled to present a note of appeal to the lord ordinary on the bills against the judgment either of the sheriff substitute or of the sheriff, whether this last be an original judgment or an appeal, provided that, along with such note, the appellant shall lodge a sufficient bond of caution by one or more obligants, to the amount of fifty pounds sterling, for payment or performance of any judgment that may be pronounced under his appeal ; and also provided that such note be lodged in the bill chamber, and a copy thereof served on the opposite party or his said agent within eight days after the date of the sentence or judgment complained of, which note shall in like manner operate as a sist of execution until a judgment be pronounced by the lord ordinary, which judgment shall be final unless the lord ordinary shall allow a reclaiming note to the inner house, and the judgment of the inner house shall be final.

108. No appeal shall be competent from any decree or order of any magistrate or justices, or from the decree or order of any sheriff, except in cases certified in terms of the preceding section ; and no decree or order, or any other proceeding, matter, or thing done in the execution of this Act, shall, excepting as herein provided, be subject to review in any way whatever.

109. The sheriff, justices of the peace, or magistrates may in all cases, notwithstanding their being members of the local authority or the board, exercise the jurisdiction vested in them under this Act.

110. Notices, petitions, and orders under this Act may be served by any person by delivering the same to or at the residence of the parties to whom they are respectively addressed, or by being put into the post-office duly addressed to the parties ; and where addressed to the owner or occupier of premises they may be served by any person delivering the same or a true copy thereof to some person upon the premises, or, if there be no person upon the premises who can be so served, by fixing the same upon some conspicuous part of the premises ; and service of such notices, petitions, or orders may be proved by a certificate under the hand of the person who posted or delivered or affixed the same, attested by one witness who was also present.

111. Copies of any orders or resolutions of the local authority or their committee purporting to be signed by the chairman of such body or committee, and all directions and regulations, or orders or resolutions of the board, signed by their secretary or clerk, shall unless the contrary be shown, be received as evidence thereof without proof of their meeting, or of the official character or signature of the person signing the same.

112. In case of any demand or complaint under this Act to which two or more parties, whether as owners or occupiers of premises, may be jointly answerable, it shall be sufficient to proceed against any one or more of them



without proceeding against the others or other of them ; but nothing herein contained shall prevent the parties so proceeded against from recovering relief in any case in which they would now be entitled to relief by law.

113. If the occupier of any premises prevent the owner thereof from obeying or carrying into effect the provisions of this Act, the sheriff or any magistrate or justice to whom application is made shall, by order in writing, require such occupier to permit the execution of the works required to be executed, provided that such works appear to such sheriff, magistrate, or justice to be necessary for the purpose of obeying or carrying into effect the provisions of this Act ; and if within a reasonable time after the making of such order the occupier against whom it is made refuse to comply therewith, he shall be liable to a penalty not exceeding five pounds for every day afterwards during the continuance of such refusal.

114. Whoever wilfully violates or contravenes any provision of this Act to which a pecuniary penalty is not herein attached, obstructs any person acting under the authority or employed in the execution of this Act, or wilfully violates any direction or regulation issued by the Board under this Act, shall be liable for every such offence to a penalty not exceeding five pounds ; Provided that nothing in this Act shall exempt any person from any penalty or liability to which he may otherwise be subject.

115. The making of works of distribution and service for the supply of sewage to lands for agricultural purposes shall be deemed an improvement of land authorized by the Land Improvement Act, 1864, and the provisions of that Act shall apply accordingly.

116. Full compensation shall be made, out of any fund or assessment applicable to the purposes of this Act, to all persons sustaining any damage by reason of the exercise of any of the powers of this Act, except when otherwise specially provided ; and in case of dispute, if the sum claimed do not exceed the sum of fifty pounds sterling, the same may be ascertained on a summary application by either party to the sheriff, whose decision shall be final and not subject to review, unless when pronounced by the sheriff substitute, in which case it may be reviewed by the sheriff on appeal ; and when the sum claimed exceeds fifty pounds sterling, such compensation shall be ascertained and disposed of in terms of the Lands Clauses Acts.

117. No conviction or other legal proceeding under this Act shall be void for want of form, or for want of any previous notice, provided in this latter case the party proceeded against or convicted has appeared or the charge had come to his knowledge ; and the charge may be amended at any time, and the proceedings may be adjourned on the ground of want of sufficient notice, or for other good cause.

118. The local authority and the board shall not be liable in damages for any irregularity committed by their officers in the execution of this Act, or for anything done by themselves in the *bonâ fide* execution of this Act ; and every officer acting in the *bonâ fide* execution of this Act shall be indemnified by the local authority under which he acts in respect of all costs, liabilities, and charges to which he may be subjected ; and every action or prosecution against any person acting under this Act on account of any wrong done in or by any action, proceeding, or operation under this



Act shall be commenced within two months after the cause of action shall have arisen.

119. The forms contained in the schedule to this Act annexed, or any forms to the like effect, may be used for the purposes of this Act, and shall be sufficient therefor, and all written proceedings or documents under this Act may be wholly or partly printed.

120. All bonds, assignations, conveyances, instruments, agreements, receipts, or other writings made or granted by or to or in favour of the local authority under this Act shall be exempt from all stamp duties.

121. The constabulary and police force in their respective jurisdictions shall aid the authorities and officers acting in execution of this Act, or any directions or regulations issued as aforesaid.

122. Nothing in this Act shall be construed to impair any right of action in respect of nuisances at common law.

The Public Health (Scotland) Act Amendment Act, 1882, 45 Vict., ch. 11, is an Act to amend the Public Health (Scotland) Act, 1867.

For whereas by the Public Health (Scotland) Act, 1867, provision is made by section seventy-six for the formation of special drainage districts, and also by section eighty-nine for the formation of special water supply districts :

And whereas it has been found that a change of circumstances sometimes renders it expedient that the boundaries of such special drainage districts and special water supply districts should be altered, but the recited Act contains no provisions whereby such alteration can be effected :

And whereas the Public Health (Scotland) Act, 1867, Amendment Act, 1879, was passed for the purpose of making such provision, but it has been found insufficient for that purpose :

And whereas it is expedient that such provision should now be made, and that the provisions of the first-mentioned Act should be made applicable to the districts so altered, and that the second-mentioned Act should be repealed :

1. This Act may be cited for all purposes as the Public Health (Scotland) Act, 1867, Amendment Act, 1882, and the first-mentioned Act and this Act shall be read and construed together.

2. This Act shall commence to have effect on the first day of November, one thousand eight hundred and eighty-two, which date is hereinafter referred to as the commencement of this Act.

3. From and after the commencement of this Act the Public Health (Scotland) Act, 1867, Amendment Act, 1879, shall be repealed, and in lieu thereof it is provided as follows :—

(1.) Where there shall exist within the district of any local authority to which the provisions of the seventy-sixth and eighty-ninth sections



of the Public Health (Scotland) Act, 1867, respectively apply, a special drainage district or a special water supply district, as the case may be, it shall be competent to such local authority, upon requisition, as hereinafter provided, to meet and consider the propriety of altering the boundaries of any such special drainage district or special water supply district, and to resolve upon such alteration of boundaries being effected, either (1) by enlarging or limiting the said boundaries ; or (2) by combining two or more such special drainage districts or special water supply districts or portions thereof ; or (3) by enlarging or limiting the said boundaries and combining two or more such special drainage districts or special water supply districts or portions thereof.

- (2.) The local authority shall not be entitled to meet for the purpose of considering the propriety of any such proposed alteration of boundaries, except after receiving a requisition to that effect, made in writing and signed by at least ten of the inhabitants of the district of the local authority ; but upon receiving such a requisition it shall be bound to meet for such purpose, and twenty-one clear days' notice of the meeting shall be given to the members of the local authority.
- (3.) In the event of the local authority resolving upon any such alteration of boundaries as aforesaid its resolution shall be advertised, and shall be subject to appeal and review in like manner as is provided by sections seventy-six and eighty-nine of the first-mentioned Act in regard to advertising and appealing against resolutions as to the formation of special drainage districts and special water supply districts under that Act : Provided that if the sheriff or sheriff substitute, as the case may be, shall disapprove of the resolution of the local authority, he may vary the same, but only with the consent of the local authority.
- (4.) The whole provisions of the first-mentioned Act applicable to special drainage districts and special water supply districts shall be applicable *mutatis mutandis* to such districts when altered or combined or altered and combined under this Act.
- (5.) The provisions of this Act shall apply to all special drainage districts and special water supply districts, whether formed before or after the commencement of this Act, or altered or combined or altered and combined under the powers conferred by this Act.
- (6.) The repeal of the second-mentioned Act shall not affect anything duly done or any proceeding pending under the said Act, but such proceeding shall be carried on as if this Act had not passed.



## CHAPTER IV.

## ALKALI, &amp;c. WORKS' REGULATION ACT, 1881.

(44 and 45 Vict. ch. 37.)

THIS is an Act to consolidate the Alkali Acts, 1863 and 1874, and to make further provision for regulating Alkali and certain other works in which noxious or offensive gases are evolved.

2. This Act shall (save as otherwise provided in this Act) come into operation on the first day of January, 1882, which date is hereinafter referred to as the commencement of this Act.

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PART I.*Alkali Works and Alkali Waste.*

3. Every alkali work shall be carried on in such manner as to secure the condensation, to the satisfaction of the chief inspector, derived from his own examination, or from that of some other inspector—

- (a.) Of the muriatic acid gas evolved in such work, to the extent of ninety-five per centum, and to such an extent that in each cubic foot of air, smoke, or chimney gases, escaping from the works into the atmosphere, there is not contained more than one-fifth part of a grain of muriatic acid.
- (b.) Of the acid gases of sulphur and nitrogen which are evolved in the process of manufacturing sulphuric acid or sulphates in the work, to such an extent that the total acidity of such gases in each cubic foot of air, smoke, or gases, escaping into the chimney or into the atmosphere, does not exceed what is equivalent to four grains of sulphuric anhydride.

The owner of any alkali work which is carried on in contravention of this section shall be liable to a fine not exceeding, in the case of the first offence, fifty pounds, and in the case of every subsequent offence, one hundred pounds.

4. In addition to the condensation of acid gases as aforesaid, the owner of every alkali work shall use the best practicable means for preventing the discharge into the atmosphere of all noxious gases and of all offensive gases evolved in such work, or for rendering such gases harmless and inoffensive



when discharged, subject to the qualification that no objection shall be taken under this section by an inspector to any discharge of gas by a chimney or flue, on the basis of the amount of acid gas per cubic foot of air, smoke, or gases, where that amount does not exceed the amount limited by the last preceding section.

If the owner of any alkali work fails, in the opinion of the court having cognizance of the matter, to use such means, he shall be liable to a fine not exceeding, in the case of the first offence, twenty pounds, and in the case of every subsequent offence, fifty pounds, with a further sum not exceeding five pounds for every day during which any such subsequent offence has continued.

5. Every work in which acid is produced or used shall be carried on in such manner that the acid shall not come in contact with alkali waste (*alkali waste is oxysulphuret of Ca*), or with drainage therefrom, so as to cause a nuisance.

The owner of any work which is carried on in contravention of this section shall be liable to a fine not exceeding, in the case of the first offence, fifty pounds, and in the case of every subsequent offence, one hundred pounds, with a further sum not exceeding five pounds for every day during which any such subsequent offence has continued.

On the request of the owner of any such work as is mentioned in this section the sanitary authority of the district in which such work is situate shall, at the expense of such owner, provide and maintain a drain or channel for carrying off the acid produced in such work into the sea or into any river or watercourse into which such acid can be carried without contravention of the Rivers Pollution Prevention Act, 1876; and the sanitary authority shall for the purpose of providing any such drain or channel have the like powers as they have for providing sewers, whether within or without their district, under the Public Health Act.

Compensation shall be made to any person for any damage sustained by him by reason of the exercise by a sanitary authority of the powers conferred by this section, and such compensation shall be deemed part of the expenses to be paid by the owner making the request to the sanitary authority under this section.

6. Alkali waste shall not be deposited or discharged without the best practicable means being used for effectually preventing any nuisance arising therefrom.

Any person who causes or knowingly permits any alkali waste to be deposited or discharged in contravention of this section shall be liable to a fine not exceeding, in the case of the first offence, twenty pounds, and in the case of every subsequent offence, fifty pounds, with a further sum not exceeding five pounds for every day during which any such subsequent offence has continued.

7. Where alkali waste has been deposited or discharged, either before or after the commencement of this Act, and complaint is made to the chief inspector that a nuisance is occasioned thereby, the chief inspector, if satisfied of the existence of the nuisance, and that it is within the power of the owner or occupier of the land to abate it, shall serve a notice on such



owner or occupier requiring him to abate the nuisance; and if such owner or occupier fails to use the best practicable and reasonably available means for the abatement thereof he shall be liable to a fine not exceeding twenty pounds, and if he does not proceed to use such means within such time as shall be limited by the court inflicting such fine then he shall be liable to a further penalty of five pounds per day from the expiration of the time so limited.

## PART II.

### *Sulphuric Acid Works and other specified Works.*

8. Every sulphuric acid work as defined in the schedule to this Act shall be carried on in such manner as to secure the condensation, to the satisfaction, of the chief inspector, derived from his own examination or from that of some other inspector, of the acid gases of sulphur and nitrogen which are evolved in the process of the manufacture of sulphuric acid in such work, to such an extent that the total acidity of such gases in each cubic foot of air, smoke, or gases escaping into the chimney or into the atmosphere does not exceed what is equivalent to four grains of sulphuric anhydride.

The owner of any sulphuric acid work which is carried on in contravention of this section shall be liable to a fine not exceeding, in the case of the first offence, fifty pounds, and in the case of every subsequent offence, one hundred pounds.

9. The owner of any work specified in the schedule to this Act (hereinafter referred to as a scheduled work) shall use the best practicable means for preventing the discharge into the atmosphere of all noxious gases and of all offensive gases evolved in such work, or for rendering such gases harmless and inoffensive when discharged, subject to the qualification, in the case of sulphuric acid works, that no objection shall be taken under this section by an inspector to any discharge of gas by a chimney or flue, on the basis of the amount of acid gas per cubic foot of air, smoke, or gases, where that amount does not exceed the amount limited by the last preceding section.

If the owner of any such work fails, in the opinion of the court having cognizance of the matter, to use such means, he shall be liable to a fine not exceeding, in the case of the first offence, twenty pounds, and in the case of every subsequent offence, fifty pounds, with a further sum not exceeding five pounds for every day during which any such subsequent offence has continued.

10. An inspector may from time to time inquire whether, in any works in which the extraction of salt from brine is carried on, hereinafter called salt works, means can be adopted at a reasonable expense for preventing the discharge from the furnaces or chimneys of such works into the atmosphere of sulphurous and muriatic acid gases evolved in such works, or either of such gases, or for rendering such gases, or either of them, harmless or inoffensive when discharged; also whether in any works in which aluminous



deposits are treated for the purpose of making cement, hereinafter called cement works, such means as aforesaid can be adopted with respect to the noxious or offensive gases evolved from such works.

Where it appears to the Local Government Board that such means can be adopted at a reasonable expense, the Board may from time to time by order require the owners of such works to adopt the best practicable means for the purpose, and may by the order limit the amount or proportion, in the case of salt works, of sulphurous or muriatic acid gas, and in the case of cement works of any noxious or offensive gas, which is to be permitted to escape from such works into the chimney or into the atmosphere, and may also by the order extend to such works such provisions of this Act relating to scheduled works as they see fit.

An order made under this section shall be provisional only and shall not be of any validity until confirmed by Parliament, but when so confirmed shall have full effect, with such modifications as may be made therein by Parliament; and the expression "this Act" when used in this Act shall be deemed to include an order so confirmed, so far as is consistent with the tenor of that order.

The Board shall take such steps as they may think fit for giving notice to persons interested of the provisions of any order made by them under this section before any Bill for confirming the same is introduced into Parliament.

An order made under this section may impose fines for a breach of its provisions of like amount as any fines imposed by this Act for offences against this Act.

### PART III.

#### (i.) *Registration of Works.*

- 11.—(1.) An alkali work or a work to which Part II. of this Act applies shall not, after the first day of April, 1882, be carried on unless it is certified to be registered.
- (2.) The work shall be registered in a register containing the prescribed particulars, and the register shall be conducted and the certificates issued in the prescribed manner.
- (3.) The owner of an alkali work or of a work required to be registered shall in the month of January or February in every year apply for a certificate of registration in the prescribed manner, and on such application and compliance with the conditions as to registration the certificate shall be issued, and shall be in force for one year from the first day of April following the said application.
- (4.) The owner of an alkali work or of a work required to be registered erected after the commencement of this Act shall before commencing any manufacture or process in such work apply for such certificate in prescribed manner, and on such application and compliance with the conditions as to registration the certificate shall be issued as soon as may be, and shall be in force until the next first day of April.



There shall be charged in respect of every such certificate, in the case of an alkali work, the duty of five pounds ; and in the case of a work required to be registered, not being an alkali work, the duty of three pounds.

- (5.) Written notice of any change which occurs in the ownership of a work or in the other particulars stated in the register shall within one month after such change be sent by the owner to an inspector, and the register and the certificate shall be altered accordingly in the prescribed manner without charge and without the issue of a new certificate. If such notice is not sent as so required the work shall not be deemed to be certified to be registered.
- (6.) The owner of a work which is carried on in contravention of this section shall be deemed guilty of an offence against this Act, and shall be liable to a fine not exceeding five pounds for every day during which it is so carried on.

12. An alkali work or a scheduled work, erected after the commencement of this Act, or which has been closed for a period of twelve months, shall not be registered under this Act unless the work is furnished with such appliances as at the time of registration appear to the chief inspector after his own examination, or that of an inspector, or in case of difference to the central authority, to be necessary in order to enable the work to be carried on in accordance with such requirements of this Act as for the time being apply to such work.

13. The duties charged in respect of a certificate of registration under this Act shall be stamp duties under the management of the Commissioners of Inland Revenue, and all the Acts relating to stamp duties, particularly those relating to forgery, fraudulent dies, and other offences in connexion with stamp duties, shall apply accordingly ; and for the purpose of the said duties the Commissioners of Inland Revenue shall issue stamped forms of certificate, and the Commissioners may issue the same at any time after the passing of this Act.

(ii.) *Inspection.*

14. The Local Government Board shall at any time after the passing of this Act, and from time to time, with the approval of the Commissioners of her Majesty's Treasury as to numbers and salaries or remuneration, appoint such inspectors (under whatever title they from time to time fix) as the Board think necessary for the execution of this Act, and may assign them their duties and award them their salaries or remuneration, and shall constitute a chief inspector, and may regulate the cases and manner in which the inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors.

Notice of the appointment of every such inspector shall be published in the *London Gazette*, and a copy of the *Gazette* shall be evidence of the appointment.

The salaries or remuneration of the inspectors, and such expenses of the execution of this Act as the Commissioners of her Majesty's Treasury may sanction, shall be paid out of moneys provided by Parliament.



The inspector appointed before the commencement of this Act under the Alkali Acts, 1863 and 1874, shall be deemed to be the first chief inspector under this Act, and the sub-inspectors appointed under those Acts before the commencement of this Act shall be deemed to be inspectors appointed under this Act. A person holding the office of chief inspector (other than the person at the commencement of this Act discharging the duties thereof) or inspector shall not be employed in any other work except by or with the sanction of the authority appointing him to such office.

15. A person who acts or practises as a land agent, or who is engaged or interested directly or indirectly in any work to which this Act applies, or in any patent for any process or apparatus carried on or used in any such work, or in any process or apparatus connected with the condensation of acid gases, or with the treatment of alkali waste, or with preventing the discharge into the atmosphere or rendering harmless or inoffensive any noxious or offensive gas, or otherwise with any of the matters dealt with by this Act, or who is employed in or about or in connexion with any work to which this Act applies, or in any other chemical work for gain, shall be disqualified to act as an inspector under this Act.

16. For the purpose of the execution of this Act, an inspector may at all reasonable times by day and night, without giving previous notice, but so as not to interrupt the process of the manufacture, enter and inspect any work to which this Act applies, and examine any process causing the evolution of any noxious or offensive gas, and any apparatus for condensing any such gas, or otherwise preventing the discharge thereof into the atmosphere, or for rendering any such gas harmless or inoffensive when discharged, and may ascertain the quantity of gas discharged into the atmosphere, condensed, or otherwise dealt with; and may enter and inspect any place where alkali waste is treated or deposited, or where any liquid containing acid is likely to come into contact with alkali waste; and generally may inquire into all matters and processes which tend to show compliance or non-compliance with such of the provisions of this Act as are for the time being applicable to the work or place entered, or which seem necessary or proper for the execution of his duties under this Act.

An inspector may, but so as not to interrupt the process of the manufacture, apply any tests and make any experiments he may think proper for the purpose of the execution of his duties under this Act.

17. The owner of any work to which this Act applies shall, on the demand of the chief inspector, furnish him within a reasonable time with a plan, to be kept secret, of those parts of such work in which any process causing the evolution of any noxious or offensive gas, or any process for the condensation of such gas or preventing the discharge thereof into the atmosphere, or for rendering any such gas harmless or inoffensive when discharged, is carried on.

The owner of every such work and his agents shall render to every inspector all necessary facilities for an entry, inspection, examination, and testing in pursuance of this Act.

Every owner of a work in which such facilities are not afforded to an inspector as are required by this Act, or in which an inspector is obstructed



in the execution of his duty under this Act, and every person wilfully obstructing an inspector in the execution of his duty under this Act, shall be deemed guilty of an offence against this Act, and shall be liable to a fine not exceeding ten pounds.

18. The chief inspector shall on or before the first day of March in every year make a report in writing to the Local Government Board of the proceedings of himself and of the other inspectors under this Act, who shall furnish him with a detailed account of the number of inspections of works in their districts, and the recorded escapes of acid gases from such works during the preceding year, and a copy of such report shall be laid before both Houses of Parliament.

19. If any sanitary authority or authorities apply to the central authority for an additional inspector under this Act, and undertake to pay a proportion of his salary or remuneration, not being less than one half, out of any rate or rates leviable by such authority or authorities (which undertaking such authority or authorities are hereby authorized to give and to carry into effect), the Local Government Board may (if they see fit) from time to time, with the sanction of the Commissioners of her Majesty's Treasury, appoint an additional inspector under this Act, to reside within a convenient distance of the works he is required to inspect; and such inspector shall have the same powers and be subject to the same power of removal and the same regulations and liabilities as other inspectors under this Act.

The proportion of salary or remuneration aforesaid shall be paid at the prescribed time or times into her Majesty's Exchequer, and in the case of failure on the part of any sanitary authority to pay any sum payable by them in pursuance of this section, the same may be recovered by action in any court of competent jurisdiction.

### (iii.) *Special Rules.*

20. The owner of an alkali work or of a scheduled work may, with the sanction of the central authority, make, and when made, alter, add to, and repeal special rules for the guidance of his workmen who are employed in any process causing the evolution of any noxious or offensive gas, or whose duty it is to attend to the apparatus used in the condensation of that gas, or for preventing the discharge thereof into the atmosphere, or for rendering any such gas harmless and inoffensive when discharged, and may annex fines to any violation of such rules, so that the fine for any offence do not exceed two pounds.

A printed copy of the special rules in force under this section in any work shall be given by the owner of that work to every person working or employed in or about that work who is affected thereby.

Any fine incurred under this Act in respect of an offence against a special rule may be recovered summarily.

### (iv.) *Procedure.*

21. In calculating the proportion of acid to a cubic foot of air, smoke, or gases, for the purposes of this Act, such air, smoke, or gases, shall be



calculated at the temperature of sixty degrees of Fahrenheit's thermometer, and at a barometric pressure of thirty inches.

22. The following regulations are hereby enacted with respect to the recovery of fines for offences other than offences against a special rule :

Every such fine shall be recovered by action in the county court having jurisdiction in the district in which the offence is alleged to have been committed :

The action shall be brought, with the sanction of the central authority, by the chief inspector, or by such other inspector as the Local Government Board may in any particular case direct, within three months after the commission of the offence, and for the purposes of such action the fine shall be deemed to be a debt due to such inspector :

The plaintiff in any action for a fine under this Act shall be presumed to be an inspector authorized under this Act to bring the action, until the contrary is proved by the defendant :

The court may, on the application of either party, appoint a person to take down in writing the evidence of the witnesses, and may award to that person such remuneration as the court thinks just ; and the amount so awarded shall be deemed to be costs in the action :

If either party in any action under this Act feels aggrieved by the decision of the court in point of law, or on the merits, or in respect of the admission or rejection of any evidence, he may appeal from that decision to the High Court of Justice :

The appeal shall be in the form of a special case to be agreed on by both parties or their solicitors, and if they cannot agree, to be settled by the judge of the county court on the application of the parties or their solicitors :

The court of appeal may draw any inference from the facts stated in the case that a jury might draw from facts stated by witnesses :

Subject to the provisions of this section, all the enactments, rules, and orders relating to proceedings in actions in county courts, and to enforcing judgments in county courts, and appeals from decisions of the county court judges, and to the conditions of such appeals, and to the power of the High Court of Justice, or any division or judge thereof, on such appeals, shall apply to an action for a fine under this Act, and to an appeal from such action, in the same manner as if such action and appeal related to a matter within the ordinary jurisdiction of the court :

Within the City of London and the liberties thereof the sheriffs' court, established by a Local Act passed in the eleventh year of the reign of her present Majesty, chapter seventy-one, intituled an Act for the more easy recovery of small debts and demands within the City of London and the liberties thereof, shall be deemed to be the county court for the purposes of this Act :

In Scotland the court of the sheriff or sheriff substitute of the county in which the offence is committed shall be the county court for the purposes of this Act, and may award costs to either party, and may sentence the offender to imprisonment for any period not exceeding



six months, unless the fine and costs be previously paid ; and any decision or sentence of such sheriff or sheriff substitute shall be subject to review and appeal according to law :

In Ireland such fines as are in this section mentioned may be recovered by civil bill, in the manner and with the appeal directed by an Act passed in the fourteenth and fifteenth years of her present Majesty, chapter fifty-seven, or any Act or Acts amending the laws relating to civil bills.

23. In any proceeding under this Act in relation to a fine for an offence other than an offence against a special rule—

- (a.) It shall be sufficient to allege that any work is a work to which this Act applies, without more ; and
- (b.) It shall be sufficient to state the name of the registered or ostensible owner of the work, or the title of the firm by which the employer of persons in such work is usually known.

A person shall not be subject to a fine under this Act for more than one offence in respect of the same work or place in respect of any one day.

Not less than twenty-one days before the hearing of any proceeding against an owner to recover a fine under this Act for failing to secure the condensation of any gas to the satisfaction of the chief inspector, or for failing to use the best practicable means as required by this Act, an inspector shall serve on the owner proceeded against a notice in writing stating, as the case requires, either the facts on which such chief inspector founds his opinion, or the means which such owner has failed to use, and the means which, in the chief inspector's opinion, would suffice, and shall produce a copy of such notice before the court having cognizance of the matter.

A person shall not be liable under this Act to an increased fine in respect of a second offence, or in respect of a third or any subsequent offence, unless a fine has been recovered within the preceding twelve months against such person for the first offence, or for the second or other offence, as the case may be.

24. All fines recovered under this Act, except in respect of offences against a special rule, shall be paid into the receipt of her Majesty's Exchequer.

25. The owner of a work in which an offence under this Act other than an offence against a special rule has been proved to have been committed shall in every case be deemed to have committed the offence, and shall be liable to pay the fine, unless he proves to the satisfaction of the court before which any proceeding is instituted to recover such fine, that he has used due diligence to comply with and to enforce the execution of this Act, and that the offence in question was committed by some agent, servant, or workman, whom he shall charge by name as the actual offender, without his knowledge, consent, or connivance ; in which case such agent, servant, or workman, shall be liable to pay the fine, and proceedings may be taken against him for the recovery thereof, and of the costs of all proceedings which may be taken either against himself or against the owner under this Act :



Provided that it shall be lawful for the inspector to proceed in the first instance against the person whom he believes to be the actual offender, without first proceeding against the owner, in any case in which it is made to appear to the satisfaction of such inspector that the owner has used all due diligence to comply with and to enforce the execution of this Act, and that the offence has been committed by the person whom he may charge therewith without the knowledge, consent, or connivance of the owner, and in contravention of his orders.

26. Any notice, summons, or other document under this Act, may be in writing or print, or partly in writing and partly in print.

Any notice, summons, or documents required or authorized for the purposes of this Act to be delivered to or served on or sent to the owner of any work, may be served by delivering the same to the owner, or at his residence or works; it may also be served or sent by post by a pre-paid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that it was properly addressed and put into the post; and the same shall be deemed to be properly addressed if addressed to the registered address of an owner, or, when required to be served on or sent to the owner of any works, if addressed to the owner of the works at the works, with the addition of the proper postal address, but without naming the person who is the owner.

27. Where it appears to any sanitary authority, on the written representation of any of their officers, or of any ten inhabitants of their district, that any work (either within or without the district) to which this Act applies is carried on in contravention of this Act, or that any alkali waste is deposited (either within or without the district) in contravention of this Act, and that a nuisance is occasioned by such contravention to any of the inhabitants of their district, such authority may complain to the central authority, who shall make such inquiry into the matters complained of, and after the inquiry may direct such proceedings to be taken by an inspector as they think just.

The sanitary authority complaining shall, if so required by the central authority, pay the expense of any such inquiry, and may pay the same out of the fund or rate applicable to the general expenses of such authority.

The expression "sanitary authority" in this section includes as regards the Metropolis, except the City of London, any vestry or district board elected under the Metropolis Management Act, 1855, also any local board of health, not being an urban sanitary authority within the meaning of the Public Health Act, 1875, and as regards the City of London shall mean the Commissioners of Sewers of the said city.

28. Where a nuisance arising from any noxious or offensive gas or gases is wholly or partially caused by the acts or defaults of several persons, any person injured by such nuisance may proceed against any one or more of such persons, and may recover damages from each person made a defendant in proportion to the extent of the contribution of such defendant to the



nuisance, notwithstanding that the act or default of such defendant would not separately have caused a nuisance. This section shall not apply to any defendant who can produce a certificate from the chief inspector that in the works of such defendant the requirements of this Act have been complied with and were complied with when the nuisance arose.

*Definitions ; Repeal ; Saving.*

29. In this Act, unless the context otherwise requires—

“Alkali work” means every work for the manufacture of alkali, sulphate of soda, or sulphate of potash, in which muriatic acid gas is evolved, and for the purpose of this definition the formation of any sulphate in the treatment of copper ores by common salt or other chlorides shall be deemed to be a manufacture of sulphate of soda.

“Noxious or offensive gas” does not include sulphurous acid arising from the combustion of coal.

“Owner” means the lessee, occupier, or any other person carrying on any work to which this Act applies.

“Prescribed” means prescribed from time to time by the Local Government Board, and “the Local Government Board” means the Local Government Board established by the Local Government Board Act, 1871.

“Central authority” means as regards England the said Local Government Board, as regards Ireland the Local Government Board for Ireland, and as regards Scotland one of her Majesty’s Principal Secretaries of State.

“Sanitary authority” means any local authority entrusted with the execution of the Public Health Act.

“The Public Health Act” means, as regards England, the Public Health Act, 1875 ; and as regards Scotland, the Public Health (Scotland) Act, 1867 ; and as regards Ireland, the Public Health (Ireland) Act, 1878.

“Person” includes a corporation.

30. The following Acts, that is to say—

The Alkali Act, 1863 (26 and 27 Vict. c. 124),

The Act to make perpetual the Alkali Act, 1863 (31 and 32 Vict. c. 36),  
and

The Alkali Act, 1874 (37 and 38 Vict. c. 43), are hereby repealed without prejudice to anything done or suffered before the commencement of this Act, or to the recovery of any penalty incurred before or proceeding pending at the commencement of this Act ; and any such penalty or proceeding may be recovered or continued as if this Act had not been passed.

31. Nothing in this Act shall legalize any act or default that would, but for this Act, be deemed to be a nuisance, or otherwise be contrary to law, or deprive any person of any remedy by action, indictment, or otherwise, to which he would have been entitled if this Act had not passed.



## CHAPTER V.

## ARTIZANS' DWELLINGS ACT, 1875.

(38 and 39 Vict., ch. 36.)

THIS is an Act for facilitating the improvement of the dwellings of the working classes in large towns.

For whereas various portions of many cities and boroughs are so built and the buildings thereon are so densely inhabited, as to be highly injurious to the moral and physical welfare of the inhabitants :

And whereas there are in such portions of cities and boroughs as aforesaid a great number of houses, courts, and alleys, which, by reason of the want of light, air, ventilation, or of proper conveniences, or from other causes, are unfit for human habitation, and fevers and diseases are constantly generated there, causing death and loss of health, not only in the courts and alleys but also in other parts of such cities and boroughs :

And whereas it often happens that owing to the above circumstances, and to the fact that such houses, courts, and alleys are the property of several owners, it is not in the power of any one owner to make such alterations as are necessary for the public health :

And whereas it is necessary for the public health that many of such houses, courts, and alleys should be pulled down, and such portions of the said cities and boroughs should be reconstructed :

And whereas in connexion with the reconstruction of those portions of such cities and boroughs it is expedient that provision be made for dwellings for the working class who may be displaced in consequence thereof, it is enacted that—

1. This Act may be cited for all purposes as “The Artizans’ and Labourers’ Dwellings Improvement Act, 1875” (38 and 39 Vict., c. 36.)

2. This Act shall apply only to

(1.) The City of London ; and

(2.) The Metropolis, exclusive of the City of London ; and

(3.) Urban sanitary districts in England containing, according to the published census, for the time being a population of 25,000 and upwards ;

(4.) Urban sanitary districts in Ireland containing, according to the last published census, a population of 25,000 and upwards ;

and the local authority shall be as follows ; that is to say,—

(1.) As respects the City of London, the Commissioners of Sewers ;  
and



- (2.) As respects the Metropolis, the Metropolitan Board of Works;  
and
- (3.) As respects each urban sanitary district, the urban sanitary  
authority of that district.

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## PART I.

### UNHEALTHY AREAS.

#### 1. *Scheme by Local Authority.*

3. Where an official representation as hereinafter mentioned is made to the local authority that any houses, courts, or alleys within a certain area under the jurisdiction of the local authority are unfit for human habitation, or that diseases indicating a generally low condition of health amongst the population have been from time to time prevalent in a certain area within the jurisdiction of the local authority, and that such prevalence may reasonably be attributed to the closeness, narrowness, and bad arrangement or the bad condition of the streets and houses or groups of houses within such area, or to the want of light, air, ventilation, or proper conveniences, or to any other sanitary defects, or to one or more of such causes, and that the evils connected with such houses, courts, or alleys, and the sanitary defects in such area, cannot be effectually remedied otherwise than by an improvement scheme for the rearrangement and reconstruction of the streets and houses within such area, or of some of such streets or houses, the local authority shall take such representation into their consideration, and if satisfied of the truth thereof, and of the sufficiency of their resources, shall pass a resolution to the effect that such area is an unhealthy area, and that an improvement scheme ought to be made in respect of such area, and after passing such resolution they shall forthwith proceed to make a scheme for the improvement of such area.

Provided always, that no person being beneficially interested in any lands within such area shall vote as member of the local authority upon such resolution or upon any question relating to the purchase or taking of lands in which he is so interested.

If any person votes in contravention of this proviso, he shall on summary conviction, incur a penalty not exceeding twenty pounds, but the fact of his giving such vote shall not invalidate any resolution passed by the local authority.

Provided always, that any number of such areas may be included in one improvement scheme.

4. An official representation shall mean, in the metropolis, a representation made by the medical officer of health of any district board, or vestry, or by such medical officer as is hereafter in this Act mentioned, to the local authority, and elsewhere shall mean a representation made to the local authority by the medical officer of health of such authority. A medical officer acting in pursuance of this Act shall make such representation when-



ever he sees cause to make the same; and if two or more justices of the peace acting within the jurisdiction for which he is medical officer, or twelve or more persons liable to be rated to any rate out of the proceeds of which the expenses of the local authority under this Act are made payable, complain to him of the unhealthiness of any area within such jurisdiction, it shall be the duty of the officer forthwith to inspect such area, and to make an official representation stating the facts of the case, and whether in his opinion the area is an unhealthy area or not an unhealthy area, for the purposes of this Act.

5. The improvement scheme of a local authority shall be accompanied by maps, particulars, and estimates; it may exclude any part of the area in respect of which an official representation is made, or include any neighbouring lands, if the local authority are of opinion that such exclusion is expedient or inclusion is necessary for making their scheme efficient for sanitary purposes; it may also provide for widening any existing approaches to the unhealthy area or otherwise for opening out the same for the purposes of ventilation or health; also it shall distinguish the lands proposed to be taken compulsorily, and shall provide for the accommodation of at the least as many persons of the working class as may be displaced in the area with respect to which the scheme is proposed, in suitable dwellings, which, unless there are any special reasons to the contrary, shall be situate within the limits of the same area, or in the vicinity thereof; it shall also provide for proper sanitary arrangements. It may also provide for such scheme or any part thereof being carried out and effected by the person entitled to the first estate of freehold in any property subject to the scheme or with the concurrence of such person, under the superintendence and control of the local authority, and upon such terms and conditions to be embodied in the scheme as may be agreed upon between the local authority and such person.

*By an amendment to this Act, dated 15th August, 1879, 42 and 43 Vict., ch. 63, it is enacted, that "Where it is proved to the satisfaction of the confirming authority on an application to authorize or modify an improvement scheme that equally convenient accommodation can be provided for any persons of the working class displaced by an improvement scheme at some place other than within the area or the immediate vicinity of the area comprised in the improvement scheme, and it is also proved to the satisfaction of such authority that the required accommodation has been or about to be forthwith provided, it shall be lawful for the confirming authority accordingly to authorize any such improvement scheme, or to permit a modification of any such scheme, and the requirements of the principal Act with respect to providing accommodation for persons of the working class shall, to the extent to which accommodation is provided in accordance with this section, be deemed to have been complied with.*

*"A local authority may for purpose of providing accommodation for persons of the working classes displaced by any improvement scheme, appropriate any lands for the time being belonging to them which are suitable for the purpose, or may purchase by agreement any such further lands as may be convenient."*



*2. Confirmation of Scheme.*

6. Upon the completion of an improvement scheme the local authority shall—

Publish, during three consecutive weeks in the month of September, or October, or November, in some one and the same newspapers circulating within the jurisdiction of the local authority, an advertisement stating the fact of a scheme having been made, the limits of the area to which the scheme relates, and naming a place within such area or in the vicinity thereof where a copy of the scheme may be seen at all reasonable hours ; and,

During the month next following the month in which such advertisement is published, serve a notice on every owner or reputed owner, lessee, or reputed lessee, and occupier of any lands proposed to be taken compulsorily, so far as such persons can reasonably be ascertained, stating that such lands are proposed to be taken compulsorily for the purpose of an improvement scheme, and in the case of any owner or reputed owner, lessee or reputed lessee, requiring an answer stating whether the person so served dissents or not in respect of taking such lands, such notice to be served—

- (a.) By delivery of the same personally to the person required to be served, or if such person is absent abroad, or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the premises ; or,
- (b.) By leaving the same at the usual or last known place of abode of such person as aforesaid ; or,
- (c.) By forwarding the same by post in a prepaid letter addressed to the usual or last known place of abode of such person.

One notice addressed to the occupier or occupiers without naming him or them, and left at any house, shall be deemed to be a notice served on the occupier or on all the occupiers of any such house.

Upon compliance with the provisions contained in this section with respect to the publication of an advertisement and the service of notices, the local authority shall present a petition, if such authority be the Commissioners of Sewers or the Metropolitan Board of Works to a Secretary of State, and if such authority be an urban sanitary authority to the Local Government Board, praying that an order may be made confirming such scheme. The petition shall be accompanied by a copy of the scheme, and shall state the names of the owners or reputed owners, lessees or reputed lessees, who have dissented in respect of the taking their lands, and shall be supported by such evidence as the Secretary of State or Local Government Board, according to the circumstances of the case (in this Act referred to as the confirming authority), may from time to time require :

If, on consideration of the petition and on proof of the publication of the proper advertisements and the service of the proper notices, the confirming authority think fit to proceed with the case, they shall direct a local inquiry to be held in, or in the vicinity of, the area to which the scheme relates, for the purpose of ascertaining the correctness of the official representation made



as to the area and the sufficiency of the scheme provided for its improvement, and any local objections to be made to such scheme :

After receiving the report made upon such inquiry, the confirming authority may make a provisional order declaring the limits of the area to which the scheme relates, and authorizing such scheme to be carried into execution. Such provisional order may be made either absolutely or with such conditions and modifications of the scheme as the confirming authority may think fit, so that no addition be made to the lands proposed in the scheme to be taken compulsorily, and it shall be the duty of the local authority to serve a copy of any provisional order so made in the manner and upon the persons in which and upon whom notices in respect of lands proposed to be taken compulsorily are required by this Act to be served, except tenants for a month or a less period than a month.

A provisional order made in pursuance of this section shall not be of any validity until and unless it has been confirmed by Act of Parliament ; and it shall be lawful for the confirming authority, as soon as conveniently may be, to obtain such confirmation, and any provisional order made in pursuance of this Act, when confirmed by Parliament, with such modifications as may seem fit to Parliament, shall be deemed to be a public general Act of Parliament, and is in this Act referred to as the confirming Act.

The confirming authority may make such order as they think fit in favour of any person whose lands were proposed by the scheme to be taken compulsorily for the allowance of the reasonable costs, charges, and expenses properly incurred by him in opposing such scheme.

All costs, charges, and expenses incurred by the confirming authority in relation to any provisional order under this Act shall, to such amount as the confirming authority think proper to direct, and all costs, charges, and expenses of any person to such amount as may be allowed to him by the confirming authority in pursuance of the aforesaid power, shall be deemed to be an expense incurred by the local authority under this Act, and shall be paid to the confirming authority and to such person respectively, in such manner and at such times and either in one sum or by instalments as the confirming authority may order, with power for the confirming authority to direct interest to be paid at such rate not exceeding five pounds in the hundred by the year as the confirming authority may determine, upon any sum for the time being due in respect of such costs, charges, and expenses as aforesaid.

Any order made by the confirming authority in pursuance of this section may be made a rule of one of her Majesty's superior courts, and be enforced accordingly.

7. Where any Bill for confirming a provisional order authorizing an improvement scheme is referred to a committee of either House of Parliament upon the petition of any person opposing such Bill, the committee shall take into consideration the circumstances under which such opposition is made to the Bill, and whether such opposition was or was not justified by such circumstances, and shall award costs accordingly to be paid by the promoters or the opponents of the Bill as the committee may think just.

Any costs under this section may be taxed and recovered in the manner



in which costs may be taxed and recovered under the Act of the session of the twenty-eighth and twenty-ninth years of the reign of her present Majesty, chapter twenty-seven.

The decision of the majority of the members of the committee for the time being present and voting on any question under this section shall be deemed to be the decision of the committee.

8. Where an official representation is made to the local authority with a view to their passing a resolution in favour of an improvement scheme, and they fail to pass any resolution in relation to such representation, or pass a resolution to the effect that they will not proceed with such scheme, such local authority shall, as soon as possible, send a copy of the official representation, accompanied by their reasons for not acting upon it, to the confirming authority, and, upon the receipt thereof, the confirming authority may direct a local inquiry to be held, and a report to be made to them with respect to the correctness of the official representation made to the local authority, and any matters connected therewith on which the confirming authority may desire to be informed.

### *3. Execution of Scheme by Local Authority.*

9. When the confirming Act authorizing any improvement scheme of a local authority under this Act has been passed by Parliament, it shall be the duty of that authority to take steps for purchasing the lands required for the scheme, and otherwise for carrying the scheme into execution as soon as practicable. They may sell or let all or any part of the area to which such scheme relates to any purchasers or lessees for the purposes and under the condition that such purchasers or lessees will, as respects the land so purchased by or leased to them, carry the scheme into execution; and in particular they may insert in any grant or lease of any part of the area provision binding the grantee or lessee to build thereon as in the grant or lease prescribed, and to maintain and repair the buildings, and prohibiting the division of buildings, and any addition to or alteration of the character of buildings without the consent of the local authority, and for the re-vesting of the land in the local authority, or their re-entry thereon, on breach of any provision in the grant or lease. The local authority may also engage with any body of trustees, society or societies, persons or person, to carry the whole or any part of such scheme into effect upon such terms as the local authority may think expedient, but the local authority shall not themselves, without the express approval of the confirming authority, undertake the rebuilding of the houses or the execution of any part of the scheme, except that they may take down any or all of the buildings upon the area, and clear the whole or any part thereof, and may lay out, form, pave, sewer, and complete all such streets upon the land purchased by them as they may think fit, and all streets so laid out and completed shall thenceforth be public streets, repairable by the same authority as other streets in the district.

Provided that in any grant or lease of any part of the area which may be



appropriated by the scheme for the erection of dwellings for the working classes, the local authority shall impose suitable conditions and restrictions as to the elevation, size, and design of the houses, and the extent of the accommodation to be afforded thereby, and shall make due provision for the maintenance of proper sanitary arrangements.

Provided also, that in any case in which the local authority erect any dwellings out of funds to be provided under this Act, they shall, unless the confirming authority shall otherwise determine, sell and dispose of all such dwellings within ten years from the time of the completion thereof.

The local authority may, where they think it expedient so to do, without themselves acquiring the land, or after or subject to their acquiring any part thereof, contract with the person entitled to the first estate of freehold in any land comprised in an improvement scheme for the carrying out of the scheme in respect of such land by such person.

10. If within five years after the removal of any buildings on the land set aside by any provisional order as sites for working men's dwellings the local authority have failed to sell or let such land for the purposes prescribed by the scheme, or have failed to make arrangements for the erection of the said dwellings, the confirming authority may order the said land to be sold by public auction or public tender, with full power to fix a reserve price, subject to the conditions imposed by the scheme, and to any modifications thereof which may be made in pursuance of this Act, and to a special condition on the part of the purchaser to erect upon the said land dwellings for the working classes, in accordance with plans to be approved by the local authority, and subject to such other reservations and regulations as the confirming authority may deem necessary.

11. The local authority shall, not less than thirteen weeks before taking any fifteen houses or more, make known their intention to take the same by placards, handbills, or other general notices placed in public view upon or within a reasonable distance of such houses, and the local authority shall not take any such houses until they have obtained a certificate of a justice of the peace that it has been proved to his satisfaction that the local authority have made known, in manner required by this section, their intention to take such houses.

12. The confirming authority, on application from the local authority, and on its being proved to their satisfaction that an improvement can be made in the details of any scheme, and that due provision has been made or secured for the accommodation in suitable dwellings of as many persons of the working class as may be displaced in the area to which such scheme relates, either in manner provided by the scheme or in some other manner, or will be more advantageously made or secured under the proposed alteration, may permit the local authority to modify any part of an improvement scheme authorized by the confirming Act which it may appear inexpedient to carry into execution in accordance with such Act.

A statement of any modifications permitted to be made in any part of an improvement scheme in pursuance of this section shall be laid by the confirming authority before both Houses of Parliament as soon as practicable after they are made, if Parliament be then sitting, and if not, within one



month after the next meeting of Parliament: Provided always, that if such modification or alteration shall require a larger public expenditure than that sanctioned by the former scheme, or the taking of any property otherwise than by agreement, or shall affect injuriously other property in a manner different to that proposed in the former scheme without the consent to the owner and occupier of any such property, it must be made by a provisional order to be confirmed by Act of Parliament in the manner provided in section six of this Act on the completion of an improvement scheme.

## PART II.

### PROVISIONS ANCILLARY TO IMPROVEMENT SCHEME.

#### AS TO LOCAL AUTHORITY.

##### 1. *Medical Officer.*

13. The Metropolitan Board of Works may, with the assent of a Secretary of State, at any time appoint one or more legally qualified medical practitioner or practitioners, with such remuneration as they think fit, for the purpose of better carrying into effect this Act in the metropolis. Any officer so appointed by the Metropolitan Board of Works shall be deemed to be a medical officer of health of a local authority within the meaning of this Act, and shall perform the duties and be subject to the liabilities which such medical officer is by this Act required to perform and be subject to.

14. In case of the illness or unavoidable absence of the medical officer of health, the district board, vestry, or local authority, as the case may be, may (subject to the approval of the confirming authority) appoint a duly qualified medical practitioner, who shall for the period of six calendar months, or any less period to be named in the appointment, have and perform all the powers and duties of a medical officer of health under this Act.

15. Where twelve or more ratepayers have complained to a medical officer of the unhealthiness of any area within the jurisdiction of such officer, and the medical officer has failed to inspect such area, or to make an official representation with respect thereto, or has made an official representation to the effect that in his opinion the area is not an unhealthy area, such ratepayers may appeal to the confirming authority, and, upon their giving security to the satisfaction of that authority for costs, the confirming authority shall appoint a medical officer to inspect such area, and to make representation to the confirming authority, stating the facts of the case, and whether, in his opinion, the area is an unhealthy area or not an unhealthy area. The representation so made shall be transmitted by the confirming authority to the local authority, and if it state that the area is an unhealthy area the local authority shall proceed therein in the same manner as if it were an official representation made to that authority.

The confirming authority shall make such order as to the costs of the inquiry as they think just, with power to require the whole or any part



of such costs to be paid by the appellants where the officer appointed is of opinion that the area is not an unhealthy area, and to declare the whole or any part of such costs to be payable by the local authority where such officer is of opinion that the area is an unhealthy area.

Any order made by the confirming authority in pursuance of this section may be made a rule of one of her Majesty's superior courts, and be enforced accordingly.

## 2. *Local Inquiry.*

16. Where a local inquiry is directed, an officer shall be sent by the confirming authority to the area to which such inquiry relates for the purpose of making an inquiry into the correctness of the official representation made to the local authority as to such area being an unhealthy area, and into the sufficiency of the scheme provided for its improvement, and into any local objections to be made to such scheme.

17. Before commencing such inquiry the officer appointed to conduct the same shall make public by advertisement or otherwise in such manner as he thinks best calculated to give information to the persons residing in the area his intention to make such inquiry, and a statement of a time and place at which he will be prepared to hear all persons desirous of being heard before him upon the subject of the inquiry.

18. The officer conducting such inquiry shall have power to administer an oath; he shall report the result of the inquiry to the confirming authority, who shall deal with such report in such manner as they think expedient.

## 3. *Acquisition of Land.*

19. (1.) The clauses of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement shall not, except to the extent set forth in the schedule hereto, apply to any lands taken in pursuance of this Act, but save as aforesaid the said Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, as amended by the provisions contained in the schedule hereto, shall regulate and apply to the purchase and taking of lands in England, and shall for that purpose be deemed to form part of this Act in the same manner as if they were enacted in the body thereof; and (2.) the Lands Clauses Consolidation Act, 1845, as amended by the Lands Clauses Consolidation Act, 1860, the Railways Act (Ireland), 1851, the Railways Act (Ireland), 1860, the Railways Act (Ireland), 1864, and the Railways Traverse Act, shall, subject to the provisions following, regulate and apply to the purchase and taking of lands in Ireland, and shall for this purpose be deemed to form part of this Act, in the same manner as if they were enacted in the body hereof,

Subject, as respects both England and Ireland to the provisions following; that is to say,

- (1.) This Act shall authorize the taking by agreement any lands which the local authority may require for the purpose of carrying into effect the scheme authorized by any confirming Act, but it shall authorize the taking by the exercise of any compulsory powers



of such lands only as are proposed by the scheme in the confirming Act to be taken compulsorily :

- (2.) Whenever the compensation payable in respect of any lands, or of any interests in any lands proposed to be taken compulsorily in pursuance of this Act requires to be assessed, the estimate of the value of such lands or interests shall be based upon the fair market value, as estimated at the time of the valuation being made of such lands, and of the several interests in such lands, due regard being had to the nature and then condition of the property, and the probable duration of the buildings in their existing state, and to the state of repair thereof, and all circumstances affecting such value, without any additional allowance in respect of the compulsory purchase of an area, or of any part of an area in respect of which an official representation has been made, or of any lands which in the opinion of the arbitrator have been included in a scheme as falling under the description of property named in the third section of this Act :
- (3.) In the construction of the said Lands Clauses Consolidation Acts, and the provisions in the said schedule, this Act shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking ; and the period after which the powers for the compulsory purchase or taking of lands shall not be exercised shall be three years after the passing of the confirming Act.

20. Upon the purchase by the local authority of any lands required for the purpose of carrying into effect any scheme authorized by a confirming Act, all rights of way, rights of laying down, or of continuing any pipes, sewers, or drains on, through, or under such lands, or part thereof, and all other rights or easements in or relating to such lands, or any part thereof, shall be extinguished, and all the soil of such ways, and the property in the pipes, sewers, or drains, shall vest in the local authority, subject to this provision, that compensation shall be paid by the local authority to any persons or bodies of persons proved to have sustained loss by this section, and such compensation shall be determined in the manner in which compensation for lands is determinable under this Act, or as near thereto as circumstances admit.

#### 4. *Expenses.*

21. A separate account shall be kept by the local authority of their receipts and expenditure in respect of any transactions under this Act. Their receipts shall form a fund (in this Act referred to as "The Dwelling-house Improvement Fund"), and their expenditure shall be made out of such fund.

The moneys required in the first instance to establish such fund, and any deficiency for the purposes of this Act from time to time appearing in such fund by reason of the excess of expenditure over receipts, shall be supplied out of the local rates, or out of moneys borrowed in pursuance of this Act.



In settling any accounts of the local authority in respect of any transactions under this Act, care shall be taken that as far as may be practicable all expenditure shall ultimately be defrayed out of the property dealt with under this Act; and any balances of profit made by the local authority under this Act shall be applicable to any purposes to which the local rates are for the time being applicable.

The local rates shall, in the case of the Commissioners of Sewers, mean the sewer rate and the consolidated rate leviable by such commissioners, or either of such rates.

The Metropolitan Board of Works shall levy as part of the metropolitan consolidated rate within the area of the metropolis, without making any demand on the City of London, a sufficient amount for the purposes of this Act, and the part so levied shall, for the purposes of this Act, in the case of the Metropolitan Board of Works, be referred to and included under the expression "local rates."

The "local rates" shall, in the case of an urban sanitary authority mean all or any rates or rate levied throughout the district of such authority, and out of which the local authority is authorized to pay any expenses incurred under the Sanitary Acts, as defined by the Public Health Act, 1872, and by the Public Health (Ireland) Act, 1874.

The local authority may carry to the account of the Dwelling-house Improvement Fund any moneys, or the produce of any property, which moneys or produce are or is legally applicable to purposes similar to the purposes of this Act; and in case of doubt as to whether, in any particular case, the purposes are similar to the purposes of this Act, it shall be lawful for the confirming authority to decide such question, and such decision shall be conclusive.

22. Any local authority under this Act may for the purposes of this Act borrow any moneys on the security of any lands, houses, or other property acquired by them under this Act, and may mortgage such lands, houses, or other property to any person advancing such moneys, and it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they be responsible for the misapplication thereof.

Every local authority borrowing on the credit of such lands, houses, or other property as aforesaid may pay out of local rates the interest of any moneys so borrowed by them.

Any local authority under this Act borrowing any moneys on the security of any lands, houses, or other property as aforesaid may execute such instruments by way of security, with such power of sale and other conditions as they think expedient.

An urban sanitary authority shall have the same power of borrowing on the credit of the local rates such sums of money as they may require for the purposes of this Act as they have under section forty of the Public Health Act, 1872, or under the Public Health (Ireland) Act, 1874, for sanitary purposes.

The Commissioners of Sewers may borrow and take up at interest such money on the credit of the local rates, or any of them, as they may require



for the purposes of this Act, and may mortgage any such rate or rates to the persons by or on behalf of whom such money is advanced for securing the repayment to them of the sums borrowed, with interest thereon, and for the purposes of any mortgages so made by the Commissioners of Sewers the clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners shall be incorporated with this Act; and in the construction of that Act "the special Act" shall mean this Act; "the commissioners" shall mean the Commissioners of Sewers; "the clerk of the commissioners" shall include any officer appointed for the purpose by the Commissioners of Sewers by this Act; and the mortgagees or assignees of any mortgage made as last aforesaid may enforce payment of the arrears of principal and interest due to them by the appointment of a receiver.

The Metropolitan Board of Works may, with the assent of the Treasury, create consolidated stock under the Metropolitan Board of Works (Loans) Act, 1869, for the purpose of raising such sums as they may require for the purposes of this Act, but there shall be repaid to the consolidated rate out of the local rate all moneys required for payment of the dividends on and the redemption of the consolidated stock created for the purposes of this Act.

The Public Works Loan Commissioners, or, in the case of Ireland, the Commissioners of Public Works, acting with the consent of the Treasury, may, on the recommendation of the confirming authority, lend to any local authority any money required by them for purposes of this Act, on the security in the case of the Metropolitan Board of Works, of consolidated stock created under the Metropolitan Board of Works (Loans) Act, 1869, and in any other case on the security of the local rates. Such loan shall be repaid within such period, not exceeding fifty years, as may be recommended by the confirming authority, and shall bear interest at the rate of three and a half per cent. per annum, or such higher rate as may in the judgment of the Treasury be necessary to enable the loan to be made without loss to the Exchequer.

Any limit imposed on or in respect of local rates by any Act of Parliament other than this Act shall not apply to any rate required to be levied for the purpose of defraying any expenses under this Act.

23. The accounts of the Commissioners of Sewers and the accounts of the Metropolitan Board of Works under this Act shall respectively be audited in the same manner, and with the same power in the officers auditing the same in which the accounts of those bodies, when acting in their capacities of Commissioners of Sewers and Metropolitan Board of Works, are for the time being required to be audited by law.

The accounts of an urban sanitary authority under this Act shall be audited in the same manner, and with the same power in the officers auditing the same in which the accounts of that authority in its character of sanitary authority are for the time being required to be audited by law.



## PART III.

## GENERAL PROVISIONS.

24. Any petition or document proceeding from a local authority may be authenticated by their seal where such authority have a seal, and in any other case by the signature of any two or more members of the local authority, or in such other manner as the confirming authority may require.

*Notices.*

25. Any notice required to be served upon the local authority may be lawfully served by delivering the same to the clerk of the local authority, or leaving the same at his office with some person employed there by him.

27. The confirming authority may, on the consideration of any petition of a local authority for an order confirming a scheme, dispense with the publication of any advertisement, or the service of any notice, proof of which publication or service is not given to them as required by this Act, where reasonable cause is shown to their satisfaction why such publication or service should be dispensed with, and such dispensation may be made by the confirming authority, either unconditionally or upon such condition as to the publication of other advertisements and the service of other notices or otherwise as the confirming authority may think fit, due care being taken by the confirming authority to prevent the interest of any person being prejudiced by the fact of the publication of any advertisement or the service of any notice being dispensed with in pursuance of this section.

28. Any notice served by the local authority for the purposes of this Act may be signed by the clerk of the local authority.

*Penalties.*

29. Where any person obstructs the officer of health or any officer of the local or confirming authority acting in the performance of anything which the local or confirming authority are by this Act required or authorized to do, every person so offending shall, on summary conviction, for every such offence forfeit a sum not exceeding twenty pounds.

*Saving Clauses.*

30. Where in any place to which this Act applies, any local Act is in force providing for objects the same as or similar to the objects of this Act, the enactments of such local Act may be enforced at the discretion of the local authority either instead of or in concurrence with this Act; provided that the local authority of any place to which this Act applies shall not, by reason of any local Act within its jurisdiction, be exempted from the performance of any duty or obligation to which such authority are subject under this Act.



*Definitions.*

31. The expressions hereinafter mentioned shall respectively have the meanings hereby assigned to them unless there is something in the context inconsistent with such meanings, that is to say,—

“ Secretary of State ” means one of her Majesty’s principal Secretaries of State.

“ Person ” shall include a body of persons, corporate or unincorporate.

“ Lands ” shall include messuages, lands, tenements, and hereditaments of any tenure and any right over land.

“ The City of London ” shall include the liberties thereof.

“ The Metropolis ” shall not include the City of London or the liberties thereof, but shall include all other parishes or places within the jurisdiction of the Metropolitan Board of Works.

“ A district board or vestry ” within the metropolis means a district board or vestry as incorporated by the Metropolis Management Act, 1855.

“ Medical officer of health ” shall, in the case of Ireland, mean consulting sanitary officer.

“ Local Government Board ” shall, in the case of Ireland, mean Local Government Board of Ireland.

“ Clerk of local authority ” shall, in the case of Ireland, mean executive sanitary officer and acting clerk.

“ Superior courts ” shall mean, in the case of Ireland, her Majesty’s superior courts in Ireland.

“ The Treasury ” shall mean the Lords Commissioners of the Treasury, or any two of them.

“ This Act ” includes any confirming Act as hereinbefore defined.

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*The foregoing Act was amended by the Artizans' and Labourers' Dwellings Improvement Act, 1879, 42 and 43 Vict., ch. 63, by which it is enacted that this Act shall be construed as one with the Artizans' and Labourers' Dwellings Improvement Act, 1875 (in this Act referred to as the principal Act) and the principal Act and this Act may be cited together as the Artizans' and Labourers' Dwellings Improvement Act, 1875 and 1879.*

2. The schedule to the principal Act shall be construed as if the schedule to this Act formed part thereof.

3. On the occasion of assessing the compensation payable under any improvement scheme in respect of any house or premises situate within an unhealthy area, evidence shall be receivable by the arbitrator to prove that at the date of the confirming Act authorizing such scheme, or at some previous date not earlier than the date of the official representation in which the scheme originated, such house or premises was by reason of its unhealthy state, or by reason of overcrowding or otherwise, in such a condition as to have been a nuisance within the meaning of the Acts relating to nuisances; and if the arbitrator is satisfied that from either of such causes as aforesaid, such house or premises was, at such dates as aforesaid or either of them, a nuisance as aforesaid, he shall then determine what would have



been the value of such house or premises supposing the nuisance to have been abated, and what would have been the expense of abating the nuisance; and the amount of compensation payable in respect of such house or premises shall be an amount equal to the estimated value of the house or premises after the nuisance was abated, and after deducting the estimated expense of abating the nuisance.

4. Whereas by the fifth section of the principal Act it is provided, amongst other things, that an improvement scheme of a local authority shall provide for the accommodation of at least as many persons of the working classes as may be displaced in the area with respect to which the scheme is proposed in suitable dwellings which, unless there are special reasons to the contrary, shall be situate within the limits of the same area or in the vicinity thereof:

And whereas it not unfrequently happens that, having due regard to the requirements of persons of the working classes displaced by an improvement scheme, equally convenient accommodation at a much less cost can be furnished to such persons or some of them at some place other than within the area or the immediate vicinity of the area from which they have been displaced: Be it enacted that—

Where it is proved to the satisfaction of the confirming authority on an application to authorize or modify an improvement scheme that equally convenient accommodation can be provided for any persons of the working class displaced by an improvement scheme at some place other than within the area or the immediate vicinity of the area comprised in the improvement scheme, and it is also proved to the satisfaction of such authority that the required accommodation has been or is about to be forthwith provided, it shall be lawful for the confirming authority accordingly to authorize any such improvement scheme, or to permit a modification of any such scheme, and the requirements of the principal Act with respect to providing accommodation for persons of the working class shall, to the extent to which accommodation is provided in accordance with this section, be deemed to have been complied with.

A local authority may for purpose of providing accommodation for persons of the working classes displaced by any improvement scheme, appropriate any lands for the time being belonging to them which are suitable for the purpose, or may purchase by agreement any such further lands as may be convenient.

5. The Acts relating to nuisances mean—

As respects any place in Ireland, the Public Health (Ireland) Act, 1878, and any local Act which contains any provisions with respect to nuisances in that place; and

As respects the Metropolis, as defined by the Public Health Act, 1875, the Nuisances Removal Acts as defined by the Sanitary Act, 1866, or any Act amending the same, and any local Act which contains any provisions with respect to nuisances in that place; and

As respects any other place in England, the Public Health Act, 1875, and any local Act which contains any provisions with respect to nuisances in that place.



*The following is an Act to amend the Artizans' and Labourers' Dwellings Act, and may be cited as the Artizans' Dwellings Act, 1882, 45 and 46 Vict., ch. 54.*

## PART I.

### *Artizans' and Labourers' Dwellings Improvement Acts, 1875 and 1879.*

2. This part of this Act shall be construed as one with the Artizans' and Labourers' Dwellings Improvement Acts, 1875 and 1879, and those Acts together with this part of this Act may be cited together as the Artizans' and Labourers' Dwellings Improvement Acts, 1875 to 1882.

3. Whereas by section five of the Artizans' and Labourers' Dwellings Improvement Act, 1875, it is provided, amongst other things, that an improvement scheme of a local authority shall provide for the accommodation of at the least as many persons of the working class as may be displaced in the area with respect to which the scheme is proposed in suitable dwellings which, unless there are special reasons to the contrary shall be situate within the limits of the same area or in the vicinity thereof :

And whereas by section four of the Artizans' and Labourers' Dwellings Improvement Act, 1879, it is provided that the above requirements of section five of the Artizans' and Labourers' Dwellings Improvement Act, 1875, may, if the confirming authority so authorize, be complied with by the provision of equally convenient accommodation at some place other than within the area or the immediate vicinity of the area comprised in such scheme :

And whereas it is expedient to make further provision respecting such accommodation : Be it therefore enacted as follows :

Where an improvement scheme of a local authority comprises an area situate in the Metropolis or the City of London, the confirming authority shall, without prejudice to the powers conferred on it by the said fourth section of the Artizans' and Labourers' Dwellings Improvement Act, 1879, be authorized (on the application of the local authority, and on a report being made by the officer conducting the local inquiry directed by the confirming authority that it is expedient having regard to the special circumstances of the locality and to the number of artizans and others belonging to the labouring class dwelling within the area, and being employed within a mile thereof, that a modification should be made) to dispense in the provisional order authorizing the scheme altogether with the obligation of the local authority to provide for the accommodation of the persons of the working class who may be displaced by their scheme to such extent as he may think expedient, having regard to such special circumstances as aforesaid, but not exceeding one half of the persons so displaced, and where any such improvement scheme comprises an area situate elsewhere than in the Metropolis or the City of London, it shall, if the confirming authority so require (but it shall not otherwise be obligatory on the local authority so to frame their scheme), provide for the accommodation of such number of



those persons of the working class displaced in the area with respect to which the scheme is proposed in suitable dwellings to be erected in such place or places either within or without the limits of the same area as the said authority on a report made by the officer conducting the local inquiry may require.

The twelfth section of the Artizans' and Labourers' Dwellings Improvement Act, 1875, and any other enactment relating to the requirement of the said Act as to the accommodation of the working classes, shall be construed with reference and subject to the modifications made by this Act.

The power by this section given to the confirming authority to dispense altogether with the obligation of the local authority to provide for the accommodation of the persons of the working class who may be displaced by their scheme to an extent not exceeding one half of the persons so displaced may (in the case of any scheme which has, before the passing of this Act, been authorized by a confirming Act) upon the application of the local authority be exercised by the confirming authority by an order made at any time within twelve months after the passing of this Act.

4. Whereas it is expedient to amend section nineteen of the Artizans' and Labourers' Dwellings Improvement Act, 1875: Be it therefore enacted as follows:

In the estimate of the value of the said lands or interests in the said section in that behalf mentioned any addition to or improvement of the property made after the date of the publication of an advertisement in pursuance of section six of the said Act stating the fact of the improvement scheme having been made shall not (unless such addition or improvement was necessary for the maintenance of the property in a proper state of repairs) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made so as to increase the amount of compensation to be paid for the lands, and the words "and all circumstances affecting such value" in the said section are hereby repealed.

5. There shall be repealed so much of the schedule to the Artizans' and Labourers' Dwellings Improvement Act, 1875, as is comprised under the heading "Proceedings on Arbitration," that is to say, articles numbered (5) to (13) both inclusive, and there shall be substituted therefor the articles contained in the schedule hereto; Provided that such repeal shall not affect anything duly done or suffered under any provision hereby repealed.

6. Where an official representation made to the Metropolitan Board of Works in pursuance of the Artizans' and Labourers' Dwellings Improvement Act, 1875, relates to not more than ten houses, the Metropolitan Board of Works shall not take any proceedings on such representation, but shall direct the officer making the same to report the case to the local authority as defined by the Artizans' and Labourers' Dwellings Act, 1868, and it shall be the duty of the local authority to deal with such case in manner provided by the last-mentioned Act, and the Acts amending the same.



## PART II.

7. This part of this Act shall be construed as one with the Artizans' and Labourers' Dwellings Act, 1868, and the Artizans' and Labourers' Dwellings Act (1868) Amendment Act, 1879, and those Acts and this part of this Act may be cited together as the Artizans' Dwellings Acts, 1868 to 1882.

8. (1.) If in any place to which the Artizans' and Labourers' Dwellings Act, 1868, applies the officer of health finds that any building, although not in itself unfit for human habitation is so situate that by reason of its proximity to or contact with any other buildings it causes one of the following effects, that is to say,—

- (1) It stops ventilation, or otherwise makes or conduces to make such other buildings to be in a condition unfit for human habitation ; or
- (2) It prevents proper measures from being carried into effect for remedying the evils complained of in respect of such other buildings,

in any such case, the officer of health shall make a report to the local authority in writing of the particulars relating to such first-mentioned building (in this Act referred to as "an obstructive building"), stating that in his opinion it is expedient that the obstructive building should be pulled down, and shall deliver the report to the clerk of the local authority.

(2.) The local authority shall refer such report to a surveyor or engineer to report thereon, and to report as to the cost of acquiring the lands on which such obstructive building is erected and of pulling down such building.

(3.) The local authority shall take into consideration the reports of the officer of health and of the surveyor, and if they decide to adopt such reports shall cause copies to be given to the owner of the lands on which the obstructive building stands, with notice of the time and place appointed by the local authority for the consideration thereof ; and such owner shall be at liberty to attend and state his objections, and after hearing such objections the local authority shall make an order in writing signed by their clerk either allowing the objections or directing that such obstructive building shall be pulled down, and such order shall be subject to appeal in like manner as an order of the local authority under the Artizans' and Labourers' Dwellings Act, 1868.

(4.) Where an order of the local authority for pulling down an obstructive building is made under this section and is not appealed against, or if appealed against is confirmed, the local authority shall be deemed to be authorized to purchase the lands on which the obstructive building is erected in like manner as if they had been authorized by a special Act to purchase the same ; and for the purpose of such purchase the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same with respect to the purchase and taking of lands otherwise than by agreement shall be deemed to be incorporated in this Act (subject nevertheless to the provisions of this Act), and for the purpose of those provisions this Act shall be deemed to be the special Act and the local



authority to be the promoters of the undertaking, and such lands may be purchased at any time within one year after the date of the order, or if it was appealed against after the date of the confirmation.

(5.) The owner of the lands may within one month after notice to purchase the same is served upon him declare that he desires to retain the site of the obstructive building, and undertake either to pull down, or to permit the local authority to pull down, the obstructive building, and in such case the owner shall retain the site and shall receive compensation from the local authority for the pulling down of the obstructive building.

(6.) The amount of such compensation, and also the amount of any compensation to be paid on the purchase of any lands under this section, shall in case of difference be settled by arbitration in manner provided by section seven of the Artizans' and Labourers' Dwellings Act (1868) Amendment Act, 1879, as amended by this part of this Act.

(7.) Where the owner retains the site or any part thereof section twenty-three of the Artizans' and Labourers' Dwellings Act, 1868, shall apply to such site.

(8.) Where the lands are purchased by the local authority, the local authority shall pull down the obstructive building, or such part thereof as may be obstructive within the meaning of this section, and keep as an open space the whole site, or such part thereof as may be required to be kept open for the purpose of remedying the evils caused by such obstructive building, and may, with the assent of the confirming authority and upon such terms as such authority thinks expedient, permit such portion of the site to be sold as is not required for the purpose of carrying this section into effect.

Where in the opinion of the arbitrator the demolition of an obstructive building adds to the value of such other buildings as are in that behalf mentioned in this section, the arbitrator shall apportion so much of the compensation to be paid for the demolition of the obstructive building as may be equal to the increase in value of the other buildings amongst such other buildings respectively, and the amount apportioned to each such other building in respect of its increase in value by reason of the demolition of such obstructive building shall be deemed to be private improvement expenses incurred by the local authority in respect of such building, and such local authority may, for the purpose of defraying such expenses, make and levy improvement rates on the occupier of such premises accordingly; and the provisions of the Public Health Act, 1875, relating to private improvement expenses and to private improvement rates shall, so far as circumstances admit, apply accordingly in the same manner as if such provisions were incorporated in this Act, and the said provisions shall be deemed to extend to the City of London and to the Metropolis, and in the construction of the said provisions, as respects the City of London the Commissioners of Sewers, and as respects the Metropolis the Metropolitan Board of Works, shall be deemed to be the urban authority.

If any dispute arises between the owner or occupier of any building (to which any amount may be apportioned in respect of private improvement expenses) and the arbitrator by whom such apportionment is made, such



dispute shall be settled by two justices in manner provided by the Lands Clauses Consolidation Act, 1845, in cases where the compensation claimed in respect of lands does not exceed fifty pounds.

9. Section seven of the Artizans' and Labourers' Dwellings Act (1868) Amendment Act, 1879, shall be construed as if the words "and all circumstances affecting such value" were omitted therefrom.

10. The expenses of the local authority under this part of this Act shall be defrayed in like manner as expenses incurred in pursuance of the Artizans' and Labourers' Dwellings Act (1868) Amendment Act, 1879.

11. Whereas by section twelve of the Artizans' and Labourers' Dwellings Act (1868) Amendment Act, 1879, it is provided that in the event of a local authority within the metropolis declining or neglecting for the space of three months after receiving a notice from the Metropolitan Board of Works requiring such local authority to put in force the provisions of the said Act in respect of any premises described in such notice, the Metropolitan Board of Works shall have the powers therein mentioned, and it is expedient to amend the said section: Be it therefore enacted as follows:

Where an officer of health in pursuance of the Artizans' and Labourers' Dwellings Act, 1868, has reported any premises as unfit for human habitation, or in pursuance of this part of this Act has reported that the pulling down of any obstructive building would be expedient, the board of guardians in whose union or parish, or the owner of any property in the neighbourhood of which such premises or buildings are situate, may complain to the Metropolitan Board of Works that the local authority have failed to put in force the provisions of the said Acts in respect of such premises or buildings, and the Metropolitan Board of Works may, if they think it expedient so to do, thereupon proceed under section twelve of the Artizans' and Labourers' Dwellings Act (1868) Amendment Act, 1879, and that section shall apply as if it were enacted in this part of this Act and in terms made applicable to the duties of local authorities under this part of this Act.



## CHAPTER VI.

## BATHS AND WASHHOUSES ACT, 1846.

(9 and 10 Vict., ch. 74.)

It being desirable for the health, comfort, and welfare of the inhabitants of towns and populous districts to encourage the establishment therein of public baths and washhouses and open bathing-places : It is enacted, that this Act may be adopted for any incorporated borough in England which is regulated under an Act passed in the sixth year of the reign of his late Majesty, to provide for the regulation of municipal corporations, or any charter granted in pursuance of the said Act, or any Act passed for the amendment thereof, and also, with the approval of one of her Majesty's Principal Secretaries of State, for any parish in England not within any such incorporated borough.

In this Act the following words and expressions shall have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction ; that is to say,

“Borough” shall mean city, borough, port, cinque port, or town corporate :

“Churchwardens” shall mean also chapelwardens, or other persons discharging the duties of churchwardens :

“Overseers” shall mean also any persons authorized and required to make and collect or cause to be collected the rate for the relief of the poor of the parish, and acting instead of overseers of the poor :

“Vestry” shall mean the inhabitants of the parish lawfully assembled in vestry, or for any of the purposes for which vestries are holden, except in those parishes in which there is a select vestry elected under an Act passed in the fifty-ninth year of the reign of King George the Third, intituled “An Act to amend the Laws for the Relief of the Poor,” or elected under an Act passed in the second year of the reign of his late Majesty, intituled “An Act for the better Regulation of Vestries and for the Appointment of Auditors of Accounts, in certain parishes of England and Wales,” or elected under the provisions of any local Act of Parliament for the government of any parish by vestries, in which parishes it shall mean such select vestry : also any body of persons by whatever name distinguished acting by virtue of any Act of Parliament, prescription, custom, or otherwise as, or instead of, a vestry or select vestry.

“Commissioners” shall mean the commissioners appointed in accordance



with this Act for any parish, and for the time being in office and acting as such commissioners :

“ Clerk ” shall mean, as regards an incorporated borough, the town clerk of such borough ; and, as regards a parish, the clerk appointed pursuant to this Act by the commissioners :

“ Justice ” shall mean justice of the peace for the county, riding, division, liberty, borough, or place where the matter requiring the cognizance of justices shall arise :

“ Lands ” shall mean lands, tenements, and hereditaments, of whatsoever nature or tenure :

Words importing the masculine gender shall include the feminine :

Words of the plural number shall include the singular, and words of the singular number shall include the plural.

3. The Council of any such borough as aforesaid may, if they think fit, determine that this Act shall be adopted for such borough, and then and in such case such of the provisions of this Act as are applicable in that behalf shall thenceforth take effect and come into operation in such borough, and this Act shall be carried into execution in such borough in accordance with such provisions and the laws for the time being in force relating to the municipal corporation of such borough.

4. The expenses of carrying this Act into execution in any such borough in which the council shall have resolved to adopt this Act for their borough shall be chargeable upon and paid out of the borough fund, and for that purpose the council may levy with and as part of the borough rate, or by a separate rate to be assessed, levied, paid, and recovered in like manner and with the like powers and remedies in all respects as the borough rate, such sums of money as shall be from time to time necessary for defraying such expenses, and shall apply the same accordingly as if the expense of carrying this Act into execution were an expense necessarily incurred in carrying into effect the provisions of the said Act of the sixth year of the reign of his late Majesty ; and the income arising from the baths and washhouses and open bathing-places in any borough shall be paid to the credit of the borough fund thereof, and the council shall keep distinct accounts of their receipts, payments, credits, and liabilities, with reference to the execution of this Act, to be called the “ Public Baths and Washhouses Account.”

5. Upon the requisition in writing of ten or more ratepayers of any such parish as aforesaid, not being within any such incorporated borough, the churchwardens or other persons to whom it belongs to convene meetings of the vestry in such parish, shall convene a meeting of the vestry for the special purpose of determining whether this Act shall be adopted for the parish, after public notice of such vestry, and the place and hour of holding the same, and the special purpose thereof, given in the usual manner in which notice of the meetings of the vestry is given at least seven days before the day to be appointed for holding such vestry ; and if thereupon it shall be resolved by the vestry that this Act ought to be adopted for the parish, a copy of such resolution extracted from the minutes of the vestry, and signed by the chairman, shall be sent to one of her Majesty's Principal Secretaries of State for his approval, and as soon as such approval shall have



been signified in writing under the hand of any such Secretary of State, such of the provisions of this Act as are applicable in that behalf shall thenceforth take effect and come into operation in the parish: Provided always, that no such resolution of the vestry shall be deemed to be carried unless at least two-thirds of the number of votes given on the question according to the usual manner of voting at such vestry shall have been given for such resolution.

6. In such case the vestry shall appoint not less than three nor more than seven persons, being ratepayers of the parish, commissioners for carrying this Act into execution in the parish, of whom one-third, or as nearly as may be one-third (to be determined among themselves), shall go out of office yearly, but shall be eligible for immediate re-appointment.

16. The expenses of carrying this Act into execution in any parish not within any such incorporated borough to such amount as shall be from time to time sanctioned by the vestry shall be chargeable upon and paid out of the moneys to be raised or applicable for the relief of the poor of the parish.

17. For defraying the expenses which shall have been or shall be incurred in carrying this Act into execution in the parish, the vestry may and shall from time to time order the overseers to levy with and as part of the rate for the relief of the poor of the parish such sums as the vestry shall deem necessary, and the amount thereof shall accordingly be assessed, levied, paid, and recovered in like manner, and with the like powers and remedies in all respects, as such rate, and shall be paid by the overseers, according to the order of the vestry, to such person as shall be appointed by the commissioners to receive the same, and his receipt shall be a sufficient discharge to the overseers for the same, and shall be allowed accordingly in passing their accounts.

18. The money raised for defraying the expenses of carrying this Act into execution, and the income arising from the baths and washhouses and open bathing-places in the parish, shall be applied by the commissioners in or toward defraying the expenses of carrying this Act into execution in the parish; and whenever, after repayment of all moneys borrowed for the purpose of carrying this Act into execution in the parish, and the interest thereof, and after satisfying all the liabilities of the commissioners with reference to the execution of this Act in the parish, and providing such a balance as shall be deemed by the commissioners sufficient to meet their probable liabilities during the then next year, there shall be at the time of holding the meeting of the vestry at which the yearly report of the auditors shall be produced any surplus money at the disposal of the commissioners, they shall pay the same to the overseers in aid of the rate for the relief of the poor of the parish.

Provision is made in the nineteenth section of the Act for the union of two or more parishes for the purpose of carrying the Act into execution subject to the approval of a Secretary of State, and provisions are likewise made for the incorporation of the commissioners.

21. And be it enacted, that for carrying this Act into execution in any borough or parish respectively, the council, with the approval of the com-



missioners of her Majesty's Treasury, and the commissioners, with the sanction of the vestry, and also with the approval of the commissioners of her Majesty's Treasury, may from time to time borrow at interest, on the security of a mortgage, as the case may be, of the borough fund, or of the rates for the relief of the poor of the parish, the money which may be by them respectively required, and shall apply the moneys so borrowed accordingly.

22. And be it enacted, that the commissioners for carrying into execution an Act published in the second session of the fifth year of the reign of her Majesty, intituled *An Act to authorize the advance of Money out of the Consolidated Fund to a limited amount for carrying on Public Works and Fisheries and employment of the Poor, and to amend the Acts authorizing the issue of Exchequer Bills for the like Purposes*, may from time to time make to the council of any such borough, or commissioners of any such parish respectively, for the purposes of this Act, any loan under the provisions of the recited Act or the several Acts therein recited or referred to, upon security of the borough fund, or the rates for the relief of the poor of the parish, as the case may be.

23. And be it enacted, that the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of money by any company on mortgage, and the provisions of the same Act with respect to the accountability of the officers of the company, and the provisions of the same Act with respect to the making of bye-laws, subject to the provision hereinafter contained, and the provisions of the same Act with respect to the recovery of damages not specially provided for, and penalties, so far as such provisions may respectively be applicable to the purposes of this Act, shall be respectively incorporated with this Act; and the expressions in such provisions applicable to the company, and the directors shall apply as regards a borough to the council, and as regards a parish to the commissioners; and all deeds and writings which under such provisions are required or directed to be made or executed under the common seal of the company, shall in the application of such provisions to this Act be deemed to be required or directed to be made or executed as regards a borough under the common seal of the mayor, aldermen, and burgesses, and as regards a parish under the common seal of the commissioners; and so much of such provisions as are applicable to the "Secretary of the Company" shall apply to the clerk; and in such of the said provisions as relate to the inspection of accounts as regards a borough the burgesses, and as regard a parish the ratepayers, shall have the privileges of shareholders.

24. And be it enacted, that in any such borough the council, with the approval of the commissioners of her Majesty's Treasury, may from time to time appropriate for the purposes of this Act in the borough any lands vested in the mayor, aldermen, and burgesses; and in any such parish the commissioners appointed under this Act, with the approval of the vestry and of the guardians of the poor of the parish (if any), and of the Poor Law Commissioners for England and Wales, may from time to time appropriate for the purposes of this Act in the parish any lands vested in such guardians, or in the churchwardens, or in the churchwardens and



overseers of the parish, or in any feoffees, trustees, or others, for the general benefit of the parish; and in any such parish the commissioners, with the approval of the vestry, and in any such borough the council, may from time to time contract for the purchasing or renting of any lands necessary for the purposes of this Act, and the property therein shall be vested in the mayor, aldermen, and burgesses, in the case of a borough, or in the commissioners in the case of a parish.

25. The council and commissioners respectively may from time to time, on any lands so appropriated, purchased, or rented, or contracted so to be respectively, erect any buildings suitable for public washhouses, and as to such washhouses either with or without open drying-grounds, and make any open bathing-places, and convert any buildings into public baths and washhouses, and may from time to time alter, enlarge, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite furniture, fittings, and conveniences.

27. The council of any such borough, and the commissioners, with the approval of the vestry of any such parish, may, if they shall think fit, contract for the purchase or lease of any baths and washhouses already or hereafter to be built and provided in any such borough or parish, and appropriate the same to the purposes of this Act, with such additions or alterations as they shall respectively deem necessary; and the trustees of any public baths and washhouses which have been already or may hereafter be built or provided in any such borough or parish by private subscriptions or otherwise may, with the consent of the council of any such borough, or with the consent of the commissioners, and approval of the vestry of any such parish, and with the consent of a majority of the committee or other persons by whom they were appointed trustees, sell or lease the said baths and washhouses to the said council or commissioners respectively, or make over to them the management of such baths and washhouses; and in all such cases the baths and washhouses so purchased or leased, or of which the management has been so made over, shall be deemed to be within the provisions of this Act as fully as if they had been built or provided by the said council or commissioners; and the property therein shall be vested in the mayor, aldermen, and burgesses in the case of a borough, or in the commissioners in the case of a parish.

28. Any commissioners of waterworks, trustees of waterworks, water companies, canal companies, gas companies, and other corporations, bodies, and persons having the management of any waterworks, canals, reservoirs, wells, springs, and streams of water, and gas works respectively, may in their discretion grant and furnish supplies of water or gas for such public baths and washhouses and open bathing-places either without charge or on such other favourable terms as they shall think fit.

32. Whenever any public baths or washhouses or open bathing-places which shall have been for seven years or upwards established under the authority of this Act shall be determined by the council or by the vestry, in accordance with a previous recommendation of the commissioners, to be unnecessary or too expensive to be kept up, the council or commissioners, with the approval of the Commissioners of her Majesty's Treasury may sell



the same for the best price that can reasonably be obtained for the same, and the mayor, aldermen, and burgesses, or the commissioners, shall convey the same accordingly ; and the purchase-money shall be paid to such person as the council or commissioners shall appoint, and his receipt shall be a sufficient discharge for the same ; and the net proceeds of such sale shall be paid to the credit of the borough fund, or of the rate for the relief of the poor of the parish.

33. The general management, regulation, and control of the public baths and washhouses and open bathing-places established under this Act shall, subject to the provisions of this Act, be as to any borough vested in and exercised by the council, and as to any parish vested in and exercised by the commissioners.

34. The bye-laws which the council and commissioners respectively may from time to time make, alter, repeal, and enforce shall include such bye-laws for the management, use, and regulation of the public baths and washhouses and open bathing-places, and of the persons resorting thereto respectively, and for determining from time to time the charges for the use of such baths and washhouses and open bathing-places respectively, as the council and commissioners respectively shall think fit, and they respectively may appoint any penalty not exceeding five pounds for any and every breach, whether by their officers or servants, or by other persons, of any bye-law made by them respectively ; and such bye-laws shall make sufficient provision for the several purposes respectively expressed in the schedule (A.) to this Act : Provided always, that no bye-law made under the authority of this Act shall be of any legal force until the same shall have received the approval of one of her Majesty's Principal Secretaries of State.

35. A printed copy or sufficient abstract of the bye-laws relating to the use of the baths and open bathing-places respectively shall be put up in every bath-room and open bathing-place respectively ; and a printed copy or sufficient abstract of the bye-laws relating to the use of the washhouses shall be put up in some convenient place near every washing tub or trough, or every pair of washing tubs or troughs, in every washhouse.

36. The number of baths for the labouring classes in any building or buildings under the management of the same council or commissioners shall not be less than twice the number of the baths of any higher class if but one, or of all the baths of any higher classes if more than one, in the same building or buildings.

38. For the recovery of the charges at such washhouses the officers, servants, and others having the management thereof may detain the clothes brought to be washed or other goods and chattels of any person refusing to pay the charge to which such person may be liable, or any part thereof, till full payment thereof be made, and in case such payment be not made within seven days may sell such clothes, goods, and chattels, or any of them, returning the surplus proceeds of such sale, after deducting the unpaid charge and the expenses of such detention and sale, and the unsold articles, if any, on demand, to such person.

39. If any clerk or other officer, or any servant who shall be in anywise employed by any council or commissioners in pursuance of this Act, shall



exact or accept any fee or reward whatsoever for or on account of anything done or forborne or to be done or forborne in pursuance of this Act, or on any account whatsoever relative to putting this Act into execution, other than such salaries, wages, or allowances as shall have been appointed by the council or commissioners, or shall in anywise be concerned or interested in any bargain or contract made by the council or commissioners for or on account of anything done or forborne or to be done or forborne in pursuance of this Act, or on any account whatsoever relative to the putting of this Act into execution, or if any person during the time he holds the office of member of the council or commissioner shall exact or accept any such fee or reward, or shall accept or hold any office or place of trust created by virtue of this Act, or be concerned directly or indirectly in any such bargain or contract, every such person so offending shall be incapable of ever serving or being employed under this Act, and shall for every such offence also forfeit the sum of fifty pounds.

The foregoing Act was amended by an Act passed in 1847, 10 and 11 Vict., ch. 61, by which it is enacted and declared, That the following words and expressions in the recited Act shall have in the said Act and this Act the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say),

“Parish” shall mean not only every place having separate overseers of the poor and separately maintaining its own poor, but also every place maintaining its own poor and having a vestry :

“Ratepayers” shall mean all persons for the time being assessed to and paying rates for the relief of the poor of the parish :

4. The Lands Clauses Consolidation Act, 1845, shall be incorporated with the recited Act and this Act : Provided always, that the council and commissioners respectively shall not purchase or take any lands otherwise than by agreement.

5. The number of washing tubs or troughs for the labouring classes in any building or buildings under the management of the same council or commissioners shall not be less than twice the number of the washing tubs or troughs of any higher class, if but one, or of all the higher classes if more than one, in the same building or buildings.

7. The council and the commissioners respectively may from time to time make such reasonable charges for the use of the baths and washhouses and open bathing-places provided under the recited Act and this Act respectively as they think fit, not exceeding the charges mentioned in the schedule annexed to this Act.

#### THE BATHS AND WASHHOUSES ACT, 1878.

(41 Vict., ch. 14.)

This Act provides for the amendment of the principal Act by the establishment of covered swimming baths and for other purposes; the Act is cited as the Baths and Washhouses Act, 1878; and the words “covered swimming bath” means a swimming bath protected by a roof or other



covering from the weather; the words "the council and commissioners" shall include the urban authority mentioned in section 10 of the Public Health Act, 1875.

2. This Act and the recited Acts, as amended by the Statute Law Revision Act, 1875, and the Public Health Act, 1875, and by this Act, shall be construed and carried into execution as one Act; and the words "the council and the commissioners" when used in this Act shall include the urban authority mentioned in the tenth section of the Public Health Act, 1875.

3. All the provisions of the recited Acts respectively shall be construed to extend and to have extended from the passing of such Acts respectively to covered swimming baths as well as to baths, washhouses, and open bathing-places.

4. The council and the commissioners respectively may from time to time provide covered swimming baths, and make such reasonable charges for the use thereof as they shall think fit, not exceeding the charges mentioned in the schedule annexed to this Act.

5. The council and the commissioners respectively may during such period, not exceeding five months in any one year, as they shall think fit, from the beginning of the month of November to the end of the month of March, close any covered swimming bath or open swimming bath, and may either keep the same closed or may establish therein a gymnasium or such other means of healthful recreation as they shall think fit, or may during such period allow any covered or open swimming bath to be used as an empty building for such purposes of healthful recreation or exercise as they shall think fit during such period as aforesaid, and may at any time allow any portion of the public baths not required by the commissioners to be used for holding vestry meetings or other parochial purposes: Provided always, that no covered or open swimming bath when closed may be used for music or dancing.

6. The council and the commissioners respectively may make bye-laws for the regulation, management, and use of the open or swimming baths when used for any of the purposes mentioned in the fifth section of this Act; and all the provisions in the principal Act relating to bye-laws shall extend and apply to bye-laws made under this section.

7. The council and the commissioners respectively may appoint and remove at pleasure such officers and servants as shall be necessary for the management and superintendence of any gymnasium or other means of recreation established under this Act, and may appoint reasonable salaries, wages, and allowances for such officers and servants.

8. The council and the commissioners respectively may from time to time make such reasonable charges for the use of the gymnasium or other means of recreation established under this Act, or for the use of any covered swimming bath as an empty room, as they shall think fit.

9. The provisions in the twenty-first, twenty-second, and twenty-third sections of the principal Act authorizing the borrowing and advancement of money for the purposes of that Act shall be taken to authorize the borrowing and advancement of money in like manner for the purposes of



this Act; and the approval of the Local Government Board shall be substituted for that of the Commissioners of her Majesty's Treasury in all cases where money is borrowed for the purposes of the principal Act or this Act.

10. The council and the commissioners respectively, and their respective servants and agents, may remove any person offending against any of the bye-laws made under this Act and the recited Acts, or any of them; and any bath or washhouse, or open bathing-place, or covered swimming bath, established under this Act and the recited Acts, or any of them, shall be taken to be a public and open place, so as to make offences against decency therein criminal offences.

11. The council and the commissioners respectively, and their respective officers and servants, may refuse admittance to any bath, washhouse, open bathing-place, or covered swimming bath, or any of them, to any person (1) who shall have been convicted of wilfully disobeying any of the bye-laws in such bath, washhouse, open bathing-place, or covered swimming bath; (2) who shall have been convicted of any offence against public decency in any of such baths, washhouses, open bathing-places, or covered swimming baths as aforesaid.

12. The provisions of an Act passed in the session held in the twenty-ninth year of the reign of her present Majesty, chapter thirty-one, intituled "An Act to provide for superannuation allowances to officers of vestries and other boards within the area of the Metropolis Local Management Act," shall extend to and include officers and servants employed in and about any baths, washhouses, open bathing-places, or covered swimming baths established under this Act and the recited Acts, or any of them, by the council or the commissioners within the area of the Metropolis Local Management Act.

13. The expense of carrying this Act into execution shall be defrayed, and the income arising from the use in any manner of any covered swimming bath established under the provisions of this Act and the recited Acts, or any of them, shall be applied, in the same manner as that in which the expenses of the principal Act are thereby directed to be defrayed, and the income arising from baths, and washhouses, and open bathing-places, is thereby directed to be applied.

### THE BATHS AND WASHHOUSES ACT, 1882.

(45 and 46 Vict., ch. 30.)

*This is an Act to amend the Baths and Washhouses Acts.*

It being desirable to give increased facilities to local authorities for providing baths and washhouses within easy and convenient reach, it is enacted:

1. This Act shall be read as one with the Act of the ninth and tenth years of the reign of her present Majesty, chapter seventy-four in this Act called "the principal Act."

2. Section twenty-seven of the principal Act shall be amended by the



addition of the words "or in the immediate neighbourhood of such borough or parish" to the words "in any such borough or parish" wherever such last-mentioned words occur in the said section.

3. The power conferred by section twenty-four of the principal Act to purchase or rent lands for the purposes of that Act shall extend to lands in the immediate neighbourhood of such borough or parish as is therein referred to.



## CHAPTER VII.

## CANAL BOATS ACT, 1877.

(40 and 41 Vict., ch. 60.)

THIS is an Act to provide for the registration and regulation of canal boats used as dwellings.

1. After the expiration of twelve months from the commencement of this Act, or if the regulations of the Local Government Board hereinafter mentioned have not at that time come into force, then after the expiration of six months from the date at which they have come into force, a canal boat shall not be used as a dwelling unless it has been registered in accordance with this Act.

The owner of a canal boat may register that boat with the registration authority hereinafter mentioned as a dwelling for such number of persons of the specified age and sex as may be allowed under the provisions of this Act; and the boat shall be used as a dwelling only for the number of persons of the age and sex for which it is registered.

If a canal boat is used as a dwelling in contravention of this Act, the master of the boat, and also the owner of the boat, if he is in fault, shall each be liable to a fine not exceeding twenty shillings for each occasion on which the boat is so used.

2. The Local Government Board shall make regulations, and may from time to time revoke and vary such regulations—

- (1.) For the registration of canal boats under this Act, including certificates of registration, and the fees in connexion with such registration; and
- (2.) For the lettering, marking, and numbering of such boats; and
- (3.) For fixing the number, age, and sex of the persons who may be allowed to dwell in a canal boat, having regard to the cubic space, ventilation, provision for the separation of the sexes, general healthiness, and convenience of accommodation of the boat; and
- (4.) For promoting cleanliness in and providing for the habitable condition of canal boats; and
- (5.) For preventing the spread of infectious disease by canal boats.

The registration authority shall register every canal boat which conforms to the conditions of registration provided by the said regulations for the number of persons allowed by those regulations to dwell therein.

3. Upon the registry of a boat under this Act, the registration authority shall give to the owner thereof two certificates of registry, identifying the owner and the boat, and stating the place to which the boat is registered as



belonging, and the number, age, and sex of the persons allowed to dwell in the boat, and such other particulars as may be provided by regulations under this Act, or may seem fit to the registration authority, and the master shall have the care of one of such certificates.

Every canal boat when registered shall be lettered, marked, and numbered in some conspicuous manner (as directed by the regulations made under this Act), and such lettering, marking, and numbering shall include the word "registered," and the name of the place to which the boat is registered as belonging, and the registered number.

Any boat not lettered, marked, and numbered in conformity with this section, or having the letter, mark, or number altered, defaced, or obliterated, shall be deemed, for the purposes of this Act, to be an unregistered canal boat.

4. Where any sanitary authority within whose district a canal or any part of a canal is situate is informed by the master of a canal boat or otherwise that a person on a canal boat is suffering from an infectious disorder, the authority shall cause such steps to be taken as may by the certificate of their medical officer of health, or of any other legally qualified practitioner, appear requisite for preventing the said disorder from spreading, and for that purpose may exercise the power of removing a person suffering as aforesaid, and all other powers in relation to provisions against infection conferred by the Public Health Act, 1875, and may also, if need be, detain the boat; but such boat shall not be detained a longer time than is necessary for cleansing and disinfecting the same.

5. Where any person duly authorized by a registration or sanitary authority, or by a justice of the peace, has reasonable cause to suppose, either that there is any contravention of this Act on board a canal boat, or that there is on board a canal boat any person suffering from an infectious disorder, he may, on producing (if demanded) either a copy of his authorization, purporting to be certified by the clerk or a member of the sanitary authority, or some other sufficient evidence of his being authorized as aforesaid, enter by day such canal boat and examine the same and every part thereof, in order to ascertain whether on board such boat there is any contravention of this Act, or a person suffering from an infectious disorder, and may, if need be, detain the boat for the purpose, but for no longer time than is necessary.

The master of the boat shall, if required by such person, produce to him the certificate of registry (if any) of the boat, and permit him to examine and copy the same, and shall furnish him with such assistance and means as such person may require for the purpose of his entry and examination of and departure from the boat in pursuance of this section.

A refusal to comply with the requisition of such person under this section shall be deemed to be an obstruction of such person.

If such person is obstructed in the performance of his duty under this Act in the case of any boat, the person so obstructing shall be liable to a fine not exceeding forty shillings.

6. A child in a canal boat registered in pursuance of this Act, and his parent, shall for the purposes of the Elementary Education Acts, 1870, 1873



and 1876, be deemed, subject as hereinafter mentioned, to be resident in the place to which the boat is registered as belonging, and shall be subject accordingly to any bye-law in force under the said Acts in that place.

Provided that if the parent satisfies the school board or school attendance committee having authority in that place, that the child is actually attending school, or is under efficient instruction in accordance with the said Acts, in some other school district, the said board or committee shall grant him without charge a certificate to that effect, and thereupon he and his child shall be deemed for the purposes aforesaid to be resident in the school district in which the child is so attending school, or under efficient instruction, and shall be subject to any bye-law in force therein.

The said certificate may on application by the parent be rescinded or varied by the school board or school attendance committee for the place to which the boat is registered as belonging, and may be rescinded without application by any such board or committee, if they are satisfied, after due notice to the parent, that his child is not properly attending school or under efficient instruction in the school district mentioned in the certificate.

7. For the purpose of the registration of canal boats the registration authority shall be such one or more of the sanitary authorities having districts abutting on a canal as may from time to time be prescribed by regulation of the Local Government Board.

A canal boat shall be registered with some registration authority having a district abutting on the canal on which such boat is accustomed or intended to ply.

With a view of determining the place to which a canal boat belongs, for the purpose of the Elementary Education Acts, 1870, 1873, and 1876, the registration authority shall register any canal boat in respect of which an application is made for registration as belonging to some place which is either a school district or is part of a school district, and is situate wholly or partly within the jurisdiction of the registration authority with which it is registered.

8. The expenses incurred in the execution of this Act by a local authority shall be defrayed as follows :

- (1.) When they are incurred by an urban sanitary authority, a rural sanitary authority, or a port sanitary authority, they shall be defrayed out of the fund or rate out of which the expenses of such authority, as a sanitary authority under the Public Health Act, 1875, are defrayed ; provided that when they are incurred by a rural sanitary authority they shall be deemed to be general expenses ; and
- (2.) When they are incurred by a vestry or district board in the metropolis they shall be defrayed as expenses incurred by such vestry or board in the execution of the Metropolis Management Act, 1855, and the Acts amending the same.

9. An order of the Local Government Board making, revoking, or varying any regulation in pursuance of this Act shall not come into force until it has lain in a complete form as settled and approved by the board for forty days before both Houses of Parliament during the session of Parliament.



The Local Government Board shall take steps for enabling all persons interested in any regulations made by that board in pursuance of this Act to obtain copies thereof at such places in the neighbourhood of canals as the Local Government Board may prescribe, on payment of such sum not exceeding sixpence as may be prescribed by that board.

10. If the master of any canal boat illegally detains the certificate of registry of such boat, he may, on summary conviction before two justices, be directed by order of such justices to deliver up such certificate, and shall, in addition thereto, be liable to a fine not exceeding forty shillings, and the justices may direct any part of such fine to be paid to the person injured by the detention of such certificate.

11. All fees paid in respect of registration under this Act shall be carried to the fund or rate out of which the expenses incurred in the execution of this Act by the authority making such registration are by this Act declared to be payable.

12. Any company or association, corporate or unincorporate, being the owners of any canal boats, or being the owners, lessees, or undertakers of any canal, may, with the assent of a special resolution of their members, and notwithstanding any Act of Parliament, charter, or document regulating the funds of the company or association, appropriate any portion of their funds to the establishment and maintenance, or establishment or maintenance, of a school or schools wherein the children of the persons employed in canal boats may be lodged, maintained, and educated, or educated only; with this restriction, that the children shall not be maintained gratuitously, but the lodging or education may be wholly or partially gratuitous.

A "special resolution" shall for the purposes of this Act mean a resolution passed in manner provided by the fifty-first section of the Companies Act, 1862.

13. Offences under this Act may be prosecuted, and fines under this Act may be recovered on summary conviction before two justices having jurisdiction, either in the place to which the boat in respect of which the offence was committed is registered as belonging, or in the place where the offence is committed, or in the place where the alleged offender for the time being is, in manner provided by the Act of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and the Acts amending the same.

14. In this Act, unless the context otherwise requires—

The expression "sanitary authority" means an urban sanitary authority, a rural sanitary authority, or a port sanitary authority; provided that in the case of the parishes mentioned in Schedule A. and the districts mentioned in Schedule B. to the Metropolis Management Act, 1855, so far as they are not within the jurisdiction of a port sanitary authority, the vestry of any such parish and the district board of any such district elected under the Metropolis Management Act, 1855, and the Acts amending the same, shall be deemed to be sanitary authorities, and where other sanitary authorities are by this Act



empowered to exercise powers conferred by the Public Health Act, 1875, may exercise similar powers conferred by any Act of Parliament extending to such parishes or districts :

The expression "parent" includes guardian, and every person who is liable to maintain or has the actual custody of any child :

The expressions "urban sanitary authority" and "rural sanitary authority" and "port sanitary authority" have the same meaning as in the Public Health Act, 1875 :

The expression "canal" includes any river, inland navigation, lake, or water being within the body of a county, whether it is or not within the ebb and flow of the tide :

The expression "canal boat" means any vessel, however propelled, which is used for the conveyance of goods along a canal as above defined, and which is not a ship duly registered under the Merchant Shipping Act, 1854, and the Acts amending the same :

The expression "owner" includes a person who, though only the hirer of a canal boat, appoints the master and other persons working such boat :

The expression "master" in relation to a canal boat means the person having for the time being command or charge of the boat.

15. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-eight, which day is in this Act referred to as the commencement of this Act.

16. This Act shall not extend to Scotland or Ireland.



## CHAPTER VIII.

## THE CEMETERIES CLAUSES ACT, 1847.

(10 and 11 Vict., ch. 65.)

AN Act for consolidating in one Act certain provisions usually contained in Acts authorizing the making of cemeteries.

Whereas it is expedient to comprise in one Act sundry provisions usually contained in Acts of Parliament authorizing the making of cemeteries, and that as well for avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings as for insuring greater uniformity in the provisions themselves: It is enacted that this Act shall extend only to such cemeteries as shall be authorized by any Act of Parliament hereafter to be passed which shall declare that this Act shall be incorporated therewith; and all the clauses of this Act, save so far as they shall be expressly varied or excepted in any such Act, shall apply to the cemetery authorized thereby, so far as they are applicable to such cemetery, and shall, with the clauses of every other Act incorporated therewith, form part of such Act, and be construed therewith as forming one Act.

And with respect to the construction of this Act and any Act incorporated therewith, be it enacted as follows:

2. The expression "the Special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed authorizing the making of a cemetery, and with which this Act shall be incorporated; and the word "prescribed" used in this Act in reference to any matter herein stated shall be construed to refer to such matter as the same shall be prescribed or provided for in the Special Act; and the sentence in which such word occurs shall be construed as if instead of the word "prescribed" the expression "prescribed for that purpose in the Special Act" had been used; and the expression "the lands" shall mean the lands which shall by the Special Act be authorized to be taken or used for the purposes thereof; and the expression "the company" shall mean the persons by the Special Act authorized to construct the cemetery.

3. The following words and expressions in both this and the Special Act, and any Act incorporated therewith, shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

Words importing the singular number shall include the plural number, and words importing the plural number only shall include also the singular number.



Words importing the masculine gender shall include females :

The word "person" shall include a corporation, whether aggregate or sole :

The word "lands" shall include messuages, lands, and hereditaments of any tenure :

The expression "the cemetery" shall mean the cemetery or burial ground, and the works connected therewith, by the Special Act authorized to be constructed :

The word "month" shall mean calendar month.

The expression "superior courts" shall mean her Majesty's superior courts at *Westminster* or *Dublin*, as the case may require, and shall include the Court of Common Pleas of the County Palatine of *Lancaster* and the Court of Pleas of the County of *Durham* :

The word "oath" shall include affirmation in the case of Quakers, and any declaration lawfully substituted for an oath in the case of any other person allowed by law to make a declaration instead of taking an oath :

The expression "Established Church" shall mean the United Church of *England* and *Ireland* as by law established :

The word "county" shall include any riding or other division of a county having a separate commission of the peace, and shall also include the county of a city or county of a town :

The word "justice" shall mean justice of the peace acting for the place where the matter requiring the cognizance of any such justice arises, and if such matter arise in respect of lands situated not wholly in one jurisdiction shall mean a justice acting for the place where any part of such lands shall be situated ; and where any matter is authorized or required to be done by "two justices" the expression "two justices" shall be understood to mean two or more justices met and acting together :

The expression "quarter sessions" shall mean the quarter sessions as defined by the Special Act, or if such expression be not therein defined, it shall mean the general or quarter session of the peace which shall be held at the place nearest the cemetery for the county or place in which the cemetery or some part thereof is situated, or for some division of such county having a separate commission of the peace.

And with respect to citing this Act or any part thereof, be it enacted as follows :

4. In citing this Act in other Acts of Parliament and in legal instruments, it shall be sufficient to use the expression "The Cemeteries Clauses Act, 1847."

5. For the purpose of incorporating part only of this Act with any Act hereafter to be passed, it shall be enough to describe the clauses of this Act with respect to any matter in the words introductory to the enactment with respect to such matter, and to enact that the clauses so described, or that this Act with the exception of the clauses so described, shall be incorporated



with such Act, and thereupon all the clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if such clauses were set forth therein with reference to the matter to which such Act relates.

And with respect to the making of the cemetery, be it enacted as follows :

6. Where by the Special Act the company shall be empowered, for the purpose of making the cemetery, to take or use any lands otherwise than with the consent of the owners and occupiers thereof, they shall, in exercising the power so given to them, be subject to the provisions and restrictions contained in this Act and the Lands Clauses Consolidation Act, 1845, and shall make to the owners and occupiers of and all other parties interested in any lands taken or used for the purposes of the Special Act, or injuriously affected by the construction of the works thereby authorized, full compensation for the value of the lands so taken or used, and for all damage sustained by such owners, occupiers, or other parties, by reason of the exercise, as regard such lands, of the powers vested in the company by this or the special Act, or any Act incorporated therewith, and, except where otherwise provided by this or the Special Act, the amount of such compensation shall be determined in the manner provided by the Lands Clauses Consolidation Act, 1845, for determining questions of compensation with regard to lands purchased or taken under the provisions thereof, and all the provisions of the last-mentioned Act shall be applicable to determine the amount of such compensation, and to enforce payment or other satisfaction thereof.

7. If any omission, mis-statement, or wrong description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands described in the Special Act or the schedule thereto, the company, after giving ten days' notice to the owners of the lands affected by such proposed correction, may apply to two justices for the correction thereof, and if it appear to such justices that such omission, mis-statement, or wrong description arose from mistake, they shall certify the same accordingly, and shall in such certificate state the particulars of any such omission, mis-statement, or wrong description ; and such certificate shall be deposited with the clerk of the peace of the county in which the lands affected thereby shall be situated, and thereupon the Special Act or schedule shall be deemed to be corrected according to such certificate, and the company may take the lands according to such certificate as if such omission, mis-statement, or wrong description had not been made.

8. Copies of any alteration or correction of the Special Act, or the schedule thereto, or of any extract therefrom, certified by any such clerk of the peace in whose custody such alteration or correction may be, which certificate such clerk of the peace shall give to all parties interested, when required, shall be received in all courts of justice or elsewhere as evidence of the contents thereof.

9. The company shall not sell or dispose of any land which shall have been consecrated or used for the burial of the dead, or make use of such



land for any purpose except such as shall be authorized by this or the Special Act, or any Act incorporated therewith.

10. No part of the cemetery shall be constructed nearer to any dwelling house than the prescribed distance, or, if no distance be prescribed, two hundred yards, except with the consent in writing of the owner, lessee, and occupier of such house.

11. The company upon any land which by the Special Act they are authorized to use for the purposes of the cemetery, may build such chapels for the performance of the burial service as they think fit, and may lay out and embellish the grounds of the cemetery as they think fit.

12. The company upon any land purchased by them under this or the Special Act, or any Act incorporated therewith, may make any new roads to the cemetery, or widen or improve any existing roads thereto which they think fit.

13. Provided always, that the company shall not widen or improve any existing road without the consent of the owner thereof if the road be private, or, if the road be public, without the consent of the persons in whom the management of the road is vested by law.

14. The company and the owners or persons having the management of any such road as aforesaid may enter into such agreements as they think fit, for enabling the company to widen or improve any such road, and for maintaining the same.

15. Every part of the cemetery shall be inclosed by walls or other sufficient fences of the prescribed materials and dimensions, and if no materials or dimensions be prescribed by substantial walls or iron railings of the height of eight feet at least.

16. The company shall keep the cemetery and the buildings and fences thereof in complete repair, and in good order and condition, out of the monies to be received by them by virtue of this and the Special Act.

17. Provided always, that in the exercise of the powers by this and the Special Act granted to the company they shall do as little damage as can be, and shall make full compensation to all parties interested for all damage sustained by them through the exercise of such powers.

And with respect to preventing nuisance from the cemetery, be it enacted as follows :

18. The company shall make all necessary and proper sewers and drains in and about the cemetery, for draining and keeping the same dry, and they may from time to time, as occasion requires, cause any such sewer or drain to open into any existing sewer, with the consent in writing of the persons having the management of such sewer, and with the consent in writing of the persons having the management of the street or road, and of the owners and occupiers of the lands through which such opening is made, doing as little damage as possible to the road or ground wherein such sewer or drain may be made, and restoring it to the same or as good condition as it was in before being disturbed.

19. When any street or road or sewer shall be opened, with such consent as aforesaid, the clauses of the Waterworks Clauses Act, 1847, with respect to breaking up streets for the purpose of laying pipes, so far as the same are



consistent with this Act and applicable thereto, shall be incorporated with this Act, and shall apply to the company, and to any ground broken by them for making any such sewer or drain as aforesaid to open into any existing sewer.

20. If the company at any time cause or suffer to be brought or to flow into any stream, canal, reservoir, aqueduct, pond, or watering-place, any offensive matter from the cemetery, whereby the water therein shall be fouled, they shall forfeit for every such offence the sum of fifty pounds.

21. The said penalty, with full costs of suit, may be recovered by any person having right to use the water fouled by such offensive matter in any of the superior courts, by action of debt or on the case: Provided always, that the said penalty shall not be recoverable unless the same be sued for during the continuance of the offence, or within six months after it has ceased.

22. In addition to the said penalty of fifty pounds (and whether such penalty is recovered or not), any person having right to use the water fouled by such offensive matter may sue the company in an action on the case in any court of competent jurisdiction for any damage specially sustained by him by reason of the water being so fouled; or if no special damage be alleged, for the sum of ten pounds for each day during which such offensive matter is brought or flows as aforesaid after the expiration of twenty-four hours from the time when notice of the offence is served on the company by such person.

And with respect to burials in the cemetery, be it enacted as follows:

23. The Bishop of the Diocese in which the cemetery is situated may, on the application of the company, consecrate any portion of the cemetery set apart for the burial of the dead according to the rites of the Established Church, if he be satisfied with the title of the company to such portion, and thinks fit to consecrate such portion; and the part which is so consecrated shall be used only for burials according to the rites of the Established Church.

24. The company shall define by suitable marks the consecrated and unconsecrated portions of the cemetery.

25. The company shall build, within the consecrated part of the cemetery, and according to a plan approved of by the Bishop of the Diocese, a chapel for the performance of the burial service according to the rites of the Established Church.

26. No body buried in the consecrated part of the cemetery shall be removed from its place of burial without the like authority as is by law required for the removal of any body buried in the churchyard belonging to a parish church.

27. The company shall from time to time, with the approval of the Bishop of the Diocese in which the cemetery is situated, appoint a clerk in holy orders of the Established Church to officiate as chaplain in the consecrated part of the cemetery; and such chaplain shall be licensed by and be subject to the jurisdiction of the said Bishop, and the said Bishop shall have power to revoke any such licence, and to remove such chaplain, for any cause which appears to him reasonable.



28. The chaplain shall, when required, unless prevented by sickness or other reasonable cause, perform the burial service over all bodies brought to be buried in the consecrated part of the cemetery which are entitled to be buried in consecrated ground according to the rites and usages of the Established Church.

29. Any clerk in holy orders of the Established Church, not being prohibited by the Bishop, nor under ecclesiastical censure, at the request of the executor of the will of any deceased person, or any other person having the charge of the burial of the body of any deceased person, and with the consent of the chaplain for the time being of the cemetery, or if there be no chaplain with the consent of the Bishop, may perform the said burial service over such body in the consecrated part of the cemetery.

30. The company, out of the monies to be received by virtue of this and the Special Act, shall allow to the chaplain of the cemetery for the time being such a stipend as is approved of by the Bishop of the Diocese in which the cemetery is situated, which shall be payable, by equal moieties, on the twenty-fifth day of *March* and the twenty-ninth day of *September* in each year; and if any chaplain die, resign, or be removed or appointed, in the interval between the half-yearly days of payment, the company shall pay to him, or his executors or administrators, a part only of the half-yearly payment of the stipend proportioned to the time during which he shall have been the chaplain since the last preceding day of payment.

31. If the stipend of the said chaplain, or any part thereof, be not paid to the chaplain entitled to receive the same, or to the executors or administrators of a deceased chaplain, for the space of thirty days next after any of the days of payment whereon the same ought to be paid, such chaplain, or his executors or administrators, may recover the same, with full costs of suit, against the company, by action of debt or upon the case in any court of competent jurisdiction.

32. All burials in the consecrated part of the cemetery shall be registered in register books to be provided by the company, and kept for that purpose by the chaplain, according to the laws in force by which registers are required to be kept by the rectors, vicars, or curates of parishes or ecclesiastical districts in *England*; and such register books, or copies or extracts therefrom, shall be received in all courts in evidence of such burials; and copies or transcripts thereof shall be from time to time sent to the registrar of the ecclesiastical court of the Bishop of the Diocese in which the cemetery is situated, to be kept with the copies of the other register books of the parishes within his diocese.

33. The said register books, so far as respects searches to be made therein, and copies and extracts to be taken therefrom, shall be subject to the same regulations as are provided by an Act passed in the seventh year of the reign of his late Majesty, intituled, "An Act for registering Births, Deaths, and Marriages in England," so far as such regulations relate to register books of burials kept by any rector, vicar, or curate.

34. The company may, with the consent of the chaplain for the time being, from time to time appoint a clerk to assist in performing the service for burials in the consecrated part of the cemetery, and allow to such clerk



such stipend as they think proper out of the monies to be received by virtue of this and the Special Act, and they may remove such clerk at their pleasure.

35. The company may set apart the whole or a portion of that part of the cemetery which is not set apart for burials according to the rites of the Established Church as a place of burial for the bodies of persons not being members of the Established Church, and may allow such bodies to be buried therein, under such regulations as the company appoint.

36. The company may allow, in any chapel built within the unconsecrated part of the cemetery, a burial service to be performed according to the rites of any church or congregation other than the Established Church, by any minister of such other church or congregation duly authorized by law to officiate in such church or congregation, or recognized as such by the religious community or society to which he belongs.

37. The company may appoint gravediggers and other servants necessary for the care and use of the cemetery, and may pay them such wages and allowances as they think fit out of the monies to be received by virtue of this and the Special Act, and may remove them or any of them at their pleasure.

38. The company shall make regulations for ensuring that all burials within the cemetery are conducted in a decent and solemn manner.

39. No body shall be buried in any vault under any chapel of the cemetery, or within fifteen feet of the outer wall of any such chapel.

And with respect to exclusive rights of burial, and monumental inscriptions, in the cemetery, be it enacted as follows :

40. The company may set apart such parts of the cemetery as they think fit for the purpose of granting exclusive rights of burial therein, and they may sell, either in perpetuity or for a limited time, and subject to such conditions as they think fit, the exclusive right of burial in any parts of the cemetery so set apart, or the right of one or more burials therein, and they may sell the right of placing any monument or gravestone in the cemetery, or any tablet or monumental inscription on the walls of any chapel or other building within the cemetery.

41. The company shall cause a plan of the cemetery to be made upon a scale sufficiently large to show the situation of every burial place in all the parts of the cemetery so set apart, and in which an exclusive right of burial has been granted ; and all such burial places shall be numbered, and such numbers shall be entered in a book to be kept for that purpose, and such book shall contain the names and descriptions of the several persons to whom the exclusive right of burial in any such place of burial has been granted by the company ; and no place of burial, with exclusive right of burial therein, shall be made in the cemetery without the same being marked out in such plan, and a corresponding entry made in the said book, and the said plan and book shall be kept by the clerk of the company.

42. The grant of the exclusive right of burial in any part of the cemetery, either in perpetuity or for a limited time, and of the right of one or more burials therein, or of placing therein any monument, tablet, or gravestone, may be made in the form in the schedule to this Act annexed, or to



the like effect, and where the company are not incorporated it may be executed by the company or any two or more of them.

43. A register of all such grants shall be kept by the clerk to the company, and within fourteen days after the date of any such grant an entry or memorial of the date thereof and of the parties thereto, and also of the consideration for such grant, and also a proper description of the ground described in such grant, so as the situation thereof may be ascertained, shall be made by the said clerk in such register; and such clerk shall be entitled to demand such sum as the company think fit, not exceeding the prescribed sum, or if no sum be prescribed two shillings and sixpence, for every such entry or memorial; and the said register may be perused at all reasonable times by any grantee or assignee of any right conveyed in any such grant, upon payment of the prescribed sum, or if no sum be prescribed the sum of one shilling, to the clerk of the company.

44. The exclusive right of burial in any such place of burial shall, whether granted in perpetuity or for a limited time, be considered as the personal estate of the grantee, and may be assigned in his lifetime or bequeathed by his will.

45. Every such assignment made in the lifetime of the assignor shall be by deed duly stamped, in which the consideration shall be duly set forth, and may be in the form in the schedule to this Act annexed, or to the like effect.

46. Every such assignment shall, within six months after the execution thereof, if executed in *Great Britain* or *Ireland*, or within six months after the arrival thereof in *Great Britain* or *Ireland*, if executed elsewhere, be produced to the clerk of the company, and an entry or memorial of such assignment shall be made in the register by the clerk of the company, in the same manner as that of the original grant; and until such entry or memorial no right of burial shall be acquired under any such memorial; and for every such entry or memorial the clerk shall be entitled to demand such sum as the company think fit, not exceeding the prescribed sum, or if no sum be prescribed two shillings and sixpence.

47. An entry or memorial of the probate of every will by which the exclusive right of burial within the cemetery is bequeathed, and in case there be any specific disposition of such exclusive right of burial in the said will an entry of such disposition, shall, within six months after the probate of such will, be made in the said register, in the same manner as that of the original grant, and until such entry no right of exclusive burial shall be acquired under such will; and for every such entry or memorial the clerk of the company shall be entitled to demand such sum as the company think fit, not exceeding the prescribed sum, or if no sum be prescribed two shillings and sixpence.

48. No body shall be buried in any place wherein the exclusive right of burial shall have been granted by the company, except with the consent of the owner for the time being of such exclusive right of burial.

49. No such grant as aforesaid shall give the right to bury within the consecrated part of the cemetery the body of any person not entitled to be buried in consecrated ground according to the rites and usage of the Esta-



blished Church, or to place any monument, gravestone, tablet, or monumental inscription respecting any such body within the consecrated part of the cemetery.

50. The company may take down and remove any gravestone, monument, tablet, or monumental inscription which shall have been placed within the cemetery without their authority.

51. The Bishop of the Diocese in which the cemetery is situated, and all persons acting under his authority, shall have the same right and power to object to the placing, and to procure the removal of any monumental inscription within the consecrated part of the cemetery as he by law has to object to or procure the removal of any monumental inscription in any church or chapel of the Established Church, or the burial ground belonging to such church or chapel, or any other consecrated ground.

And with respect to payments to incumbents of parishes or ecclesiastical districts, and to parish clerks, be it enacted as follows :

52. The company shall, on the burial of every body within the consecrated part of the cemetery, pay to the incumbent for the time being of the parish or ecclesiastical district from which such body shall have been removed for burial such sums, if any, as shall be prescribed for that purpose in the Special Act.

53. For ascertaining the amount of the payments, if any, to be made to the incumbents of the several parishes or districts aforesaid, the company shall cause books to be kept, and entries to be made therein of the names of all persons whose bodies are buried within the consecrated part of the cemetery, and the names of the parishes or districts from which such bodies respectively have been removed, and the manner of their burial within the cemetery (distinguishing whether in a place of exclusive burial or otherwise), with the date of such burial ; and such books shall be at all reasonable times open to the inspection of the incumbents for the time being of the said several parishes or districts, or any person employed by them, without fee or reward.

54. The company shall on the twenty-fifth day of *March* and twenty-ninth day of *September* in each year, or within one month after each of the said days, deliver to the person who is the incumbent of any parish or ecclesiastical district on that day, or to his executors or administrators, on demand made within the said month, an account of the sums, if any, payable in respect of bodies removed for burial within the consecrated part of the cemetery as aforesaid from such parish or ecclesiastical district during the half-year next preceding the said twenty-fifth day of *March* or twenty-ninth day of *September*, as the case may be.

55. The sums payable by virtue of the Special Act shall be paid half-yearly on the twenty-fifth day of *March* and the twenty-ninth day of *September*, or within one month afterwards, to the persons who are the incumbents of the parishes or ecclesiastical districts in respect of which the same are payable on such twenty-fifth day of *March* and twenty-ninth day of *September* respectively, or the executors or administrators of such incumbents ; (that is to say,) such sums as accrue between the twenty-ninth day of *September* and the twenty-fifth day of *March* following shall be paid to



the person who is the incumbent on the twenty-fifth day of *March*, and such sums as accrue between the twenty-fifth day of *March* and the twenty-ninth day of *September* following shall be paid to the person who is the incumbent on the twenty-ninth day of *September*; and if any such sums be not paid to the party entitled to receive the same within the period herein-before limited for the payment thereof, such party may recover the same, with full costs, by action of debt or on the case, in any court having competent jurisdiction.

56. If any incumbent of any parish or district in respect of which sums are payable by the company by virtue of the Special Act ceases to be incumbent, by cession, death, or otherwise, between the said two half-yearly days of payment, such incumbent shall be entitled to receive so much of the sum payable at the half-yearly day which happens next after he ceases to be incumbent as has accrued from the last preceding half-yearly day, or from the time when such incumbent became first entitled to receive the fruits of his living, as the case may require, up to the day at which he ceased to be incumbent, and the incumbent of any parish or district who receives from the company any sum to a part of which any preceding incumbent is entitled under the provisions herein contained shall pay such part to him, his executors or administrators, accordingly; and the company shall not be answerable to any person, other than the actual incumbent for the time being, for the payment of any sums by virtue of this or the Special Act.

57. The company shall, on the burial of every body within the consecrated part of the cemetery, except where the body is buried at the expense of any parish or ecclesiastical district, or union of parishes for the relief of the poor, pay to the parish clerk of the parish or ecclesiastical district from which such body has been removed for burial, if he held the office of parish clerk of such parish or ecclesiastical district at the time of the passing of the Special Act, but not otherwise, such sum, if any, as shall be prescribed for that purpose in the Special Act.

And with respect to the protection of the cemetery, be it enacted as follows:

58. Every person who shall wilfully destroy or injure any building, wall, or fence belonging to the cemetery, or destroy or injure any tree or plant therein, or who shall daub or disfigure any wall thereof, or put up any bill therein or on any wall thereof, or wilfully destroy, injure, or deface any monument, tablet, inscription, or gravestone within the cemetery, or do any other wilful damage therein, shall forfeit to the company for every such offence a sum not exceeding five pounds.

59. Every person who shall play at any game or sport, or discharge fire-arms, save at a military funeral, in the cemetery, or who shall wilfully and unlawfully disturb any persons assembled in the cemetery for the purpose of burying any body therein, or who shall commit any nuisance within the cemetery, shall forfeit to the company for every such offence a sum not exceeding five pounds.

60. And with respect to the accounts to be kept by the company, be it enacted, that the company shall every year cause an account to be prepared, showing the total receipt and expenditure of all monies levied by virtue



of this or the Special Act for the year ending on the thirty-first day of *December*, or some other convenient day in each year, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account, certified by the chairman of the company, and duly audited, and shall send a copy of the said account, free of charge, to the clerk of the peace for the county in which the cemetery is situated, on or before the expiration of one month from the day on which such accounts end, which last-mentioned account shall be open to the inspection of the public at all reasonable hours, on payment of the sum of one shilling for every such inspection; and if the company omit to prepare or send such account as aforesaid, they shall forfeit for every such omission the sum of twenty pounds.

61. And with respect to the tender of amends, be it enacted, that if any person shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the Special Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if, before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender have been made, the defendant, by leave of the court where such action is pending, may at any time before issue joined pay into court such sum of money as he thinks fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

And with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices, be it enacted as follows:

62. The clauses of the Railways Clauses Consolidation Act, 1845, with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices, shall be incorporated with this and the Special Act; and such clauses shall apply to the cemetery and to the company respectively.

63. Provided always, that in *Ireland*, in the case of any penalty imposed by justices, where the application is not otherwise provided for, such justices may award not more than one-half of such penalty to the informer, and shall award the remainder to the guardians of the poor of the union within which the offence shall have been committed, to be applied in aid of the poor rates of such union.

64. All things herein or in the Special Act, or any Act incorporated therewith, authorized or required to be done by two justices may and shall be done by any one magistrate having by law authority to act alone for any purpose with the powers of two or more justices.

65. Every person who, upon any examination upon oath under the provisions of this or the Special Act, or any Act incorporated therewith, shall wilfully and corruptly give false evidence, shall be liable to the penalties of wilful and corrupt perjury.

And with respect to affording access to the Special Act, be it enacted as follows:—

66. The company shall, at all times after the expiration of six months



after the passing of the Special Act, keep in their principal office of business a copy of the Special Act, printed by the printers to her Majesty, or some of them, and shall also, within the space of such six months, deposit in the office of the clerk of the peace of the county in which the cemetery is situated a copy of such Special Act so printed as aforesaid; and the said clerk of the peace shall receive and he and the company respectively shall keep the said copies of the Special Act, and shall allow all persons interested therein to inspect the same, and make extracts or copies therefrom, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and sections by an Act passed in the first year of the reign of her Majesty, intituled "An Act to compel clerks of the peace for counties and other persons to take the custody of such documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament."

67. If the company fail to keep or deposit any of the said copies of the Special Act as herein-before mentioned they shall forfeit twenty pounds for every such offence, and also five pounds for every day afterwards during which such copy shall be not so kept or deposited.

68. And be it enacted, that nothing herein contained shall be deemed to exempt the company from any general Act relating to burials in towns or populous places which may be passed in the same session of Parliament in which the Special Act is passed, or any future session of Parliament.

69. And be it enacted, that this Act may be amended or repealed by any Act to be passed in this session of Parliament.



## CHAPTER IX.

## CONTAGIOUS DISEASES (ANIMALS) ACT, 1878.

(41 and 42 Vict., ch. 74.)

AN Act for making better provisions respecting contagious and infectious diseases of cattle and other animals ; and for other purposes.

## PART I.

## GENERAL.

2.—(1.) This Act shall, except as otherwise expressed, commence and have effect from and immediately after the thirtieth day of September, one thousand eight hundred and seventy-eight, which time is in this Act referred to as the commencement of this Act.

(2.) But on and after the passing of this Act any Order of Council and Order in Council necessary or proper for bringing this Act into operation at the commencement thereof, and any order or regulation of a local authority authorized by any such Order of Council or in Council, may be made so that the same do not take effect before the commencement of this Act ; and on and after the passing of this Act any committee and any inspector or other officer may be appointed to act under this Act as from the commencement thereof.

5.—(1.) In this Act—

(i.) “Cattle” means bulls, cows, oxen, heifers, and calves :

(ii.) “Animals” means, except where it is otherwise expressed, cattle, sheep, and goats, and all other ruminating animals, and swine :

(iii.) “Disease” means cattle plague (that is to say, rinderpest, or the disease commonly called cattle plague), contagious pleuro-pneumonia of cattle (in this Act called pleuro-pneumonia), foot-and-mouth disease, sheep pox, or sheep-scab :

(iv.) “Diseased” means affected with disease :

(v.) “Suspected” means suspected of being diseased :

(vi.) “Carcase” means the carcase of an animal, and includes part of a carcase, and the meat, bones, hide, skin, hoofs, horns, offal, or other part of an animal, separately or otherwise, or any portion thereof :

(vii.) “Fodder” means hay or other substance commonly used for food of animals :

(viii.) “Litter” means straw or other substance commonly used for bedding or otherwise for or about animals :

(ix.) “Foreign,” applied to a country, denotes a country out of the



United Kingdom of Great Britain and Ireland, and applied to animals and things, means brought to the United Kingdom of Great Britain and Ireland from a foreign country :

(x.) "Inspector of the Privy Council" or "inspector of a local authority" means a person appointed to be an inspector for purposes of this Act, by the Privy Council, or by a local authority, as the case may be ; and "inspector," used alone, means such a person, by whichever authority appointed :

(xi.) "Veterinary inspector" means an inspector being a member of the Royal College of Veterinary Surgeons, or any veterinary practitioner qualified as approved by the Privy Council :

(xii.) "Treasury" means the Commissioners of her Majesty's Treasury :

(xiii.) "The Corporation of London" means the mayor and commonalty and citizens of the City of London, acting by the mayor, aldermen, and commons of that city, in Common Council assembled :

(xiv.) "The Customs Acts" means the Customs Consolidation Act, 1876, and any enactment amending or substituted for that Act :

(xv.) "Justice" means justice of the peace :

(xvi.) "Court of summary jurisdiction" means two or more justices sitting in petty sessions at a court or other public place appointed in that behalf, or a police, stipendiary, or other magistrate or officer, however designated, having by law power to act for any purpose with the authority of two justices, and sitting at a police court or other place appointed in that behalf :

(xvii.) "Railway company" includes a company or persons working a railway under lease or otherwise :

(xviii.) "Person" includes a body corporate or unincorporate :

(xix.) "Part" means part of this Act, and "Schedule" means schedule to this Act.

(2.) The schedules shall be construed and have effect as part of this Act.

(3.) In the computation of time for purposes of this Act, a period reckoned by days from the happening of an event or the doing of an act or thing shall be deemed to be exclusive of the day on which the event happens or the act or thing is done.

## PART II.

### ENGLAND.

7. In and for purposes of Part II. :—

(i.) "County" does not include a county of a city or a county of a town, but includes a riding or division or parts of a county having a separate commission of the peace

(ii.) The liberty of the Isle of Ely and the soke of Peterborough are each a county :

(iii.) Every other liberty or franchise of a county is part of the county by which it is surrounded, or, if partly surrounded by two or more



counties, is part of that county with which it has the longest common boundary :

(iv.) "Metropolis" has the same meaning as in the Metropolis Management Act, 1855 :

(v.) "Borough" means—

(a.) A place for the time being subject to the Municipal Corporation Act, 1835 ; or

(b.) A place having for the time being under any general or local Act of Parliament, or otherwise, a separate police establishment :

(vi.) Every place not being a county, borough, part of the metropolis, or named in the second schedule, forms part of the county to the county rate whereof it is assessed, or, if it is not so assessed, forms part of the county wherein it is situate.

#### *Privy Council.*

8.—(1.) In this Act her Majesty's most Honourable Privy Council is referred to as the Privy Council, and an Order of the Privy Council under this Act is referred to as an Order of Council.

(2.) Powers by this Act conferred on the Privy Council may be exercised by the Lords and others of the Privy Council, or two of them ; and, as regards the making of orders and doing of acts affecting only particular local authorities, persons, ports, towns, districts, places, areas, vessels, or things, and as regards the issuing and revocation of licences, and the appointment or removal of inspectors and other officers, may be exercised by the Lord President of the Council or one of her Majesty's Principal Secretaries of State.

#### *Local Authorities.*

9. For the purposes of this part, the respective districts, authorities, rates, and officers described in the second schedule, shall be the district, the local authority, the local rate, and the clerk of the local authority, but subject as regards the metropolis to the following provisions :

(i.) The Corporation of London shall alone be the local authority in and for the metropolis for purposes of the provisions of this Act relating to foreign animals :

(ii.) The City of London and the liberties thereof shall contribute for purposes of this Act to the metropolitan consolidated rate :

(iii.) No part of the expenses of the local authority for a county shall be included in any precept or warrant for the levying or collection of a county rate within the metropolis.

#### *Cattle Plague.*

10.—(a.) Where it appears to an inspector that cattle plague exists, or has within ten days existed, in a cow-shed, field, or other place, he shall forthwith make and sign a declaration thereof.

(b.) He shall serve a notice, signed by him, of that declaration on the occupier of that cow-shed, field, or other place



(c.) Thereupon that cow-shed, field, or other place, with all lands and buildings contiguous thereto in the same occupation, shall become and be a place infected with cattle plague, subject to the determination and declaration of the Privy Council.

(d.) The inspector shall serve a like notice, signed by him, unless, in the circumstances, this appears to him not to be expedient, on the occupiers of all lands and buildings, any part whereof lies in his judgment within one mile in any direction from that cow-shed, field, or other place, or on the occupiers of any of those lands and buildings.

(e.) Thereupon, all the lands and buildings aforesaid, on the occupiers whereof the inspector serves such a notice, shall become and be part of the aforesaid place infected with cattle plague, subject to the determination and declaration of the Privy Council.

(f.) The inspector shall, with all practicable speed, inform the Privy Council and the local authority of his declaration and notices, and shall send to the Privy Council his declaration and a copy of his secondly-mentioned notice, if any.

(g.) The Privy Council shall forthwith on receipt of the information inquire into the correctness of the inspector's declaration.

(h.) If the Privy Council are satisfied of the correctness of that declaration as regards the existence or past existence of cattle plague, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with cattle plague.

(i.) If the Privy Council are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of cattle plague, they shall by order determine and declare accordingly; and thereupon, as from the time specified in the order, the place comprised in the inspector's declaration and notices shall cease to be a place infected with cattle plague.

11. The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any cow-shed, field, or other place, with or without any lands or buildings adjoining or near thereto, to be a place infected with cattle plague.

12. The Privy Council may from time to time, if they think fit, by order declare any area, wherein a place infected with cattle plague is situate, to be an area infected with cattle plague.

13. The Privy Council may from time to time, if they think fit, by order extend, contract, or otherwise alter the limits of a place or area infected with cattle plague.

14. The Privy Council may at any time, if they think fit, by order declare a place or area infected with cattle plague, or part thereof, to be free from cattle plague.

15.—(1.) The Privy Council shall cause to be slaughtered—

(i.) All animals affected with cattle plague :

(ii.) All animals being or having been in the same shed or stable, herd or flock, or in contact, with an animal affected with cattle plague.

(2.) The Privy Council may, if they think fit, in any case cause to be slaughtered—



(iii.) All animals suspected of cattle plague, or being in a place infected with cattle plague :

(iv.) All animals being in such parts of an area infected with cattle plague as are not comprised in a place infected with cattle plague (but in this last-mentioned case subject to such regulations as the Treasury from time to time think fit to make).

(3.) The Privy Council shall, for animals slaughtered under this section, pay compensation as follows, out of money provided by Parliament :

(a.) Where the animal slaughtered was affected with cattle plague, the compensation shall be one-half of its value immediately before it became so affected, but so that the compensation do not in any such case exceed twenty pounds :

(b.) In every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation do not in any case exceed forty pounds.

#### *Pleuro-Pneumonia.*

16.—(a.) Where it appears to an inspector of a local authority that pleuro-pneumonia exists, or has within fifty-six days existed, in a cow-shed, field, or other place, he shall forthwith make and sign a declaration thereof.

(b.) He shall serve a notice, signed by him, of the declaration on the occupier of that cow-shed, field, or other place.

(c.) Thereupon that cow-shed, field, or other place shall become and be a place infected with pleuro-pneumonia, subject to the determination and declaration of the local authority.

(d.) The inspector shall, with all practicable speed, inform the local authority of his declaration and notice, and shall send his declaration and a copy of his notice to the local authority.

(e.) The local authority shall forthwith on receipt of that information inquire into the correctness of the inspector's declaration, with the assistance and advice of a veterinary inspector, or of a person qualified according to this Act to be such.

(f.) If the local authority are satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with pleuro-pneumonia, and may, if they think fit, include within those limits any lands or buildings adjoining or near to the cow-shed, field, or other place to which the inspector's declaration relates.

(g.) The local authority may include in a place infected with pleuro-pneumonia any adjoining part of the district of another local authority with the previous consent in writing of that authority, but not otherwise.

(h.) If the local authority are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly ; and thereupon, as from the time specified in that behalf in their order, the cow-shed, field, or



other place to which the inspector's declaration relates shall cease to be a place infected with pleuro-pneumonia.

(i.) The local authority shall forthwith report to the Privy Council the declaration of the inspector, and the proceedings of the local authority thereon, and shall state whether or not it is, in their opinion, expedient that an infected area, comprising the infected place, shall be declared, and, if so, what should, in their opinion, be the limits of that area, and whether or not there is within that area any place used for the holding of a market, fair, exhibition, or sale of cattle, and, if so, whether or not it is, in their opinion, expedient that the holding in that area, while infected, of a market fair, exhibition, or sale of cattle, should be prohibited or restricted by Order of Council.

(j.) This section shall, notwithstanding anything therein contained, be construed and have effect subject to the subsequent section in this Act contained, whereby the Privy Council are required to make, by order, provision respecting the case of cattle found to be affected with pleuro-pneumonia while exposed for sale or exhibited in a market, fair, sale-yard, or place of exhibition, and in other circumstances specified in the same section, and generally while being in a place not in the possession or occupation, or under the control, of the owner of the cattle.

17.—(1.) The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any cow-shed, field, or other place, with or without any lands or buildings adjoining or near thereto, to be a place infected with pleuro-pneumonia.

(2.) The Privy Council may from time to time, if they think fit, by order extend the limits of a place infected with pleuro-pneumonia, declared either by a local authority or by the Privy Council.

18.—(1.) The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any area wherein a place infected with pleuro-pneumonia is situate to be an area infected with pleuro-pneumonia, and may from time to time, if they think fit, by order extend the limits of such an area.

(2.) The Privy Council, on making any such order, shall consider whether it is necessary or expedient to prohibit the holding in that area, while infected, of any market, fair, exhibition, or sale of cattle, and shall either prohibit the holding thereof accordingly, or allow the same to be held on such terms and conditions as they think fit to prescribe.

19. The rules set forth in the third schedule shall have effect in relation to a place or area infected with pleuro-pneumonia.

20.—(1.) Where a local authority have declared a place to be infected with pleuro-pneumonia, they may, if they think fit, at any time after the expiration of fifty-six days from the date of the cessation therein of that disease, but not sooner, declare by order that place to be free from pleuro-pneumonia.

(2.) Where the Privy Council or a local authority have declared a place to be infected with pleuro-pneumonia, the Privy Council may, if they think fit, at any time after the expiration of fifty-six days from the date of the



cessation therein of that disease, but not sooner, declare by order that place to be free from pleuro-pneumonia.

(3.) Where the Privy Council have declared an area to be infected with pleuro-pneumonia, they may, if they think fit, at any time when there is not within that area, or within some particular portion thereof, any place infected with pleuro-pneumonia, declare by order that area, or that portion thereof, to be free from pleuro-pneumonia.

21.—(1.) A local authority shall cause all cattle affected with pleuro-pneumonia to be slaughtered within two days after the existence of the disease is known to them.

(2.) A local authority may, if they think fit, cause any cattle being or having been in the same shed or herd, or in contact, with cattle affected with pleuro-pneumonia to be slaughtered.

(3.) The local authority shall out of the local rate pay compensation as follows for cattle slaughtered under this section :

(i.) Where the animal slaughtered was affected with pleuro-pneumonia, the compensation shall be three-fourths of its value immediately before it became so affected, but so that the compensation do not in any such case exceed thirty pounds :

(ii.) In every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation do not in any case exceed forty pounds.

#### *Foot-and-Mouth Disease.*

22.—(a.) Where it appears to an inspector of a local authority that foot-and-mouth disease exists, or has within ten days existed, in a cow-shed, field, or other place, he shall forthwith make and sign a declaration thereof.

(b.) He shall serve a notice, signed by him, of that declaration on the occupier of that cow-shed, field, or other place, and also on the occupier or occupiers of any lands or buildings contiguous thereto as he shall consider necessary.

(c.) Thereupon that cow-shed, field, or other place shall become and be a place infected with foot-and-mouth disease, subject to the determination and declaration of the local authority.

(d.) The inspector shall, with all practicable speed, inform the local authority of his declaration and notice, and shall send his declaration and a copy of his notice to the local authority.

(e.) The local authority shall forthwith on receipt of that information inquire into the correctness of the inspector's declaration.

(f.) If the local authority are satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with foot-and-mouth disease, and may, if they think fit, include within those limits any lands or buildings adjoining or near to the cow-shed, field, or other place to which the inspector's declaration relates.

(g.) The local authority may include in a place infected with foot-and-mouth disease any adjoining part of the district of another local authority, with the previous consent in writing of that authority, but not otherwise.



(h.) If the local authority are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly; and thereupon, as from the time specified in that behalf in their order, the cow-shed, field, or other place to which the inspector's declaration relates shall cease to be a place infected with foot-and-mouth disease.

(i.) The local authority shall forthwith report to the Privy Council the declaration of the inspector, and the proceedings of the local authority thereon, and shall state whether or not it is, in their opinion, expedient that an infected area, comprising the infected place, shall be declared, and, if so, what should, in their opinion, be the limits of that area, and whether or not there is within that area any place used for the holding of a market, fair, exhibition, or sale of animals, and, if so, whether or not it is, in their opinion, expedient that the holding in that area, while infected, of a market, fair, exhibition, or sale of animals should be prohibited or restricted by Order of Council.

(j.) This section shall, notwithstanding anything therein contained, be construed and have effect subject to the subsequent section in this Act contained, whereby the Privy Council are required to make, by order, provision respecting the case of animals found to be affected with foot-and-mouth disease while exposed for sale or exhibited in a market, fair, sale-yard, or place of exhibition, and in other circumstances specified in the same section, and generally while being in a place not in the possession or occupation, or under the control, of the owner of the animals.

23.—(1.) The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any cow-shed, field, or other place, with or without any lands or buildings adjoining or near thereto, to be a place infected with foot-and-mouth disease.

(2.) The Privy Council may from time to time, if they think fit, on any evidence satisfactory to them, by order extend the limits of a place infected with foot-and-mouth disease, declared either by the Privy Council or by a local authority.

24.—(1.) The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any area wherein a place infected with foot-and-mouth disease is situate to be an area infected with foot-and-mouth disease, and may from time to time, if they think fit, by order extend the limits of such an area.

(2.) The Privy Council, on making any such order, shall consider whether it is necessary or expedient to prohibit the holding in that area, while infected, of any market, fair, exhibition, or sale of animals, and shall either prohibit the holding thereof accordingly, or allow the same to be held on such terms and conditions as they think fit to prescribe.

25. The rules set forth in the fourth schedule shall have effect in relation to a place or area infected with foot-and-mouth disease.

26.—(1.) Where a local authority have declared a place to be infected with foot-and-mouth disease, they may, if they think fit, at any time after the expiration of fourteen days from the date of the cessation therein of that disease, or of such longer period, not exceeding twenty-eight days from



that date, as the Privy Council from time to time by general order direct, but not sooner, declare by order that place to be free from foot-and-mouth disease.

(2.) Where the Privy Council or a local authority have declared a place to be infected with foot-and-mouth disease, the Privy Council may, if they think fit, at any time after the expiration of fourteen days from the date of the cessation therein of that disease, or of such longer period, not exceeding twenty-eight days from that date, as the Privy Council from time to time by general order direct, but not sooner, declare by order that place to be free from foot-and-mouth disease.

(3.) Where the Privy Council have declared an area to be infected with foot-and-mouth disease, they may, if they think fit, at any time when there is not within that area, or within some particular portion thereof, any place infected with foot-and-mouth disease, declare, by order, that area, or that portion thereof, to be free from foot-and-mouth disease.

*Exceptional Powers for Transit, and other cases.*

27.—(1.) The Privy Council shall, as soon as may be after the passing of this Act, and thereafter from time to time, by general order make such further or other provision as they think necessary or expedient respecting the case of animals found to be affected with pleuro-pneumonia or foot-and-mouth disease—

(i.) While exposed for sale or exhibited in a market, fair, sale-yard, place of exhibition, or other place ; or

(ii.) While placed in a lair or other place before exposure for sale ; or

(iii.) While in transit or in course of being moved by land or by water ; or

(iv.) While in a foreign animals wharf or foreign animals quarantine station ; or

(v.) While being in a slaughter-house or place where animals are slaughtered or are kept with a view to slaughter ; or

(vi.) While being on common or uninclosed land ; or

(vii.) Generally, while being in a place not in the possession or occupation or under the control of the owner of the animals.

(2.) The Privy Council shall, by general orders under this section, from time to time make such provision as they think fit for the consequences under this Act of animals being so found in the circumstances aforesaid, as well with regard to the animals as with regard to the places where they are when so found and other places, and with regard to animals being or having been in the same shed or stable, herd or flock, or in contact, with animals so found.

(3.) The Privy Council may from time to time, by special orders under this section relating to particular places, make such provision as they think fit for the consequences aforesaid.

(4.) Every order under this section shall have full effect notwithstanding any provision of this Act requiring the declaration of a place infected by pleuro-pneumonia or foot-and-mouth disease, or relating to any consequence



thereof, or to any matter connected therewith, and notwithstanding any other provision whatsoever of this Act.

*Infected Places and Areas generally.*

28.—(1.) The Privy Council may, from time to time, make such general orders as they think fit, subject and according to the provisions of this Act, for prescribing the cases in which places and areas are to be declared to be infected with a disease other than cattle plague, pleuro-pneumonia, or foot-and-mouth disease, and the authority, mode, and conditions by, in, and on which declarations in that behalf are to be made, and the effect and consequences thereof, and the duration and discontinuance thereof, and other matters connected therewith.

(2.) Every place or area so declared infected, as well as a place or area declared infected with cattle plague, pleuro-pneumonia, or foot-and-mouth disease, shall be an infected place or area within this Act.

(3.) Notwithstanding anything in this Act, where the Privy Council, on inquiry, and after communication with the local authority, but without prejudice to the powers of the Privy Council as regards cattle plague, are satisfied that a declaration of a place being an infected place has been made in error respecting the existence or past existence of disease, or respecting the limits of a place, or respecting any other matter of fact whereon the declaration proceeded, the Privy Council may, by order, cancel the declaration as regards the infected place, or as regards any part thereof, as they think fit.

(4.) Where, in accordance with the provisions of this Act, a place or area or a portion of an area is declared free from a disease, or a declaration of a place being an infected place is cancelled, as regards the place or as regards any part thereof, then, as from the time specified in that behalf by the Privy Council or a local authority, as the case may be, the place or area, or that portion of the area, or that part of the place, shall cease to be, or to be in, an infected place or area.

(5.) An order of the Privy Council or of a local authority declaring a place or area to be an infected place or area, or a place or area, or a portion of an area, to be free from disease, or cancelling a declaration, shall be conclusive evidence to all intents of the existence or past existence or cessation of the disease, or of the error, and of any other matter whereon the order proceeds.

*Slaughter in Disease, and Compensation, generally.*

29. The Privy Council may from time to time make such orders as they think fit, subject and according to the provisions of this Act, for directing or authorizing, in case of the existence of any disease other than cattle plague or pleuro-pneumonia, slaughter of animals by local authorities, either generally or in particular instances, and in all or any of such cases payment of compensation for the same by local authorities out of the local rate.

30.—(1.) The Privy Council may, notwithstanding anything in this Act, reserve for observation and treatment an animal liable to be slaughtered under this Act by order of the Privy Council or of a local authority, but subject to payment of compensation by the Privy Council or the local authority, as the case may be, as in case of actual slaughter.



(2.) Where an animal is slaughtered under this Act by order of the Privy Council or of a local authority, the carcase of the animal shall belong to the Privy Council or to the local authority, as the case may be, and shall be buried, or sold, or otherwise disposed of by them, or as they direct, as the condition of the animal or carcase and other circumstances may require or admit; and any money received by a local authority on any such sale shall be carried by them to the credit of the local rate.

(3.) If, in any case, the sum received by the Privy Council or a local authority on sale of a carcase under this section exceeds the amount paid for compensation to the owner of the animal slaughtered, the Privy Council or local authority, as the case may be, shall pay that excess to the owner, after deduction of reasonable expenses.

(4.) Where an animal is slaughtered under this Act by order of the Privy Council or of a local authority, the Privy Council or local authority, as the case may be, may use for the burial of the carcase any ground in the possession or occupation of the owner of the animal and suitable in that behalf, or any common or uninclosed land, but, as regards the use by a local authority of common or uninclosed land, not without the approval of the Privy Council.

(5.) If the owner of an animal slaughtered under this Act by order of the Privy Council or of a local authority has an insurance on the animal, the amount of the compensation awarded to him under this Act may be deducted by the insurers from the amount of the money payable under the insurance before they make any payment in respect thereof.

(6.) A local authority shall keep, as the Privy Council from time to time by general order direct, a record relative to slaughter, which record shall be admitted in evidence.

(7.) Notwithstanding anything in this Act, the Privy Council or a local authority, as the case may be, may, if they think fit, withhold, either wholly or partially, compensation or other payment in respect of an animal slaughtered under this Act by their respective order, where the owner or the person having charge thereof has, in their respective judgment, been guilty, in relation to the animal, of an offence against this Act, or where the animal, being a foreign animal, was, in their respective judgment, diseased at the time of its landing.

#### *Notice of Disease to Police.*

31.—(1.) Every person having in his possession or under his charge an animal affected with disease shall, as far as practicable, keep that animal separate from animals not so affected, and shall, with all practicable speed, give notice of the fact of the animal being so affected to a constable of the police establishment for the police district or area, county, borough, town, or place wherein the animal so affected is.

(2.) The constable to whom notice is given shall forthwith give information thereof to such person or authority as the Privy Council from time to time by general order direct.

(3.) The Privy Council from time to time may make such general orders as they think fit for prescribing and regulating the notice to be given to or



by any person or authority in case of any particular disease, or in case of the illness of an animal, and for supplementing or varying for those purposes any of the provisions of this section.

*Disease and Movement, generally.*

32. The Privy Council may from time to time make such general or special orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them :

(i.) For prescribing and regulating the publication by placards, handbills, or otherwise, in the immediate neighbourhood of a place or area declared infected, of the fact of such declaration.

(ii.) For prohibiting or regulating the movement of animals and persons into, in, or out of an infected place or area.

(iii.) For prescribing and regulating the isolation or separation of animals being in an infected place or area.

(iv.) For prohibiting or regulating the removal of carcases, fodder, litter, utensils, pens, hurdles, dung, or other things into, in, or out of an infected place or area.

(v.) For prescribing and regulating the destruction, burial, disposal, or treatment of carcases, fodder, litter, utensils, pens, hurdles, dung, or other things, being in an infected place or area, or removed thereout.

(vi.) For prescribing and regulating the cleansing and disinfecting of infected places and areas, or parts thereof.

(vii.) For prescribing and regulating the disinfecting of the clothes of persons coming in contact with or employed about diseased or suspected animals, or being in an infected place, and the use of precautions against the spreading of disease by such persons.

(viii.) For prohibiting or regulating the digging up of carcases buried.

(ix.) For prohibiting or regulating the exposure of diseased or suspected animals in markets or fairs or sale-yards, or other public or private places, where animals are commonly exposed for sale, and the placing thereof in lairs or other places adjacent to or connected with markets or fairs, or where animals are commonly placed before exposure for sale.

(x.) For prohibiting or regulating the sending or carrying of diseased or suspected animals, or of dung or other thing likely to spread disease, or the causing the same to be sent or carried on railways, canals, rivers, or inland navigations, or in coasting vessels, or otherwise.

(xi.) For prohibiting or regulating the carrying, leading, or driving of diseased or suspected animals, or the causing them to be carried, led, or driven on highways or thoroughfares, or elsewhere.

(xii.) For prohibiting or regulating the placing or keeping of diseased or suspected animals on commons or uninclosed lands, or in fields or other places insufficiently fenced, or on the sides of highways.

(xiii.) For prescribing and regulating the seizure, detention, and disposal of a diseased or suspected animal exposed, carried, kept, or otherwise dealt with in contravention of an Order of Council; and for prescribing and regulating the liability of the owner or consignor or consignee of the animal to the expenses connected with the seizure, detention, and disposal thereof.



(xiv.) For prescribing the mode of ascertainment of the value of an animal slaughtered, or liable to be slaughtered, by order of the Privy Council or of a local authority.

(xv.) For regulating applications for, and the mode of payment of, compensation to be paid out of money provided by Parliament.

(xvi.) For prescribing and regulating the destruction, burial, disposal, or treatment of carcases of animals slaughtered by order of the Privy Council or of a local authority, or dying while diseased or suspected.

(xvii.) For prohibiting or regulating movement of animals, and the removal of carcases, fodder, litter, dung, and other things, and for prescribing and regulating the isolation of animals newly purchased.

(xviii.) For prescribing and regulating the issuing and production of licences respecting movement and removal of animals and things.

(xix.) For prohibiting or regulating the holding of markets, fairs, exhibitions, and sales of animals.

(xx.) For prescribing and regulating the cleansing and disinfecting of places used for the holding of markets, fairs, exhibitions, and sales of animals, or for lairage of animals, and yards, sheds, stables, and other places used for animals.

(xxi.) For prescribing and regulating the cleansing and disinfecting of vessels, vehicles, and pens and other places, used for the carrying of animals for hire or purposes connected therewith.

(xxii.) For prescribing modes of cleansing and disinfecting.

(xxiii.) For insuring for animals carried by sea a proper supply of food and water and proper ventilation during the passage and on landing.

(xxiv.) For protecting them from unnecessary suffering during the passage and on landing.

(xxv.) For protecting animals from unnecessary suffering during inland transit.

(xxvi.) For securing a proper supply of water and food to animals during any detention thereof.

(xxvii.) For prescribing and regulating the marking of animals.

(xxviii.) For prohibiting, absolutely or conditionally, the use, for the carrying of animals, or for any purpose connected therewith, of a vessel, vehicle, or pen or other place in respect whereof, or of the use whereof, a penalty has been recovered from any person for an offence against this Act.

(xxix.) For prescribing and regulating the payment and recovery of expenses in respect of animals.

(xxx.) For prescribing and regulating the form and mode of service, or delivery of notices and other instruments.

(xxxi.) For authorizing a local authority to make regulations for purposes of this Act, or of an Order of Council, subject to such conditions, if any, as the Privy Council, for the purpose of securing uniformity and the due execution of the provisions of this Act, think fit to prescribe.

(xxxii.) For applying all or any of the provisions of this Act to horses, asses, and mules, and to glanders and farcy, and other diseases thereof.

(xxxiii.) For extending, for all or any of the purposes of this Act, the



definition of disease in this Act, so that the same shall for those purposes comprise any disease of animals in addition to the diseases mentioned in this Act.

(xxxiv.) Generally, for the better execution of this Act, or for the purpose of in any manner preventing the spreading of disease.

33.—(1.) Every railway company shall make a provision, to the satisfaction of the Privy Council, of water and food, or either of them, at such stations as the Privy Council from time to time, by general or specific description, direct, for animals carried, or about to be, or having been carried, on the railway of the company.

(2.) The water and food so provided, or either of them, shall be supplied to any such animal by the company carrying it, on the request of the consignor or of any person in charge thereof.

(3.) As regards water, if, in the case of any animal, such a request is not made, so that the animal remains without a supply of water for twenty-four consecutive hours, the consignor and the person in charge of the animal shall each be guilty of an offence against this Act; and it shall lie on the person charged to prove such a request, and the time within which the animal had a supply of water.

(4.) But the Privy Council may from time to time, if they think fit, by order prescribe any other period, not less than twelve hours, instead of the period of twenty-four hours aforesaid, generally, or in respect of any particular kind of animals.

(5.) The company supplying water or food under this section may make in respect thereof such reasonable charges (if any) as the Privy Council by order approve, in addition to such charges as they are for the time being authorized to make in respect of the carriage of animals. The amount of those additional charges accrued due in respect of any animal shall be a debt from the consignor and from the consignee thereof to the company, and shall be recoverable by the company from either of them, with costs, by proceedings in any court of competent jurisdiction. The company shall have a lien for the amount thereof on the animal in respect whereof the same accrued due, and on any other animal at any time consigned by or to the same consignor or consignee to be carried by the company.

#### *Dairies, Cow-sheds, and Milk-shops.*

34. The Privy Council may from time to time make such general or special orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them:

(i.) For the registration with the local authority of all persons carrying on the trade of cowkeepers, dairymen, or purveyors of milk.

(ii.) For the inspection of cattle in dairies, and for prescribing and regulating the lighting, ventilation, cleansing, drainage, and water supply of dairies and cow-sheds in the occupation of persons following the trade of cowkeepers or dairymen.

(iii.) For securing the cleanliness of milk-stores, milk-shops, and of milk-vessels used for containing milk for sale by such persons.



(iv.) For prescribing precautions to be taken for protecting milk against infection or contamination.

(v.) For authorizing a local authority to make regulations for the purposes aforesaid, or any of them, subject to such conditions, if any, as the Privy Council prescribe.

*[The Government propose to repeal this section, and to give authority to the Local Government Board to deal with the question as one affecting public health.]*

### *Foreign Animals.*

35.—(1.) The Privy Council may from time to time make such general or special orders as they think fit for prohibiting the landing of animals, or of any specified kind thereof, or of carcases, fodder, litter, dung, or other thing, brought from any specified foreign country, or any specified part thereof.

(2.) Any such order may be made at any time after the passing of this Act, but shall not take effect before the first day of January, one thousand eight hundred and seventy-nine; and until that day Part III., relating to foreign animals, of the Contagious Diseases (Animals) Act, 1869, and all other provisions relating to foreign animals of that Act, and of any other Act repealed by this Act, shall, notwithstanding that repeal, or any other thing in this Act, be in force as if this Act had not been passed.

(3.) On and after the first day of January, one thousand eight hundred and seventy-nine, the provisions set forth in the fifth schedule shall apply to foreign animals, the landing whereof is not for the time being prohibited by Order of Council made under this section.

36.—(1.) The Privy Council may from time to time make such general or special orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them:

(i.) For prescribing the ports at which alone foreign animals may be landed.

(ii.) For defining the limits of ports for purposes of this Act.

(iii.) For defining parts of ports.

(iv.) For prohibiting or regulating the movement of animals into, in, or out of a defined part of a port.

(v.) For prescribing and regulating the inspection and examination, and the mode, time, and conditions of slaughter, of animals in a defined part of a port.

(vi.) For prescribing and regulating the disposal of animals, not being foreign animals, and being in a defined part of a port.

(vii.) For regulating the removal of carcases, fodder, litter, utensils, dung, or other things into, in, or out of a defined part of a port, and the disposal thereof, when likely to introduce or spread disease.

(viii.) For prescribing and regulating the cleansing and disinfecting of a defined part of a port or of parts thereof.

(ix.) For prescribing and regulating the disinfecting or destruction of things being in a defined part of a port, or removed thereout.



(x.) For regulating the movement of persons into, in, or out of a defined part of a port.

(xi.) For prescribing and regulating the disinfecting of the clothes of persons employed or being in a defined part of a port, and the use of precautions against the introduction or spreading by them of disease.

(xii.) For prescribing and regulating the seizure and detention of any foreign animal, carcase, fodder, litter, dung, or other thing whereby disease may be introduced or spread.

(xiii.) Generally, for the better execution of this Act in relation to foreign animals, carcasses, fodder, litter, dung, or other things, or for the purpose of in any manner preventing the introduction, or spreading thereby of disease.

(2.) Notwithstanding anything in this Act, a defined part of a port, or any part thereof, shall not be declared to be an infected place, or be made part of an infected place, otherwise than by the Privy Council.

(3.) Where the district or part of a district of a local authority described in the second schedule is or comprises, or is comprised in, a port or part of a port, the Privy Council may from time to time, if they think fit, in relation to that port or part of a port, by order, make any body, other than the body constituted the local authority by the second schedule, the local authority for the purposes of the provisions of this Act relating to foreign animals, and, in connexion with the local authority so made, prescribe the local rate, if any, and the clerk of the local authority.

#### *Powers and Duties of Local Authorities.*

37. A local authority, not being a body corporate, may sue and be sued, and take and hold land, and otherwise act and be dealt with for all purposes of this Act, by the name or title of the local authority under this Act for their district, as if they were incorporated.

38. The provisions in the sixth schedule shall have effect with respect to committees of local authorities.

39.—(1.) A local authority may provide, erect, and fit up wharves, stations, lairs, sheds, and other places for the landing, reception, keeping, sale, slaughter, or disposal of foreign animals, carcasses, fodder, litter, dung, and other things.

(2.) There shall be incorporated with this Act the Markets and Fairs Clauses Act, 1847, except sections six to nine and fifty-one to sixty thereof, all inclusive.

(3.) A wharf or other place provided by a local authority under this section shall be a market within that Act; and this Act shall be the special Act; and the prescribed limits shall be the limits of lands acquired or appropriated for purposes of this section; and bye-laws shall be approved by the Privy Council, which approval shall be sufficient without any other approval or allowance, notice of application for approval being given, and proposed bye-laws being published before application, as required by the Markets and Fairs Clauses Act, 1847.

(4.) A local authority may charge for the use of a wharf or other place



provided by them under this section such sums as bye-laws from time to time appoint, and the same shall be deemed tolls authorized by the special Act.

(5.) All sums so received by the local authority shall be carried to a separate account, and shall be applied in payment of interest on money borrowed by them for purposes of Part III., relating to foreign animals, of the Contagious Diseases (Animals) Act, 1869, or of this section, and in repayment of the principal thereof, and, subject thereto, towards discharge of their expenses under this Act.

(6.) The local authority shall make such periodical returns to the Privy Council of their expenditure and receipts in respect of the wharf or other place as the Privy Council from time to time require.

(7.) The Privy Council, if satisfied on inquiry that the tolls taken by the local authority for the wharf or other place may properly be reduced, regard being had to the expenditure and receipts of the local authority in respect thereof, and to any money secured on the tolls, and to the other circumstances of the case, may require the local authority to submit to the Privy Council, for their approval, a new schedule of tolls, and on failure of the local authority to do so, to the satisfaction of the Privy Council, may, by order, prescribe such tolls as they think fit, in lieu of those before approved by them.

(8.) The provisions of this section shall apply to a wharf or other place provided by a local authority under the Contagious Diseases (Animals) Act, 1869.

40.—(1.) A local authority may purchase, or may by agreement take on lease or at a rent, land for wharves or other places, or for use for burial of carcases in cases where there is not any ground suitable in that behalf in the possession or occupation of the owner of the animal, or any common or uninclosed land suitable, and approved by the Privy Council, in that behalf, or for any other purpose of this Act.

(2.) They may (subject to any agreement) dispose of lands so acquired, but not required for this Act, carrying the money produced thereby to the credit of the local rate.

(3.) The regulations contained in section one hundred and seventy-six of the Public Health Act, 1875, shall be observed with respect to the purchase of land by a local authority for purposes of this Act, as if the local authority were a local board, and purposes of this Act were purposes of that Act; save that the requisite advertisements and notices may be published and served in any two consecutive months, and that the local rate be substituted for the rates therein mentioned.

(4.) The powers conferred by this section may be exercised by a local authority with respect to land within or without their district.

41.—(1.) Every local authority shall execute and enforce this Act and every Order of Council, as far as the same are to be executed or enforced by local authorities.

(2.) Where a local authority fail to execute or enforce any of the provisions of this Act, or of an Order of Council, the Privy Council may by



order empower a person therein named to execute and enforce those provisions, or to procure the execution and enforcement thereof.

(3.) The expenses incurred thereby or on behalf of the Privy Council, including compensation for animals slaughtered, shall be expenses of the local authority, and the amount thereof shall be paid to the Privy Council, on demand, by the treasurer or other proper officer of the local authority; and in default of payment the same shall be recoverable from the local authority, with costs, by a person appointed by the Privy Council to sue in that behalf.

(4.) For the purposes of this section an order of the Privy Council shall be conclusive in respect of any default, amount of expenses, or other matter therein stated or appearing.

(5.) The provisions of this section shall be without prejudice to the right or power of the Privy Council, or any other authority or any person, to take any other proceedings for requiring a local authority to execute or enforce any of the provisions of this Act, or of an Order of Council.

42.—(1.) Every local authority shall from time to time appoint so many inspectors and other officers as they think necessary for the execution and enforcement of this Act, and shall assign to those inspectors and officers such duties, and salaries or allowances, and may delegate to any of them such authorities and discretion, as to the local authority seem fit, and may at any time revoke any appointment so made.

(2.) Every local authority shall keep appointed at all times at least one veterinary inspector, and shall appoint and at all times keep appointed so many other veterinary inspectors as the Privy Council, having regard to the extent and circumstances of the district of the local authority, from time to time direct.

(3.) The Privy Council, on being satisfied on inquiry that an inspector of a local authority is incompetent, or has been guilty of misconduct or neglect, may, if they think fit, direct his removal, and thereupon he shall cease to be an inspector.

43. Every local authority and their inspectors and officers shall send and give to the Privy Council such notices, reports, returns, and information as the Privy Council from time to time require.

44.—(1.) An order or regulation of a local authority may be proved—

(i.) By the production of a newspaper purporting to contain the order or regulation as an advertisement; or

(ii.) By the production of a copy of the order or regulation purporting to be certified by the clerk of the local authority as a true copy.

(2.) An order or regulation so proved shall be taken to have been duly made, unless and until the contrary is proved.

(3.) An order or regulation of a local authority authorized by this Act or by Order of Council shall alone be deemed for purposes of this Act an order or regulation of a local authority.

45. The provisions of this Act conferring powers on or otherwise relating to a local authority, or their inspectors or officers, shall, unless otherwise expressed, be read as having reference to the district of a local authority, and



powers thereby conferred shall, unless it is otherwise expressed, be exercisable, and shall operate within and in relation to that district only.

46. The expenses of a local authority shall be defrayed out of the local rate, and such sums as may be necessary to defray those expenses shall from time to time be levied with and as part of the local rate.

47.—(1.) The local authority of a borough assessed to the county rate of a county shall be paid by the local authority of the county the proportionate amount paid by the several parishes and parts of parishes in the borough towards the expenses under this Act of the local authority of the county.

(2.) The local authority of a borough having a separate court of quarter sessions shall be exempt from contributing towards the expenses under this Act of the local authority of the county within which the borough is situate; and the treasurer of the county shall, out of the account required by the Municipal Corporations Act, 1835, to be kept by him of money expended out of the county rate for other purposes than those in that Act mentioned, exclude the expenses under this Act of the local authority of the county; and the amount to be paid to the treasurer of the county by the borough shall be varied accordingly.

48. The existence of an order or precept for the making or collection under any former Act of a rate remaining uncollected wholly or in part at the commencement of this Act shall not affect the validity of any rate thereafter made.

#### *Borrowing by Local Authorities.*

49.—(1.) Where the amount or proportion of the local rate levied or required for this Act exceeds or would exceed in any financial year sixpence in the pound, a local authority may borrow at interest on the credit of the local rate any money necessary under this Act, and may secure the repayment thereof, with interest, by mortgaging the local rate for any term not exceeding seven years.

(2.) Where the amount or proportion aforesaid exceeds or would exceed in any financial year ninepence in the pound, the Local Government Board may, if they think fit, on application of the local authority, extend the term to any period not exceeding fourteen years.

(3.) A local authority, borrowing for the purposes of this section, shall borrow subject to the provisions of the Local Loans Act, 1875; and every loan raised under this section shall be discharged in manner prescribed by section thirteen of that Act, for which purpose a sinking fund is hereby prescribed, if in any case the Local Government Board so direct, but not otherwise.

(4.) The Public Works Loan Commissioners may, on the recommendation of the Local Government Board, advance money to a local authority in manner provided by the Public Works Loans Act, 1875, and any enactment amending or substituted for that Act, the same to be repaid, with interest, within the term aforesaid, and the local authority may so borrow accordingly.

(5.) A local authority, borrowing for purposes of the provisions of this



Act relating to foreign animals, may, if they think fit, give as security, either with the local rate, if any, or separately therefrom, the charges which they are authorized to make for the use of a wharf or other place provided by them under this Act, and any estates, revenues, or funds belonging to them and not otherwise appropriated by law; and in that case the limitations in this section respecting the amount or proportion of rate and term of years shall not operate.

*Police.*

50.—(1.) The police of each police district or area, county, borough, town, and place shall execute and enforce this Act and every Order of Council.

(2.) Where a person is seen or found committing, or is reasonably suspected of being engaged in committing, an offence against this Act, a constable may, without warrant, stop and detain him; and if his name and address are not known to the constable, and he fails to give them to the satisfaction of the constable, the constable may, without warrant, apprehend him; and the constable may, whether so stopping or detaining or apprehending the person or not, stop, detain, and examine an animal, vehicle, boat, or thing to which the offence or suspected offence relates, and require the same to be forthwith taken back to or into any place or district wherefrom or whereout it was unlawfully removed, and execute and enforce that requisition.

(3.) If any person obstructs or impedes a constable or other officer in the execution of this Act or of an Order of Council or of a regulation of a local authority, or assists in any such obstructing or impeding, the constable or officer may without warrant apprehend the offender.

(4.) Any person apprehended under this section shall be taken with all practicable speed before a justice, and shall not be detained without a warrant longer than is necessary for that purpose; and all enactments relating to the release of persons on recognisances taken by an officer of police, or a constable, shall apply in the case of a person apprehended under this section.

(5.) The foregoing provisions of this section respecting a constable extend and apply to any person called by a constable to his assistance.

(6.) A constable shall forthwith make a report in writing to his superior officer of every case in which he stops any person, animal, vehicle, boat, or thing under this section, and of his proceedings consequent thereon.

(7.) Nothing in this section shall take away or abridge any power or authority that a constable would have had if this section had not been enacted.

*General.*

51.—(1.) An inspector shall have, for purposes of this Act, all powers which a constable has under this Act or otherwise in the place where the inspector is acting.

(2.) An inspector may at any time enter any land, or dairy, or cow-shed, to which this Act applies, or milk-stores or milk-shop, or other building or place wherein he has reasonable grounds for supposing—



- (a.) That disease exists, or has within fifty-six days existed ; or
- (b.) That the carcase of a diseased or suspected animal is or has been kept, or has been buried, destroyed, or otherwise disposed of ; or
- (c.) That there is to be found any pen, place, vehicle, or thing in respect whereof any person has on any occasion failed to comply with the provisions of this Act, or of an Order of Council, or of a regulation of a local authority ; or

(d.) That this Act or an Order of Council or a regulation of a local authority has not been or is not being complied with.

(3.) An inspector may at any time enter any pen, vehicle, vessel, or boat in which, or in respect whereof, he has reasonable grounds for supposing that this Act or an Order of Council or a regulation of a local authority has not been or is not being complied with.

(4.) An inspector entering, as in this section authorized, shall, if required by the owner, or occupier, or person in charge of the land, building, place, pen, vehicle, vessel, or boat, state in writing his reasons for entering.

(5.) A certificate of a veterinary inspector to the effect that an animal is or was affected with a disease specified in the certificate shall for the purposes of this Act be conclusive evidence in all courts of justice of the matter certified.

(6.) An inspector of the Privy Council shall have all the powers of an inspector throughout England or that part thereof for which he is appointed.

52.—(1.) Where an inspector of the Privy Council is satisfied that this Act or an Order of Council or a regulation of a local authority has not been, or is not being, complied with on board a vessel in a port, then, on the representation in writing to that effect of the inspector, stating particulars of non-compliance, the vessel may be detained until the Privy Council otherwise direct.

(2.) The officer detaining the vessel shall forthwith deliver to the master or person in charge of the vessel a copy of the representation.

(3.) Section thirty-four of the Merchant Shipping Act, 1876, shall apply in the case of such detention, as if it were effected under an Act in that section mentioned.

53. Where a carcase washed ashore is buried or destroyed under the direction of a receiver of wreck, with authority from the Board of Trade, the expenses thereof shall be expenses of the local authority, and shall be paid by them to the receiver on demand, and in default of payment shall be recoverable, with costs, from them by the receiver.

54. A person owning or having charge of animals in a place or area declared infected with any disease may affix, at or near the entrance to a building or inclosure in which the animals are, a notice forbidding persons to enter therein without the permission mentioned in the notice ; and thereupon it shall not be lawful for any person, not having by law a right of entry or way into, on, or over that building or inclosure, to enter or go into, on, or over the same without that permission.

55.—(1.) An action, prosecution, or proceeding against a local authority, or an inspector or officer of the Privy Council or of a local authority, or any person, for any act done in pursuance or execution or intended execution of



this Act, or of an Order of Council, or regulation of a local authority, or in respect of any alleged neglect or default in the execution of this Act, or of such an order or regulation, shall not lie or be instituted unless it is commenced within four months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within four months next after the ceasing thereof.

58. The Privy Council may from time to time alter or revoke any order of Council. Every Order of Council shall have effect as if it had been enacted by this Act, and every Order of Council shall be published in the *London Gazette*.

59. A return shall be made and laid before both Houses of Parliament not later than the thirty-first day of March in each year, setting forth every Order of Council made since the date of the last return and every previous Order of Council required to be published in the *London Gazette* and in force; and stating the proceedings and expenditure under this Act of the Privy Council, and, as far as reasonably may be, of local authorities, in the year ending the thirty-first day of December then last; and showing the number of foreign animals landed and found diseased in that year, specifying separately the different kinds of disease, and the ports of exportation and landing, and the mode of disposal of the animals; and containing such other information respecting the operation of this Act as the Privy Council think fit.

### *Offences and Proceedings.*

60. If any person is guilty of an offence against this Act, he shall for every such offence be liable—

- (i.) To a penalty not exceeding twenty pounds; or
- (ii.) If the offence is committed with respect to more than four animals, to a penalty not exceeding five pounds for each animal; or
- (iii.) Where the offence is committed in relation to carcases, fodder, litter, dung, or other thing (exclusive of animals), to a penalty not exceeding ten pounds in respect of every half-ton in weight thereof after one half-ton, in addition to the first penalty of not exceeding twenty pounds.

61.—(1.) If any person, without lawful authority or excuse, proof whereof shall lie on him, does any of the following things, he shall be guilty of an offence against this Act:

(i.) If he does anything in contravention of this Act, or of an Order of Council, or of a regulation of a local authority:

(ii.) If, where required by this Act to keep an animal separate as far as practicable, or to give notice of disease with all practicable speed, he fails to do so:

(iii.) If he fails to give, produce, observe, or do any notice, licence, rule, or thing which by this Act, or by an Order of Council, or by a regulation of a local authority, he is required to give, produce, observe, or do:

(iv.) If he does anything which by this Act or an Order of Council is made or declared to be not lawful:

(v.) If he does or omits anything, the doing or omission whereof is



declared by this Act or by an Order of Council to be an offence by him against this Act :

(vi.) If he refuses to an inspector or other officer, acting in execution of this Act, or of an Order of Council, or of a regulation of a local authority, admission to any land, building, place, vessel, pen, vehicle, or boat which the inspector or officer is entitled to enter or examine, or obstructs or impedes him in so entering or examining, or otherwise in any respect obstructs or impedes an inspector or constable or other officer in the execution of his duty, or assists in any such obstructing or impeding :

(vii.) If he throws or places, or causes or suffers to be thrown or placed, into or in any river, stream, canal, navigation, or other water, or into or in the sea within three miles of the shore, the carcase of an animal which has died of disease, or been slaughtered as diseased or suspected :

(2.) And on a further conviction within a period of twelve months for a second or subsequent offence against the same sub-section of this section, he shall be liable, in the discretion of the court of summary jurisdiction before which he is convicted, to be imprisoned for any term not exceeding one month, with or without hard labour, in lieu of the pecuniary penalty to which he is liable under this Act.

62.—(1.) If any person does any of the following things, he shall be guilty of an offence against this Act :

(i.) If, with intent to unlawfully evade this Act, or an Order of Council, or a regulation of a local authority, he does anything for which a licence is requisite under this Act, or an Order of Council, or a regulation of a local authority, without having obtained a licence :

(ii.) If, where such a licence is requisite, having obtained a licence, he, with the like intent, does the thing licensed after the licence has expired :

(iii.) If he uses or offers or attempts to use as such a licence an instrument not being a complete licence, or an instrument untruly purporting or appearing to be a licence, unless he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that incompleteness or untruth, and that he could not with reasonable diligence have obtained knowledge thereof :

(iv.) If, with intent to unlawfully evade this Act, or an Order of Council, or a regulation of a local authority, he alters, or falsely makes, or ante-dates, or counterfeits, or offers or utters, knowing the same to be altered, or falsely made, or ante-dated, or counterfeited, a licence, declaration, certificate, or instrument made or issued, or purporting to be made or issued, under or for any purpose of this Act, or an Order of Council, or a regulation of a local authority :

(v.) If, for the purpose of obtaining such a licence, certificate, or instrument, he makes a declaration or statement false in any material particular, unless he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof :

(vi.) If he obtains or endeavours to obtain such a licence, certificate, or instrument by means of a false pretence, unless he shows to the satisfaction of the court of summary jurisdiction before which he is charged that



he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof:

(vii.) If he grants or issues such a licence, certificate, or instrument, being false in any date or other material particular, unless he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof, or grants or issues such a licence, certificate, or instrument, having, and knowing that he has, no lawful authority to grant or issue the same:

(viii.) If, with intent to unlawfully evade or defeat this Act, or an Order of Council, or a regulation of a local authority, he grants or issues an instrument being in form a licence, certificate, or instrument made or issued under this Act, or an Order of Council, or a regulation of a local authority, for permitting or regulating the movement of a particular animal, or the doing of any other particular thing, but being issued in blank, that is to say, not being before the issue thereof so filled up as to specify any particular animal or thing:

(ix.) If he uses or offers or attempts to use for any purpose of this Act, or of an Order of Council, or of a regulation of a local authority, an instrument so issued in blank, unless he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of it having been so issued in blank, and that he could not with reasonable diligence have obtained knowledge thereof:

(x.) If he by means of any fraud or false pretence obtains, or attempts to obtain, compensation from the Privy Council or a local authority in respect of an animal slaughtered, or aids or abets any person in any such fraud or false pretence:

(xi.) If, without lawful authority or excuse, proof whereof shall lie on him, he digs up, or causes to be dug up, a carcase buried under the direction of the Privy Council or of a local authority or of a receiver of wreck:

(xii.) If, where an Order of Council has prohibited, absolutely or conditionally, the use for the carrying of animals, or for any purpose connected therewith, of a vessel, vehicle, or pen, or other place, he, without lawful authority or excuse, proof whereof shall lie on him, does anything so prohibited:

(2.) And in every case in this section specified he shall be liable, on conviction, in the discretion of the court of summary jurisdiction before which he is convicted, to be imprisoned for any term not exceeding two months, with or without hard labour, in lieu of the pecuniary penalty to which he is liable under this Act.

63. Proceedings and penalties for offences against this Act may be taken and recovered, and expenses and other money by this Act or an Order of Council made recoverable summarily may be recovered with costs, and summary orders under this Act or an Order of Council may be made with costs, by or before a court of summary jurisdiction, under and according to the Act of the session of the eleventh and twelfth years of her Majesty's reign (chapter forty-three), "to facilitate the performance of the duties of justices



of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Act amending the same; but nothing in this section shall apply to proceedings under the Customs Acts.

64.—(1.) If any person thinks himself aggrieved by the dismissal of a complaint by, or by any determination or adjudication of, a court of summary jurisdiction under this Act, he may appeal therefrom.

(2.) The appeal shall be made to the next practicable court of general or quarter sessions for the county or place in which the cause of appeal arises, holden not less than twenty-one days after the decision appealed from.

(3.) The appellant shall, within ten days after the decision, give notice to the clerk of the court whose decision is appealed from of his intention to appeal, and of the grounds thereof, and to the other party.

(4.) The appellant shall within three days after such notice enter into a recognizance before a justice, with two sufficient sureties, conditioned personally to try the appeal.

(5.) The court may adjourn the appeal, and may make such order thereon as the court thinks fit.

(6.) Nothing in this section shall affect any enactment relative to appeals in cases of summary conviction or adjudications in the City of London or the metropolitan police district, or apply to proceedings under the Customs Acts.

65.—(1.) If any person lands or ships or attempts to land or ship an animal or thing in contravention of this Act or of an Order of Council, he shall be liable, under and according to the Customs Acts, to the penalties imposed on persons importing or exporting or attempting to import or export goods the importation or exportation whereof is prohibited by or under the Customs Acts, without prejudice to any proceeding against him under this Act for an offence against this Act, but so that he be not punished twice for the same offence.

(2.) The animal or thing in respect whereof the offence is committed shall be forfeited, under and according to the Customs Acts, as goods the importation or exportation whereof is prohibited by or under the Customs Acts are liable to be forfeited.

66.—(1.) The description of an offence against this Act in the words of this Act, or of the Order of Council or regulation of a local authority under which the offence arises, or in similar words, shall be sufficient in law.

(2.) Any exception, exemption, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, or in the Order of Council or regulation of a local authority under which the offence arises, may be proved by the defendant, but need not be specified or negatived in the information; and, if it is so specified or negatived, proof in relation to the matter so specified or negatived shall not be required on the part of the informant.

(3.) A warrant of commitment under this Act shall not be held void by reason of any defect therein, if only there is a valid conviction to sustain the warrant, and it is alleged in the warrant that the person named therein has been convicted.



(4.) Where the owner or person in charge of an animal is charged with an offence against this Act relative to disease or to any illness of the animal, he shall be presumed to have known of the existence of the disease or illness, unless and until he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he had not knowledge thereof, and could not with reasonable diligence have obtained that knowledge.

(5.) Where a person is charged with an offence against this Act in not having duly cleansed or disinfected any place, vessel, vehicle, or thing belonging to him or under his charge, and a presumption against him on the part of the prosecution is raised, it shall lie on him to prove the due cleansing and disinfecting thereof.

(6.) A person charged with an offence against this Act may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon he may give evidence in the same manner and with the like effect and consequences as any other witness.

(7.) Every offence against this Act shall be deemed to have been committed, and every cause of complaint or matter for summary proceeding under this Act, or an Order of Council, or regulation of a local authority shall be deemed to have arisen, either in any place where the same actually was committed or arose, or in any place where the person charged or complained of or proceeded against happens to be at the time of the institution or commencement of the charge, complaint, or proceeding.

(8.) Notwithstanding anything in any Act relating to the metropolitan police or to municipal corporations or in any other Act, such part not exceeding one half of every penalty or forfeiture recovered under this Act (except in proceedings under the Customs Acts) as the court of summary jurisdiction before which it is recovered thinks fit, shall be paid to the person who proceeds for the same, and the residue thereof shall be applied as if this section had not been enacted.

### PART III.

#### SCOTLAND.

##### *Local Authorities.*

68. For the purposes of this Part the respective districts, authorities, rates, and officers described in the seventh schedule shall be the district, the local authority, the local rate, and the clerk of the local authority.

69.—(1.) The commissioners of supply in every county shall meet and nominate not fewer than four or more than fifteen of their number to act on the county board for the purposes of this Act, and shall intimate to the lord lieutenant of the county and the convener of the county the number and names of the persons so appointed.

(2.) The clerk of supply in each county shall call a meeting of the occupiers of agricultural subjects in the county valued in the valuation roll in force for the time at one hundred pounds and upwards, and of occupiers of such subjects of which they are owners valued in the valuation roll at



fifty pounds and under one hundred pounds. The meeting shall be called by advertisement in one or more newspapers circulating in the county for the same day as, or for a day not later than eight days after, the meeting of the commissioners of supply. The advertisement shall specify the time and place of such meeting, and the clerk of supply shall be clerk to such meeting. The meeting shall nominate from among such occupiers, and owners and occupiers, a number of persons equal to those nominated by the commissioners of supply, and the meeting shall also name a convener, who shall intimate the names of the persons so nominated to the convener of the county, and shall have power to call similar meetings by such advertisement when occasion shall require. In the event of such election not being intimated to the convener of the county within fifteen days from the date of such meeting, it shall be lawful to the lord lieutenant to nominate from among such occupiers, or owners and occupiers, such number of persons, and intimate the same to the convener of the county.

(4.) A local authority may, if they think fit, determine that a certain number of their members, not exceeding one third thereof, shall retire periodically, at intervals of not less than three years, the members so retiring being re-eligible ; and the local authority may lay down such rules as they think fit to regulate the time and manner of such retirement.

(5.) Vacancies from time to time happening by retirement, death, resignation, or otherwise among the members of the local authority shall be filled up by the authority and in the manner by and in which the members vacating office were respectively nominated.

(6.) The persons nominated as in this section provided, and the lord lieutenant of the county, the convener of the county, and the sheriff of the county (or in his absence such one of his substitutes as he directs by writing under his hand) for the time being shall constitute the local authority. Such local authority shall have all the powers conferred by this Act, and shall have power to elect a chairman and make such regulations as may be necessary for carrying out this Act, having power to levy and recover assessments, purchase land, borrow money, and appoint inspectors.

## PART IV.

### IRELAND.

#### *Local Authorities.*

In Ireland for the purposes of this Act, the local authorities shall be the boards of guardians of the several poor law unions, and shall have the same powers as the local authorities in other parts of the kingdom to purchase land and borrow money.

80.—The Lord Lieutenant and her Majesty's Privy Council in Ireland may from time to time make such Orders in Council as to them seem fit,—

(i.) For defining the numbers, qualifications, and powers of inspectors and valuers, and other officers of local authorities, and the terms and conditions of their appointment, and regulating their duties :



(ii.) For fixing the periods for which they shall be appointed, and their remuneration and allowances.

*Inspectors.*

81.—(1.) The provisions of Part II. requiring local authorities to keep appointed veterinary inspectors shall not extend to Ireland; and the powers and duties by Part II. conferred and imposed on a veterinary inspector shall in Ireland be vested in and discharged by an inspector; but where a person appointed to be an inspector in Ireland has the qualification of a veterinary inspector under this Act, he may be styled a veterinary inspector.

(2.) The Lord Lieutenant and Privy Council may from time to time make such Orders in Council as to them seem fit for uniting two or more poor law unions into a district for the purposes of inspection, and for authorizing or directing the local authorities of those unions to appoint and keep appointed a veterinary inspector for the united district, and for regulating the mode of appointing such inspector, and the amount of his remuneration, and the mode in which the several unions shall contribute thereto; or the Lord Lieutenant may, if he thinks fit, appoint a veterinary inspector for the united district, on such terms and conditions with reference to contribution by the several unions towards the travelling expenses and allowances of the inspector as the Lord Lieutenant thinks fit.

(3.) An inspector appointed by the Lord Lieutenant shall have, throughout Ireland, or that part thereof for which he is appointed, all the powers by Part II. conferred on a veterinary inspector of the Privy Council.

*Expenses of Local Authorities.*

82.—The remuneration and allowances of an inspector or valuer of a local authority, and all money payable as compensation for animals slaughtered by direction of a local authority, shall when due be paid by the treasurer of the union out of union funds.

*General Cattle Diseases Fund.*

83.—(1.) There shall be a General Cattle Diseases Fund for purposes of this Part.

(2.) Any money at the commencement of this Act standing at the Bank of Ireland to the credit of the Cattle Plague Account shall be transferred to the account of the General Cattle Diseases Fund; and that money shall in the first instance constitute that fund, as if it had been raised under this Act.

(3.) The Chief Secretary may from time to time, as and when he thinks fit, certify to the effect that a sum equivalent to a certain poundage on the net annual value of the property in all the unions is required for the purposes of this Act.

(4.) Thereupon the Local Government Board shall by order under their seal assess that sum on the several unions in proportion to the net annual value of the property therein.



(5.) They shall send copies of the order to the guardians and to the treasurer of each union.

(6.) Thereupon the treasurer of each union shall out of union funds pay over the amount assessed on the union to the Bank of Ireland, to be placed to the General Cattle Diseases Fund.

(7.) The guardians of each union shall debit the several electoral divisions with proportions of that sum, according to the net annual value of the property therein.

(8.) No larger sum shall be levied under this Act at any one time than shall be equivalent to a poundage of one halfpenny in the pound on the net annual value of the property in all the unions ; nor shall any larger sum be levied under this Act in the whole than shall be equivalent, taken with any money before the commencement of this Act carried to the Cattle Plague Account, to a poundage of fourpence in the pound on the net annual value of the property in all the unions.

(9.) On receipt of a certificate of the Chief Secretary to the effect that any part of the sum standing to the General Cattle Diseases Fund is not required for purposes of that fund, the Local Government Board shall by order under their seal assign the proportions returnable to the several unions, according to the net annual value of the property therein ; and the Bank of Ireland shall, on a direction to that effect from the Chief Secretary, remit the sum so assigned to the treasurers of the unions ; and the guardians of each union shall, on receipt of that sum, credit the several electoral divisions with proportions of that sum according to the net annual value of the property therein.

84.—(1.) The treasurer of a union, on proof to the Chief Secretary of the payment by a local authority of any money for remuneration, expenses, allowances, or compensation, in accordance with this part, shall be entitled to a certificate to that effect, and to an order by the Chief Secretary for payment from the General Cattle Diseases Fund of one-half of the money so proved to have been paid, subject, in the case of compensation, to all proper deductions for money received by the local authority in respect of animals slaughtered ; and the amount so ordered shall be paid to the treasurer accordingly for the union.

(2.) If in any case it is proved to the Chief Secretary that an animal in respect whereof compensation was paid by the treasurer of a union was, within seven days immediately before its slaughter, brought into that union solely for the purpose of being shipped out of Ireland from a port in that union within those seven days, or of being sold at a fair to be held in that union within those seven days, and that neither the owner nor the person in charge thereof had been guilty, in relation to it, of any offence against this Act, then the Chief Secretary shall order payment to the treasurer in manner aforesaid of the whole of the money paid in compensation in respect of that animal.

(3.) If in any case it is proved to the Chief Secretary that an animal in respect whereof compensation was paid by a local authority ought not to have been slaughtered, the Chief Secretary may, notwithstanding anything



in this section, withhold his order for payment out of the General Cattle Diseases Fund of any money in respect of that animal.

(4.) All expenses incurred by or on behalf of the Lord Lieutenant and Privy Council in the execution of this part, and not otherwise provided for by this Act, shall be defrayed out of the General Cattle Diseases Fund.

*General.*

85. The provisions of Part II. relating to the police and to constables shall apply to the members of the Royal Irish Constabulary Force or of the Dublin Metropolitan Police Force.

Proceedings under this Act may be taken in a summary manner according to the provisions of the Summary Jurisdiction Acts.

87.—(1.) The *Dublin Gazette* shall be substituted for the *London Gazette*.



## CHAPTER X.

## CONTAGIOUS DISEASES ACT, 1866.

(29 Vict. ch. 35.)

THIS is an Act for the better prevention of contagious diseases at certain naval and military stations.

2. In this Act—

The term “contagious disease” means venereal disease, including gonorrhœa :

The term “police” means metropolitan police or other police or constabulary authorized to act in any part of any place to which this Act applies :

The term “superintendent” includes inspector :

The term “chief medical officer” means the principal physician or surgeon for the time being attached to or doing duty at a hospital, or the house surgeon or resident surgeon of the hospital :

The term “justice” means a justice of the peace having jurisdiction in the county, borough, or place where the matter requiring the cognizance of a justice arises, or in any part of any place to which this Act applies :

The term “two justices” means two or more justices assembled and acting together, and includes any police or stipendiary magistrate or other justice having by law for any purpose the powers of two justices.

3. This Act shall commence from and immediately after the thirtieth day of *September* one thousand eight hundred and sixty-six, and on the commencement of this Act the Contagious Diseases Prevention Act, 1864, shall cease to operate ; but the discontinuance of that Act by this Act shall not affect the validity or invalidity of anything done or suffered before the commencement of this Act ; and that discontinuance or anything in this Act shall not apply to or in respect of any offence, act, or thing committed or done or omitted before the commencement of this Act ; and every such offence, act, or thing shall after and notwithstanding the commencement of this Act have the same consequences and effect in all respects as if the Contagious Diseases Prevention Act, 1864, had not been discontinued.

Every order of a justice under the said Act shall remain in force as if this Act had not been passed.

Every hospital certified under the said Act shall continue to be a certified hospital, for the purposes of this Act, for three months after the commencement of this Act, unless before the expiration of that time the certificate is



withdrawn or the hospital is certified under this Act; and every hospital certified under this Act shall be deemed a certified hospital for the purposes of the said Act, as long as the operation thereof continues for any purpose under this Act.

*Extent of Act.*

4. The places to which this Act applies shall be the places mentioned in the first schedule to this Act, the limits of which places shall for the purposes of this Act be such as are defined in that schedule.

*Expenses of Execution of Act.*

5. Expenses incurred in the execution of this Act shall be paid under the direction of the Lord High Admiral of the United Kingdom or the Commissioners for executing the office of Lord High Admiral (hereafter in this Act styled the Admiralty), and of such one of her Majesty's Principal Secretaries of State as her Majesty thinks fit for the time being to intrust with the seals of the War Department (hereafter in this Act styled the Secretary of State for War) out of money to be provided by Parliament for that purpose.

*Visiting Surgeons.*

6. The Admiralty or the Secretary of State for War may, on the commencement of this Act, appoint a medical officer for each of the places to which this Act applies, to be, during pleasure, visiting surgeon there for the purposes of this Act, and may from time to time, on the death, resignation, or removal from office of any visiting surgeon, appoint another such officer in his stead.

The Admiralty or the Secretary of State for War may, from time to time as occasion requires, appoint a medical officer to be the assistant of any such visiting surgeon; and every such assistant shall have the like powers and duties as the visiting surgeon to whom he is appointed assistant.

A notice of the appointment of every such visiting surgeon and of every such assistant shall be published in the *London* or *Dublin Gazette*, according as the place for which he is appointed is in *England* or in *Ireland*.

A copy of the *Gazette* containing such a notice shall be conclusive evidence of the appointment.

*Inspector of Hospitals.*

7. The Admiralty and the Secretary of State for War shall, on the commencement of this Act, appoint a medical officer to be, during pleasure, inspector of certified hospitals under this Act, and shall from time to time, on the death, resignation, or removal from office of any such inspector, appoint another such officer in his stead.

The Admiralty and the Secretary of State for War may, from time to



time as occasion requires, appoint a medical officer to be an assistant inspector of certified hospitals under this Act, which assistant shall have the like powers and duties as the inspector.

A notice of the appointment of every such inspector, and of every such assistant shall be published in the *London Gazette*.

A copy of the *Gazette* containing such a notice shall be conclusive evidence of the appointment.

### *Certified Hospitals.*

8. The Admiralty or the Secretary of State for War may from time to time provide any buildings or parts of buildings as hospitals for the purposes of this Act, and any building or part of a building so provided and certified in writing by the Admiralty or Secretary of State for War (as the case may be) to be so provided shall be deemed a certified hospital under this Act; and every certified hospital so provided shall be placed under the control or management of such persons as to the Admiralty or the Secretary of State for War from time to time seem fit.

9. The Admiralty or the Secretary of State for War may from time to time, on such application, or with such consent as to them or him seems requisite, and on the report of the inspector of certified hospitals, certify in writing any building or part of a building (not provided as a hospital by the Admiralty or Secretary of State for War) to be useful and efficient as a hospital for the purposes of this Act, and thereupon that building or part of a building shall be deemed a certified hospital under this Act.

10. The inspector of certified hospitals shall from time to time visit and inspect every certified hospital.

11. The Admiralty or the Secretary of State for War may at any time, by declaration in writing, declare the certificate relative to any certified hospital withdrawn as from a time specified in the declaration, and thereupon the same shall cease to be a certified hospital as from the time so specified.

12. A hospital shall not be certified under this Act unless at the time of the granting of a certificate adequate provision is made for the moral and religious instruction of the women detained therein under this Act; and if at any subsequent time it appears to the Admiralty or the Secretary of State for War that in any such hospital adequate provision for that purpose is not made, the certificate of that hospital shall be withdrawn.

13. Every certificate and every declaration of withdrawal of a certificate relative to any hospital under this Act shall be published in the *London* or *Dublin Gazette*, according as the hospital to which the certificate or declaration relates is in *England* or in *Ireland*.

A copy of the *Gazette* containing any such certificate or declaration shall be conclusive evidence of such certificate or declaration.

Every certificate proved to have been made shall be presumed to be in force until the withdrawal thereof is proved.

14. The managers or persons having the control or management of each certified hospital shall make regulations for the management and govern-



ment of the hospital, as far as regards women authorized by this Act to be detained therein for medical treatment, or being therein under medical treatment for a contagious disease, such regulations not being inconsistent with the provisions of this Act, and may from time to time alter any such regulations; but all such regulations, and all alterations thereof, shall be subject to the approval in writing of the Admiralty or the Secretary of State for War.

A printed copy of regulations purporting to be regulations of a certified hospital so approved, such copy being signed by the inspector of certified hospitals, or the chief medical officer of the hospital, shall be evidence of the regulations of the hospital, and of the due making and approval thereof, for the purposes of this Act.

*Periodical Medical Examinations.*

15. Where an information on oath is laid before a justice by a superintendent of police, charging to the effect that the informant has good cause to believe that a woman therein named is a common prostitute, and either is resident within the limits of any place to which this Act applies, or, being resident within five miles of those limits, has, within fourteen days before the laying of the information, been within those limits for the purpose of prostitution, the justice may, if he thinks fit, issue a notice thereof addressed to such woman, which notice the superintendent of police shall cause to be served on her.

Provided that nothing in this Act contained shall apply or extend, in the case of *Woolwich*, to any woman who is not resident within one of the parishes of *Woolwich*, *Plumstead*, or *Charlton*.

16. In either of the following cases, namely,—

If the woman on whom such a notice is served appears herself, or by some person on her behalf, at the time and place appointed in the notice, or at some other time and place appointed by adjournment;—

If she does not so appear, and it is shown (on oath) to the justice present that the notice was served on her a reasonable time before the time appointed for her appearance, or that reasonable notice of such adjournment was given to her (as the case may be),—

The justice present, on oath being made before him substantiating the matter of the information to his satisfaction, may, if he thinks fit, order that the woman be subject to a periodical medical examination by the visiting surgeon for any period not exceeding one year, for the purpose of ascertaining at the time of each such examination whether she is affected with a contagious disease; and thereupon she shall be subject to such a periodical medical examination, and the order shall be a sufficient warrant for the visiting surgeon to conduct such examination accordingly.

The order shall specify the time and place at which the woman shall attend for the first examination.

The superintendent of police shall cause a copy of the order to be served on the woman.



17. Any woman in any place to which this Act applies, may voluntarily, by a submission in writing signed by her in the presence of and attested by the superintendent of police subject herself to a periodical medical examination under this Act for any period not exceeding one year.

18. For each of the places to which this Act applies, either the Admiralty or the Secretary of State for War (but not both for any one place) may from time to time make regulations respecting the times and places of medical examinations under this Act at that place, and generally respecting the arrangements for the conduct there of those examinations; and a copy of all such regulations from time to time in force for each place shall be sent by the Admiralty or the Secretary of State for War (as the case may be) to the clerk of the peace, town clerk (if any), clerk of the justices, visiting surgeon, and superintendent of police.

19. The visiting surgeon, having regard to the regulations aforesaid, and to the circumstances of each case, shall at the first examination of each woman examined by him, and afterwards from time to time as occasion requires, prescribe the times and places at which she is required to attend again for examination; and he shall from time to time give or cause to be given to each such woman notice in writing of the times and places so prescribed.

#### *Detention in Hospital.*

20. If on such examination the woman examined is found to be affected with a contagious disease, she shall thereupon be liable to be detained in a certified hospital subject and according to the provisions of this Act, and the visiting surgeon shall sign a certificate to the effect that she is affected with a contagious disease, naming the certified hospital in which she is to be placed; and he shall sign that certificate in triplicate, and shall cause one of the originals to be delivered to the woman and the others to the superintendent of police.

21. Any woman to whom any such certificate of the visiting surgeon relates may, if she thinks fit, proceed to the certified hospital named in that certificate, and place herself there for medical treatment, but if after the certificate is delivered to her she neglects or refuses to do so, the superintendent of police, or a constable acting under his orders, shall apprehend her, and convey her with all practicable speed to that hospital, and place her there for medical treatment, and the certificate of the visiting surgeon shall be a sufficient authority to him for so doing.

The reception of a woman in a certified hospital by the managers or persons having the control or management thereof shall be deemed to be an undertaking by them to provide for her care and treatment, lodging, clothing, and food, during her detention in the hospital.

22. Where a woman certified by the visiting surgeon to be affected with a contagious disease places herself, or is placed as aforesaid, in a certified hospital for medical treatment, she shall be detained there for that purpose by the chief medical officer of the hospital until discharged by him by writing under his hand.



The certificate of the visiting surgeon, one of the three originals whereof shall be delivered by the superintendent of police to the chief medical officer, shall, when so delivered, be sufficient authority for such detention.

23. The inspector of certified hospitals may, if in any case it seems to him expedient, by order in writing, signed by him, direct the transfer of any woman detained in a certified hospital for medical treatment from that certified hospital to another named in the order.

Every such order shall be made in the triplicate, and one of the originals shall be delivered to the woman and the others to the superintendent of police.

Every such order shall be sufficient authority for the superintendent of police or any person acting under his orders to transfer the woman to whom it relates from the one hospital to the other, and to place her there for medical treatment; and she shall be detained there for that purpose by the chief medical officer of the hospital until discharged by him by writing under his hand.

The order of the inspector of certified hospitals, one of the originals whereof shall be delivered by the superintendent of police to the chief medical officer of the hospital to which the transfer is made, shall when so delivered be sufficient authority for such detention.

24. Provided always, that any woman shall not be detained under any one certificate for a longer time than three months, unless the chief medical officer of the hospital in which she is detained, and the inspector of certified hospitals, or the visiting surgeon for the place whence she came or was brought, conjointly certify that her further detention for medical treatment is requisite (which certificate shall be in duplicate, and one of the originals thereof shall be delivered to the woman); and in that case she may be further detained in the hospital in which she is at the expiration of the said period of three months by the chief medical officer until discharged by him by writing under his hand; but so that any woman be not detained under any one certificate for a longer time in the whole than six months.

25. If any woman detained in any hospital considers herself entitled to be discharged therefrom, and the chief medical officer of the hospital refuses to discharge her, such woman shall on her request be conveyed before a justice, who, if he is satisfied upon reasonable evidence that she is free from a contagious disease, shall discharge her from such hospital, and such order of discharge shall have the same effect as the discharge of the chief medical officer.

26. Every woman conveyed or transferred under this act to a certified hospital shall, while being so conveyed or transferred thither, and also while detained there, be deemed to be legally in the custody of the person conveying, transferring, or detaining her, notwithstanding that she is for that purpose removed out of one into or through another jurisdiction, or is detained in a jurisdiction other than that in which the certificate of the visiting surgeon was made.

27. Every woman shall, on her discharge from the hospital, be sent to the place of her residence, if she so desires, without expense to herself.



*Refusal to be examined, &c.*

28. In the following cases, namely,—

If any woman subjected by order of a justice under this act to periodical medical examination at any time temporarily absents herself in order to avoid submitting herself to such examination on any occasion on which she ought so to submit herself, or refuses or wilfully neglects to submit herself to such examination on any such occasion ;

If any woman authorized by this Act to be detained in a certified hospital for medical treatment quits the hospital without being discharged therefrom by the chief medical officer thereof by writing under his hand (the proof whereof shall lie on the accused) ;

If any woman authorized by this Act to be detained in a certified hospital for medical treatment, or any woman being in a certified hospital under medical treatment for a contagious disease, refuses or wilfully neglects while in the hospital to conform to the regulations thereof approved under this Act ;

then and in every such case such woman shall be guilty of an offence against this Act, and on summary conviction shall be liable to imprisonment, with or without hard labour, in the case of a first offence for any term not exceeding one month, and in the case of a second or any subsequent offence for any term not exceeding three months ; and in the case of the offence of quitting the hospital without being discharged as aforesaid the woman may be taken into custody without warrant by any constable.

29. If any woman is convicted of and imprisoned for the offence of absenting herself or of refusing or neglecting to submit herself to examination as aforesaid, the order subjecting her to periodical medical examination shall be in force after and notwithstanding her imprisonment, unless the surgeon or other medical officer of the prison, or a visiting surgeon appointed under this Act, at the time of her discharge from imprisonment, certifies in writing to the effect that she is then free from a contagious disease (the proof of which certificate shall lie on her), and in that case the order subjecting her to periodical medical examination shall, on her discharge from imprisonment, cease to operate.

30. If any woman is convicted of and imprisoned for the offence of quitting a hospital without being discharged, or of refusing or neglecting while in a hospital to conform to the regulations thereof as aforesaid, the certificate of the visiting surgeon under which she was detained in the hospital shall continue in force, and on the expiration of her term of imprisonment she shall be sent back from the prison to that certified hospital, and shall (notwithstanding anything in this Act) be detained there under that certificate as if it were given on the day of the expiration of her term of imprisonment, unless the surgeon or other medical officer of the prison, or a visiting surgeon appointed under this Act, at the time of her discharge from imprisonment, certifies in writing to the effect that she is then free from a contagious disease (the proof of which certificate shall lie on her), and in that case the certificate under which she was detained, and the order



subjecting her to periodical medical examination, shall, on her discharge from imprisonment, cease to operate.

31. If, on any woman leaving a certified hospital a notice in writing is given to her by the chief medical officer of the hospital to the effect that she is still affected with a contagious disease, and she is afterwards in any place for the purpose of prostitution without having previously received from a visiting surgeon appointed under this Act a certificate in writing endorsed on the notice or on a copy thereof certified by the chief medical officer of the hospital (proof of which certificate shall lie on her) to the effect that she is then free from a contagious disease, she shall be guilty of an offence against this Act, and on summary conviction before two justices shall be liable to be imprisoned with or without hard labour, in the case of a first offence for any term not exceeding one month, and in the case of a second or any subsequent offence for any term not exceeding three months.

#### *Duration of Order.*

32. Every order under this Act subjecting a woman to periodical medical examination shall be in operation and enforceable, in manner in this Act provided, as long as and whenever from time to time the woman to whom it relates is resident within the limits of the place to which this Act applies wherein the order was made, or within five miles of those limits, but not in any case for a longer period than one year; and where the chief medical officer of a certified hospital, on the discharge by him of any woman from the hospital, certifies that she is free from a contagious disease (proof of which certificate shall lie on her), the order subjecting her to periodical medical examination shall thereupon cease to operate.

#### *Relief from Examination.*

33. If any woman, subjected to a periodical medical examination under this Act (either on her own submission or under the order of a justice), desiring to be relieved therefrom, and not being under detention in a certified hospital, makes application in writing in that behalf to a justice, the justice shall appoint by notice in writing a time and place for the hearing of the application, and shall cause the notice to be delivered to the applicant, and a copy of the application and of the notice to be delivered to the superintendent of police.

34. If, on the hearing of the application, it is shown, to the satisfaction of a justice, that the applicant has ceased to be a common prostitute, or if the applicant, with the approval of the justice, enters into a recognizance, with or without sureties, as to the justice seems meet, for her good behaviour during three months thereafter, the justice shall order that she be relieved from periodical medical examination.

35. Every such recognizance shall be deemed to be forfeited if at any time during the term for which it is entered into, the woman to whom it relates is (within the limits of any place to which this Act applies) in any public thoroughfare, street, or place for the purpose of prostitution, or otherwise (within those limits) conducts herself as a common prostitute.



*Penalties for Harboursing, &c.*

36. If any person, being the owner or occupier of any house, room, or place within the limits of any place to which this Act applies, or being a manager or assistant in the management thereof, having reasonable cause to believe any woman to be a common prostitute, and to be affected with a contagious disease, induces or suffers her to resort to or be in that house, room, or place for the purpose of prostitution, he shall be guilty of an offence against this Act, and on summary conviction thereof before two justices shall be liable to a penalty not exceeding twenty pounds, or, at the discretion of the justices, to be imprisoned for any term not exceeding six months, with or without hard labour :

Provided that a conviction under this enactment shall not exempt the offender from any penal or other consequences to which he may be liable for keeping or being concerned in keeping a bawdy house or disorderly house, or for the nuisance thereby occasioned.

*Procedure, &c.*

37. All proceedings under this Act before and by justices shall be had in England according to the provisions of the Act of the session of the eleventh and twelfth years of Her Majesty (chapter forty-three), "to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to Summary Convictions and Orders," and in Ireland according to the provisions of the Petty Sessions (Ireland) Act, 1851, as far as those provisions respectively are not inconsistent with any provision of this Act, and save that the room or place in which a justice sits to inquire into the truth of the statements contained in any information or application under this Act against or by a woman shall not, unless the woman so desires, be deemed an open court for that purpose ; and, unless the woman otherwise desires, the justice may, in his discretion, order that no person have access to or be or remain in that room without his consent or permission.

38. The forms of certificates, orders, and other instruments given in the second schedule to this Act, or forms to the like effect, with such variations and additions as circumstances require, may be used for the purposes therein indicated and according to the directions therein contained, and instruments in those forms shall (as regards the form thereof) be valid and sufficient.

39. Any certificate, order, notice, or other instrument made or issued for the purposes of this Act may be partly in print and partly in writing.

40. In any proceeding under this Act any notice, order, certificate, copy of regulations, or other instrument purporting to be signed by a justice, superintendent of police, visiting surgeon, assistant visiting surgeon, surgeon or other medical officer of a prison, chief medical officer of a certified hospital, or the inspector or an assistant inspector of certified hospitals, or by any person in Her Majesty's service or in that of the Admiralty, shall on production be received in evidence, and shall be presumed to have been duly signed by the person, and in the character by whom and in which it purports to be signed, until the contrary is shown.



41. Every notice, order, or other instrument, by this Act required to be served on a woman, shall be served by delivery thereof to some person for her at her usual place of abode, or by delivery thereof to her personally.

42. Any action or prosecution against any person for anything done in pursuance, or execution, or intended execution, of this Act, shall be laid and tried in the county where the thing was done, and shall be commenced within three months after the thing done, and not otherwise.

Notice in writing of every such action and of the cause thereof shall be given to the intended defendant one month at least before the commencement of the action.

In any such action the defendant may plead generally that the act complained of was done in pursuance or execution or intended execution of this Act, and give this Act and the special matter in evidence at any trial to be had thereupon.

The plaintiff shall not recover if tender of sufficient amends is made before action brought, or if a sufficient sum of money is paid into Court after action brought, by or on behalf of the defendant.

If a verdict passes for the defendant, or the plaintiff becomes nonsuit, or discontinues the action after issue joined, or if, on demurrer or otherwise, judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and shall have the like remedy for the same as any defendant has by law for costs in other cases.

Though a verdict is given for the plaintiff, he shall not have costs against the defendant unless the judge before whom the trial is had certifies his approbation of the action.

In the application of this Act to Ireland it is enacted (31 and 32 Vict. ch. 80) that the term "superintendent," mentioned in the second section of the said Act, shall include "head constable," or any other constable duly authorized by the Inspector-General of the Royal Constabulary acting under the statutes for the time being in force relating to the Royal Constabulary Force in Ireland, to carry into effect the provisions of the said Act.

*This Act was amended by the Contagious Diseases Act, 1869, 32 and 33 Vict. ch. 96.*

2. This Act shall be construed as one with the Contagious Diseases Act, 1866 (in this Act referred to as the principal Act), and with the Act of the session of the thirty-first and thirty-second years of the reign of her present Majesty, chapter eighty, and those Acts and this Act may be cited together as the Contagious Diseases Acts, 1866 to 1869.

3. Any woman who, on attending for examination or being examined by the visiting surgeon, is found by him to be in such a condition that he cannot properly examine her, shall, if such surgeon has reasonable grounds for believing that she is affected with a contagious disease, be liable to be detained in a certified hospital, subject and according to the provisions of



the Contagious Diseases Acts, 1866 to 1869, until the visiting surgeon can properly examine her, so that she be not so detained for a period exceeding five days. The visiting surgeon shall sign a certificate to the effect that she was in such a condition that he could not properly examine her, and that he has reasonable grounds to believe that she is affected with a contagious disease, and shall name therein the certified hospital in which she is to be placed; and such certificate shall be signed and otherwise dealt with in the same manner, and have the same effect, except as regards duration, as a certificate under the principal Act.

If the reason that the visiting surgeon cannot examine the woman is that she is drunk, she may be detained upon an order of the visiting surgeon for a period not exceeding twenty-four hours in any place named in the order where persons accused of being drunk and disorderly or of offences punishable summarily are usually detained, and the gaoler or the keeper of such place shall upon the receipt of such order receive and detain the woman accordingly.

4. Where an information on oath is laid before a justice by a superintendent of police, charging to the effect that the informant has good cause to believe that a woman therein named is a common prostitute, and either is resident within the limits of any place to which this Act applies, or, being resident within ten miles of those limits, or having no settled place of abode, has within fourteen days before the laying of the information, either been within those limits for the purpose of prostitution, or been outside of those limits for the purposes of prostitution in the company of men resident within those limits, the justice may, if he thinks fit, issue a notice thereof addressed to such woman, which notice the superintendent of police shall cause to be served on her:

Provided that nothing in the Contagious Diseases Acts, 1866 to 1869, shall extend, in the case of Woolwich, to any woman who is not resident within the limits specified in the first schedule to this Act.

Section fifteen of the principal Act is hereby repealed, and the foregoing enactment in this section is substituted for it; provided that all proceedings taken and acts done under the section hereby repealed shall, notwithstanding, remain in full effect, and shall, if necessary, be continued as if they had been taken and done under this section.

5. Any order for subjecting a woman to periodical medical examination shall be in operation and enforceable as long as and whenever such woman is resident within ten miles of the limits of the place where the order was made, instead of within five miles, as prescribed by section thirty-two of the principal Act.

6. Where any woman, in pursuance of the principal Act, voluntarily subjects herself by submission in writing to a periodical medical examination under that Act, such submission shall, for all the purposes of the Contagious Diseases Acts, 1866 to 1869, have the same effect as an order of a justice subjecting the woman to examination; and all the provisions of the principal Act respecting the attendance of the woman for examination, and her absenting herself to avoid examination, and her refusing or wilfully neglecting to submit herself for examination, and the force of the order subjecting



her to examination after imprisonment for such absence, refusal, or neglect, shall apply and be construed accordingly.

7. A woman may be detained for a further period not exceeding three months, in addition to the six months allowed under section twenty-four of the principal Act, if such certificate as is required by that section (to the effect that her further detention for medical treatment is requisite), is given at the expiration of such six months; so, nevertheless, that any woman be not detained under one certificate for a longer time in the whole than nine months.

8. Where an order is made discharging a woman from any hospital, or where a certificate is given, under section thirty of the principal Act, that a woman is free from a contagious disease, such order and certificate shall be delivered to the superintendent of police, and retained by him.

9. Any woman subjected, either on her own submission or under the order of a justice, to a periodical medical examination under the principal Act, who desires to be relieved therefrom, and is not under detention in a certified hospital, may make application in writing in that behalf to the visiting surgeon.

The visiting surgeon shall cause a copy of such application to be delivered to the superintendent of police, and if, after a report from such superintendent, he is satisfied by such report or other evidence that the applicant has ceased to be a common prostitute, may, by order under his hand, direct that she be relieved, and she shall thereupon be relieved, from periodical medical examination.

Such order shall be in triplicate; one copy shall be delivered to the woman, and two copies shall be delivered to the superintendent of police, who shall communicate one copy to the justice (if any) who made the order subjecting the woman to a periodical medical examination, or to his successor in office.

The provisions of this section shall be in addition to and not in substitution for the provisions of the principal Act for relieving a woman from examination.

10. The places to which the Contagious Diseases Acts, 1866 to 1869, apply, shall be the places mentioned in the first schedule to this Act, the limits of which places shall, for the purposes of the said Acts, be such as are defined in that schedule.

11. The forms of certificates, orders, and other instruments given in the second schedule to this Act, or forms to the like effect, with such variations and additions as circumstances require, may be used for the purposes therein indicated, and according to the directions therein contained, and instruments in those forms shall (as regards the form thereof) be valid and sufficient.

12. Sections four and thirty-eight of the principal Act, and the two schedules to that Act, are hereby repealed.

13. The settlement of a child born of the body of a mother while detained in a certified hospital shall be the same as if such hospital were a house licensed for the public reception of pregnant women under the Act of the thirteenth year of King George the Third, chapter eighty-two.



## CHAPTER XI.

## THE FACTORY AND WORKSHOP ACT, 1878.

41 Vict. ch. 16.

THIS Act is one of the most important Acts of Parliament affecting the public health which has been passed within recent years, affecting as it does the health of the many thousands who earn their bread in workshops or factories ; it came into operation on the 1st January, 1879.

## PART I.

## GENERAL LAW RELATING TO FACTORIES AND WORKSHOPS.

*Sanitary Provisions.*

3. A factory and a workshop shall be kept in a cleanly state and free from effluvia arising from any drain, privy, or other nuisance.

A factory or workshop shall not be so overcrowded while work is carried on therein as to be injurious to the health of the persons employed therein, and shall be ventilated in such a manner as to render harmless, so far as is practicable, all the gases, vapours, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

4. Where it appears to an inspector under this Act that any act, neglect, or default in relation to any drain, water-closet, earth-closet, privy, ashpit, water supply, nuisance, or other matter in a factory or workshop is punishable or remediable under the law relating to public health, but not under this Act, that inspector shall give notice in writing of such act, neglect, or default to the sanitary authority in whose district the factory or workshop is situate, and it shall be the duty of the sanitary authority to make such inquiry into the subject of the notice, and take such action thereon, as to that authority may seem proper for the purpose of enforcing the law.

An inspector under this Act may, for the purposes of this section, take with him into a factory or a workshop a medical officer of health, inspector of nuisances, or other officer of the sanitary authority.



(2.) *Safety.*

5. With respect to the fencing of machinery in a factory the following provisions shall have effect :

- (1.) Every hoist or teagle near to which any person is liable to pass or to be employed, and every fly-wheel directly connected with the steam or water or other mechanical power, whether in the engine-house or not, and every part of a steam engine and water wheel, shall be securely fenced ; and
- (2.) Every wheel-race not otherwise secured shall be securely fenced close to the edge of the wheel-race ; and
- (3.) Every part of the mill gearing shall either be securely fenced or be in such position or of such construction as to be equally safe to every person employed in the factory as it would be if it were securely fenced ; and
- (4.) All fencing shall be constantly maintained in an efficient state while the parts required to be fenced are in motion or use for the purpose of any manufacturing process.

A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

6. Where an inspector considers that in a factory any part of the machinery of any kind moved by steam, water, or other mechanical power, to which the foregoing provisions of this Act with respect to the fencing of machinery do not apply, is not securely fenced, and is so dangerous as to be likely to cause bodily injury to any person employed in the factory, the following provisions shall apply to the fencing of such machinery :

- (1.) The inspector shall serve on the occupier of the factory a notice requiring him to fence the part of the machinery which the inspector so deems to be dangerous :
- (2.) The occupier, within seven days after the receipt of the notice, may serve on the inspector a requisition to refer the matter to arbitration ; and thereupon the matter shall be referred to arbitration, and two skilled arbitrators shall be appointed, the one by the inspector and the other by the occupier ; and the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration shall, subject to the express provisions of this section, apply to the said arbitration, and the arbitrators or their umpire shall give the decision within twenty-one days after the last of the arbitrators, or, in the case of the umpire, after the umpire is appointed, or within such further time as the occupier and inspector, by writing, allow ; and if the decision is not so given the matter shall be referred to the arbitration of an umpire to be appointed by the judge of the county court within the jurisdiction of which the factory is situate :
- (3.) If the arbitrators or their umpire decide that it is unnecessary or impossible to fence the machinery alleged in the notice to be dangerous, the notice shall be cancelled, and the occupier shall not be required to fence in pursuance thereof, and the expenses of the



arbitration shall be paid as the expenses of the inspectors under this Act :

- (4.) If the occupier does not, within the said seven days, serve on the inspector a requisition to refer the matter to arbitration or does not appoint an arbitrator within seven days after he served that requisition, or if neither the arbitrators nor the umpire decide that it is unnecessary or impossible to fence the machinery alleged in the notice to be dangerous, the occupier shall securely fence the said machinery in accordance with the notice, or with the award of the arbitrators or umpire if it modifies the notice, and the expenses of the arbitration shall be paid by the occupier, and shall be recoverable from him by the inspector in the county court :
- (5.) Where the occupier of a factory fails to comply within a reasonable time with the requirements of this section as to securely fencing the said machinery in accordance with the notice or award, or fails to keep the said machinery securely fenced in accordance therewith, or fails constantly to maintain such fencing in an efficient state while the machinery required to be fenced is in motion for the purpose of any manufacturing process, the factory shall be deemed not to be kept in conformity with this Act :
- (6.) For the purpose of this section and of any provisions of this Act relating thereto, "machinery" shall be deemed to include any driving strap or band.

7. Where an inspector considers that in a factory or workshop a vat, pan, or other structure, which is used in the process or handicraft carried on in such factory or workshop, and near to or over which children or young persons are liable to pass or to be employed, is so dangerous, by reason of its being filled with hot liquid or molten metal or otherwise, as to be likely to be a cause of bodily injury to any child or young person employed in the factory or workshop, he shall serve on the occupier of the factory or workshop a notice requiring him to fence such vat, pan, or other structure.

The provisions of this Act with respect to the fencing of machinery which an inspector considers not to be securely fenced and to be dangerous shall apply in like manner as if they were re-enacted in this section, with the substitution of the vat, pan, or other structure, for machinery, and with the addition of workshop, and if the occupier of a factory or workshop fails constantly to maintain the fencing required under this section in an efficient state, while such vat, pan, or other structure is so filled or otherwise dangerous as aforesaid, the factory or workshop shall be deemed not to be kept in conformity with this Act.

8. Where an inspector observes in a factory that any grindstone, worked by steam, water, or other mechanical power is in itself so faulty, or is fixed in so faulty a manner as to be likely to cause bodily injury to the grinder using the same, he shall serve on the occupier of the factory a notice requiring him to replace such faulty grindstone, or to properly fix the grindstone fixed in the faulty manner.

The provisions of this Act with respect to the fencing of machinery which an inspector considers not to be securely fenced and to be dangerous



shall apply in like manner as if they were re-enacted in this section with the necessary modifications.

Where the occupier of a factory fails to keep the grindstone mentioned in the notice or award in such a state and fixed in such manner as not to be dangerous, the factory shall be deemed not to be kept in conformity with this Act.

9. A child shall not be allowed to clean any part of the machinery in a factory while the same is in motion by the aid of steam, water, or other mechanical power.

A young person or woman shall not be allowed to clean such part of the machinery in a factory as is mill-gearing while the same is in motion for the purpose of propelling any part of the manufacturing machinery.

A child, young person, or woman shall not be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam, water, or other mechanical power.

A child, young person, or woman allowed to clean or to work in contravention of this section shall be deemed to be employed contrary to the provisions of this Act.

#### *Employment and Meal Hours.*

10. A child, young person, or woman shall not be employed in a factory or a workshop except during the period of employment hereinafter mentioned.

11. With respect to the employment of young persons and women in a textile factory the following regulations shall be observed :

(1.) The period of employment, except on Saturday, shall either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening ; and

(2.) The period of employment on Saturday shall begin either at six o'clock or at seven o'clock in the morning ; and

(3.) Where the period of employment on Saturday begins at six o'clock in the morning, that period—

(a.) If not less than one hour is allowed for meals, shall end at one o'clock in the afternoon as regards employment in any manufacturing process, and at half-past one o'clock in the afternoon as regards employment for any purpose whatever ; and

(b.) If less than one hour is allowed for meals, shall end at half an hour after noon as regards employment in any manufacturing process, and at one o'clock in the afternoon as regards employment for any purpose whatever ; and

(4.) Where the period of employment on Saturday begins at seven o'clock in the morning, that period shall end at half-past one o'clock in the afternoon as regards any manufacturing process, and at two o'clock in the afternoon as regards employment for any purpose whatever ; and

(5.) There shall be allowed for meals during the said period of employment in the factory—



- (a) On every day except Saturday not less than two hours, of which one hour at the least, either at the same time or at different times, shall be before three o'clock in the afternoon ; and
  - (b.) On Saturday not less than half an hour ; and
  - (6.) A young person or woman shall not be employed continuously for more than four hours and a half, without an interval of at least half an hour for a meal.
12. With respect to the employment of children in a textile factory the following regulations shall be observed—
- (1.) Children shall not be employed except on the system either of employment in morning and afternoon sets, or of employment on alternate days only ; and
  - (2.) The period of employment for a child in a morning set shall, except on Saturday, begin at the same hour as if the child were a young person, and end at one o'clock in the afternoon, or, if the dinner time begins before one o'clock, at the beginning of dinner time ; and
  - (3.) The period of employment for a child in an afternoon set shall, except on Saturday, begin at one o'clock in the afternoon, or at any later hour at which the dinner time terminates, and end at the same hour as if the child were a young person ; and
  - (4.) The period of employment for any child on Saturday shall begin and end at the same hour as if the child were a young person ; and
  - (5.) A child shall not be employed in two successive periods of seven days in a morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed on two successive Saturdays, nor on Saturday in any week if on any other day in the same week his period of employment has exceeded five hours and a half ; and
  - (6.) When a child is employed on the alternate day system the period of employment for such child and the time allowed for meals shall be the same as if the child were a young person, but the child shall not be employed on two successive days, and shall not be employed on the same day of the week in two successive weeks ; and
  - (7.) A child shall not on either system be employed continuously for any longer period than he could be if he were a young person without an interval of at least half an hour for a meal.
13. With respect to the employment of young persons and women in a non-textile factory, and of young persons in a workshop, the following regulations shall be observed :
- (1.) The period of employment, except on Saturday, shall (save as is in this Act specially excepted) either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening ; and
  - (2.) The period of employment on Saturday shall (save as is in this Act specially excepted) begin at six o'clock in the morning or at seven o'clock in the morning, and end at two o'clock in the afternoon ; and



- (3.) There shall be allowed for meals during the said period of employment in the factory or workshop,—
- (a.) On every day except Saturday not less than one hour and a half, of which one hour at the least, either at the same time or at different times, shall be before three o'clock in the afternoon; and
  - (b.) On Saturday not less than half an hour; and
- (4.) A young person or a woman in a non-textile factory and a young person in a workshop shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal.
14. With respect to the employment of children in a non-textile factory and a workshop the following regulations shall be observed:—
- (1.) Children shall not be employed except either on the system of employment in morning and afternoon sets, or (in a factory or workshop in which not less than two hours are allowed for meals on every day except Saturday) on the system of employment on alternate days only; and
  - (2.) The period of employment for a child in a morning set on every day, including Saturday, shall begin at six or seven o'clock in the morning and end at one o'clock in the afternoon, or, if the dinner time begins before one o'clock, at the beginning of dinner time; and
  - (3.) The period of employment for a child in an afternoon set on every day, including Saturday, shall begin at one o'clock in the afternoon, or at any hour later than half-past twelve o'clock at which the dinner time terminates, and end on Saturday at two o'clock in the afternoon, and on any other day at six or seven o'clock in the evening, according as the period of employment for children in the morning set began at six or seven o'clock in the morning; and
  - (4.) A child shall not be employed in two successive periods of seven days in a morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed on Saturday in any week in the same set in which he has been employed on any other day of the same week; and
  - (5.) When a child is employed on the alternate day system—
    - (a.) The period of employment for such child shall, except on Saturday, either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening; and
    - (b.) The period of employment for such child shall on Saturday begin at six or seven o'clock in the morning, and end at two o'clock in the afternoon; and
    - (c.) There shall be allowed to such child for meals during the said period of employment not less, on any day except Saturday, than two hours, and on Saturday than half an hour; and
    - (d.) The child shall not be employed in any manner on two suc-



cessive days, and shall not be employed on the same day of the week in two successive weeks ; and

- (6.) A child shall not on either system be employed continuously for more than five hours without an interval of at least half an hour for a meal.

15. With respect to the employment of women in workshops, the following regulations shall be observed :

- (1.) In a workshop which is conducted on the system of employing therein children and young persons, or either of them, a woman shall not be employed except during the same period and subject to the same restrictions as if she were a young person ; and the regulations of this Act with respect to the employment of young persons in a workshop shall apply accordingly to the employment of women in that workshop ; and

- (2.) In a workshop which is conducted on the system of not employing therein either children or young persons—

- (a.) The period of employment for a woman shall, except on Saturday, begin at six o'clock in the morning and end at nine o'clock in the evening, and shall on Saturday begin at six o'clock in the morning and end at four o'clock in the afternoon ; and

- (b.) There shall be allowed to a woman for meals and absence from work during the period of employment not less, except on Saturday, than four hours and a half, and on Saturday than two hours and a half.

A workshop shall not be deemed to be conducted on the system of not employing therein either children or young persons until the occupier has served on an inspector notice of his intention to conduct his workshop on that system.

16. Where persons are employed at home, that is to say, in a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory or workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used in aid of the manufacturing process carried on there, and in which the only persons employed are members of the same family dwelling there, the foregoing regulations of this Act with respect to the employment of children, young persons, and women shall not apply to such factory or workshop, and in lieu thereof the following regulations shall be observed therein :

- (1.) A child or young person shall not be employed in the factory or workshop except during the period of employment hereinafter mentioned ; and

- (2.) The period of employment for a young person shall, except on Saturday, begin at six o'clock in the morning and end at nine o'clock in the evening, and shall on Saturday begin at six o'clock in the morning and end at four o'clock in the afternoon ; and

- (3.) There shall be allowed to every young person for meals and absence from work during the period of employment not less, except on Saturday, than four hours and a half, and on Saturday than two hours and a half ; and



- (4.) The period of employment for a child on every day either shall begin at six o'clock in the morning and end at one o'clock in the afternoon, or shall begin at one o'clock in the afternoon and end at eight o'clock in the evening or on Saturday at four o'clock in the afternoon ; and for the purpose of the provisions of this Act respecting education such child shall be deemed, according to circumstances, to be employed in a morning or afternoon set ; and
- (5.) A child shall not be employed before the hour of one in the afternoon in two successive periods of seven days, nor after that hour in two successive periods of seven days, and a child shall not be employed on Saturday in any week before the hour of one in the afternoon, if on any other day in the same week he has been employed before that hour, nor after that hour if on any other day of the same week he has been employed after that hour ; and
- (6.) A child shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal.
17. With respect to meals the following regulations shall (save as is in this Act specially excepted) be observed in a factory and workshop :
- (1.) All children, young persons, and women employed therein shall have the times allowed for meals at the same hour of the day ; and
- (2.) A child, young person, or woman shall not during any part of the times allowed for meals in the factory or workshop, be employed in the factory or the workshop, or be allowed to remain in a room in which a manufacturing process or handicraft is then being carried on.
18. The period of employment on Saturday for a young person or woman in a non-textile factory or workshop may be of the same length as on any other day if the period of employment of such young person or woman has not exceeded eight hours on any day of the same week, and if notice has been affixed in the factory or workshop, and served on the inspector.
19. The occupier of a factory or workshop may from time to time fix within the limits allowed by this Act, and shall (save as is in this Act specially excepted) specify in a notice affixed in the factory or workshop, the period of employment, the times allowed for meals, and whether the children are employed on the system of morning and afternoon sets, or of alternate days.
- The period of employment and the times allowed for meals in the factory or workshop shall be deemed to be the period and times specified in the notice affixed in the factory or workshop ; and all the children in the factory or workshop shall be employed either on the system of morning and afternoon sets, or on the system of alternate days, according to the system for the time being specified in such notice :
- Provided that a change in such period or times or system of employment shall not be made until after the occupier has served on an inspector, and affixed in the factory or workshop notice of his intention to make such change, and shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.
20. A child under the age of ten years shall not be employed in a factory or a workshop.



21. A child, young person, or woman shall not (save as is in this Act specially excepted) be employed on Sunday in a factory or workshop.

*Holidays.*

22. The occupier of a factory or of a workshop shall (save as is in this Act specially excepted) allow to every child, young person, and woman employed therein the following holidays; that is to say,

- (1.) The whole of Christmas Day, and the whole either of Good Friday, or, if it is so specified by the occupier in the notice affixed in the factory or workshop, of the next public holiday under the Holidays Extension Act, 1875; and in addition,
- (2.) Eight half holidays in every year, but a whole holiday may be allowed in lieu of any two such half holidays; and
- (3.) At least half of the said half holidays or whole holidays shall be allowed between the fifteenth day of March and the first day of October in every year; and
- (4.) Cessation from work shall not be deemed to be a half holiday or whole holiday, unless a notice of the half holiday or whole holiday has been affixed in the factory or workshop for at least the whole period of employment of young persons and women on the last previous work day but one; and
- (5.) A half holiday shall comprise at least one-half of the period of employment for young persons and women on some day other than Saturday.

A child, young person, or woman who—

- (a.) On a whole holiday fixed by or in pursuance of this section for a factory or workshop is employed in the factory or workshop; or
- (b.) On a half holiday fixed in pursuance of this section for a factory or workshop is employed in the factory or workshop during the portion of the period of employment assigned for such half holiday,

shall be deemed to be employed contrary to the provisions of this Act.

If in a factory or workshop such whole holidays or half holidays as required by this section are not fixed in conformity therewith, the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

*Education of Children.*

23. The parent of a child employed in a factory or in a workshop shall cause that child to attend some recognized efficient school, which school may be selected by such parent, as follows:—

- (1.) The child, when employed in a morning or afternoon set, shall in every week, during any part of which he is so employed, be caused to attend on each work day for at least one attendance; and
- (2.) The child, when employed on the alternate day system, shall on each work day preceding each day of employment in the factory or workshop be caused to attend for at least two attendances:
- (3.) An attendance for the purposes of this section shall be an attendance as defined for the time being by a Secretary of State with the consent of the Education Department, and be between the hours of eight in the morning and six in the evening:



Provided that—

- (a.) A child shall not be required by this Act to attend school on Saturday or on any holiday or half holiday allowed under this Act in the factory or workshop in which the child is employed ; and
- (b.) The non-attendance of the child shall be excused on every day on which he is certified by the teacher of the school to have been prevented from attending by sickness or other unavoidable cause, also when the school is closed during the ordinary holidays or for any other temporary cause ; and
- (c.) Where there is not within the distance of two miles, measured according to the nearest road, from the residence of the child a recognized efficient school which the child can attend, attendance at a school temporarily approved in writing by an inspector under this Act, although not a recognized efficient school, shall for the purposes of this Act be deemed attendance at a recognized efficient school until such recognized efficient school as aforesaid is established, and with a view to such establishment the inspector shall immediately report to the Education Department every case of the approval of a school by him under this section.

A child who has not in any week attended school for all the attendances required by this section shall not be employed in the following week until he has attended school for the deficient number of attendances.

The Education Department shall from time to time, by the publication of lists or by notices or otherwise as they think expedient, provide for giving to all persons interested information of the schools in each school district which are recognized efficient schools.

24. The occupier of a factory or workshop in which a child is employed shall on Monday in every week (after the first week in which such child began to work therein), or on some other day appointed for that purpose by an inspector, obtain from the teacher of the recognized efficient school attended by the child, a certificate (according to the prescribed form and directions) respecting the attendance of such child at school in accordance with this Act.

The employment of a child without obtaining such certificate as is required by this section shall be deemed to be employment of a child contrary to the provisions of this Act.

The occupier shall keep every such certificate for two months after the date thereof, if the child so long continues to be employed in his factory or his workshop, and shall produce the same to an inspector when required during that period.

25. The board authority or persons who manage a recognized efficient school attended by a child employed in a factory or workshop, or some person authorized by such board authority or person, may apply in writing to the occupier of the factory or workshop to pay a weekly sum specified in the application, not exceeding threepence and not exceeding one-twelfth part of the wages of the child, and after that application the occupier, so long as he employs the child, shall be liable to pay to the applicants, while the child attends their school, the said weekly sum, and the sum may be



recovered as a debt, and the occupier may deduct the sum so paid by him from the wages payable for the services of the child.

26. When a child of the age of thirteen years has obtained from a person authorized by the Education Department a certificate of having attained such standard of proficiency in reading, writing, and arithmetic, or such standard of previous due attendance at a certified efficient school, as herein-after mentioned, that child shall be deemed to be a young person for the purposes of this Act.

The standards of proficiency and due attendance for the purposes of this section shall be such as may be from time to time fixed for the purposes of this Act by a Secretary of State, with the consent of the Education Department, and the standards so fixed shall be published in the *London Gazette*, and shall not have effect until the expiration of at least six months after such publication.

Attendance at a certified day industrial school shall be deemed for the purposes of this section to be attendance at a certified efficient school.

#### *Certificates of Fitness for Employment.*

27. In a factory a child or a young person under the age of sixteen years shall not be employed for more than seven, or if the certifying surgeon for the district resides more than three miles from the factory thirteen, work days, unless the occupier of the factory has obtained a certificate, in the prescribed form, of the fitness of such child or young person for employment in that factory.

A certificate of fitness for employment for the purposes of this Act shall be granted by the certifying surgeon for the district, and shall be to the effect that he is satisfied, by the production of a certificate of birth or other sufficient evidence [*such as a Family Bible, vaccination certificate, or baptismal register*], that the person named in the certificate of fitness is of the age therein specified, and has been personally examined by him, and is not incapacitated by disease or bodily infirmity for working daily for the time allowed by law in the factory named in the certificate.

28. In order to enable occupiers of workshops to better secure the observance of this Act, and prevent the employment in their workshops of children and young persons under the age of sixteen years who are unfitted for that employment, an occupier of a workshop is hereby authorized to obtain, if he thinks fit, from the certifying surgeon for the district, certificates of the fitness of children and of young persons under the age of sixteen years for employment in his workshop, in like manner as if that workshop were a factory, and the certifying surgeon shall examine the children and young persons, and grant certificates accordingly.

29. Where an inspector is of opinion that a child or a young person under the age of sixteen years is by disease or bodily infirmity incapacitated for working daily for the time allowed by law in the factory or workshop in which he is employed, he may serve written notice thereof on the occupier of the factory or workshop, requiring that the employment of such child or young person be discontinued from the period named therein, not being less than one nor more than seven days after the service of such notice, and the



occupier shall not continue after the period named in such notice to employ such child or young person (notwithstanding a certificate of fitness has been previously obtained for such child or young person), unless the certifying surgeon for the district has, after the service of the notice, personally examined such child or young person, and has certified that such child or young person is not so incapacitated as aforesaid.

30. All factories and workshops in the occupation of the same occupier, and in the district of the same certifying surgeon, or any of them, may be named in the certificate of fitness for employment, if the surgeon is of opinion that he can truly give the certificate for employment therein.

The certificate of birth (which may be produced to a certifying surgeon) shall either be a certified copy of the entry in the register of births, kept in pursuance of the Acts relating to the registration of births, of the birth of the child or young person (whether such copy be obtained in pursuance of the Elementary Education Act, 1876, or otherwise), or be a certificate from a local authority within the meaning of the Elementary Education Act, 1876, to the effect that it appears from the returns transmitted to such authority in pursuance of the said Act by the registrar of births and deaths that the child was born at the date named in the certificate.

Where a certificate of fitness for employment is to the effect that the certifying surgeon has been satisfied of the age of a child or young person by evidence other than the production of a certificate of birth, an inspector may, by notice in writing, annul the surgeon's certificate, if he has reasonable cause to believe that the real age of the child or young person named in it is less than that mentioned in the certificate, and thereupon that certificate shall be of no avail for the purposes of this Act.

When a child becomes a young person a fresh certificate of fitness must be obtained.

The occupier shall, when required, produce to an inspector of the factory or workshop in which a child or young person is employed, the certificate of fitness of such child or young person for employment, which he is required to obtain under this Act.

#### *Accidents.*

31. Where there occurs in a factory or a workshop any accident which either—

- (a.) Causes loss of life to a person employed in the factory or in the workshop, or
- (b.) Causes bodily injury to a person employed in the factory or in the workshop, and is produced either by machinery moved by steam, water, or other mechanical power, or through a vat, pan, or other structure filled with hot liquid or molten metal or other substance, or by explosion, or by escape of gas, steam, or metal, and is of such a nature as to prevent the person injured by it from returning to his work in the factory or workshop within forty-eight hours after the occurrence of the accident,



written notice of the accident shall forthwith be sent to the inspector and to the certifying surgeon for the district, stating the residence of the person killed or injured, or the place to which he may have been removed, and if any such notice is not sent the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

If any such accident as aforesaid occurs to a person employed in an iron mill or blast furnace, or other factory or workshop where the occupier is not the actual employer of the person killed or injured, the actual employer shall immediately report the same to the occupier, and in default shall be liable to a fine not exceeding five pounds.

A notice of an accident, of which notice is required by section sixty-three of the Explosives Act, 1875, to be sent to a government inspector, need not be sent to the certifying surgeon in pursuance of this section.

32. Where a certifying surgeon receives in pursuance of this Act notice of an accident in a factory or a workshop, he shall with the least possible delay proceed to the factory or workshop, and make a full investigation as to the nature and cause of the death or injury caused by that accident, and within the next twenty-four hours send to the inspector a report thereof.

The certifying surgeon, for the purpose only of an investigation under this section, shall have the same powers as an inspector, and shall also have power to enter any room in a building to which the person killed or injured has been removed.

There shall be paid to the said surgeon for the investigation such fee, not exceeding ten nor less than three shillings, as a Secretary of State considers reasonable, which fee shall be paid as expenses incurred by a Secretary of State in the execution of this Act.

## PART II.

### SPECIAL PROVISIONS RELATING TO PARTICULAR CLASSES OF FACTORIES AND WORKSHOPS.

#### *Special Provisions for Health in certain Factories and Workshops.*

33. For the purpose of securing the observance of the requirements of this Act as to cleanliness in every factory and workshop, all the inside walls of the rooms of a factory or workshop, and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all the passages and staircases of a factory or workshop, if they have not been painted with oil or varnished once at least within seven years, shall be lime-washed once at least within every fourteen months, to date from the period when last limewashed; and if they have been so painted or varnished, shall be washed with hot water and soap once at least within every fourteen months, to date from the period when last washed.

A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.



Where it appears to a Secretary of State that in any class of factories or workshops, or parts thereof, the regulations in this section are not required for the purpose of securing therein the observance of the requirements of this Act as to cleanliness, or are by reason of special circumstances inapplicable, he may, if he thinks fit, by order made under this part of this Act grant to such class of factories or workshops, or parts thereof, a special exception that the regulations in this section shall not apply thereto.

34. Where a bakehouse is situate in any city, town, or place containing, according to the last published census for the time being, a population of more than five thousand persons, all the inside walls of the rooms of such bakehouse, and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all the passages and staircases of such bakehouse, shall either be painted with oil, or varnished, or be limewashed, or be partly painted or varnished, and partly limewashed; where painted with oil or varnished, there shall be three coats of paint or varnish, and the paint or varnish shall be renewed once at least in every seven years, and shall be washed with hot water and soap once at least in every six months; where limewashed the limewashing shall be renewed once at least in every six months.

A bakehouse in which there is any contravention of this section shall be deemed not to be kept in conformity with this Act.

35. Where a bakehouse is situate in any city, town, or place containing, according to the last published census for the time being, a population of more than five thousand persons, a place on the same level with the bakehouse, and forming part of the same building, shall not be used as a sleeping place, unless it is constructed as follows; that is to say,

Unless it is effectually separated from the bakehouse by a partition extending from the floor to the ceiling; and

Unless there be an external glazed window of at least nine superficial feet in area, of which at the least four and a half superficial feet are made to open for ventilation.

Any person who lets or occupies or continues to let or knowingly suffers to be occupied any place contrary to this section, shall be liable to a fine not exceeding, for the first offence, twenty shillings, and for every subsequent offence five pounds.

36. If in a factory or workshop where grinding, glazing, or polishing on a wheel, or any process is carried on, by which dust is generated and inhaled by the workers to an injurious extent, it appears to an inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may direct a fan or other mechanical means of a proper construction for preventing such inhalation to be provided within a reasonable time; and if the same is not provided, maintained, and used, the factory or workshop shall be deemed not to be kept in conformity with this Act.

37. A child, young person, or woman shall not be employed in any part of a factory in which wet-spinning is carried on, unless sufficient means be employed and continued for protecting the workers from being wetted,



and, where hot water is used, for preventing the escape of steam into the room occupied by the workers.

A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

*Special Restrictions as to Employment, Meals, and Certificates of Fitness.*

38. A child or young person shall not, to the extent mentioned in the first schedule to this Act, be employed in the factories or workshops or parts thereof named in that schedule.

Notice of the prohibition in this section shall be affixed in a factory or workshop to which it applies.

39. A child, young person, or woman shall not be allowed to take a meal or to remain during the times allowed for meals in the parts of factories or workshops to which this section applies; and a child, young person, or woman allowed to take a meal or to remain in contravention of this section shall be deemed to be employed contrary to the provisions of this Act.

Notice of the prohibition in this section shall be affixed in a factory or workshop to which it applies.

This section applies to the parts of factories or workshops named in the second schedule to this Act.

Where it appears to a Secretary of State that by reason of the nature of the process in any class of factories or workshops or parts thereof not named in the said schedule, the taking of meals therein is specially injurious to health, he may, if he thinks fit, by order made under this part of this Act extend the prohibition in this section to the said class of factories or workshops or parts thereof.

If the prohibition in this section is proved to the satisfaction of a Secretary of State to be no longer necessary for the protection of the health of children, young persons, and women in any class of factories or workshops or parts thereof to which the prohibition has been extended by an order, he may, by an order made under this part of this Act, rescind the order of extension, without prejudice nevertheless to the subsequent making of another order.

40. In print works and bleaching and dyeing works the period of employment for a child, young person, and woman, and the times allowed for meals, shall be the same as if the said works were a textile factory, and the regulations of this Act with respect to the employment of children, young persons, and women in a textile factory shall apply accordingly, as if print works and bleaching and dyeing works were textile factories; save that nothing in this section shall prevent the continuous employment of a child, young person, or woman in the said works without an interval of half an hour for a meal, for the period allowed by this Act in a non-textile factory.

41. Where it appears to a Secretary of State that by reason of special circumstances affecting any class of workshops it is expedient for protecting



the health of the children and of the young persons under the age of sixteen years employed therein, to extend thereto the prohibition in this section mentioned, he may, by order made under this part of this Act, extend to such class of workshops the prohibition in this Act of the employment of children and young persons under the age of sixteen years without a certificate of the fitness of such child or young person for employment, and thereupon the provisions of this Act with respect to certificates of fitness for employment shall apply to the class of workshops named in the order in like manner as if they were factories.

If the prohibition is proved to the satisfaction of the Secretary of State to be no longer necessary for the protection of the health of the children and the young persons under the age of sixteen years employed in any class of workshops to which it has been extended under this section, he may, by order made under this part of this Act, rescind the order of extension, without prejudice nevertheless to the subsequent making of another order.

*Special Exceptions relaxing General Law in certain Factories and Workshops.*

*(a.) Period of Employment.*

42. In the factories and workshops or parts thereof to which this exception applies the period of employment for young persons and women, if so fixed by the occupier and specified in the notice, may, except on Saturday, begin at eight o'clock in the morning and end at eight o'clock in the evening, and on Saturday may begin at eight o'clock in the morning and end at four o'clock in the afternoon, or where it begins at seven o'clock in the morning may end at three o'clock in the afternoon; and the period of employment for a child in a morning set may begin at the same hour, and the period of employment for a child in an afternoon set may end at the same hour.

This exception applies to the factories and workshops and parts thereof specified in Part I. of the third schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories, or workshops, or parts thereof, either generally or when situate in any particular locality, require the extension thereto of this exception, and that the extension can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend this exception accordingly.

43. Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops or parts thereof, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, and that such grant can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act grant to such class of factories or workshops or parts thereof a special exception,



that the period of employment for young persons and women therein, if so fixed by the occupier and specified in the notice, may on any day except Saturday begin at nine o'clock in the morning and end at nine o'clock in the evening, and in such case the period of employment for a child in a morning set shall begin at nine o'clock in the morning, and the period of employment for a child in an afternoon set shall end at eight o'clock in the evening.

44. The regulations of this Act with respect to the employment of young persons in textile factories shall not prevent the employment, in the part of a textile factory in which a machine for the manufacture of lace is moved by steam, water, or other mechanical power, of any male young person above the age of sixteen years between four o'clock in the morning and ten o'clock in the evening, if he is employed in accordance with the following conditions; namely,

- (a.) Where such young person is employed on any day before the beginning or after the end of the ordinary period of employment in the factory, there shall be allowed him for meals and absence from work between the above-mentioned hours of four in the morning and ten in the evening not less than nine hours; and
- (b.) Where such young person is employed on any day before the beginning of the ordinary period of employment in the factory, he shall not be employed on the same day after the end of that period; and
- (c.) Where such young person is employed on any day after the end of the ordinary period of employment in the factory, he shall not be employed next morning before the beginning of the ordinary period of employment.

For the purpose of this exception the ordinary period of employment in the factory means the period of employment for young persons under the age of sixteen years or women in the factory, or if none are employed means such period as can under this Act be fixed for the employment of such young persons and women in the factory, and notice of such period shall be affixed in the factory.

45. The regulations of this Act with respect to the employment of young persons in non-textile factories or workshops shall not prevent the employment, in the part of a bakehouse in which the process of baking bread is carried on, of any male young person above the age of sixteen years between five o'clock in the morning and nine o'clock in the evening, if he is employed in accordance with the following conditions; namely,

- (a.) Where such young person is employed on any day before the beginning, or after the end of the ordinary period of employment in the bakehouse, there shall be allowed him for meals and absence from work between the above-mentioned hours of five in the morning and nine in the evening not less than seven hours; and
- (b.) Where such young person is employed on any day before the beginning of the ordinary period of employment in the bakehouse, he shall not be employed after the end of that period on the same day; and
- (c.) Where such young person is employed on any day after the end of



the ordinary period of employment in the bakehouse, he shall not be employed next morning before the beginning of the ordinary period of employment.

For the purpose of this exception the ordinary period of employment in the bakehouse means the period of employment for young persons under the age of sixteen years or women in the bakehouse, or if none are employed, means such period as can under this Act be fixed for the employment of such young persons and women in the bakehouse, and notice of such period shall be affixed in the bakehouse.

Where it is proved to the satisfaction of a Secretary of State that the exigencies of the trade carried on in bakehouses, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, and that such grant can be made without injury to the health of the male young persons affected thereby, he may by order made under this part of this Act grant to bakehouses, or to bakehouses situate in the said locality, a special exception permitting the employment of male young persons of sixteen years of age and upwards as if they were no longer young persons.

46. Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, either generally or when situate in any particular locality, require some other day in the week to be substituted for Saturday as regards the hour at which the period of employment for children, young persons, and women is required by this Act to end on Saturday, he may by order made under this part of this Act grant to such class of factories or workshops a special exception, authorizing the occupier of every such factory and workshop to substitute by a notice affixed in his factory or workshop some other day for Saturday, and in such case this Act shall apply in such factory or workshop in like manner as if the substituted day were Saturday, and Saturday were an ordinary work day.

47. In the process of Turkey red dyeing, nothing in Part I. of this Act shall prevent the employment of young persons and women on Saturday until half-past four o'clock in the afternoon, but the additional number of hours so worked shall be computed as part of the week's limit of work, which shall in no case be exceeded.

48. In any of the textile factories to which this exception applies, if the period of employment for young persons and women, as fixed by the occupier, and specified in the notice, begins at the hour of seven in the morning, and the whole time between that hour and eight o'clock is allowed for meals, the regulations of this Act with respect to the employment of children, young persons, and women shall not prevent a child, young person, or woman, between the first day of November and the last day of March next following, being employed continuously, without an interval of at least half an hour for a meal, for the same period as if the factory were a non-textile factory.

This exception applies to the textile factories specified in Part VII. of the third schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any



class of textile factories, either generally or when situate in any particular locality, the customary habits of the persons employed therein require the extension thereto of this exception, and that the manufacturing process carried on therein is of a healthy character, and the extension can be made without injury to the health of the children, young persons, and women affected thereby, he may, by order made under this part of this Act, extend this exception accordingly.

49. Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, he may, by order made under this part of this Act, grant to such class of factories or workshops a special exception, authorizing the occupier of any factory or workshop to allow all or any of the half holidays, or whole holidays in lieu of them, on different days to any of the children, young persons, and women employed in his factory or workshop, or to any sets of such children, young persons, and women, and not on the same days.

50. Where the occupier of a factory or workshop is a person of the Jewish religion, the regulations of this Act, with respect to the employment of young persons and women, shall not prevent him—

- (1.) If he keeps his factory or workshop closed on Saturday until sunset, from employing young persons and women on Saturday from after sunset until nine o'clock in the evening ; or
- (2.) If he keeps his factory or workshop closed on Saturday both before and after sunset, from employing young persons and women one hour on every other day in the week (not being Sunday), in addition to the hours allowed by this Act, so that such hour be at the beginning or end of the period of employment, and be not before six o'clock in the morning or after nine o'clock in the evening ; or
- (3.) If all the children, young persons, and women in his factory or workshop are of the Jewish religion, from giving them, if so specified in a notice affixed in the factory or workshop as by this Act provided, any two public holidays under the Holidays Extension Act, 1875, in lieu of Christmas Day and Good Friday, but in that case such factory or workshop shall not be open for traffic on Christmas Day or Good Friday.

51. No penalty shall be incurred by any person in respect of any work done on Sunday in a factory or workshop by a young person or woman of the Jewish religion, subject to the following conditions :

- (1.) The occupier of the factory or workshop shall be of the Jewish religion ; and
- (2.) The factory or workshop shall be closed on Saturday, and shall not be open for traffic on Sunday ; and
- (3.) The occupier shall not avail himself of the exception authorizing the employment of young persons and women on Saturday evening, or for an additional hour during any other day of the week.

Where the occupier avails himself of this exception, this Act shall apply



to the factory or workshop in like manner as if in the provisions thereof respecting Sunday the word Saturday were substituted for Sunday, and in the provisions thereof respecting Saturday the word Sunday, or, if the occupier so specify in the notice the word Friday, were substituted for Saturday.

(b.) *Meal Hours.*

52. The provisions of this Act which require that all the children, young persons, and women employed in a factory or workshop shall have the times allowed for meals at the same hour of the day shall not apply in the cases mentioned in Part II. of the third schedule to this Act.

The provisions of this Act, which require that a child, young person, and woman shall not, during any part of the times allowed for meals in a factory or workshop, be employed in the factory or the workshop, or be allowed to remain in a room in which a manufacturing process or handicraft is being carried on, shall not apply in the cases and to the extent mentioned in Part II. of the third schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of factories or workshops or parts thereof, it is necessary, by reason of the continuous nature of the process, or of special circumstances affecting such class, to extend thereto the exceptions in this section or either of them, and that such extension can be made without injury to the health of the children, young persons, and women affected thereby, he may, by order made under this part of this Act, extend the same accordingly.

(c.) *Overtime.*

53. The regulations of this Act with respect to the employment of young persons and women shall not prevent the employment in the factories and workshops or parts thereof to which this exception applies of young persons and of women during a period of employment beginning at six o'clock in the morning and ending at eight o'clock in the evening, or beginning at seven o'clock in the morning and ending at nine o'clock in the evening, or beginning at eight o'clock in the morning and ending at ten o'clock in the evening, if they are employed in accordance with the following conditions; namely,

- (1.) There shall be allowed to every such young person and woman for meals during the period of employment not less than two hours, of which half an hour shall be after five o'clock in the evening; and
- (2.) Any such young person or woman shall not be so employed on the whole for more than five days in any one week, nor for more than forty-eight days in any twelve months.

This exception applies to the factories and workshops and parts thereof specified in Part III. of the third schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the material which is the subject of the manufacturing process or handicraft therein being liable to be spoiled by the weather, or by reason of



press of work arising at certain recurring seasons of the year, or by reason of the liability of the business to a sudden press of orders arising from unforeseen events, to employ young persons and women in manner authorized by this exception, and that such employment will not injure the health of the young persons and women affected thereby, he may, by order made under this part of this Act, extend this exception to such factories or workshops or parts thereof.

54. If in any factory or workshop or part thereof to which this exception applies, the process in which a child, young person, or woman is employed is in an incomplete state at the end of the period of employment of such child, young person, or woman, the provisions of this Act with respect to the period of employment shall not prevent such child, young person, or woman from being employed for a further period not exceeding thirty minutes :

Provided that such further periods when added to the total number of hours of the periods of employment of such child, young person, or woman in that week, do not raise that total above the number otherwise allowed under this Act.

This exception applies to the factories and workshops specified in Part IV. of the third schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof the time for the completion of a process cannot by reason of the nature thereof be accurately fixed, and that the extension to such class of factories or workshops or parts thereof of this exception can be made without injury to the health of the children, young persons, and women affected thereby, he may, by order made under this part of this Act, extend this exception accordingly.

55. Nothing in this Act shall prevent the employment of young persons and women so far as is necessary for the purpose only of preventing any damage which may arise from spontaneous combustion in the process of Turkey red dyeing, or from any extraordinary atmospheric influence in the process of open-air bleaching.

56. The regulations of this Act with respect to the employment of young persons and women shall not prevent the employment, in the factories and workshops and parts thereof to which this exception applies, of women during a period of employment beginning at six o'clock in the morning and ending at eight o'clock in the evening, or beginning at seven o'clock in the morning and ending at nine o'clock in the evening, if they are employed in accordance with the following conditions ; namely,

- (1.) There shall be allowed to every such woman for meals during the period of employment not less than two hours, of which half an hour shall be after five o'clock in the evening ; and
- (2.) Any such woman shall not be so employed on the whole for more than five days in any one week, nor for more than ninety-six days in any twelve months.

This exception applies to the factories and workshops and parts thereof specified in Part V. of the third schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any



class of non-textile factories or workshops or parts thereof it is necessary, by reason of the perishable nature of the articles or materials which are the subject of the manufacturing process or handicraft, to employ women in manner authorized by this exception, and that such employment will not injure the health of the women employed, he may, by order made under this part of this Act, extend this exception to such factories or workshops or parts thereof.

Where it appears to a Secretary of State that factories driven by water power are liable to be stopped by drought or flood, he may, by order made under this part of this Act, grant to such factories a special exception permitting the employment of young persons and women during a period of employment from six o'clock in the morning until seven o'clock in the afternoon, on such conditions as he may think proper, but so as that no person shall be deprived of the meal hours by this Act provided, nor be so employed on Saturday, and that as regards factories liable to be stopped by drought, such special exception shall not extend to more than ninety-six days in any period of twelve months, and as regards factories liable to be stopped by floods, such special exception shall not extend to more than forty-eight days in any period of twelve months. This overtime shall not extend in any case beyond the time already lost during the previous twelve months.

(d.) *Nightwork.*

Nothing in this Act shall prevent the employment, in factories and workshops to which this exception applies, of male young persons during the night, if they are employed in accordance with the following conditions :

- (1.) The period of employment shall not exceed twelve consecutive hours, and shall begin and end at the hours specified in the notice in this Act mentioned ; and
- (2.) The provisions of Part I. of this Act with respect to the allowance of times for meals to young persons during the period of employment shall be observed with the necessary modifications as to the hour at which the times allowed for meals are fixed ; and
- (3.) A male young person employed during any part of the night shall not be employed during any part of the twelve hours preceding or succeeding the period of employment ; and
- (4.) A male young person shall not be employed on more than six nights, or in the case of blast furnaces or paper mills seven nights, in any two weeks.

The provisions of this Act with respect to the period of employment on Saturday, and with respect to the allowance to young persons of eight half holidays in every year or whole holidays in lieu of them, shall not apply to a male young person employed in day and night turns in pursuance of this exception.

This exception applies to the factories and workshops specified in Part VI. of the third schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by



reason of the nature of the business requiring the process to be carried on throughout the night, to employ male young persons of sixteen years of age or upwards at night, and that such employment will not injure the health of the male young persons employed, he may, by order made under this part of this Act, extend this exception to such factories or workshops or parts thereof, so far as regards young persons of the age of sixteen years or upwards.

59. In a factory or workshop in which the process of printing newspapers is carried on on not more than two nights in the week, nothing in this Act shall prevent the employment of a male young person of sixteen years of age and upwards at night during not more than two nights in a week, as if he were no longer a young person.

60. In glass works nothing in this Act shall prevent any male young person from working according to the accustomed hours of the works, if he is employed in accordance with the following conditions ; namely,

- (1.) The total number of hours of the periods of employment, shall not exceed sixty in any one week ; and
- (2.) The periods of employment for any such young person shall not exceed fourteen hours in four separate turns per week, or twelve hours in five separate turns per week, or ten hours in six separate turns per week, or any less number of hours in the accustomed number of separate turns per week, so that such number of turns do not exceed nine ; and
- (3.) Such young person shall not work in any turn without an interval of time not less than one full turn ; and
- (4.) There shall be allowed to such young person during each turn (so far as practicable) the like times for meals as are required by this Act to be allowed in any other non-textile factory or workshop.

*Special Exception for Domestic and certain other Factories and Workshops.*

61. The provisions of this Act which relate—

- (1.) To the cleanliness (including limewashing, painting, varnishing, and washing) or to the freedom from effluvia, or to the overcrowding, or ventilation of a factory or workshop ; or
- (2.) To all children, young persons, and women employed in a factory or workshop having the times allowed for meals at the same hour of the day, or during any part of the times allowed for meals in a factory or workshop being employed in the factory or workshop or being allowed to remain in any room ; or
- (3.) To the affixing of any notice or abstract in a factory or workshop ; or specifying any matter in the notice so affixed ; or
- (4.) To the allowance of any holidays to a child, young person, or woman ; or
- (5.) To the sending notice of accidents ;

shall not apply—

- (a.) Where persons are employed at home, that is to say, to a private house, room, or place which, though used as a dwelling, is by reason



of the work carried on there a factory or workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used, and in which the only persons employed are members of the same family dwelling there ; or

- (b.) To a workshop which is conducted on the system of not employing children or young persons therein, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system.

And the provisions of this Act with respect to certificates of fitness for employment shall apply to any such private house, room, or place as aforesaid, which by reason of the nature of the work carried on there is a factory, as if the same were a workshop within the meaning of this Act and not a factory.

Where the occupier of a workshop has served on an inspector notice of his intention to conduct that workshop on the system of not employing children or young persons therein, the workshop shall be deemed for all the purposes of this Act to be conducted on the said system until the occupier changes it, and no change shall be made until the occupier has served on the inspector notice of his intention to change the system, and until the change a child or young person employed in the workshop shall be deemed to be employed contrary to the provisions of this Act. A change in the said system shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

Nothing in this section shall exempt a bakehouse from the provisions of this Act with respect to cleanliness (including limewashing, painting, varnishing, and washing), or to freedom from effluvia.

62. The regulations of this Act with respect to the employment of women shall not apply to flax scutch mills which are conducted on the system of not employing either children or young persons therein, and which are worked intermittently, and for periods only which do not exceed in the whole six months in any year. A flax scutch mill shall not be deemed to be conducted on the system of not employing therein either children or young persons until the occupier has served on an inspector notice of his intention to conduct such mill on that system.

*Supplemental as to Special Provisions.*

63. Where it appears to a Secretary of State that the adoption of any special means or provision for the cleanliness or ventilation of a factory or workshop is required for the protection of the health of any child, young person, or woman employed, in pursuance of an exception under this part of this Act, either for a longer period than is otherwise allowed by this Act, or at night, he may, by order made under this part of this Act, direct that the adoption of such means or provision shall be a condition of such employment ; and if it appears to a Secretary of State that the adoption of any such means or provision is no longer required, or is, having regard to all the circumstances, inexpedient, he may, by order made under this part of this Act, rescind the order directing such adoption without prejudice to the subsequent making of another order.



64. Where an exception has been granted or extended under this part of this Act by an order of a Secretary of State, and it appears to a Secretary of State that such exception is injurious to the health of the children, young persons, or women employed in, or is no longer necessary for the carrying on of the business in, the class of factories or workshops or parts thereof to which the said exception was so granted or extended, he may, by an order made under this part of this Act, rescind the grant or extension, without prejudice to the subsequent making of another order.

65. Where a Secretary of State has power to make an order under this part of this Act, the following provisions shall apply to that order:

- (1.) The order shall be under the hand of the Secretary of State, and shall be published in the *London Gazette*, and shall come into operation at the date of such publication in the *London Gazette*, or at any later date mentioned in the order:
- (2.) The order may be temporary or permanent, conditional or unconditional, and whether extending a prohibition or exception, granting an exception, directing the adoption of any means or provisions, or rescinding a previous order, or effecting any other thing, may do so either wholly or partly:
- (3.) The order shall be laid as soon as may be before both Houses of Parliament, and if either House of Parliament, within the next forty days after the same has been so laid before such House, resolve that such order ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under such order or to the making of any new order:
- (4.) The order, while it is in force, shall, so far as is consistent with the tenor thereof, apply as if it formed part of the enactment which provides for the extension or grant or otherwise for making the order.

66. An occupier of a factory or workshop, not less than seven days before he avails himself of any special exception under this part of this Act, shall serve on an inspector, and (except in the case of a factory or workshop to which the provisions of this Act with respect to the affixing of notices do not apply) affix in his factory or workshop notice of his intention so to avail himself, and whilst he avails himself of the exception shall keep the notice so affixed.

Before the service of such notice on the inspector, the special exception shall not be deemed to apply to the factory or workshop, and after the service of such notice on the inspector, it shall not be competent in any proceeding under this Act for the occupier to prove that such special exception does not apply to his factory or workshop, unless he has previously served on an inspector notice that he no longer intends to avail himself of such special exception.

The notice so served and affixed shall specify the hours for the beginning and end of the period of employment, and the times to be allowed for meals to every child, young person, and woman, where they differ from the ordinary hours or times.



An occupier of a factory or workshop shall enter into the prescribed register, and report to an inspector, the prescribed particulars respecting the employment of a child, young person, or woman in pursuance of an exception, but such entry and report need not be made in the case of a factory or workshop to which the provisions of this Act with respect to the affixing of notices do not apply, except so far as may be from time to time prescribed by a Secretary of State.

Where the occupier of a factory or workshop avails himself of an exception under this part of this Act, and a condition for availing himself of such exception (whether specified in this part of this Act, or in an order of a Secretary of State made under this part of this Act) is not observed in that factory or workshop, then

- (1.) If such condition relates to the cleanliness, ventilation, or overcrowding of the factory or workshop, the factory or workshop shall be deemed not to be kept in conformity with this Act ; and
- (2.) In any other case a child, young person, or woman employed in the factory or workshop, in alleged pursuance of the said exception, shall be deemed to be employed contrary to the provisions of this Act.

### PART III.

#### ADMINISTRATION, PENALTIES, AND LEGAL PROCEEDINGS.

##### *Inspection.*

67. A Secretary of State from time to time, with the approval of the Treasury as to numbers and salaries, may appoint such inspectors (under whatever title he may from time to time fix) and such clerks and servants as he may think necessary for the execution of this Act, and may assign to them their duties and award them their salaries, and may constitute a principal inspector with an office in London, and may regulate the cases and manner in which the inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors, clerks, and servants.

The salaries of the inspectors, clerks, and servants, and the expenses incurred by them or by a Secretary of State in the execution of this Act, shall be paid out of moneys provided by Parliament.

Notice of the appointment of every such inspector shall be published in the *London Gazette*.

A person who is the occupier of a factory or workshop, or is directly or indirectly interested therein, or in any process or business carried on therein, or in a patent connected therewith, or is employed in or about a factory or workshop, shall not act as an inspector under this Act.

An inspector under this Act shall not be liable to serve in any parochial or municipal office.

Such annual report of the proceedings of the inspectors as the Secretary of State from time to time directs, shall be laid before both Houses of Parliament.



A reference in this Act to an inspector refers, unless it is otherwise expressed, to an inspector appointed in pursuance of this section, and a notice or other document required by this Act to be sent to an inspector shall be sent to such inspector as a Secretary of State from time to time directs, by declaration published in the *London Gazette* or otherwise as he thinks expedient for making the same known to all persons interested.

68. An inspector under this Act shall for the purpose of the execution of this Act have power to do all or any of the following things ; namely,

- (1.) To enter, inspect, and examine at all reasonable times by day and night a factory and a workshop and every part thereof when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory or workshop ; and
- (2.) To take with him in either case a constable into a factory in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty ; and
- (3.) To require the production of the registers, certificates, notices, and documents kept in pursuance of this Act, and to inspect, examine, and copy the same ; and
- (4.) To make such examination and inquiry as may be necessary to ascertain whether the enactments for the time being in force relating to public health and the enactments of this Act are complied with, so far as respects the factory or workshop and the persons employed therein ; and
- (5.) To enter any school in which he has reasonable cause to believe that children employed in a factory or workshop are for the time being educated ; and
- (6.) To examine either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory or workshop, or such a school as aforesaid, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or workshop, and to require such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined ; and
- (7.) To exercise such other powers as may be necessary for carrying this Act into effect.

The occupier of every factory and workshop, his agents and servants, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry, or the exercise of his powers under this Act in relation to such factory and workshop.

Every person who wilfully delays an inspector in the exercise of any power under this section, or who fails to comply with a requisition of an inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or who conceals or prevents a child, young person, or woman from appearing before or being examined by an inspector, or attempts so to conceal or prevent a child, young person, or woman, shall be deemed to obstruct an inspector in the execution of his duties under this Act : Provided always, that no one



shall be required under this section to answer any question or to give any evidence tending to criminate himself.

Where an inspector is obstructed in the execution of his duties under this Act, the person obstructing him shall be liable to a fine not exceeding five pounds; and where an inspector is so obstructed in a factory or workshop, the occupier of that factory or workshop shall be liable to a fine not exceeding five, or where the offence is committed at night, twenty pounds; and where an inspector is so obstructed in a factory or workshop within the meaning of section sixteen of this Act, the occupier shall be liable to a fine not exceeding one, or where the offence is committed at night, five pounds.

69. An inspector before entering, in pursuance of the powers conferred by this Act, without the consent of the occupier, any room or place actually used as a dwelling as well as for a factory or workshop, shall, on an affidavit or statutory declaration of facts and reasons, obtain written authority so to do from a Secretary of State, or such warrant as is hereinafter mentioned from a justice of the peace.

The affidavit or statutory declaration above mentioned may be inspected or produced in evidence in all respects the same as an information on oath before a justice.

A justice of the peace, if satisfied by information on oath that there is reasonable cause to suppose that any enactment of this Act is contravened in any such room or place as aforesaid, may in his discretion grant a warrant under his hand authorizing the inspector named therein at any time within the period named therein, but not exceeding one month from the date thereof, to enter, in pursuance of this Act, the room or place named in the warrant, and exercise therein the powers of inspection and examination conferred by this Act, and the fines and provisions of this Act with respect to obstruction of an inspector shall apply accordingly.

70. Every inspector under this Act shall be furnished with the prescribed certificate of his appointment, and on applying for admission to a factory or workshop shall, if required, produce to the occupier the said certificate.

Every person who forges or counterfeits any such certificate, or makes use of any forged, counterfeited, or false certificate, or personates the inspector named in any such certificate, or falsely pretends to be an inspector under this Act, shall be liable to be imprisoned for a period not exceeding three months, with or without hard labour.

### *Certifying Surgeons.*

71. Where there is no certifying surgeon resident within three miles of a factory or workshop, the poor law medical officer shall be for the time being the certifying surgeon under this Act for such factory or workshop.

72. Subject to such regulations as may be from time to time made by a Secretary of State, an inspector may from time to time appoint a sufficient number of duly registered medical practitioners to be certifying surgeons for the purposes of this Act, and may from time to time revoke any such appointment.

Every appointment and revocation of appointment of a certifying surgeon may be annulled by a Secretary of State upon appeal to him for that purpose.



A surgeon who is the occupier of a factory or workshop, or is directly or indirectly interested therein or in any process or business carried on therein or in a patent connected therewith, shall not be a certifying surgeon for that factory or workshop.

A Secretary of State may from time to time make rules for the guidance of certifying surgeons, and for the particulars to be registered respecting their visits, and for the forms of certificates and other documents to be used by them.

73. A certificate of fitness for employment shall not be granted for the purposes of this Act, except upon personal examination of the person named therein.

A certifying surgeon shall not examine a child or young person for the purposes of a certificate of fitness for employment, or sign any such certificate, elsewhere than at the factory or workshop where such child or young person is or is about to be employed, unless the number of children and young persons employed in that factory or workshop are less than five, or unless for some special reason allowed in writing by an inspector.

If a certifying surgeon refuses to grant for any person examined by him a certificate of fitness for employment, he shall when required give in writing and sign the reasons for such refusal.

74. With respect to the fees to be paid to certifying surgeons in respect of the examination of, and grant of certificates of fitness for employment for, children and young persons in factories or workshops, the following provisions shall have effect :

- (1.) The occupier may agree with the certifying surgeon as to the amount of such fees :
- (2.) In the absence of any such agreement the fees shall be those named in the following scale :—

When the examination is at a factory or workshop not exceeding one mile from the surgeon's residence,	{ 2s. 6d. for each visit and 6d. for each person after the first five examined at that visit.
When the examination is at a factory or workshop more than one mile from the surgeon's residence,	{ The above fees and an additional 6d. for each complete half mile over and above the mile.
When the examination is not at the factory or workshop, but at the residence of the surgeon, or at some place appointed by the surgeon for the purpose, and which place, as well as the day and hour, appointed for the purpose shall be published in the prescribed manner,	{ 6d. for each person examined.



- (3.) The occupier shall pay the fees on the completion of the examination, or if any certificates are granted at the time at which the surgeon signs the certificates, or at any other time directed by an inspector :
- (4.) The occupier may deduct the fee or any part thereof, not exceeding in any case threepence, from the wages of the person for whom the certificate was granted :
- (5.) A Secretary of State may from time to time, if he think it expedient, alter any fees fixed by this section.

*Miscellaneous.*

75. Every person shall, within one month after he begins to occupy a factory, serve on an inspector a written notice containing the name of the factory, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the firm under which the business of the factory is to be carried on, and in default shall be liable to a fine not exceeding five pounds.

76. Where an inspector, by notice in writing, names a public clock, or some other clock open to public view, for the purpose of regulating the period of employment in a factory or workshop, the period of employment and times allowed for meals for children, young persons, and women in that factory or workshop shall be regulated by that clock, which shall be specified in the notice affixed in the factory or workshop.

77. The occupier of every factory and workshop to which this section applies shall keep in the prescribed form and with the prescribed particulars registers of the children and young persons employed in that factory or workshop, and of their employment, and of other matters under this Act.

The occupier of a factory or workshop shall send to an inspector such extracts from any register kept in pursuance of this Act as the inspector from time to time requires for the execution of his duties under this Act.

This section applies to every factory and workshop in which a child or young person under the age of sixteen years is, for the time being, prohibited under this Act from being employed without a certificate of fitness for employment.

Where by reason of the number of children and young persons employed in a factory or workshop to which this section does not for the time being apply, or otherwise, it seems expedient to a Secretary of State so to do, he may order the occupier of that factory or workshop to keep a register under this section, with power to rescind such order, and while such order is in force this section shall apply to that factory or workshop.

In the event of a contravention of this section in a factory or workshop, the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings.

78. There shall be affixed at the entrance of a factory and a workshop, and in such other parts thereof as an inspector for the time being directs, and be constantly kept so affixed in the prescribed form and in such position as to be easily read by the persons employed in the factory or workshop,—



- (1.) The prescribed abstract of this Act ; and
- (2.) A notice of the name and address of the prescribed inspector ; and
- (3.) A notice of the name and address of the certifying surgeon for the district ; and
- (4.) A notice of the clock (if any) by which the period of employment and times for meals in the factory or workshop are regulated ; and
- (5.) Every notice and document required by this Act to be affixed in the factory or workshop.

In the event of a contravention of this section in a factory or workshop, the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings.

79. Any notice, order, requisition, summons, and document under this Act may be in writing or print, or partly in writing and partly in print.

Any notice, order, requisition, summons, and document required or authorized to be served or sent for the purposes of this Act may be served and sent by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or, where that person is the occupier of a factory or workshop, by delivering the same or a true copy thereof to his agent or to some person in such factory or workshop ; it may also be served or sent by post by a prepaid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that it was properly addressed and put into the post ; and where it is required to be served on or sent to the occupier of a factory or workshop, it shall be deemed to be properly addressed if addressed to the occupier of such factory or workshop at the factory or workshop, with the addition of the proper postal address, but without naming the person who is the occupier.

80. Any Act for the time being in force relating to weights and measures shall extend to weights, measures, scales, balances, steelyards, and weighing machines used in a factory or workshop in checking or ascertaining the wages of any person employed therein, in like manner as if they were used in the sale of goods, and as if such factory or workshop were a place where goods are kept for sale, and such Act shall apply accordingly, and every inspector of, or other person authorized to inspect or examine, weights and measures, shall inspect, stamp, mark, search for, and examine the said weights and measures, scales, balances, steelyards, and weighing machines accordingly, and for that purpose shall have the same powers and duties as he has in relation to weights, measures, scales, balances, steelyards, and weighing machines used in the sale of goods.

#### *Fines.*

81. If a factory or workshop is not kept in conformity with this Act, the occupier thereof shall be liable to a fine not exceeding ten pounds.

The court of summary jurisdiction, in addition to or instead of inflicting such fine, may order certain means to be adopted by the occupier, within



the time named in the order, for the purpose of bringing his factory or workshop into conformity with this Act; the court may, upon application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day that such non-compliance continues.

82. If any person is killed or suffers any bodily injury in consequence of the occupier of a factory having neglected to fence any machinery required by or in pursuance of this Act to be securely fenced, or having neglected to maintain such fencing, or in consequence of the occupier of a factory or workshop having neglected to fence any vat, pan, or other structure required by or in pursuance of this Act to be securely fenced, or having neglected to maintain such fencing, the occupier of the factory or workshop shall be liable to a fine not exceeding one hundred pounds, the whole or any part of which may be applied for the benefit of the injured person or his family, or otherwise as a Secretary of State determines:

Provided that the occupier of a factory shall not be liable to a fine under this section if an information against him for not fencing the part of the machinery, or the vat, pan, or other structure, by which the death or bodily injury was inflicted, has been heard and dismissed previous to the time when the death or bodily injury was inflicted.

83. Where a child, young person, or woman is employed in a factory or workshop contrary to the provisions of this Act, the occupier of the factory or workshop shall be liable to a fine not exceeding three, or if the offence was committed during the night, five pounds for each child, young person, or woman so employed; and where a child, young person, or woman is so employed in a factory or workshop within the meaning of section sixteen of this Act, the occupier shall be liable to a fine not exceeding one, or if the offence was committed during the night, two pounds for each child, young person, or woman so employed.

A child, young person, or woman who is not allowed times for meals and absence from work as required by this Act, or during any part of the times allowed for meals and absence from work is, in contravention of the provisions of this Act, employed in the factory or workshop or allowed to remain in any room, shall be deemed to be employed contrary to the provisions of this Act.

84. The parent of a child or young person shall,—

- (1.) If such child or young person is employed in a factory or workshop contrary to the provisions of this Act, be liable to a fine not exceeding twenty shillings for each offence, unless it appears to the court that such offence was committed without the consent, connivance, or wilful default of such parent; and
- (2.) If he neglects to cause such child to attend school in accordance with this Act, be liable to a fine not exceeding twenty shillings for each offence.

85. Every person who forges or counterfeits any certificate for the purposes of this Act (for the forgery or counterfeiting of which no other punishment is provided), or who gives or signs any such certificate knowing the same to



be false in any material particular, or who knowingly utters or makes use of any certificate so forged, counterfeited, or false as aforesaid, or who knowingly utters or makes use of as applying to any person a certificate which does not so apply, or who personates any person named in a certificate, or who wilfully connives at the forging, counterfeiting, giving, signing, uttering, making use, or personating as aforesaid, shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months with or without hard labour.

Every person who wilfully makes a false entry in any register, notice, certificate, or document required by this Act to be kept or served or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration, shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months with or without hard labour.

86. Where an offence for which the occupier of a factory or workshop is liable under this Act to a fine, has in fact been committed by some agent, servant, workman, or other person, such agent, servant, workman, or other person shall be liable to the same fine as if he were the occupier.

87. Where the occupier of a factory or workshop is charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier of the factory or workshop proves to the satisfaction of the court that he had used due diligence to enforce the execution of the Act, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any fine.

When it is made to appear to the satisfaction of an inspector at the time of discovering the offence, that the occupier of the factory or workshop had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the occupier and in contravention of his orders, then the inspector shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the occupier of the factory or workshop.

88. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger amount of fines than the highest fine fixed by this Act for the offence, except—

- (a.) Where the repetition of the offence occurs after an information has been laid for the previous offence; or
- (b.) Where the offence is one of employing two or more children, young persons, or women contrary to the provisions of this Act.

#### *Legal Proceedings.*

89. All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered, on summary conviction before a court of



summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

A summary order may be made for the purposes of this Act by a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

All fines imposed in pursuance of this Act shall, save as otherwise expressly provided by this Act, be paid into the Exchequer.

The court of summary jurisdiction, when hearing and determining a case arising under this Act, shall be constituted either of two or more justices of the peace sitting at some court or public place at which justices are for the time being accustomed to assemble for the purpose of holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the public administration of justice, and for the time being empowered by law to do alone any act authorized to be done by more than one justice of the peace.

Where a proceeding is taken before a court of summary jurisdiction with respect to an offence against this Act alleged to be committed in or with reference to a factory or workshop, the occupier of that factory or workshop, and the father, son, or brother of such occupier, shall not be qualified to act as a member of such court.

90. If any person feels aggrieved by a conviction or order made by a court of summary jurisdiction on determining an information or complaint under this Act, he may appeal therefrom; subject, in England, to the conditions and regulations following:

- (1.) The appeal shall be made to the next practicable court of general or quarter sessions having jurisdiction in the county or place in which the decision of the court was given, holden not less than twenty-one days after the day on which such decision was given; and
- (2.) The appellant shall, within ten days after the day on which the decision of the court was given, serve notice on the other party and on the clerk of the court of summary jurisdiction of his intention to appeal, and of the general grounds of such appeal; and
- (3.) The appellant shall, within three days after such notice is served, enter into a recognizance before a court of summary jurisdiction with or without a surety or sureties as the court may direct, conditioned to appear at the said sessions and to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or the appellant may, if the court of summary jurisdiction thinks it expedient, instead of entering into a recognizance give such other security by deposit of money with the clerk of the court of summary jurisdiction or otherwise as the court deem sufficient; and
- (4.) Where the appellant is in custody a court of summary jurisdiction may, if they think fit, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody; and
- (5.) The court of appeal may adjourn the hearing of the appeal, and



upon the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction, with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just; and

- (6.) The court of appeal may also make such order as to costs to be paid by either party as the court thinks just; and
- (7.) Whenever a decision is reversed by the court of appeal the clerk of the peace shall endorse on the conviction or order appealed against a memorandum that the same has been quashed, and whenever any copy or certificate of such conviction or order is made, a copy of such memorandum shall be added thereto, and shall be sufficient evidence that the conviction or order has been quashed, in every case where such copy or certificate would be sufficient evidence of such conviction or order; and
- (8.) Every notice in writing required by this section to be given by an appellant may be signed by him or by his agent on his behalf, and may be transmitted in a registered letter by the post in the ordinary way, and shall be deemed to have been served at the time when it would be delivered in the ordinary course of post.

91. The following provisions shall have effect with respect to summary proceedings for offences and fines under this Act:

- (1.) The information shall be laid within two months, or, where the offence is punishable at discretion by imprisonment, or is a breach of the provisions of this Act with respect to holidays, within three months after the commission of the offence:
- (2.) The description of an offence in the words of this Act, or in similar words, shall be sufficient in law:
- (3.) Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant:
- (4.) It shall be sufficient to allege that a factory or workshop is a factory or workshop within the meaning of this Act, without more:
- (5.) It shall be sufficient to state the name of the ostensible occupier of the factory or workshop or the title of the firm by which the occupier employing persons in the factory or workshop is usually known:
- (6.) A conviction or order made in any matter arising under this Act either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction against which a person is authorized by this Act to appeal shall not be removed by certiorari or otherwise, either at the instance of the Crown or of any private person, into a superior court, except for the purpose of the hearing and determination of a special case.

92. If a person is found in a factory, except at meal times, or while all



the machinery of the factory is stopped, or for the sole purpose of bringing food to the persons employed in the factory between the hours of four and five o'clock in the afternoon, such person shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory :

Provided that yards, playgrounds, and places open to the public view, schoolrooms, waiting-rooms, and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory within the meaning of this enactment ; and this enactment shall not apply to a factory or workshop to which the provisions of this Act with respect to the affixing of notices do not apply.

Where a child or young person is, in the opinion of the court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the child or young person is not of that age.

A declaration in writing by a certifying surgeon for the district that he has personally examined a person employed in a factory or workshop in that district, and believes him to be under the age set forth in the declaration, shall be admissible in evidence of the age of that person.

A copy of a conviction for an offence against this Act purporting to be certified under the hand of the clerk of the peace having the custody of such conviction to be a true copy shall be receivable as evidence, and every such clerk of the peace shall, upon the written request of an inspector and payment of a fee of one shilling, deliver to him a copy of the conviction so certified.

#### PART IV.

##### DEFINITIONS, SAVINGS, APPLICATION TO SCOTLAND AND IRELAND, AND REPEAL.

##### *Definitions.*

93. The expression "textile factory" in this Act means—

Any premises wherein or within the close or curtilage of which steam, water, or other mechanical power is used to move or work any machinery employed in preparing, manufacturing, or finishing, or in any process incident to the manufacture of, cotton, wool, hair, silk, flax, hemp, jute, tow, china-grass, cocoa-nut fibre, or other like material, either separately or mixed together, or mixed with any other material, or any fabric made thereof :

Provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works, and hat works shall not be deemed to be textile factories.

The expression "non-textile factory" in this Act means—

- (1.) Any works, warehouses, furnaces, mills, foundries, or places named in Part I. of the fourth schedule of this Act,
- (2.) Also any premises or places named in Part II. of the said schedule wherein, or within the close or curtilage or precincts of which, steam,



water, or other mechanical power is used in aid of the manufacturing process carried on there,

- (3.) Also any premises wherein, or within the close or curtilage or precincts of which, any manual labour is exercised by way of trade or for purposes of gain in or incidental to the following purposes, or any of them ; that is to say,

(a.) In or incidental to the making of any article or of part of any article, or

(b.) In or incidental to the altering, repairing, ornamenting, or finishing of any article, or

(c.) In or incidental to the adapting for sale of any article,

And wherein, or within the close or curtilage or precincts of which, steam, water, or other mechanical power is used in aid of the manufacturing process carried on there.

The expression "factory" in this Act means textile factory and non-textile factory, or either of such descriptions of factories.

The expression "workshop" in this Act means—

- (1.) Any premises or places named in Part II. of the fourth schedule to this Act, which are not a factory within the meaning of this Act,

- (2.) Also any premises, room, or place not being a factory within the meaning of this Act, in which premises, room, or place, or within the close or curtilage or precincts of which premises, any manual labour is exercised by way of trade or for purposes of gain in or incidental to the following purposes or any of them ; that is to say,

(a.) In or incidental to the making of any article or of part of any article, or

(b.) In or incidental to the altering, repairing, ornamenting, or finishing of any article, or

(c.) In or incidental to the adapting for sale of any article,

And to which or over which premises, room, or place the employer of the persons working therein has the right of access or control.

A part of a factory or workshop may for the purposes of this Act be taken to be a separate factory or workshop ; and a place solely used as a dwelling shall not be deemed to form part of the factory or workshop for the purposes of this Act.

Where a place situate within the close, curtilage, or precincts forming a factory or workshop is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory or workshop, such place shall not be deemed to form part of that factory or workshop for the purposes of this Act, but shall, if otherwise it would be a factory or workshop, be deemed to be a separate factory or workshop, and be regulated accordingly.

Any premises or place shall not be excluded from the definition of a factory or workshop by reason only that such premises or place are or is in the open air.

This Act shall not apply to such workshops, other than bakehouses, as are conducted on the system of not employing any child, young person, or woman therein, but save as aforesaid applies to all factories and workshops



as before defined, inclusive of factories and workshops belonging to the Crown ; provided that in case of any public emergency a Secretary of State may exempt a factory or workshop belonging to the Crown from this Act to the extent and during the period named by him.

The exercise by any child or young person in any recognized efficient school during a portion of the school hours of any manual labour for the purpose of instructing such child or young person in any art or handicraft, shall not be deemed to be an exercise of manual labour for the purpose of gain within the meaning of this Act.

94. A child, young person, or woman who works in a factory or workshop, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory or workshop used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein, shall, save as is otherwise provided by this Act, be deemed to be employed therein within the meaning of this Act.

For the purposes of this Act an apprentice shall be deemed to work for hire.

95. The expression "certified efficient school" in this Act means a public elementary school within the meaning of the Elementary Education Acts, 1870 and 1873, and any workhouse school in England certified to be efficient by the Local Government Board, and also any elementary school which is not conducted for private profit and is open at all reasonable times to the inspection of her Majesty's inspectors of schools, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as may be for the time being required by the Education Department, and is certified by the Education Department to be an efficient school ; and the expression "recognized efficient school" means a certified efficient school as above defined, and also any school which the Education Department have not refused to take into consideration under the Elementary Education Act, 1870, as a school giving efficient elementary education to and suitable for the children of a school district, and which is recognized for the time being by an inspector under this Act as giving efficient elementary education, and the inspector shall immediately report to the Education Department every school so recognized by him.

96. In this Act, unless the context otherwise requires,—

The expression "child" means a person under the age of fourteen years :

The expression "young person" means a person of the age of fourteen years and under the age of eighteen years :

The expression "woman" means a woman of eighteen years of age and upwards :

The expression "parent" means a parent or guardian of, or person having the legal custody of, or the control over, or having direct benefit from the wages, of a child or young person :



- The expression "Treasury" means the Commissioners of her Majesty's Treasury :
- The expression "Secretary of State" means one of her Majesty's Principal Secretaries of State :
- The expression "Education Department" means the Lords of the Committee of the Privy Council on Education :
- The expression "sanitary authority" means an urban or rural sanitary authority within the meaning of the Public Health Act, 1875, and any commissions, board, or vestry in the metropolis having the like powers as such urban sanitary authority :
- The expression "person" includes a body of persons corporate or unincorporate :
- The expression "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night :
- The expression "night" means the period between nine o'clock in the evening and six o'clock in the succeeding morning :
- The expression "prescribed" means prescribed for the time being by a Secretary of State :
- The expression "Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Acts amending the same :
- The expression "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to :
- The expression "mill-gearing" comprehends every shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process.
- The factories and workshops named in the fourth schedule to this Act are in this Act referred to by the names therein assigned to them.

*Special exemption of certain Trades.*

97. The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour by way of trade or for purposes of gain in or incidental to any of the handicrafts specified in the fifth schedule to this Act, shall not of itself constitute such house or room a workshop within the meaning of this Act.

When it is proved to the satisfaction of a Secretary of State that by reason of the light character of the handicraft carried on in any private house or private room by the family dwelling therein, or by any of them, it is expedient to extend this section to that handicraft, he may by order extend the same.



The order shall be made in manner provided by Part II. of this Act, and that part shall apply so far as circumstances admit as if the order were an order extending an exception.

98. The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour for the purposes of gain in or incidental to some of the purposes in this Act in that behalf mentioned, shall not of itself constitute such house or room a workshop where the labour is exercised at irregular intervals, and does not furnish the whole or principal means of living to such family.

#### *Savings.*

99. Where in a factory the owner or hirer of a machine or implement moved by steam, water, or other mechanical power, in or about or in connexion with which machine or implement children, young persons, or women are employed, is some person other than the occupier of the factory, and such children, young persons, or women, are in the employment and pay of the owner or hirer of such machine or implement, in any such case such owner or hirer shall, so far as respects any offence against this Act which may be committed in relation to such children, young persons, or women, be deemed to be the occupier of the factory.

100. Nothing in this Act shall extend—

- (1.) To any young person, being a mechanic, artisan, or labourer, working only in repairing either the machinery in or any part of a factory or workshop; or
- (2.) To the process of gutting, salting, and packing fish immediately upon its arrival in the fishing-boats.

101. The provisions of section ninety-one of the Public Health Act, 1875, with respect to a factory, workshop, or workplace not kept in a cleanly state or not ventilated or overcrowded, shall not apply to a factory or workshop which is subject to the provisions of this Act relating to cleanliness, ventilation, and overcrowding, but shall apply to every other factory, workshop, and workplace.

It is hereby declared that the Public Health Act, 1875, shall apply to buildings in which persons are employed, whatever their number may be, in like manner as it applies to buildings where more than twenty are employed.

102. Any enactment or document referring to the Acts repealed by this Act, or any of them, or to any enactment thereof, shall be construed to refer to this Act and to the corresponding enactment thereof.

#### *Application of Act to Scotland and Ireland.*

103. The provisions of this Act shall, in the case of a factory or workshop in Scotland or Ireland, in which a child under the age of ten years may lawfully be employed at the passing of this Act, be modified as follows; that is to say,

- (1.) Shall apply during twelve months after the commencement of this



Act to children of the age of nine years and upwards, as if they were of the age of ten years ; and

- (2.) Shall not prevent a child who, before the commencement of this Act, is lawfully employed in any factory or workshop as a child under the age of nine years, or any child who during the twelve months next after the commencement of this Act is lawfully employed in any factory or workshop as a child under the age of ten years, from continuing to be employed in a factory or workshop in like manner as if the child were above the age of ten years ; and
- (3.) Shall apply during twelve months after the commencement of this Act to children of the age of thirteen years and upwards as if they were young persons ; and
- (4.) Shall not prevent a child, who before the expiration of twelve months after the commencement of this Act is lawfully employed in a factory or workshop as a young person, from continuing to be employed in a factory or workshop as a young person.

104. Where the age of any child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child, any person, on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by a Secretary of State, and on payment of such fee, not exceeding one shilling, as a Secretary of State from time to time fixes, shall be entitled to obtain—

- (1.) In Scotland an extract under the hand of the registrar under the Act of the seventeenth and eighteenth years of her present Majesty, chapter eighty, and any Acts amending the same, of the entry in the register kept under those Acts ; and
- (2.) In Ireland a certified copy under the hand of the registrar or superintendent registrar under the Registration of Births and Deaths (Ireland) Act of the entry in the register under that Act of the birth of the child named in the requisition.

105. In the application of this Act to Scotland—

- (1.) The expression “certified efficient school” means any public or other elementary school under Government inspection :
- (2.) In lieu of Christmas Day and either Good Friday or the next public holiday under the Holidays Extension Act, 1875, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop the whole of two days separated from each other by an interval of not less than three months, one of which shall be a day set apart by the Church of Scotland for the observance of the sacramental fast in the parish in which the factory or workshop is situate, or some other day substituted for such day as aforesaid by the occupier specifying the same in the notice affixed in the factory or workshop :
- (3.) The expression “sanitary authority” means the local authority under the Public Health (Scotland) Act, 1867 :
- (4.) The expression “medical officer of health” means the medical officer under the Public Health (Scotland) Act, 1867, or where no such



officer has been appointed, the medical officer appointed by the parochial board :

The expression "poor law medical officer" means the medical officer appointed by the parochial board :

- (5.) The expression "Companies Clauses Consolidation Act, 1845," means the Companies Clauses Consolidation (Scotland) Act, 1845 :
- (6.) The expression "Summary Jurisdiction Acts" means the Summary Procedure Act, 1864, and any Acts amending the same :
- (7.) The expression "court of summary jurisdiction" means the sheriff of the county or any of his substitutes :
- (8.) The expression "Education Department" means the Lords of the Committee of the Privy Council appointed by her Majesty on Education in Scotland :
- (9.) The expression "county court" means the sheriff court :
- (10.) All matters required by this Act to be published in the *London Gazette* shall (if they relate exclusively to Scotland), instead of being published in the *London Gazette*, be published in the *Edinburgh Gazette* only :
- (11.) The expression "information" means petition or complaint :
- (12.) The expression "informant" means petitioner, pursuer, or complainer :
- (13.) The expression "defendant" means defender or respondent :
- (14.) The expression "clerk of the peace" means sheriff clerk :
- (15.) All offences under this Act shall be prosecuted and all penalties under this Act shall be recovered under the provisions of the Summary Jurisdiction Acts at the instance of the procurator fiscal or of an inspector under this Act :
- (16.) The court may make, and may also from time to time alter or vary, summary orders under this Act on petition by such procurator fiscal or inspector presented in common form :
- (17.) All fines under this Act in default of payment, and all orders made under this Act failing compliance, may be enforced by imprisonment for a term to be specified in the order or conviction, but not exceeding three months :
- (18.) It shall be no objection to the competency of an inspector to give evidence as a witness in any prosecution for offences under this Act, that such prosecution is brought at the instance of such inspector :
- (19.) Every person convicted of an offence under this Act shall be liable in the reasonable costs and charges of such conviction :
- (20.) All penalties imposed and recovered under this Act shall be paid to the clerk of the court, and by him accounted for and paid to the Queen's and Lord Treasurer's remembrancer, on behalf of her Majesty's exchequer, and shall be carried to the Consolidated Fund :
- (21.) All jurisdictions, powers, and authorities necessary for the purposes of this section are conferred on the sheriffs and their substitutes :
- (22.) Any person may appeal from any order or conviction under this Act to the Court of Justiciary, under and in terms of the Act of the twentieth year of the reign of his Majesty King George the Second,



chapter forty-three, or under any enactment amending that Act, or applying or incorporating its provisions, or any of them, with regard to appeals, or to the Court of Justiciary at Edinburgh under and in terms of the Summary Prosecutions Appeal (Scotland) Act, 1875.

106. In the application of this Act to Ireland—

- (1.) The expression “certified efficient school” means any national school, or any school recognized by the Lord Lieutenant and Privy Council as affording sufficient means of literary education for the purposes of this Act :
- (2.) In lieu of any two half-holidays allowed under the provisions of sub-section (2) in section twenty-two of this Act, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop the whole of the seventeenth day of March : Provided, that when this date falls on a Sunday, this sub-section shall have no effect as regards such date :
- (3.) The expression “sanitary authority” means an urban or rural sanitary authority within the meaning of the Public Health (Ireland) Act, 1874, and any Act amending the same :
- (4.) The expression “medical officer of health” means the medical sanitary officer of the sanitary district :

The expression “poor law medical officer” means the dispensary doctor :

- (5.) Any Act authorized to be done or consent required to be given by the Education Department under this Act shall be done and given by the Lord Lieutenant or Lords Justices of Ireland, acting by and with the advice of the Privy Council in Ireland :
- (6.) The expression “county court” means the civil bill court :
- (7.) The expression “Summary Jurisdiction Acts” means, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Act amending the same :
- (8.) A court of summary jurisdiction when hearing and determining an information or complaint in any matter arising under this Act shall be constituted within the police district of Dublin metropolis of one of the divisional justices of that district sitting at a police court within the district, and elsewhere of a stipendiary magistrate sitting alone, or with others, or of two or more justices of the peace sitting in petty sessions at a place appointed for holding petty sessions :
- (9.) Appeals from a court of summary jurisdiction shall lie in the manner and subject to the conditions and regulations prescribed in the twenty-fourth section of the Petty Sessions (Ireland) Act, 1851, and any Acts amending the same :
- (10.) All fines imposed under this Act shall, save as is otherwise expressly provided by this Act, be applied in the manner directed by the Fines Act (Ireland), 1851, and any Act amending the same :
- (11.) The provisions of section nineteen of the Public Health Act, 1866, or of any enactment substituted for that section, with respect to any factory, workshop, or workplace not kept in a cleanly state, or not



ventilated, or overcrowded, shall not apply to any factory or workshop which is subject to the provisions of this Act with respect to cleanliness, ventilation, and overcrowding, but shall apply to every other factory, workshop and workplace :

It is hereby declared that the Sanitary Acts within the meaning of the Public Health (Ireland) Act, 1874, shall apply to buildings in which persons are employed, whatever their number may be, in like manner as they apply to buildings where more than twenty persons are employed :

- (12.) All matters required by this Act to be published in the *London Gazette* shall, if they relate exclusively to Ireland, instead of being published in the *London Gazette*, be published in the *Dublin Gazette* only.

*Repeal.*

107. The Acts specified in the sixth schedule to this Act are hereby repealed from and after the commencement of this Act to the extent in the third column of that schedule mentioned :

Provided that—

- (1.) All notices affixed in the factory in pursuance of the Acts hereby repealed shall, so far as they are in accordance with the provisions of this Act, be deemed to have been affixed in pursuance of this Act ; and
- (2.) All inspectors, sub-inspectors, officers, clerks, and servants appointed in pursuance of the Acts hereby repealed shall continue in office and shall be subject to removal and have the same powers and duties as if they had been appointed in pursuance of this Act ; and
- (3.) All certifying surgeons appointed in pursuance of any Act hereby repealed, shall be deemed to have been appointed in pursuance of this Act ; and
- (4.) All surgical certificates granted in pursuance of any Act hereby repealed shall have effect as certificates of fitness for employment granted in pursuance of this Act, and all registers kept in pursuance of any Act hereby repealed shall, until otherwise directed by a Secretary of State, be deemed to be the registers required by this Act ; and
- (5.) Any order made by a Secretary of State in pursuance of any enactment hereby repealed for granting any permission or relaxation to any factories or workshops may, if the Secretary of State so direct, continue in force for a period not exceeding three months after the commencement of this Act ; and
- (6.) The standard of proficiency fixed by the Education Department in pursuance of any enactment hereby repealed shall be deemed to have been fixed in pursuance of this Act ; and
- (7.) A child exempted by section eight of the Elementary Education Act, 1876, from the provisions of section twelve of the Factory Act, 1874, by reason of his having attained the age of eleven years before the first day of January, 1877, shall, on attaining the age of



thirteen years, be deemed to be a young person within the meaning of this Act :

(8.) This repeal shall not affect—

- (a.) Anything duly done or suffered under any enactment hereby repealed ; or
- (b.) Any obligation or liability incurred under any enactment hereby repealed ; or
- (c.) Any penalty or punishment incurred in respect of any offence committed against an enactment hereby repealed ; or
- (d.) Any legal proceeding or remedy in respect of any such obligation, liability, penalty, or punishment as aforesaid, and any such legal proceeding and remedy may be carried on as if this Act had not passed.

*In accordance with Sections 26, 95, and 96 of the Factory and Workshop Act, 1878, the following order of a Secretary of State is issued prescribing, with consent of Education Department, Standard of Proficiency and Standards of previous due attendance at School (England and Wales).*

I, the Right Honourable Richard Assheton Cross, one of her Majesty's Principal Secretaries of State, with the consent of the Lords of the Committee of the Privy Council on Education, hereby, for the purpose of the above-mentioned enactment, and so far only as the same relates to England, order as follows :—

1. The standard of proficiency for the purpose of a certificate of proficiency shall be the standard of reading, writing, and elementary arithmetic fixed by Standard IV. of the Code of 1876, or any higher standard which may be attained by the child.

2. Certificates of proficiency may be granted by the persons prescribed by Articles 113-117 (a) of the Code of 1878.

3. The standards of previous due attendance at a certified efficient school for the purpose of a certificate of previous due attendance shall be those shown in the following table :—

During the Year.	The Standard of previous due Attendance shall be	
	The following number of Attendances after a child has attained five years of age.	In not more than two Schools during each Year for the following number of Years, whether consecutive or not.
1879 . . . . .	250	Four.
1880 . . . . .	250	Four.
1881 and following years	250	Five.



4. Certificates of previous due attendance at school may be granted by the persons prescribed by Sections 5, 11, 22, &c., of the Regulations of the Education Department dated respectively 9th February, 1877, and 2nd April, 1878.

5. The terms "Code of 1876" and "Code of 1878" means the Codes of Minutes of the Education Department made in the years 1876 and 1878 respectively, with respect to the Parliamentary Grant for Public Education in England and Wales.

6. This order shall come into operation on the expiration of six months after the publication thereof in the *London Gazette*.

(Signed) RICHARD ASSHETON CROSS,  
One of her Majesty's  
Principal Secretaries of State.

Home Office, Whitehall,  
15th February, 1879.

Approved by the Education Department.

(Signed) F. R. SANDFORD,  
Secretary.

Published in the *London Gazette* of Tuesday, 25th February, 1879.

*In accordance with Sections 26 and 105 of the Factory and Workshop Act, 1878, the following order of a Secretary of State is issued prescribing, with consent of Scotch Education Department, Standard of Proficiency and Standard of previous due Attendance at School (Scotland).*

I, the Right Honourable Richard Assheton Cross, one of her Majesty's Principal Secretaries of State, with the consent of the Lords of the Committee of the Privy Council appointed by her Majesty on Education in Scotland, hereby, for the purpose of the above enactment, so far only as the same relates to Scotland, order as follows :

1. The standard of proficiency for the purpose of a certificate of proficiency shall be the standard of reading, writing, and elementary arithmetic fixed by Standard V. of the Code of 1878, or any higher standard which may be attained by the child.

2. Certificates of proficiency may be granted by the persons prescribed by Articles 113-117 of the Code of 1878, or that may be prescribed by any corresponding Articles of the Code of 1879.

3. The standard of previous due attendance at a certified efficient school, for the purpose of a certificate of previous due attendance, shall be 250 attendances after five years of age, in not more than two schools during each year, for five years, whether consecutive or not.

4. Certificates of previous due attendance at school may be granted—

(a.) In the case of a public school by the clerk of the school board having the management of such school, or by any teacher or officer of the board specially deputed for the purpose by such board :

(b.) In the case of any other school by the principal teacher of such school.

5. A fee not exceeding 6d. may be charged for each certificate of



previous due attendance by the person who grants such certificate, being duly authorized in that behalf.

6. The terms "Code of 1878" and "Code of 1879" mean respectively the Codes of Minutes of the Scotch Education Department made in the year 1878, and that may be made in the year 1879, with respect to the Parliamentary Grant for Public Education in Scotland.

7. This order shall come into operation on the expiration of six months after the publication thereof in the *Edinburgh Gazette*.

(Signed) RICHARD ASSHETON CROSS,  
One of her Majesty's  
Principal Secretaries of State.

Home Office, Whitehall,  
15th February, 1879.

Approved by the Scotch Education Department.

(Signed) F. R. SANDFORD,  
Secretary.

Published in the *Edinburgh Gazette* of Friday, the 28th February, 1879.

*By the Lord Lieutenant and Privy Council in Ireland.*

#### MARLBOROUGH.

Whereas the Right Honourable Richard Assheton Cross, one of her Majesty's Principal Secretaries of State, under and pursuant to the provisions of said Act, made an order which, after reciting the 23rd, 26th, and 106th sections thereof, provided as follows:—

1. An attendance for the purposes of the 23rd section of the said Act shall mean and is hereby defined to be an attendance for instruction in secular subjects for a period of not less than two hours.
2. The standard of proficiency for the purposes of the 26th section of the said Act shall be the standard in reading, writing, and elementary arithmetic, prescribed by order of the Lord Lieutenant in Council, bearing date the 11th day of August, 1876, made under and pursuant to the provisions of the Factory Act, 1874, or any higher standard which may be attained by the child.<sup>1</sup>

<sup>1</sup> NOTE.—The following is the standard fixed by the Order of the Lord Lieutenant in Council, dated 11th August, 1876:

The standard of proficiency in reading, writing, and arithmetic, to be prescribed for the purposes of the aforesaid Act, shall, from and after the expiration of six months after this Order, to be published in the *Dublin Gazette*, be as follows:—

#### Reading:

Reading intelligently any passage from the Fourth Book of Lessons published by the said Commissioners, or from a book of equal difficulty.

#### Writing:

Writing in small hand, eight lines, dictated slowly from a reading-book, spelling and handwriting to be considered.

#### Arithmetic:

Compound rules (money), and Reduction of common weights and measures.



3. The standard of previous due attendance for the purposes of the 26th section of the said Act shall be that shown in the following table:—

During the Year.	The standard of previous due attendance shall be	
	The following number of attendances after a child has attained five years of age.	In not more than two Schools during each year for the following number of years, whether consecutive or not.
1879 . . . . .	200	Three.
1880 . . . . .	200	Four.
1881 and following years	200	Five.

4. This order shall come into operation at the expiration of six months after the publication thereof in the *Dublin Gazette*.

Now we, John Winston, Duke of Marlborough, Lord Lieutenant-General and General Governor of Ireland, by and with the advice, consent, and approval of the Privy Council of Ireland, do hereby consent to and approve of the provisions of the herein-before recited order of the said Richard Assheton Cross.

And we do further order, direct, and appoint that any principal or sole teacher of a national school, or other certified efficient school in Ireland, may grant, and is hereby authorized to grant certificates of proficiency and of previous due attendance pursuant to the 26th section of the said Act.

Given at the Council Chamber, Dublin Castle, this 1st day of March, 1879.

J. MICHEL, *General*.

EDWARD GIBSON.

Published in the *Dublin Gazette* of Tuesday, 4th March, 1879.



## CHAPTER XII.

## THE INFANT LIFE PROTECTION ACT, 1872.

(35 and 36 Vict., ch. 38.)

THIS is an Act for the better protection of infant life.

It being found to be expedient to make better provision for the protection of infants intrusted to persons to be nursed or maintained for hire or reward in that behalf :

Be it enacted —

1. The term "Summary Jurisdiction Acts" means as follows :

As to England, the Act of the session of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Acts amending the same :

As to Scotland, "The Summary Procedure Act, 1864 :

As to Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district or of the police of such district ; and elsewhere in Ireland, "The Petty Sessions (Ireland) Act, 1851," and any Act amending the same :

The term "court of summary jurisdiction" means and includes any justice or justices of the peace, sheriff or sheriff substitute, metropolitan police magistrate, stipendiary or other magistrate or authority, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to, or to proceedings before whom the provisions of the Summary Jurisdiction Acts are or may be made applicable :

In this Act the words "local rate," "local jurisdiction," and "local authority," mean, in reference to the districts mentioned in the first column of the first schedule annexed hereto, the rate, jurisdiction, and authority mentioned in the second, third, and fourth columns of the said schedule, and such schedule and the notes thereto annexed shall be deemed to be part of this Act.

2. From and after the commencement of this Act it shall not be lawful for any person to retain or receive for hire or reward in that behalf more than one infant, and in case of twins more than two infants, under the age of one year for the purpose of nursing or maintaining such infants apart from their parents for a longer period than twenty-four hours, except in a house which has been registered as herein provided.

3. The local authority shall cause a register to be kept in which shall be entered the name of every person applying to register any house for the purposes of this Act, and the situation of every such house, and the local authority shall from time to time make bye-laws for fixing the number of



infants who may be received into each house so registered ; the registration shall remain in force for one year ; no fee shall be charged for registration. Every person who receives or retains any infant in contravention to the provisions of this Act shall be guilty of an offence against this Act.

4. The local authority may refuse to register any house, unless they are satisfied that such house is suitable for the purposes for which it is to be registered, and unless they are satisfied by the production of certificates that the person applying to be registered is of good character, and able to maintain such infants.

5. The person registered as aforesaid shall immediately enter in a register to be kept by him the name, sex, and age of each infant under his care, and the date at which and the names and addresses of the persons from whom they were received, and shall also enter in the said register the time when and the names and addresses of the person by whom every such infant received and retained as aforesaid shall be removed immediately after the removal of such infant, and shall produce the said register when required to do so by the local authority ; and in the event of his refusing so to produce the said register or neglecting to enter in a register the name, sex, and age of each of the said infants, and the date at which and the names and addresses of the persons from whom they were received and by whom they were removed respectively, shall be liable to a penalty not exceeding five pounds. The person registered shall be entitled to receive gratuitously from the local authority a book of forms for the registration of infants ; such register may be in the form contained in the second schedule to this Act.

6. If any person shall make false representations with a view to being registered under this Act, or shall forge any certificate for the purpose of this Act, or make use of any forged certificate, knowing it to be forged, or shall falsify any register kept in pursuance of this Act, he shall be guilty of an offence against this Act.

7. If it shall be proved to the satisfaction of the local authority that any person whose house has been so registered as aforesaid has been guilty of serious neglect, or is incapable of providing the infants intrusted to his care with proper food and attention, or that the house specified in the register has become unfit for the reception of infants, it shall be lawful for the local authority to strike his name and house off the register.

8. The person registered as aforesaid shall within twenty-four hours after the death of every infant so retained or received cause notice thereof to be given to the coroner for the district within which the said infant died, and the said coroner shall hold an inquest on the body of every such infant unless a certificate under the hand of a registered medical practitioner shall be produced to him by the person so registered certifying that such registered medical practitioner has personally attended or examined such infant, and specifying the cause of its death, and the said coroner shall be satisfied by such certificate that there is no ground for holding such inquest. If the person so registered shall neglect to give notice as aforesaid he shall be guilty of an offence under this Act.

9. Every person guilty of an offence under this Act shall be liable to



imprisonment for not more than six months, with or without hard labour, or to a penalty not exceeding five pounds, as a court of summary jurisdiction may award, and shall in addition be liable to have his name and house struck off the register.

10. All expenses incurred in and about the execution of this Act shall be defrayed out of the local rate.

11. Any offence under this Act may be prosecuted before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts: Provided as follows:

The description of any offence under this Act in the words of such Act, or as near thereto as may be, shall be sufficient in law:

Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or prosecutor:

The court of summary jurisdiction, when hearing, trying, determining, and adjudging an information or complaint in respect of any offence or matter arising under this Act, shall be constituted either of two or more justices of the peace in petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorized to be done by more than one justice of the peace.

12. Any moneys arising from fees or fines under this Act shall be paid to the account of the local rate, and be applied to the purposes to which that rate is applicable.

13. The provisions of this Act shall not extend to the relatives or guardians of any infant retained or received as aforesaid, nor to institutions established for the protection or care of infants, nor to any person receiving any infant for the purpose of nursing or maintaining such infant under the provisions of any Act for the relief of the poor.

14. This Act shall, in its application to Scotland, be subject to the following provisions:—

1. The expression “crime and offence” shall be equivalent to the expression “offence,” and shall be substituted therefor:

2. For a coroner’s inquest shall be substituted an inquiry by the procurator fiscal of the county into the cause of death:

3. The expenses of an inquiry by a procurator fiscal under this Act shall be defrayed out of the same funds as the expenses of an inquiry by him in a case of sudden death:

4. The court of summary jurisdiction, when hearing, trying, determining, and adjudicating an information or complaint in respect of any offence or matter arising under this Act, shall be constituted of a sheriff or sheriff substitute.

15. This Act shall commence on the first day of November one thousand eight hundred and seventy-two.



## CHAPTER XIII.

## THE PETROLEUM ACT, 1871.

(34 and 35 Vict., ch. 105.)

THIS is an Act for the safe keeping of petroleum and other substances of a like nature.

2. In this Act, if not inconsistent with the context, the following terms have the meanings hereinafter assigned to them ; (that is to say,)

The term "borough" means—

In England any place for the time being subject to the provisions of the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, "to provide for the regulation of municipal corporations in England and Wales," and the Acts amending the same ;

In Scotland any royal burgh and any burgh or town returning or contributing to return a member or members to serve in Parliament ;

In Ireland any place for the time being subject to the provisions of the Act of the session of the third and fourth years of the reign of her present Majesty, chapter one hundred and eight, "for the regulation of municipal corporations in Ireland, and the Acts amending the same :"

The term "person" includes a body corporate :

The term "Secretary of State" means one of her Majesty's Principal Secretaries of State :

The term "Lord Lieutenant" means the Lord Lieutenant of Ireland or the lords justices or other chief governors or governor of Ireland for the time being :

The term "harbour" means any harbour properly so called, whether natural or artificial, and any port, haven, estuary, tidal river or other river, canal or inland navigation navigated by sea-going ships, and any dock, pier, jetty, or other works in or at which ships do or can ship or unship goods or passengers :

The term "harbour authority" includes any persons or person being or claiming to be proprietors or proprietor of or intrusted with the duty or invested with the power of improving, maintaining, or managing any harbour :

The term "ship" includes every description of vessel used in navigation, whether propelled by oars or otherwise :

The term "Summary Jurisdiction Acts" means as follows :

As to England, the Act of the session of the eleventh and twelfth years



of the reign of her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Acts amending the same ; As to Scotland, "The Summary Procedure Act, 1864 ;"

As to Ireland, within the police district of Dublin metropolis the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district ; and elsewhere in Ireland "The Petty Sessions (Ireland) Act, 1851," and any Act amending the same :

The term "court of summary jurisdiction" means and includes any justice or justices of the peace, sheriff, or sheriff substitute, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to, or to proceedings before whom the provisions of the Summary Jurisdiction Acts are or may be made applicable :

The term "county rate" means as regards Scotland the county general assessment leviable in pursuance of "The County General Assessment (Scotland) Act, 1868," and as regards Ireland the grand jury cess.

3. For the purposes of this Act the term "petroleum" includes any rock oil, Rangoon oil, Burmah oil, oil made from petroleum, coal, schist, shale, peat, or other bituminous substance, and any products of petroleum, or any of the above-mentioned oils.

4. Every harbour authority shall frame and submit for confirmation to the Board of Trade bye-laws for regulating the place or places at which ships carrying petroleum to which this Act applies are to be moored in the harbour over which such authority has jurisdiction, and are to land their cargo, and for regulating the time and mode of, and the precautions to be taken on, such landing. The harbour authority shall publish the bye-laws so framed with a notice of the intention of such authority to apply for the confirmation thereof. The Board of Trade may confirm such bye-laws with or without any omission, addition, or alteration, or may disallow the same.

Every such bye-law when confirmed shall be published by the harbour authority, and may be from time to time altered or repealed by a bye-law made in like manner. Bye-laws under this section shall be published in such manner as the Board of Trade may from time to time direct.

If at any time it appears to the Board of Trade that there is no bye-law for the time being in force under this section in any harbour the Board of Trade may, by notice, require the harbour authority of such harbour to frame and submit to them a bye-law for the purposes of this section, and if such harbour authority make default in framing a bye-law and obtaining the confirmation thereof within the time limited by such notice the Board of Trade may make a bye-law for the purposes of this section, and such bye-law shall have the same effect as if it had been framed by the harbour authority and confirmed by the Board of Trade.

Where any ship or cargo is moored, landed, or otherwise dealt with in



contravention of any bye-law for the time being in force under this Act in any harbour, the owner and master of such ship, or the owner of such cargo, as the case may be, shall each incur a penalty not exceeding fifty pounds for each day during which such contravention continues, and it shall be lawful for the harbour master or any other person acting under the orders of the harbour authority of such harbour to cause such ship or cargo to be removed, at the expense of the owner thereof, to such place as may be in conformity with the said bye-law, and all expenses incurred in such removal may be recovered in the same manner in which penalties are by this Act made recoverable.

5. The owner or master of every ship carrying a cargo any part of which consists of petroleum to which this Act applies, on entering any harbour within the United Kingdom shall give notice of the nature of such cargo to the harbour authority having jurisdiction over such harbour.

If such notice is not given the owner and master of such ship shall each incur a penalty not exceeding the sum of five hundred pounds, unless it is shown to the satisfaction of the court before which the case is tried that neither the owner nor the master knew the nature of the goods to which the proceedings relate, nor could with reasonable diligence have obtained such knowledge.

6. Where any petroleum to which this Act applies—

- (a.) Is kept at any place except during the seven days next after it has been imported ; or,
- (b.) Is sent or conveyed by land or water between any two places in the United Kingdom ; or,
- (c.) Is sold or exposed for sale ;

The vessel containing such petroleum shall have attached thereto a label in conspicuous characters, stating the description of the petroleum, with the addition of the words "highly inflammable," and with the addition—

- (a.) In the case of a vessel kept, of the name and address of the consignee or owner :
- (b.) In the case of a vessel sent or conveyed, of the name and address of the sender :
- (c.) In the case of a vessel sold or exposed for sale, of the name and address of the vendor.

All petroleum to which this Act applies which is kept, sent, conveyed, sold, or exposed for sale, in contravention of this section, shall, together with the vessel containing the same, be forfeited, and in addition thereto the person keeping, sending, selling, or exposing for sale the same shall for each offence be liable to a penalty not exceeding five pounds.

7. Save as hereinafter mentioned, after the passing of this Act petroleum to which this Act applies shall not be kept, except in pursuance of a licence given by such local authority as is in this Act mentioned.

All petroleum kept in contravention of this section shall, together with the vessel containing the same, be forfeited, and in addition thereto the occupier of the place in which such petroleum is so kept shall be liable to a penalty not exceeding twenty pounds a day for each day during which such petroleum is so kept.



This section shall not apply to any petroleum kept either for private use or for sale, provided the following conditions are complied with :

- (1.) That it is kept in separate glass, earthenware, or metal vessels, each of which contains not more than a pint, and is securely stopped :
- (2.) That the aggregate amount kept, supposing the whole contents of the vessels to be in bulk, does not exceed three gallons.

8. The following bodies shall respectively be the local authority to grant licences under this Act in the districts herein-after mentioned ; (that is to say,)

- (1.) In the City of London, except as hereafter in this section mentioned, the Court of the Lord Mayor and aldermen of the said city :
- (2.) In the metropolis, (that is, in places for the time being within the jurisdiction of the Metropolitan Board of Works under the Metropolis Management Act, 1855,) except the city of London, and except as hereafter in this section mentioned, the Metropolitan Board of Works :
- (3.) In any borough in England or Ireland, except as hereafter in this section mentioned, the mayor, aldermen, and burgesses acting by the council :
- (4.) In any place in England or Ireland, except as hereafter in this section mentioned, within the jurisdiction of any trustees or improvement commissioners appointed under the provisions of any local or general Act of Parliament, and not being a borough or comprising any part of a borough, the trustees or commissioners :
- (5.) In any place in England (except as hereafter in this section mentioned) within the jurisdiction of a local board constituted under the Local Government Act, 1858, and not being any of the districts before mentioned or comprising any part of any such district, the local board :
- (6.) In any borough in Scotland, except as hereafter in this section mentioned, the town council :
- (7.) In any place in Scotland, except as hereafter in this section mentioned, within the jurisdiction of police commissioners or trustees exercising the functions of police commissioners under any general or local Act, and not being a borough or comprising any part of a borough, the police commissioners or trustees :
- (8.) In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority before in this section mentioned, the harbour authority, to the exclusion of any other local authority :
- (9.) In any place in which there is no local authority as before in this section defined, in England or Ireland, the justices in petty sessions assembled, and in Scotland any two or more justices of the peace for the county sitting as judges in the justice of peace court.

9. Licences in pursuance of this Act shall be valid if signed by two or more of the persons constituting the local authority, or executed in any other way in which other licences, if any, granted by such authority are executed. Licences may be granted for a limited time, and may be subject to renewal or not in such manner as the local authority think necessary.



There may be annexed to any such licence such conditions as to the mode of storage, the nature and situation of the premises in which, and the nature of the goods with which petroleum to which this Act applies is to be stored, the facilities for the testing of such petroleum from time to time, the mode of carrying such petroleum within the district of the licensing authority, and generally as to the safe keeping of such petroleum as may seem expedient to the local authority.

Any licensee violating any of the conditions of his licence shall be deemed to be an unlicensed person. There may be charged in respect of each licence granted in pursuance of this Act such sum, not exceeding five shillings, as the local authority may think fit to charge.

10. If on any application for a licence under this Act the local authority refuse the licence, or grant the same only on conditions with which the applicant is dissatisfied, the local authority shall, if required by the applicant, deliver to him in writing under the hand or hands of one or more of the persons constituting the local authority, a certificate of the grounds on which they refused the licence or annexed conditions to the grant thereof.

The applicant within ten days from the time of the delivery of the certificate may transmit the same to a Secretary of State if the application is for a licence in England or Scotland, and to the Lord Lieutenant if the application is for a licence in Ireland, together with a memorial, praying that notwithstanding such refusal the licence may be granted, or that the conditions may not be imposed, or may be altered or modified in such manner and to such extent as may be set forth in such memorial.

It shall be lawful for the Secretary of State, or the Lord Lieutenant, if he think fit, on consideration of such memorial and certificate, and, if he think it necessary or desirable, after due inquiry and a report by such person as he may appoint for that purpose, to grant the licence prayed for, either absolutely or with such conditions as he thinks fit, or to alter or modify the conditions imposed by the local authority; and the licence so granted, or altered and modified, as the case may be, when certified under the hand of a Secretary of State, or the Lord Lieutenant, shall be to all intents as valid as if granted by the local authority.

11. Any officer authorized by the local authority may purchase any petroleum from any dealer in it, or may, on producing a copy of his appointment, purporting to be certified by the clerk or some member of the local authority, or producing some other sufficient authority, require the dealer to show him every or any place, and all or any of the vessels in which any petroleum in his possession is kept, and to give him samples of such petroleum on payment of the value of such samples.

When the officer has by either of the means aforesaid taken samples of petroleum, he may declare in writing to the dealer that he is about to test the same, or cause the same to be tested, in manner set forth in Schedule One to this Act, and it shall be lawful for him to test the same or cause the same to be tested, at any convenient place at such reasonable time as he may appoint, and the dealer or any person appointed by him may be present at the testing, and if it appear to the officer or other person so testing, that the petroleum from which such samples have been taken is petroleum to which



this Act applies, such officer or other person may certify such fact, and the certificate so given shall be receivable as evidence in any proceedings that may be taken against a dealer in petroleum in pursuance of this Act; but it shall be lawful for a dealer proceeded against to give evidence in proof that such certificate is incorrect, and thereupon the court before which any such proceedings may be taken may, if such court think fit, appoint some person skilled in testing petroleum to examine the samples to which such certificate relates, and to declare whether such certificate is correct or incorrect.

Any expenses incurred in testing any petroleum of such dealer in pursuance of this section shall, if such dealer be convicted of keeping, sending, conveying, selling, or exposing for sale, petroleum in contravention of this Act, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly. In any other event such expenses shall be paid by the local authority out of any funds for the time being in their hands, and in case the local authority are the justices, out of the county rate.

12. Any dealer who refuses to show to any officer authorized by the local authority every or any place or all or any of the vessels in which petroleum in his possession is kept, or to give him such assistance as he may require for examining the same, or to give to such officer samples of such petroleum on payment of the value of such samples, or who wilfully obstructs the local authority, or any officer of the local authority, in the execution of this Act, shall incur a penalty not exceeding twenty pounds.

13. Where any court of summary jurisdiction is satisfied by information on oath that there is reasonable ground to believe that any petroleum to which this Act applies is being kept, sent, conveyed, or exposed for sale within the jurisdiction of such court in contravention of this Act, at any place, whether a building or not, or in any ship or vehicle, such court shall grant a warrant by virtue whereof it shall be lawful for any person named in such warrant to enter the place, ship, or vehicle named in such warrant, and every part thereof, and examine the same and search for petroleum therein, and take samples of any petroleum found therein, and if any petroleum to which this Act applies be found therein, which is kept, sent, conveyed, or exposed for sale, in contravention of this Act, to seize and remove such petroleum, and the vessel containing the same, and to detain such petroleum and vessel until some court of summary jurisdiction has determined whether the same are or not forfeited, the proceedings for which forfeiture shall be commenced forthwith after the seizure.

Any person seizing any petroleum to which this Act applies in pursuance of this section shall not be liable to any suit for detaining the same, or for any loss or damage incurred in respect of such petroleum, otherwise than by any wilful act or neglect while the same is so detained.

If any petroleum to which this Act applies is seized in pursuance of this section in any ship or vehicle, the person seizing the same may use for the purposes of the removal thereof, during twenty-four hours after the seizure, the said ship or vehicle, with the tackle, beasts, and accoutrements belonging thereto, and if he do so shall pay to the owner thereof a reasonable recompense for the use thereof, and the amount of such recompense shall, in case of



dispute, be settled by the court of summary jurisdiction before whom proceedings for the forfeiture are taken, and may be recovered in like manner as penalties under this Act may be recovered.

Any person who, by himself or by any one in his employ or acting by his direction or with his consent, refuses or fails to admit into any place occupied by or under the control of such person, any person demanding to enter in pursuance of this section, or in any way obstructs or prevents any person in or from making any such search, examination, or seizure, or taking any such samples as authorized by this section, shall be liable to pay a penalty not exceeding twenty pounds, and to forfeit all petroleum to which this Act applies which is found in his possession or under his control.

14. Her Majesty may from time to time make, revoke, and vary Orders in Council directing this Act, or any part thereof, to apply to any substance; and this Act or part thereof specified in the Order shall during the continuance of the Order, apply to such substance, and shall be construed and have effect as if throughout it such substance had been included in the definition of petroleum to which this Act applies, subject to the following qualifications:

- (1) The quantity of any substance to which this Act is directed by Order in Council to apply, which may be kept without a licence, shall be such quantity only as is specified in that behalf in such order, or if no such quantity is specified no quantity may be kept without a licence:
- (2.) The label on the vessel containing such substance shall be such as may be specified in that behalf in the order.

15. In England and Ireland all offences and penalties under this Act, and all money and costs directed by this Act to be recovered as penalties, may be prosecuted and recovered in manner provided by the Summary Jurisdiction Acts.

In Scotland all offences and penalties under this Act, and all money and expenses by this Act directed to be recovered as penalties, shall, save as herein-after provided, be prosecuted and recovered at the instance of the procurator fiscal or of any officer authorized in that behalf by the harbour authority or local authority under the provisions of the Summary Jurisdiction Acts before a court of summary jurisdiction, and all necessary powers and jurisdictions are hereby conferred on such court in Scotland.

Provided as follows:

- (1.) A court of summary jurisdiction shall not impose a penalty exceeding fifty pounds, but any such court may impose that or any less penalty for any one offence, notwithstanding the offence involves a penalty of higher amount.
- (2.) In Scotland any penalty exceeding fifty pounds shall be recovered and enforced in the same manner in which any penalty due to her Majesty under any Act of Parliament may be recovered and enforced.
- (3.) The "Court of Summary Jurisdiction," when hearing and determining an information or complaint, shall be constituted in some one of the following manners; (that is to say,)
  - (a.) In England, either of two or more justices of the peace in petty



sessions sitting at a place appointed for holding petty sessions, or of one of the magistrates herein-after mentioned, sitting alone or with others at some court or other place appointed for the administration of justice; that is to say, the Lord Mayor, or any alderman of the City of London, a metropolitan police magistrate, a stipendiary magistrate, or some other officer or officers for the time being empowered by law to do alone or with others any act authorized to be done by more than one justice of the peace:

(b.) In Scotland, of two or more justices of the peace sitting as judges in a justice of the peace court, or of one of the magistrates herein-after mentioned sitting alone or with others at some court or other place appointed for the administration of justice; that is to say, the sheriff of the county or his substitute, or the provost or other magistrate of a royal burgh, or some other officer or officers for the time being empowered by law to do alone or with others any act authorized to be done by more than one justice of the peace:

(c.) In Ireland, within the police district of Dublin metropolis, of one of the divisional justices of the police district of Dublin metropolis, sitting at a police court within the said district; and elsewhere, of a stipendiary magistrate, sitting alone or with others, or of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions.

(4.) The description of any offence under this Act in the words of such Act shall be sufficient in law.

(5.) Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or prosecutor.

(6.) No conviction or order made in pursuance of this Act shall be quashed for want of form or be removed by certiorari or otherwise, either at the instance of the Crown or of any private party, into any superior court. Moreover, no warrant of commitment shall be held void by reason of any defect therein, provided that there is a valid conviction to maintain such warrant, and it is alleged in the warrant that the party has been convicted.

(7.) All forfeitures may be sold or otherwise disposed of in such manner as the court may direct.

(8.) In Scotland all penalties imposed under the provisions of this Act by a court of summary jurisdiction may be enforced in default of payment by imprisonment for a term not exceeding three calendar months; and all such penalties recovered, and the proceeds of all forfeitures sold under this Act, shall be paid to the clerk of the court of summary jurisdiction, and by him accounted for and paid to the persons and for the purposes under stated; (that is to say,)

(a.) To the Queen's and Lord Treasurer's Remembrancer, on behalf of her Majesty, when the court is the sheriff's court:



(b.) To the collector of county rates in aid of the general county assessment when the court is the justice of the peace court :

(c.) To the treasurer of the burgh in aid of the funds of the burgh when the court is a burgh court.

(9.) In Ireland all penalties recovered under the provisions of this Act shall be applied according to the Fines, Ireland, Act, 1851, or any Act amending the same.

16. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on any local or harbour authority by Act of Parliament, law, or custom, and every local authority and harbour authority may exercise such other powers in the same manner as if this Act had not passed ; and nothing in this Act contained shall be deemed to exempt any person from any penalty to which he would otherwise be subject in respect of a nuisance.

17. The Acts mentioned in Schedule Two to this Act are hereby repealed to the extent in that schedule mentioned.

Provided that such repeal shall not affect any Order in Council made, or any licence granted, under any Act hereby repealed or any liability or penalty incurred in respect of any offence committed before the passing of this Act, or any remedy or proceeding for enforcing such liability or penalty ; and every such order, so far as relates to the matters provided for by this Act, and every such licence, shall have effect as if it had been made or granted under this Act.

*This Act was amended by the Petroleum Act, 1879, 42 and 43 Vict. ch. 47.*

This Act shall be construed as one with the Petroleum Act, 1871, and together with that Act may be cited as the Petroleum Acts, 1871 and 1879.

2. Whereas by the Petroleum Act, 1871, it is enacted that the term "petroleum to which this Act applies" means such of the petroleum defined by that Act as gives off an inflammable vapour at a temperature of less than one hundred degrees of Fahrenheit's thermometer, and it is expedient to alter the said test : Be it therefore enacted that—

In the Petroleum Act, 1871, the term "petroleum to which this Act applies" shall mean such of the petroleum defined by section three of that Act as, when tested in manner set forth in Schedule One to this Act, gives off an inflammable vapour at a temperature of less than seventy-three degrees of Fahrenheit's thermometer.

Every reference in the Petroleum Act, 1871, to Schedule One to that Act shall be construed to refer to Schedule One to this Act.

3. A model of the apparatus for testing petroleum, as described in Schedule One to this Act, shall be deposited with the Board of Trade, and the Board of Trade shall, on payment of such fee, not exceeding five shillings, as they from time to time prescribe, cause to be compared with such model and verified every apparatus constructed in accordance with Schedule One to this Act which is submitted to them for the purpose, and if the same is



found correct shall stamp the same with a mark approved of by the Board and notified in the *London Gazette*.

An apparatus for testing petroleum purporting to be stamped with the said mark shall, until the contrary is proved, be deemed to have been verified by the Board of Trade.

All fees under this section shall be paid into the Exchequer.

4. The Petroleum Act, 1871, shall continue in force until otherwise directed by Parliament.

5. This Act shall come into operation on the thirty first day of December, one thousand eight hundred and seventy-nine, which day is in this Act referred to as the commencement of this Act.

*The Petroleum (Hawkers) Act, 1881, 44 and 45 Vict. ch. 67, is an Act to regulate the hawking of petroleum and other substances of a like nature.*

1. Any person who is licensed in pursuance of the Petroleum Act, 1871, to keep petroleum to which the Act applies may, subject to the enactments for the time being in force with respect to hawkers and pedlars, hawk such petroleum by himself or his servants.

2. With respect to the hawking of petroleum to which the Petroleum Act, 1871, applies, the following regulations shall be observed :

- (1.) The amount of petroleum conveyed at one time in any one carriage shall not exceed twenty gallons :
- (2.) The petroleum shall be conveyed in a closed vessel so constructed as to be free from leakage.
- (3.) The carriage in which the vessels containing the petroleum are conveyed shall be so ventilated as to prevent any evaporation from the petroleum mixing with the air in or about the carriage in such proportion as to produce or be liable to produce an explosive mixture :
- (4.) Any fire or light or any article of an explosive or highly inflammable nature shall not be brought into or dangerously near to the carriage in which the vessels containing the petroleum are conveyed :
- (5.) The carriage in which the vessels containing the petroleum are conveyed shall be so constructed or fitted that the petroleum cannot escape therefrom in the form of liquid, whether ignited or otherwise :
- (6.) Proper care shall be taken to prevent any petroleum escaping into any part of a house or building, or of the curtilage thereof, or into a drain or sewer :
- (7.) The petroleum shall be stored in some premises licensed for keeping of petroleum and in accordance with the licence for such premises both every night and also when the petroleum is not in the course of being hawked :
- (8.) All due precautions shall be taken for the prevention of accidents by fire or explosion, and for preventing unauthorized persons having access to the vessels containing the petroleum ; and every person



concerned in hawking the petroleum shall abstain from any act whatever which tends to cause fire or explosion, and is not reasonably necessary for the purpose of such hawking :

- (9.) No article or substance of an explosive or inflammable character other than petroleum, nor any article liable to cause or communicate fire or explosion, shall be in the carriage while such carriage is being used for the purpose of hawking petroleum :

In the event of any contravention of this section with reference to any petroleum, the petroleum, together with the vessels containing and the carriage conveying the same, shall be liable to be forfeited, and in addition thereto the licensee by whom or by whose servants the petroleum was being hawked shall be liable on summary conviction to a penalty not exceeding twenty pounds.

Provided that —

- (1.) Where some servant of the licensee or other person has in fact committed the offence, such servant or other person shall be liable to the same penalty as if he were the licensee :
- (2.) Where the licensee is charged with a contravention of this section, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if the licensee proves to the satisfaction of the court that he had used due diligence to enforce the execution of this section, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the licensee shall be exempt from any penalty.

Any petroleum other than that to which the Petroleum Act, 1871, applies while in any carriage used for the hawking of petroleum to which the Petroleum Act, 1871, applies, shall for the purposes of this section be deemed to be petroleum to which the Petroleum Act, 1871, applies.

3. Any conditions annexed to a licence granted in pursuance of the Petroleum Act, 1871, either before or after the passing of this Act, shall, so far as they are inconsistent with this Act, be void, but save as aforesaid nothing in this Act shall affect the application to a licensee of the provisions of the Petroleum Act, 1871, or of any licence granted thereunder.

4. Where a constable or any officer authorized by the local authority has reasonable cause to believe that a contravention of this Act is being committed in relation to any petroleum, he may seize and detain such petroleum and the vessels and carriage containing the same, until some court of summary jurisdiction has determined whether there was or not a contravention of this Act ; and section thirteen of the Petroleum Act, 1871, shall apply to such constable and officer as if he were the person named in the warrant mentioned in that section, and as if the seizure were a seizure in pursuance of that section.

5. Nothing in this Act contained shall extend to authorize the hawking of petroleum within the limits of any municipal borough in which, by



any lawful authority, such hawking shall have been or may hereafter be forbidden.

6. For the purposes of this Act—

The expression “carriage” includes any carriage, waggon, cart, truck, vehicle, or other means of conveyance by land, in whatever manner the same may be drawn or propelled; and

A person shall be deemed for the purposes of this Act to hawk petroleum if by himself or his servants he goes about carrying petroleum to sell, whether going from town to town or to other men’s houses, or selling it in the streets of the place of his residence or otherwise, and whether with or without any horse or other beast bearing or drawing burden.

This Act shall be construed as one with the Petroleum Acts, 1871 and 1879, and together with those Acts may be cited as the Petroleum Acts, 1871 to 1881.



## CHAPTER XIV.

## THE POLLUTION OF RIVERS ACT, 1876.

(39 and 40 Vict. ch. 75.)

THIS Act, which may be cited for all purposes as the Rivers Pollution Prevention Act, 1876, was passed for making further provision for the prevention of the pollution of rivers, and particularly to prevent the establishment of new sources of pollution.

## PART I.

## LAW AS TO SOLID MATTERS.

2. Every person who puts or causes to be put or to fall or knowingly permits to be put or to fall or to be carried into any stream, so as either singly or in combination with other similar acts of the same or any other person to interfere with its due flow, or to pollute its waters, the solid refuse of any manufactory, manufacturing process or quarry, or any rubbish or cinders, or any other waste or any putrid solid matter, shall be deemed to have committed an offence against this Act.

In proving interference with the due flow of any stream, or in proving the pollution of any stream, evidence may be given of repeated acts which together cause such interference or pollution, although each act taken by itself may not be sufficient for that purpose.

## PART II.

## LAW AS TO SEWAGE POLLUTIONS.

3. Every person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any solid or liquid sewage matter, shall (subject as in this Act mentioned) be deemed to have committed an offence against this Act.

Where any sewage matter falls or flows or is carried into any stream along a channel used, constructed, or in process of construction at the date of the passing of this Act for the purpose of conveying such sewage matter, the person causing or knowingly permitting the sewage matter so to fall or flow or to be carried shall not be deemed to have committed an offence against



this Act if he shows to the satisfaction of the court having cognizance of the case that he is using the best practicable and available means to render harmless the sewage matter so falling or flowing or carried into the stream.

Where the Local Government Board are satisfied after local inquiry that further time ought to be granted to any sanitary authority, which at the date of the passing of this Act is discharging sewage matter into any stream, or permitting it to be so discharged, by any such channel as aforesaid, for the purpose of enabling such authority to adopt the best practicable and available means for rendering harmless such sewage matter, the Local Government Board may by order declare that this section shall not, so far as regards the discharge of sewage matter by such channel, be in operation until the expiration of a period to be limited in the order.

Any order made under this section may be from time to time renewed by the Local Government Board, subject to such conditions, if any, as they may see fit.

A person other than a sanitary authority shall not be guilty of an offence under this section in respect of the passing of sewage matter into a stream along a drain communicating with any sewer belonging to or under the control of any sanitary authority, provided he has the sanction of the sanitary authority for so doing.

### PART III.

#### LAW AS TO MANUFACTURING AND MINING POLLUTIONS.

4. Every person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any poisonous, noxious, or polluting liquid proceeding from any factory or manufacturing process shall (subject as in this Act mentioned) be deemed to have committed an offence against this Act.

Where any such poisonous, noxious, or polluting liquid as aforesaid falls or flows or is carried into any stream along a channel used, constructed, or in process of construction, at the date of the passing of this Act, or any new channel constructed in substitution thereof, and having its outfall at the same spot, for the purpose of conveying such liquid, the person causing or knowingly permitting the poisonous, noxious, or polluting liquid so to fall or flow or to be carried, shall not be deemed to have committed an offence against this Act if he shows to the satisfaction of the Court having cognizance of the case that he is using the best practicable and reasonably available means to render harmless the poisonous, noxious, or polluting liquid so falling or flowing or carried into the stream.

5. Every person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any solid matter from any mine in such quantities as to prejudicially interfere with its due flow, or any poisonous, noxious, or polluting solid or liquid matter proceeding from any mine, other than water in the same condition as that in which it has been drained or raised from such mine, shall be deemed to have committed an offence against this Act, unless in the case of poisonous, noxious, or polluting matter he



shows to the satisfaction of the court having cognizance of the case that he is using the best practicable and reasonably available means to render harmless the poisonous, noxious, or polluting matter so falling or flowing or carried into the stream.

6. Unless and until Parliament otherwise provides the following enactments shall take effect, proceedings shall not be taken against any person under this part of this Act save by a sanitary authority, nor shall any such proceedings be taken without the consent of the Local Government Board: Provided always, that if the sanitary authority, on the application of any person interested alleging an offence to have been committed, shall refuse to take proceedings or apply for the consent by this section provided, the person so interested may apply to the Local Government Board, and if that Board on inquiry is of opinion that the sanitary authority should take proceedings, they may direct the sanitary authority accordingly, who shall thereupon commence proceedings.

The said Board, in giving or withholding their consent, shall have regard to the industrial interests involved in the case and to the circumstances and requirements of the locality.

The said Board shall not give their consent to proceedings by the sanitary authority of any district which is the seat of any manufacturing industry, unless they are satisfied, after due inquiry, that means for rendering harmless the poisonous, noxious, or polluting liquids proceeding from the processes of such manufactures are reasonably practicable and available under all the circumstances of the case, and that no material injury will be inflicted by such proceedings on the interests of such industry.

Any person within such district as aforesaid, against whom proceedings are proposed to be taken under this part of this Act, shall, notwithstanding any consent of the Local Government Board, be at liberty to object before the sanitary authority to such proceedings being taken, and such authority shall, if required in writing by such person, afford him an opportunity of being heard against such proceedings being taken, so far as the same relate to his works or manufacturing processes. The sanitary authority shall thereupon allow such person to be heard by himself, agents, and witnesses, and after inquiry such authority shall determine, having regard to all the considerations to which the Local Government Board are by this section directed to have regard, whether such proceedings as aforesaid shall or shall not be taken; and where any such sanitary authority has taken proceedings under this Act, it shall not be competent to other sanitary authorities to take proceedings under this Act till the party against whom such proceedings are intended shall have failed in reasonable time to carry out the order of any competent court under this Act.

#### PART IV.

##### ADMINISTRATION OF LAW.

7. Every sanitary or other local authority having sewers under their control shall give facilities for enabling manufacturers within their district



to carry the liquids proceeding from their factories or manufacturing processes into such sewers :

Provided that this section shall not extend to compel any sanitary or other local authority to admit into their sewers any liquid which would prejudicially affect such sewers or the disposal by sale, application to land, or otherwise, of the sewage matter conveyed along such sewers, or which would from its temperature or otherwise, be injurious in a sanitary point of view :

Provided also, that no sanitary authority shall be required to give such facilities as aforesaid where the sewers of such authority are only sufficient for the requirements of their district, nor where such facilities would interfere with any order of any court of competent jurisdiction respecting the sewage of such authority.

8. Every sanitary authority shall, subject to the restrictions in this Act contained, have power to enforce the provisions of this Act in relation to any stream being within or passing through or by any part of their district, and for that purpose to institute proceedings in respect of any offence against this Act which causes interference with the due flow within their district of any such stream, or the pollution within their district of any such stream, against any other sanitary authority or person, whether such offence is committed within or without the district of the first-named sanitary authority.

Any expenses incurred by a sanitary authority in the execution of this Act shall be payable as if they were expenses properly incurred by that authority in the execution of the Public Health Act, 1875.

Proceedings may also, subject to the restrictions in this Act contained, be instituted in respect of any offence against this Act by any person aggrieved by the commission of such offence.

9. The Conservancy Board constituted under the Lee Conservancy Act, 1868, shall, within the area of their jurisdiction, have, to the exclusion of any other authority, the powers for enforcing the provisions of this Act which sanitary authorities have under this Act.

The said Conservancy Board may also enforce the provisions of the Lee Conservancy Act, 1868, under the head or division "Protection of Water," by application to the county court having jurisdiction in the place in which any offence is committed against those provisions, and such court may by summary order require any person to abstain from the commission of any such offence, and the provisions of this Act with respect to summary orders of county courts and appeal therefrom shall apply accordingly.

#### LEGAL PROCEEDINGS. SAVING CLAUSES. DEFINITIONS.

##### (1.) *Legal Proceedings.*

10. The county court having jurisdiction in the place where any offence against this Act is committed may by summary order require any person to abstain from the commission of such offence, and where such offence consists in default to perform a duty under this Act may require him to perform such duty in manner in the said order specified ; the court may insert in any order such conditions as to time or mode of action as it may think just, and



may suspend or rescind any order on such undertaking being given or condition being performed as it may think just, and generally may give such directions for carrying into effect any order as to the court seems meet. Previous to granting such order the court may, if it think fit, remit to skilled parties to report on the "best practicable and available means" and the nature and cost of the works and apparatus required, who shall in all cases take into consideration the reasonableness of the expense involved in their report.

Any person making default in complying with any requirement of an order of a county court made in pursuance of this section shall pay to the person complaining, or such other person as the court may direct, such sum, not exceeding fifty pounds a day for every day during which he is in default, as the court may order; and such penalty shall be enforced in the same manner as any debt adjudged to be due by the court; moreover, if any person so in default persists in disobeying any requirement of any such order for a period of not less than a month or such other period less than a month as may be prescribed by such order, the court may in addition to any penalty it may impose appoint any person or persons to carry into effect such order, and all expenses incurred by any such person or persons to such amount as may be allowed by the county court shall be deemed to be a debt due from the person in default to the person or persons executing such order, and may be recovered accordingly in the county court.

11. If either party in any proceedings before the county court under this Act feels aggrieved by the decision of the court in point of law or on the merits, or in respect of the admission or rejection of any evidence, he may appeal from that decision to the High Court of Justice.

The appeal shall be in the form of a special case to be agreed upon by both parties or their attorneys, and, if they cannot agree, to be settled by the judge of the county court upon the application of the parties or their attorneys.

The court of appeal may draw any inferences from the facts stated in the case that a jury might draw from facts stated by witnesses.

Subject to the provisions of this section, all the enactments, rules, and orders relating to proceedings in actions in county courts, and to enforcing judgments in county courts and appeals from decisions of the county court judges, and to the conditions of such appeals, and to the power of the superior courts on such appeals, shall apply to all proceedings under this Act, and to an appeal from such action, in the same manner as if such action and appeal related to a matter within the ordinary jurisdiction of the court.

Any plaint entered in a county court under this Act may be removed into the High Court of Justice by leave of any judge of the said High Court, if it appears to such judge desirable in the interests of justice that such case should be tried in the first instance in the High Court of Justice and not in a county court, and on such terms as to security for and payment of costs, and such other terms (if any) as such judge may think fit.

12. A certificate granted by an inspector of proper qualifications, appointed for the purposes of this Act by the Local Government Board, to the effect



that the means used for rendering harmless any sewage matter or poisonous, noxious, or polluting solid or liquid matter falling or flowing or carried into any stream, are the best or only practicable and available means under the circumstances of the particular case, shall in all courts and in all proceedings under this Act be conclusive evidence of the fact; such certificate shall continue in force for a period to be named therein, not exceeding two years, and at the expiration of that period may be renewed for the like or any less period.

All expenses incurred in or about obtaining a certificate under this section shall be paid by the applicant for the same.

Any person aggrieved by the grant or the withholding of a certificate under this section may appeal to the Local Government Board against the decision of the inspector; and the Board may either confirm, reverse, or modify his decision, and may make such order as to the party or parties by whom the costs of the appeal are to be borne as to the said Board may appear just.

13. Proceedings shall not be taken under this Act against any person for any offence against the provisions of Parts II. and III. of this Act until the expiration of twelve months after the passing of this Act; nor shall proceedings in any case be taken under this Act for any offence against this Act until the expiration of two months after written notice of the intention to take such proceedings has been given to the offender; nor shall proceedings under this Act be taken for any offence against this Act while other proceedings in relation to such offence are pending.

14. The Local Government Board may make orders as to the costs incurred by them in relation to inquiries instituted by them under this Act, and as to the parties by whom such costs shall be borne; and every such order and every order for the payment of costs made by the said Board under section twelve of this Act may be made a rule of her Majesty's High Court of Justice.

15. Inspectors of the Local Government Board shall, for the purposes of any inquiry directed by the Board under this Act, have in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those which the inspectors of the said Board have under the Public Health Act, 1875, for the purposes of that Act.

## (2.) *Saving Clauses.*

16. The powers given by this Act shall not be deemed to prejudice or affect any other rights or powers now existing or vested in any person or persons by Act of Parliament, law, or custom, and such other rights or powers may be exercised in the same manner as if this Act had not passed; and nothing in this Act shall legalize any act or default which would but for this Act be deemed to be a nuisance or otherwise contrary to law; Provided nevertheless, that in any proceedings for enforcing against any person such rights or powers the court before which such proceedings are pending shall take into consideration any certificate granted to such person under this Act.

17. This Act shall not apply to or affect the lawful exercise of any rights of impounding or diverting water.



18. Nothing in or done under this Act shall extend to interfere with, take away, abridge, or prejudicially affect any right, power, authority, jurisdiction, or privilege given by the Thames Conservancy Acts, 1857 and 1864, or by the Thames Navigation Act, 1866, or by the Lee Conservancy Act, 1868, or any Act or Acts extending or amending the said Acts or either of them, or affect any outfall or other works of the Metropolitan Board of Works (although beyond the Metropolis) executed under the Metropolis Management Act, 1855, and the Acts amending or extending the same, or take away, abridge, or prejudicially affect any right, power, authority, jurisdiction, or privilege of the Metropolitan Board of Works.

19. Where any local authority or any urban or rural sanitary authority has been empowered or required by any Act of Parliament to carry any sewage into the sea or any tidal waters, nothing done by such authority in pursuance of such enactment, shall be deemed to be an offence against this Act.

### (3.) *Definitions.*

20. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them ; that is to say,

“ Person ” includes any body of persons, whether corporate or unincorporate :

“ Stream ” includes the sea to such extent, and tidal waters to such point, as may, after local inquiry and on sanitary grounds, be determined by the Local Government Board, by order published in the *London Gazette*. Save as aforesaid, it includes rivers, streams, canals, lakes, and watercourses, other than watercourses at the passing of this Act mainly used as sewers, and emptying directly into the sea, or tidal waters which have not been determined to be streams within the meaning of this Act by such order as aforesaid :

“ Solid matter ” shall not include particles of matter in suspension in water :

“ Polluting ” shall not include innocuous discoloration :

“ Sanitary authority ” means—

In the metropolis as defined by the Metropolis Management Act, 1855, any local authority acting in the execution of the Nuisances Removal for England Act, 1855, and the Acts amending the same ;

Elsewhere in England, any urban or rural sanitary authority acting in the execution of the Public Health Act, 1875.

## PART V.

### APPLICATION OF THE ACT TO SCOTLAND.

21. In the application of this Act to Scotland the following provisions shall have effect :

(a.) The expression “ sanitary authority ” shall mean and include the local



authority in any parish or burgh in Scotland, acting under the Public Health (Scotland) Act, 1867 :

- (b.) The expression "*London Gazette*" shall mean *Edinburgh Gazette* :
- (c.) The expression "The Public Health Act, 1875," shall mean the Public Health (Scotland) Act, 1867, and any Acts amending the same :
- (d.) This Act shall be read and construed as if for the expression "the Local Government Board," wherever it occurs therein, the expression "the Secretary of State" were substituted ; and the expression "the Secretary of State" shall mean one of her Majesty's Principal Secretaries of State :
- (e.) The expression "the county court" shall mean the sheriff of the county, and shall include sheriff substitute ; and the expression "plaint entered in a county court" shall mean petition or complaint presented in a sheriff court :
- (f.) The expression "the High Court of Justice" shall mean the Court of Session in either division of the Inner House thereof :
- (g.) All the jurisdiction, powers, and authorities necessary for the purposes of this Act are hereby conferred on sheriffs and their substitutes :
- (h.) The Court of Session may, on the application of the Lord Advocate, on behalf of the Secretary of State, interpose their authority to any order made by the Secretary of State as to the costs incurred by him in relation to inquiries instituted by him under this Act, and as to the parties by whom such costs shall be borne ; and may grant decree conform thereto, upon which execution and diligence may proceed in common form :
- (i.) An inspector appointed for the purposes of this Act by the Secretary of State shall, for the purposes of any inquiry directed by the Secretary of State under this Act, be entitled, by a summons signed by him, to require the attendance of all persons he may think fit to call before him in regard to the matters of the inquiry, and to administer oaths to, and examine upon oath, all such persons, and to require and enforce the production upon oath of all documents, accounts, or papers in anywise relating to such inquiry ; and shall also have, in relation to the inspection of places and matters required to be inspected, similar powers to those which sanitary inspectors have under the Public Health (Scotland) Act, 1867.

## PART VI.

22. In the application of this Act to Ireland the following provisions shall have effect :

- (a.) The expression "sanitary authority" shall mean any urban or rural sanitary authority acting in the execution of "The Public Health (Ireland) Act, 1874 :"
- (b.) The expression "The Public Health Act, 1875," shall mean the Public Health (Ireland) Act, 1874 :



- (c.) The expression "the Local Government Board" shall mean the Local Government Board for Ireland :
- (d.) The expression "the county court" shall mean the civil bill court :
- (e.) The expression "plaint entered in a county court" shall mean civil bill process :
- (f.) The expression "the High Court of Justice" shall mean any of the Superior Courts of Common Law in Dublin, or any judge thereof to whom appeals may be brought from the decision of a civil bill court :
- (g.) The expression "the judge of the county court" shall mean the chairman of quarter sessions and judge of the civil bill court :
- (h.) The expression "the *London Gazette*" shall mean the *Dublin Gazette* :
- (i.) All the jurisdiction, powers, and authorities necessary for the purposes of this Act are hereby conferred upon the civil bill courts and superior courts, and the judges of the same respectively :
- (j.) All penalties, when recovered by or on behalf, or at the instance of or in any proceeding instituted by any sanitary authority, or any officer of such authority, shall be paid to such sanitary authority, and by the same applied in aid of their expenses under the Sanitary Acts ; and save as aforesaid all such penalties shall be applied in manner directed by the Fines Act (Ireland), 1851, and any Act amending the same.



## CHAPTER XV.

## THE SALE OF FOOD AND DRUGS ACT, 1875.

(38 and 39 Vict., ch. 63.)

THIS is an Act to repeal the Adulteration of Food Acts, and to make better provision for the sale of food and drugs in a pure state.

1. From the commencement of this Act the statutes of the twenty-third and twenty-fourth of Victoria, chapter eighty-four, of the thirty-first and thirty-second of Victoria, chapter one hundred and twenty-one, section twenty-four, of the thirty-third and thirty-fourth of Victoria, chapter twenty-six, section three, and of the thirty-fifth and thirty-sixth of Victoria, chapter seventy-four, shall be repealed except in regard to any appointment made under them and not then determined, and in regard to any offence committed against them or any prosecution or other act commenced and not concluded or completed, and any payment of money then due in respect of any provision thereof.

2. The term "food" shall include every article used for food or drink by man, other than drugs or water:

The term "drug" shall include medicine for internal or external use:

The term "county" shall include every county, riding, and division, as well as every county of a city or town not being a borough:

The term "justices" shall include any police and stipendiary magistrate invested with the powers of a justice of the peace in England, and any divisional justices in Ireland.

*Description of Offences.*

3. No person shall mix, colour, stain, or powder, or order or permit any other person to mix, colour, stain, or powder, any article of food with any ingredient or material so as to render the article injurious to health, with intent that the same may be sold in that state, and no person shall sell any such article so mixed, coloured, stained, or powdered, under a penalty in each case not exceeding fifty pounds for the first offence; every offence, after a conviction for a first offence, shall be a misdemeanour, for which the person, on conviction, shall be imprisoned for a period not exceeding six months with hard labour.

4. No person shall, except for the purpose of compounding as hereinafter described, mix, colour, stain, or powder, or order or permit any other person to mix, colour, stain, or powder, any drug with any ingredient or material so as to affect injuriously the quality or potency of such drug, with intent that



the same may be sold in that state, and no person shall sell any such drug so mixed, coloured, stained, or powdered, under the same penalty in each case respectively as in the preceding section for a first and subsequent offence.

5. Provided that no person shall be liable to be convicted under either of the two last foregoing sections of this Act in respect of the sale of any article of food, or of any drug, if he shows to the satisfaction of the justice or court before whom he is charged that he did not know of the article of food or drug sold by him being so mixed, coloured, stained, or powdered as in either of those sections mentioned, and that he could not with reasonable diligence have obtained that knowledge.

6. No person shall sell to the prejudice of the purchaser any article of food or any drug which is not of the nature, substance, and quality of the article demanded by such purchaser, under a penalty not exceeding twenty pounds; provided that an offence shall not be deemed to be committed under this section in the following cases; that is to say,

- (1.) Where any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight, or measure of the food or drug, or conceal the inferior quality thereof;
- (2.) Where the drug or food is a proprietary medicine, or is the subject of a patent in force, and is supplied in the state required by the specification of the patent;
- (3.) Where the food or drug is compounded as in this Act mentioned;
- (4.) Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

7. No person shall sell any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser, under a penalty not exceeding twenty pounds.

8. Provided that no person shall be guilty of any such offence as aforesaid in respect of the sale of an article of food or a drug mixed with any matter or ingredient not injurious to health, and not intended fraudulently to increase its bulk, weight, or measure, or conceal its inferior quality, if at the time of delivering such article or drug he shall supply to the person receiving the same a notice, by a label distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed.

9. No person shall, with the intent that the same may be sold in its altered state without notice, abstract from an article of food any part of it so as to affect injuriously its quality, substance, or nature, and no person shall sell any article so altered without making disclosure of the alteration, under a penalty in each case not exceeding twenty pounds.

*Appointment and Duties of Analysts, and proceedings to obtain Analysis.*

10. In the City of London and the liberties thereof the Commissioners of Sewers of the City of London and the liberties thereof, and in all other



parts of the metropolis the vestries and district boards acting in execution of the Act for the better local management of the metropolis, the court of quarter sessions of every county, and the town council of every borough having a separate court of quarter sessions, or having under any general or local Act of Parliament or otherwise a separate police establishment, may, as soon as convenient after the passing of this Act, where no appointment has been hitherto made, and in all cases as and when vacancies in the office occur, or when required so to do by the Local Government Board, shall, for their respective city, districts, counties, or boroughs, appoint one or more persons possessing competent knowledge, skill, and experience, as analysts of all articles of food and drugs sold within the said city, metropolitan districts, counties, or boroughs, and shall pay to such analysts such remuneration as shall be mutually agreed upon, and may remove him or them as they shall deem proper; but such appointments and removals shall at all times be subject to the approval of the Local Government Board, who may require satisfactory proof of competency to be supplied to them, and may give their approval absolutely or with modifications as to the period of the appointment and removal, or otherwise: provided, that no person shall hereafter be appointed an analyst for any place under this section who shall be engaged directly or indirectly in any trade or business connected with the sale of food or drugs in such place.

In Scotland the like powers shall be conferred and the like duties shall be imposed upon the commissioners of supply at their ordinary meetings for counties, and the commissioners or boards of police, or where there are no such commissioners or boards, upon the town councils for boroughs within their several jurisdictions; provided that one of her Majesty's Principal Secretaries of State in Scotland shall be substituted for the Local Government Board of England.

In Ireland the like powers and duties shall be conferred and imposed respectively upon the grand jury of every county and town council of every borough; provided that the Local Government Board of Ireland shall be substituted for the Local Government Board of England.

11. The town council of any borough may agree that the analyst appointed by any neighbouring borough or for the county in which the borough is situated, shall act for their borough during such time as the said council shall think proper, and shall make due provision for the payment of his remuneration, and if such analyst shall consent, he shall during such time be the analyst for such borough for the purposes of this Act.

12. Any purchaser of an article of food or of a drug in any place being a district, county, city, or borough where there is any analyst appointed under this or any Act hereby repealed shall be entitled, on payment to such analyst of a sum not exceeding ten shillings and sixpence, or if there be no such analyst then acting for such place, to the analyst of another place, of such sum as may be agreed upon between such person and the analyst, to have such article analyzed by such analyst, and to receive from him a certificate of the result of his analysis.

13. Any medical officer of health, inspector of nuisances, or inspector of weights and measures, or any inspector of a market, or any police constable



under the direction and at the cost of the local authority appointing such officer, inspector, or constable, or charged with the execution of this Act, may procure any sample of food or drugs, and if he suspect the same to have been sold to him contrary to any provision of this Act, shall submit the same to be analyzed by the analyst of the district or place for which he acts, or if there be no such analyst then acting for such place to the analyst of another place, and such analyst shall, upon receiving payment as is provided in the last section, with all convenient speed analyze the same and give a certificate to such officer, wherein he shall specify the result of the analysis.

14. The person purchasing any article with the intention of submitting the same to analysis shall, after the purchase shall have been completed, forthwith notify to the seller or his agent selling the article his intention to have the same analyzed by the public analyst, and shall offer to divide the article into three parts to be then and there separated, and each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall, if required to do so, proceed accordingly, and shall deliver one of the parts to the seller or his agent.

He shall afterwards retain one of the said parts for future comparison and submit the third part, if he deems it right to have the article analyzed, to the analyst.

15. If the seller or his agent do not accept the offer of the purchaser to divide the article purchased in his presence, the analyst receiving the article for analysis shall divide the same into two parts, and shall seal or fasten up one of those parts and shall cause it to be delivered, either upon receipt of the sample or when he supplies his certificate to the purchaser, who shall retain the same for production in case proceedings shall afterwards be taken in the matter.

16. If the analyst do not reside within two miles of the residence of the person requiring the article to be analyzed, such article may be forwarded to the analyst through the post-office as a registered letter, subject to any regulations which the Postmaster-General may make in reference to the carrying and delivery of such article, and the charge for the postage of such article shall be deemed one of the charges of this Act or of the prosecution, as the case may be.

17. If any such officer, inspector, or constable, as above described, shall apply to purchase any article of food or any drug exposed to sale, or on sale by retail on any premises or in any shop or stores, and shall tender the price for the quantity which he shall require for the purpose of analysis, not being more than shall be reasonably requisite, and the person exposing the same for sale shall refuse to sell the same to such officer, inspector, or constable, such person shall be liable to a penalty not exceeding ten pounds.

18. The certificate of the analysis shall be in the form set forth in the schedule hereto, or to the like effect.

19. Every analyst appointed under any Act hereby repealed or this Act shall report quarterly to the authority appointing him the number of articles analyzed by him under this Act during the foregoing quarter, and shall



specify the result of each analysis and the sum paid to him in respect thereof, and such report shall be presented at the next meeting of the authority appointing such analyst, and every such authority shall annually transmit to the Local Government Board, at such time and in such form as the Board shall direct, a certified copy of such quarterly report.

*Proceedings against Offenders.*

20. When the analyst having analyzed any article shall have given his certificate of the result, from which it may appear that an offence against some one of the provisions of this Act has been committed, the person causing the analysis to be made may take proceedings for the recovery of the penalty herein imposed for such offence, before any justices in petty sessions assembled having jurisdiction in the place where the article or drug sold was actually delivered to the purchaser, in a summary manner.

Every penalty imposed by this Act shall be recovered in England in the manner prescribed by the eleventh and twelfth of Victoria, chapter forty-three. In Ireland such penalties and proceedings shall be recoverable, and may be taken with respect to the police district of Dublin metropolis, subject and according to the provisions of any Act regulating the powers and duties of justices of the peace for such district, or of the police of such district; and with respect to other parts of Ireland, before a justice or justices of the peace sitting in petty sessions, subject and according to the provisions of the Petty Sessions (Ireland) Act, 1851, and any Act amending the same.

Every penalty herein imposed may be reduced or mitigated according to the judgment of the justices.

21. At the hearing of the information in such proceeding the production of the certificate of the analyst shall be sufficient evidence of the facts therein stated, unless the defendant shall require that the analyst shall be called as a witness, and the parts of the articles retained by the person who purchased the article shall be produced, and the defendant may, if he think fit, tender himself and his wife, to be examined on his behalf, and he or she shall, if he so desire, be examined accordingly.

22. The justices before whom any complaint may be made, or the court before whom any appeal may be heard, under this Act may, upon the request of either party, in their discretion cause any article of food or drug to be sent to the Commissioners of Inland Revenue, who shall thereupon direct the chemical officers of their department at Somerset House to make the analysis, and give a certificate to such justices of the result of the analysis; and the expense of such analysis shall be paid by the complainant or the defendant as the justices may by order direct.

23. Any person who has been convicted of any offence punishable by any Act hereby repealed or by this Act by any justices may appeal in England to the next general or quarter sessions of the peace which shall be held for the city, county, town, or place wherein such conviction shall have been made, provided that such person enter into a recognizance within three days next after such conviction, with two sufficient sureties, conditioned to try such appeal, and to be forthcoming to abide the judgment and deter-



mination of the court at such general or quarter sessions, and to pay such costs as shall be by such court awarded ; and the justices before whom such conviction shall be had are hereby empowered and required to take such recognizance ; and the court at such general or quarter sessions are hereby required to hear and determine the matter of such appeal, and may award such costs to the party appealing or appealed against as they or he shall think proper.

In Ireland any person who has been convicted of any offence punishable by this Act may appeal to the next court of quarter sessions to be held in the same division of the county where the conviction shall be made by any justice or justices in any petty sessions district, or to the recorder at his next sessions where the conviction shall be made by the divisional justices in the police district of Dublin metropolis, or to the recorder of any corporate or borough town when the conviction shall be made by any justice or justices in such corporate or borough town (unless when any such sessions shall commence within ten days from the date of any such conviction, in which case, if the appellant sees fit, the appeal may be made to the next succeeding sessions to be held for such division or town), and it shall be lawful for such court of quarter sessions or recorder (as the case may be) to decide such appeal, if made in such form and manner and with such notices as are required by the said Petty Sessions Acts respectively herein-before mentioned as to appeals against orders made by justices at petty sessions, and all the provisions of the said Petty Sessions Acts respectively as to making appeals and as to executing the orders made on appeal, or the original orders where the appeals shall not be duly prosecuted, shall also apply to any appeal made under this Act.

24. In any prosecution under this Act, where the fact of an article having been sold in a mixed state has been proved, if the defendant shall desire to rely upon any exception or provision contained in this Act, it shall be incumbent upon him to prove the same.

25. If the defendant in any prosecution under this Act prove to the satisfaction of the justices or court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the prosecutor, and with a written warranty to the effect, that he had no reason to believe at the time when he sold it that the article was otherwise, and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he shall have given due notice to him that he will rely on the above defence.

26. Every penalty imposed and recovered under this Act shall be paid in the case of a prosecution by any officer, inspector, or constable of the authority who shall have appointed an analyst or agreed to the acting of an analyst within their district, to such officer, inspector, or constable, and shall be by him paid to the authority for whom he acts, and be applied towards the expenses of executing this Act, any statute to the contrary notwithstanding ; but in the case of any other prosecution the same shall be paid and applied in England according to the law regulating the application of penalties for offences punishable in a summary manner, and in Ireland in



the manner directed by the Fines Act (Ireland), 1851, and the Acts amending the same.

27. Any person who shall forge, or shall utter, knowing it to be forged, for the purposes of this Act, any certificate or any writing purporting to contain a warranty, shall be guilty of a misdemeanour and be punishable on conviction by imprisonment for a term of not exceeding two years with hard labour ;

Every person who shall wilfully apply to an article of food, or a drug, in any proceedings under this Act, a certificate or warranty given in relation to any other article or drug, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding twenty pounds ;

Every person who shall give a false warranty in writing to any purchaser in respect of an article of food or a drug sold by him as principal or agent, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding twenty pounds ;

And every person who shall wilfully give a label with any article sold by him which shall falsely describe the article sold, shall be guilty of an offence under this Act, and be liable to a penalty not exceeding twenty pounds.

28. Nothing in this Act contained shall affect the power of proceeding by indictment, or take away any other remedy against any offender under this Act, or in any way interfere with contracts and bargains between individuals, and the rights and remedies belonging thereto.

Provided that in any action brought by any person for a breach of contract on the sale of any article of food or of any drug, such person may recover alone or in addition to any other damages recoverable by him the amount of any penalty in which he may have been convicted under this Act, together with the costs paid by him upon such conviction and those incurred by him in and about his defence thereto, if he prove that the article or drug the subject of such conviction was sold to him as and for an article or drug of the same nature, substance, and quality as that which was demanded of him, and that he purchased it not knowing it to be otherwise, and afterwards sold it in the same state in which he purchased it ; the defendant in such action being nevertheless at liberty to prove that the conviction was wrongful, or that the amount of costs awarded or claimed was unreasonable.

*Expenses of executing the Act.*

29. The expenses of executing this Act shall be borne, in the City of London and the liberties thereof, by the consolidated rates raised by the Commissioners of Sewers of the City of London and the liberties thereof, and in the rest of the metropolis by any rates or funds applicable to the purposes of the Act for the better local management of the metropolis, and otherwise as regards England, in counties by the county rate, and in boroughs by the borough fund or rate ;

And as regards Ireland, in counties by the grand jury cess, and in boroughs by the borough fund or rate ; all such expenses payable in any county out of grand jury cess shall be paid by the treasurer of such county ; and

The grand jury of any such county shall, at any assizes at which it is



proved that any such expenses have been incurred or paid without previous application to presentment sessions, present to be raised off and paid by such county the moneys required to defray the same.

*Special Provisions as to Tea.*

30. From and after the first day of January, one thousand eight hundred and seventy-six, all tea imported as merchandise into and landed at any port in Great Britain or Ireland shall be subject to examination by persons to be appointed by the Commissioners of Customs, subject to the approval of the Treasury, for the inspection and analysis thereof, for which purpose samples may, when deemed necessary by such inspectors, be taken and with all convenient speed be examined by the analysts to be so appointed; and if upon such analysis the same shall be found to be mixed with other substances or exhausted tea, the same shall not be delivered unless with the sanction of the said commissioners, and on such terms and conditions as they shall see fit to direct, either for home consumption or for use as ships stores or for exportation; but if on such inspection and analysis it shall appear that such tea is in the opinion of the analyst unfit for human food, the same shall be forfeited and destroyed or otherwise disposed of in such manner as the said commissioners may direct.

31. Tea to which the term "exhausted" is applied in this Act shall mean and include any tea which has been deprived of its proper quality, strength, or virtue by steeping, infusion, decoction, or other means.

32. For the purposes of this Act every liberty of a cinque port not comprised within the jurisdiction of a borough shall be part of the county in which it is situated, and subject to the jurisdiction of the justices of such county.

33. In the application of this Act to Scotland the following provisions shall have effect:

1. The term "misdemeanour" shall mean "a crime or offence:"
2. The term "defendant" shall mean "defender" and include "respondent:"
3. The term "information" shall include "complaint:"
4. This Act shall be read and construed as if for the term "justices," wherever it occurs therein, the term "sheriff" were substituted:
5. The term "sheriff" shall include "sheriff substitute:"
6. The term "borough" shall mean any royal burgh and any burgh returning or contributing to return a member to Parliament:
7. The expenses of executing this Act shall be borne in Scotland in counties, by the county general assessment, and in burghs by the police assessment:
8. This Act shall be read and construed as if for the expression "the Local Government Board," wherever it occurs therein, the expression "one of her Majesty's Principal Secretaries of State" were substituted:
9. All penalties provided by this Act to be recovered in a summary manner shall be recovered before the sheriff of the county in the sheriff court, or at the option of the person seeking to recover the same in the police court, in any place where a sheriff officiates as a



police magistrate under the provisions of the Summary Procedure Act, 1864, or of the Police Act in force for the time in any place in which a sheriff officiates as aforesaid, and all the jurisdiction, powers, and authorities necessary for this purpose are hereby conferred on sheriffs :

Every such penalty may be recovered at the instance of the procurator fiscal of the jurisdiction, or of the person who caused the analysis to be made from which it appeared that an offence had been committed against some one of the provisions of this Act :

Every penalty imposed and recovered under this Act shall be paid to the clerk of court, and by him shall be accounted for and paid to the treasurer of the county general assessment, or the police assessment of the burgh as the sheriff shall direct :

10. Every penalty imposed by this Act may be reduced or mitigated according to the judgment of the sheriff :

11. It shall be competent to any person aggrieved by any conviction by a sheriff in any summary proceeding under this Act to appeal against the same to the next circuit court, or where there are no circuit courts to the High Court of Justiciary at Edinburgh, in the manner prescribed by such of the provisions of the Act of the twentieth year of the reign of King George the Second, chapter forty-three, and any Acts amending the same, as relate to appeals in matters criminal, and by and under the rules, limitations, conditions, and restrictions contained in the said provisions.

34. In the application of this Act to Ireland,—

The term “borough” shall mean any borough subject to the Act of the session of the third and fourth years of the reign of her present Majesty, chapter one hundred and eight, intituled “An Act for the regulation of Municipal Corporations in Ireland :”

The term “county” shall include a county of a city and a county of a town not being a borough :

The term “assizes” shall, with respect to the county of Dublin, mean “presenting term :”

The term “treasurer of the county” shall include any person or persons or bank in any county performing duties analogous to those of the treasurer of the county in counties, and with respect to the county of Dublin, it shall mean the finance committee :

The term “police constable” shall mean, with respect to the police district of Dublin Metropolis, constable of the Dublin Metropolitan Police, and with respect to any other part of Ireland, constable of the Royal Irish Constabulary.

35. This Act shall commence on the first day of October, one thousand eight hundred and seventy-five.

*This Act was amended by the Sale of Food and Drugs Act Amendment Act, 1879, ch. 30, 42 and 43 Vict.*

Whereas conflicting decisions have been given in England and in Scotland in regard to the meaning and effect of section six of the Sale of



Food and Drugs Act, 1875, in this Act referred to as the principal Act, and it is expedient, in this respect and otherwise, to amend the said Act.

1. This Act may be cited for all purposes as the Sale of Food and Drugs Act Amendment Act, 1879.

2. In any prosecution under the provisions of the principal Act for selling to the prejudice of the purchaser any article of food or any drug which is not of the nature, substance, and quality of the article demanded by such purchaser, it shall be no defence to any such prosecution to allege that the purchaser, having bought only for analysis, was not prejudiced by such sale. Neither shall it be a good defence to prove that the article of food or drug in question, though defective in nature or in substance or in quality, was not defective in all three respects.

3. Any medical officer of health, inspector of nuisances, or inspector of weights and measures, or any inspector of a market, or any police constable under the direction and at the cost of the local authority appointing such officer, inspector, or constable, or charged with the execution of this Act, may procure at the place of delivery any sample of any milk in course of delivery to the purchaser or consignee in pursuance of any contract for the sale to such purchaser or consignee of such milk ; and such officer, inspector, or constable, if he suspect the same to have been sold contrary to any of the provisions of the principal Act, shall submit the same to be analyzed, and the same shall be analyzed, and proceedings shall be taken, and penalties on conviction be enforced in like manner in all respects as if such officer, inspector, or constable had purchased the same from the seller or consignor under section thirteen of the principal Act.

4. The seller or consignor or any person or persons entrusted by him for the time being with the charge of such milk, if he shall refuse to allow such officer, inspector, or constable to take the quantity which such officer, inspector, or constable shall require for the purpose of analysis, shall be liable to a penalty not exceeding ten pounds.

5. Any street or open place of public resort shall be held to come within the meaning of section seventeen of the principal Act.

6. In determining whether an offence has been committed under section six of the said Act by selling, to the prejudice of the purchaser, spirits not adulterated otherwise than by the admixture of water, it shall be a good defence to prove that such admixture has not reduced the spirit more than twenty-five degrees under proof for brandy, whisky, or rum, or thirty-five degrees under proof for gin.

7. Every liberty having a separate court of quarter sessions, except a liberty of a cinque port, shall be deemed to be a county within the meaning of the said Act.

8. The town council of any borough having a separate court of quarter sessions shall be exempt from contributing towards the expenses incurred in the execution of the principal Act in respect of the county within which such borough is situate, and the treasurer of the county shall exclude the expenses so incurred from the account required by section one hundred and seventeen of the Municipal Corporation Act, 1835, to be sent by him to such town council.



9. The town council of any borough having under any general or local Act of Parliament, or otherwise, a separate police establishment, and being liable to be assessed to the county rate of the county within which the borough is situate, shall be paid by the justices of such county the proportionate amount contributed towards the expenses incurred by the county in the execution of the principal Act by the several parishes and parts of parishes within such borough in respect of the rateable value of the property assessable therein, as ascertained by the valuation lists for the time being in force.

10. In all prosecutions under the principal Act, and notwithstanding the provisions of section twenty of the said Act, the summons to appear before the magistrates shall be served upon the person charged with violating the provisions of the said Act within a reasonable time, and in the case of a perishable article not exceeding twenty-eight days from the time of the purchase from such person for test purposes of the food or drug, for the sale of which in contravention to the terms of the principal Act the seller is rendered liable to prosecution, and particulars of the offence or offences against the said Act of which the seller is accused, and also the name of the prosecutor, shall be stated on the summons, and the summons shall not be made returnable in a less time than seven days from the day it is served upon the person summoned.

*In connexion with the foregoing Acts, it will perhaps be advisable to insert here the Customs and Inland Revenue Act, 1882, 45 and 46 Vict., ch. 41., which is an Act to grant certain duties of Customs and Inland Revenue, to alter other duties, and to amend the laws relating to Customs and Inland Revenue.*

#### PART I.

3. The duties of customs under the Customs Tariff Act, 1876, on vegetable matter (other than chicory) applicable to the uses of chicory or coffee shall cease and determine.

4.—(1.) Section five of the Customs and Inland Revenue Act, 1872, so far as it imposes a duty of excise on any vegetable matter (other than chicory) applicable to the uses of chicory or coffee grown in the United Kingdom, is hereby repealed.

(2.) The several sections of the Act of the twenty-third and twenty-fourth years of her Majesty's reign, chapter one hundred and thirteen, relating to the duty on chicory or any such vegetable matter as aforesaid, shall be read as if the same were confined to chicory, and the expressions "or such other vegetable matter as aforesaid" and "or other vegetable matter," wherever the same respectively therein occur, were omitted therefrom.

5. (1.) There shall be granted and paid to her Majesty, her heirs, and successors, upon every quarter of a pound weight of any article or substance prepared or manufactured for the purpose of being in imitation of, or in any respect to resemble, or to serve as a substitute for, coffee or chicory, which



is sold or kept for sale in the United Kingdom, and also upon every quarter of a pound weight of any mixture of such article or substance as aforesaid with coffee or chicory which is sold or kept for sale in the United Kingdom, the duty of excise of one halfpenny.

(2.) The said duty shall be under the care and management of the Commissioners of Inland Revenue, and shall be denoted by, and collected by means of, an adhesive label or labels to be provided by the said Commissioners.

(3.) Any label so provided shall be deemed to be included within the term "stamp" in sections eighteen, nineteen, twenty, and twenty-one of the Stamp Duties Management Act, 1870.

(4.) All the powers, clauses, regulations, and directions contained in any Act relating to duties of excise or to penalties under Excise Acts, and now or hereafter in force, shall be of full force and effect with respect to the said duty and the penalties by this Act imposed, so far as the same are applicable, as fully and effectually as if the same had been herein specially enacted with reference to such duty and penalties.

6.—(1.) No article or substance or mixture upon which a duty of excise is imposed by this Act shall be sold or exposed to sale, or be offered or kept ready for sale, or be delivered out of the custody or possession of any preparer, manufacturer, or importer thereof, except under the following conditions:

- (a.) The article or substance or mixture shall be placed in packets, each containing one quarter of a pound or any number of quarters of a pound:
- (b.) Each such packet shall have affixed thereto a label or labels (which shall not have been before used) denoting the proper amount of duty payable upon such packet according to the weight thereof:
- (c.) Such label or labels shall be affixed so that the whole thereof shall adhere to the packet, and so that the packet cannot be opened without tearing or destroying the labels or labels:
- (d.) Where more than one label is affixed to any packet the labels shall be affixed so that every label shall be wholly or partially visible.

Provided that each such packet containing, or purporting to contain, coffee with any other article or substance mixed therewith shall have affixed thereto a label, in manner herein-before provided, denoting in letters of not less size than the largest letters affixed to or imprinted on such label the proper name of the several articles or substances of which such mixture is composed.

(2.) If any person shall sell or expose to sale, or offer or keep ready for sale, or deliver out of his custody or possession, any such article or substance or mixture as aforesaid, otherwise than in conformity with the above conditions, he shall forfeit the same, and incur a fine of twenty pounds.

(3.) In any proceeding for recovery of the fine imposed by this section, if any question shall arise whether any label shall have been before used, proof that such label had not been before used shall lie upon the defendant.

(4.) Provided that nothing in this Act contained shall in any way affect any Act or Acts now in force relating to the adulteration of food.



7. If any person who shall prepare, manufacture, sell, keep for sale, or import any article or substance or mixture upon which a duty of excise is imposed by this Act, shall buy, receive, or have in his possession any label provided under this Act which shall have been before used, or any portion of such a label (whether such label or portion shall be loose or affixed to any packet), he shall incur a fine of one hundred pounds, and every such label or portion shall be seized.

8. Section five of the Act of the forty-third year of the reign of King George the Third, chapter one hundred and twenty-nine, is hereby repealed, save as respects the validity, invalidity, effect, or consequences of anything already done or suffered.

## PART II.

### *Income Tax.*

9. There shall be charged, collected, and paid for the year which commenced on the sixth day of April, one thousand eight hundred and eighty-two, in respect of all property, profits, and gains mentioned or described as chargeable in the Act of the sixteenth and seventeenth years of her Majesty's reign, chapter thirty-four, the following duties of income tax; (that is to say,)

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under schedules (A.), (C.), (D.), or (E.) of the said Act, the duty of sixpence halfpenny;

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said Act,—

In England the duty of threepence farthing;

In Scotland and Ireland respectively, the duty of twopence and three-eighths of a penny.

Provided always, that where any dividends, interest, or other annual profits or gains are due or payable half-yearly or quarterly in the course of the said year, the first half-yearly payment and the two first quarterly payments shall be deemed to have been or be chargeable with the duty of fivepence, and the other half-yearly payment and the two other quarterly payments shall be deemed to be chargeable with the duty of eightpence.

10. All such provisions contained in any Act relating to income tax as were in force on the fifth day of April, one thousand eight hundred and eighty-two (except section twenty-two of the Customs and Inland Revenue Act, 1881), shall have full force and effect with respect to the duties of income tax granted by this Act so far as the same shall be consistent with the provisions of this Act.

11.—(1.) Where any dividend, interest, or other annual profits or gains due or payable half-yearly or quarterly shall have become due or payable in the course of the said year which commenced on the sixth day of April, one thousand eight hundred and eighty-two, and shall have been paid to any person prior to the passing of this Act without any charge for the duty of



income tax at the rate of fivepence having been made thereon or deducted therefrom, the amount of the said duty shall be added to the assessment in respect of the next half-yearly or quarterly payment to such person, and charged thereon and deducted therefrom accordingly.

(2.) Where any person liable to pay any rent, interest, annuity, or other annual payment in the course of the said year shall, on making any such payment prior to the passing of this Act, have not made any deduction or have made an insufficient deduction in respect of income tax, he shall be authorized to make the deduction or a sufficient deduction to make up the deficiency on the occasion of the next payment, in addition to any other deduction which he may by law be authorized to make.

(3.) The charge or deduction of the duty of income tax at the rate of fivepence in the case of any payment made in the course of the said year prior to the passing of this Act shall be deemed to have been a legal charge or deduction.

12. In order to ensure the collection in due time of any duties of income tax which may be granted for the year commencing on the sixth day of April, one thousand eight hundred and eighty-three, all such provisions contained in any Act relating to the duties of income tax as are in force on the fifth day of April, one thousand eight hundred and eighty-three, shall have full force and effect with respect to the duties of income tax which may be so granted in the same manner as if the said duties had been actually granted and the said provisions had been applied thereto by an Act of Parliament passed on that day, provided that nothing in this section shall be deemed to render necessary or authorize the appointment of assessors for such of the said duties as may be granted and payable under schedules (A.) and (B.) of the said Act of the sixteenth and seventeenth years of her Majesty's reign, chapter thirty-four.



## CHAPTER XVI.

## THE VACCINATION ACT, 1867.

(30 and 31 Vict., ch. 84.)

THIS Act consolidates and amends the Laws relating to Vaccination.

1. From and after the day when this Act shall come into operation as herein-after provided, the statute of the third and fourth years of the reign of her Majesty, chapter twenty-nine, that of the fourth and fifth years of the same reign, chapter thirty-two, that of the sixteenth and seventeenth years of the same reign, chapter one hundred, the seventh section of the statute of the twenty-first and twenty-second years of the same reign, chapter twenty-five, the second section of the statute of the twenty-first and twenty-second years of the same reign, chapter ninety-seven, and the statute of the twenty-fourth and twenty-fifth years of the same reign, chapter fifty-nine, shall be repealed,—

Except in regard to the divisions and districts of unions and parishes previously made, and to all contracts under the said statutes then in force, and to all Acts and proceedings duly commenced under the same, and not then completed, and except in regard to all liabilities and responsibilities incurred under the same, or which shall remain in as full force as if the same statutes had not been repealed, unless they be in any respect inconsistent with the provisions herein contained.

2. The guardians of every union or parish where the same shall not have been divided into districts for the purpose of vaccination shall, unless such union or parish respectively shall be of so limited an area as not to require subdivision, in which case the same shall be treated as a vaccination district within the meaning hereof, forthwith divide the union or parish for which they act into districts for the performance of vaccination; and when the Poor Law Board shall by their order require any districts for the time being to be consolidated or otherwise altered, the guardians shall proceed to consolidate or alter the same, and they shall in every such case of division, consolidation, or alteration report their proposal to the Poor Law Board for their approval, which board shall approve or disapprove of the same as they see fit; and the guardians of every union or parish may, with like approval, from time to time as they shall find it requisite, alter the districts heretofore formed or hereafter to be formed for the purpose of vaccination.

4. If the said board disapprove of the proposal the guardians shall forthwith proceed to prepare another, and submit the same to the said board for



approval, and so on from time to time as shall be requisite until their proposal shall be approved, and when the said board shall have approved of the same the guardians shall enter into a contract with some duly registered medical practitioner for the performance of vaccination of all persons resident within each district; and every such medical practitioner shall be termed the public vaccinator of the district; and as and when the contracts now existing shall determine the guardians shall enter into others, with such modifications as the circumstances shall render necessary, subject to the like approval of the Poor Law Board as aforesaid.

4. No person shall be appointed a public vaccinator, or act as deputy for a public vaccinator, who shall not possess the qualification heretofore prescribed by the lords of her Majesty's Council, or such as shall be from time to time hereafter prescribed by them, except when such lords shall upon sufficient cause sanction any departure from their directions; and all such regulations as the said lords have heretofore made or shall hereafter make, which they are hereby authorized to make, to secure the efficient performance of vaccination or the provision and supply of vaccine lymph by the public vaccinator, and all such directions or regulations as the said lords acting under any Act for the prevention of diseases may issue in relation to small-pox, shall be duly observed by the several persons to whom they apply; and the said lords may from time to time cause such inquiries to be made relating to the observance of such regulations and to the execution of this Act as to them shall seem fit, and shall direct how any money hereafter to be provided by Parliament for or towards defraying the expenses of the national vaccine establishment, or otherwise providing for the supply of vaccine lymph, shall be applied.

5. On reports made to the lords of her Majesty's Council with regard to the number and quality of the vaccinations performed in the several vaccination districts of *England*, or any of them, the said lords may from time to time, out of monies provided by Parliament, and under regulations to be approved by the lords commissioners of her Majesty's Treasury, authorize to be paid to any public vaccinators, in addition to the payments received by them from guardians or overseers, further payments not exceeding in any case the rate of one shilling for each child whom the vaccinator has successfully vaccinated during the time to which the award of the said lords of the council relates.

6. Every such contract for vaccination shall provide for payment in respect only of the successful vaccination of persons, and so that the rate of payment for primary vaccinations shall be not less than the following; that is to say, for every such vaccination done at an appointed station situated at or within one mile from the residence of the vaccinator, or in the workhouse of the union or parish, not less than one shilling and sixpence; and for every such vaccination done at any station over one mile and under two miles distant from his residence, not less than two shillings; and for every such vaccination done at any station over two miles distant from his residence, not less than three shillings; such distance being measured according to the nearest public carriage road; but in respect of successful vaccinations performed elsewhere than at a station or in the workhouse as



aforesaid, the payment shall be according to the terms specified in the contract as approved of by the Poor Law Board.

7. The guardians shall, with the consent of the Poor Law Board, make stipulations and conditions in their contracts to secure the due vaccination of persons, the observance of the provisions of this Act with regard to the transmission of the certificate of successful vaccination, and the fulfilment of all other provisions of this Act on the part of the public vaccinator, and shall provide all stations at which the vaccinations shall be appointed to be performed other than the surgery or residence of the public vaccinator.

8. The provisions of the contracts entered into before this Act comes into operation shall not after the thirty-first day of *December* next apply to the cases of persons who having been previously successfully vaccinated shall be re-vaccinated, but if the lords of her Majesty's Council shall have issued or shall hereafter issue regulations in respect of the re-vaccination of persons who may apply to be re-vaccinated, which such lords are hereby authorized to do, the guardians shall pay in respect of every case of successful re-vaccination performed in conformity with such regulations under such contracts or under new contracts entered into after the date hereof a sum amounting to two thirds of the fee payable upon each case of successful primary vaccination.

9. No contract for vaccination entered into under the provisions of this Act shall be valid until the same shall have been approved of by the Poor Law Board, and such board may, at their discretion, upon the application of the lords of her Majesty's Council or otherwise, at any time after the same shall have been approved of by them, determine it either forthwith or at a future day.

10. No payment in respect of vaccination shall be made out of the common fund of any union, or out of the poor rate of any parish, or out of any other public or parochial fund, where the Poor Law Board shall not have approved of a contract for the performance thereof, or after they shall have determined any such contract; and every payment made contrary hereto shall be disallowed by the auditor in the accounts of every board of guardians, or of the overseers, or of any officer who shall have made the same.

11. Where a district shall have been or shall be assigned to a vaccinator, he shall not be entitled to be paid a fee in respect of the vaccination or re-vaccination of any child or other person resident out of his district, except in case of a vacancy in the office of vaccinator in any adjoining district, or of the default of the vaccinator therein, of which default notice shall have been given to him in writing by the guardians, or when a relieving officer of his union or parish shall in writing refer any child to him for vaccination.

12. The guardians may with the consent of the Poor Law Board provide in districts where the population is scanty or much scattered, or where some peculiar circumstance may render it expedient for them to do so, for the attendance of the public vaccinator at the appointed places after intervals exceeding three months; and if by reason of such intervals the vaccination of any child cannot be performed within the respective periods herein



prescribed, no parent or other person who would otherwise be liable shall be liable to any penalty in respect of a neglect to procure the vaccination during any such period ; but every such parent or other person shall be bound to procure such vaccination to be performed at the time and place so appointed before the commencement of the next interval, unless it be otherwise performed by a medical practitioner as herein provided, or unless the child shall be certified to be then in an unfit state for or insusceptible of vaccination.

13. When the guardians make any alteration in a vaccination district, or otherwise in the local arrangements for vaccination, they shall give public notice of such alteration by printed papers to be affixed in the districts affected by such alteration for one month prior to the alteration taking effect.

15. The registrar of births shall, on or within seven days after the registration with him of the birth of any child not already vaccinated, give a notice, according to the form in the schedule hereto annexed marked A., or to the like effect, to the parent, or, in the event of the death, illness, absence, or inability of the parent, to the person having the custody of such child, if known to him, requiring such child to be duly vaccinated according to the provisions of this Act, and specifying the days, hours, and places where the public vaccinator of the vaccination district wherein such child resides, or the vaccinator of any station duly authorized by the lords of her Majesty's Council, will attend for the purpose of performing the operation, to which notice forms according to those in the said schedule marked B., C., and D., and also the address of the registrar giving the notice, shall be attached in such form as the Registrar-General shall deem most convenient.

16. The parent of every child born in *England* shall within three months after the birth of such child, or where, by reason of the death, illness, absence, or inability of the parent, or other cause, any other person shall have the custody of such child, such person shall, within three months after receiving the custody of such child, take it or cause it to be taken to the public vaccinator of the vaccination district in which it shall be then resident, according to the provisions of this or any other Act, to be vaccinated, or shall within such period as aforesaid cause it to be vaccinated by some medical practitioner; and the public vaccinator to whom such child shall be so brought is hereby required, with all reasonable despatch, subject to the conditions herein-after mentioned, to vaccinate such child.

17. Upon the same day in the following week when the operation shall have been performed by the public vaccinator such parent or other person, as the case may be, shall again take the child or cause it to be taken to him or to his deputy that he may inspect it, and ascertain the result of the operation, and, if he see fit, take from such child lymph for the performance of other vaccinations; and in the event of the vaccination being unsuccessful such parent or other person shall, if the vaccinator so direct, cause the child to be forthwith again vaccinated and inspected as on the previous occasion.

18. If any public vaccinator or medical practitioner shall be of opinion that the child is not in a fit and proper state to be successfully vaccinated he shall forthwith deliver to the parent or other person having the custody



of such child a certificate under his hand according to the form in the schedule hereto annexed marked B., or to the like effect, that the child is then in a state unfit for successful vaccination, which certificate shall remain in force for two months, and shall be renewable for successive periods of two months until a public vaccinator or medical practitioner shall deem the child to be in a fit state for successful vaccination, when the child shall, with all reasonable despatch, be vaccinated, and the certificate of successful vaccination duly given if warranted by the result.

19. At or before the end of each successive period the parent or such person as aforesaid shall take or cause the child to be taken to some public vaccinator or medical practitioner, who shall then examine the child, and give the certificate according to the said form B., so long as he deems requisite under the circumstances of the case.

20. If any such public vaccinator or medical practitioner shall find that a child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that a child brought to him for vaccination has already had the small-pox, he shall deliver to the parent or other person as aforesaid a certificate under his hand according to the form in the schedule hereunto annexed marked C., or to the like effect, and the parent or such person as aforesaid shall thenceforth not be required to cause the child to be vaccinated.

21. Every public vaccinator who shall have performed the operation of vaccination upon any child, and have ascertained that the same has been successful, shall, within twenty-one days after the performance of the operation, transmit by post or otherwise a certificate according to form D. in the said schedule, or to the like effect, certifying that the said child has been successfully vaccinated, to the registrar of births and deaths in the district within which the birth was registered, but if such district be not known to him, or if the birth of the child shall not have been registered, to the registrar within whose district the operation shall have been performed, and upon request shall deliver a duplicate thereof to the parent or other person as aforesaid.

22. No fee or remuneration shall be charged by the public vaccinator to the parent or other person for any such certificate or duplicate certificate as aforesaid, nor for any vaccination done under his contract, nor shall he be entitled to payment under his contract for any vaccination in respect of which he shall have been paid by the parent or other person for whom or on whom it is performed; and if he should have received payment under his contract he shall not be entitled to recover payment for the vaccination from any other person.

23. Where the vaccination shall be successfully performed by a medical practitioner not being a public vaccinator, the parent or other person as aforesaid causing the child to be vaccinated shall submit a certificate according to the said form marked D. to such medical practitioner, to be filled up and signed by him, and shall within twenty-one days after the performance of the operation transmit the same so signed, by post or otherwise, to the registrar of the district where the birth of such child was registered, or if such child shall not have been registered, or the district of the registration



shall not be known to such parent or other person, to the registrar of the district in which the operation shall have been performed.

24. Every registrar shall keep a book in which he shall enter minutes of the notices of vaccination given by him as herein required, and also register the certificates transmitted to him as herein provided, and shall at all reasonable times allow searches to be made therein, and upon demand give a copy under his hand or under that of his deputy of any entry in the same, on payment of a fee of sixpence for each search and threepence for each copy; and every registrar shall receive a fee of one penny in respect of every child whose birth he shall have registered, and in respect of whom he shall give the notice as aforesaid: provided that no fee shall be charged for any search made by a public vaccinator, or any officer of the guardians, authorized by them to make such search, or any inspector appointed by the Poor Law Board or the lords of her Majesty's Council.

25. The registrar shall make out an account of the fees to which he shall be entitled under this Act at the usual quarter days of the year, and submit the same to the guardians of the union or parish for which he acts, and they shall, after examining the same and comparing with the register of successful vaccinations kept by him and finding the account to be correct, forthwith pay the amount of the same out of the funds in their possession.

26. It is hereby declared, that the vaccination, or the surgical or medical assistance incident to the vaccination, of any person in a union or parish, heretofore or hereafter performed or rendered by a public vaccinator, shall not be considered to be parochial relief, alms, or charitable allowance to such person or his parent, and no such person or his parent shall by reason thereof be deprived of any right or privilege, or be subject to any disability or disqualification.

28. The guardians of any union or parish may pay out of their funds all reasonable expenses incurred by them in causing notices to be printed and circulated as to the provisions of this Act, and in and about inquiries and reports as to the state of small-pox or vaccination in their union or parish, and in taking measures to prevent the spread of small-pox and to promote vaccination upon any actual or expected outbreak of that disease therein, and may pay any officer appointed by them to prosecute persons charged with offences against this Act, or otherwise to enforce its provisions.

29. Every parent or person having the custody of a child who shall neglect to take such child or to cause it to be taken to be vaccinated, or after vaccination to be inspected, according to the provisions of this Act, and shall not render a reasonable excuse for his neglect, shall be guilty of an offence, and be liable to be proceeded against summarily, and upon conviction to pay a penalty not exceeding twenty shillings.

30. Every public vaccinator, parent, or person, as the case shall require, who shall neglect to transmit any certificate required of him by the provisions of this Act completely filled up and legibly written to the registrar within the time herein specified, and every public vaccinator who shall refuse to deliver the duplicate to the parent or other person, on request, and every medical practitioner who shall refuse to fill up and sign the certificate of



successful vaccination when submitted to him as aforesaid, shall be liable to pay upon a summary conviction a penalty not exceeding twenty shillings ; and every person who shall wilfully sign a false certificate or duplicate under this Act shall be guilty of a misdemeanour, and punishable accordingly.

31. If any registrar, or any officer appointed by the guardians to enforce the provisions of this Act, shall give information in writing to a justice of the peace that he has reason to believe that any child under the age of fourteen years, being within the union or parish for which the informant acts, has not been successfully vaccinated, and that he has given notice to the parent or person having the custody of such child to procure its being vaccinated, and that this notice has been disregarded, the justice may summon such parent or person to appear with the child before him at a certain time and place, and upon the appearance, if the justice shall find, after such examination as he shall deem necessary, that the child has not been vaccinated, nor has already had the small-pox, he may, if he see fit, make an order under his hand and seal directing such child to be vaccinated within a certain time ; and if at the expiration of such time the child shall not have been so vaccinated, or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination, the person upon whom such order shall have been made shall be proceeded against summarily, and, unless he can show some reasonable ground for his omission to carry the order into effect, shall be liable to a penalty not exceeding twenty shillings.

Provided that if the justice shall be of opinion that the person is improperly brought before him, and shall refuse to make any order for the vaccination of the child, he may order the informant to pay to such person such sum of money as he shall consider to be a fair compensation for his expenses and loss of time in attending before the justice.

32. Any person who shall after the passing of this Act produce or attempt to produce in any person by inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article, or thing impregnated with variolous matter, or wilfully by any other means whatsoever produce the disease of small-pox in any person, shall be guilty of an offence, and shall be liable to be proceeded against summarily, and upon conviction to be imprisoned for any term not exceeding one month.

33. The statute of the eleventh and twelfth *Victoria*, chapter forty-three, except section eleven, shall apply to all proceedings to be taken under this Act ; and the justices for the county, city, borough, or other place where the offence shall have been committed shall have jurisdiction to hear and determine the complaint, and where a union or parish shall be comprised in several jurisdictions the complaint as to any matter arising in such union or parish may be heard and determined in any one of such jurisdictions ; and all prosecutions undertaken by the guardians or their officers or any registrar under this Act shall be deemed to be within the operation of the seventh and eighth *Victoria*, chapter one hundred and one, section fifty-nine, and the Union Chargeability Act of 1865, section nine.

34. In any prosecution for neglect to procure the vaccination of a child, it shall not be necessary in support thereof to prove that the defendant had



received notice from the registrar or any other officer of the requirements of the law in this respect ; but if the defendant produce any such certificate as herein-before described, or the register of vaccinations kept by the registrar as herein-before provided, in which the certificate of successful vaccination of such child shall be duly entered, the same shall be a sufficient defence for him, except in regard to the certificate marked B., when the time specified therein for the postponement of the vaccination shall have expired before the time when the information shall have been laid.

35. The word "parent" shall include the father and mother of a legitimate child and the mother of an illegitimate child ; "medical practitioner" shall mean a registered medical practitioner ; and the several words herein contained shall be construed, except where any inconsistency would ensue from such construction, in the same manner as in the several Acts for the amendment of the law for the relief of the poor.

36. The seventh section of the Public Health Act, 1858, shall apply to all the proceedings and acts of the lords of her Majesty's Council herein authorized.

37. This Act shall come into operation on the first day of January next, and may be cited as "The Vaccination Act of 1867."

*This Act was amended by the Vaccination Act (1867) Amendment Act, 1871, 34 and 35 Vict., ch. 98.*

2. This Act, except as hereinafter expressly provided, and except so far as relates to the formation of any districts, or the making of any rules, orders, or regulations, shall come into operation on the first day of January one thousand eight hundred and seventy-two, which day is in this Act referred to as the commencement of this Act.

3. This Act shall be construed as one with the Vaccination Act of 1867, in this Act referred to as the principal Act, and those Acts and this Act may be cited together as "The Vaccination Acts, 1867 and 1871."

4. In this Act the term "parent" includes any person having the custody of a child.

#### *Vaccination Officer.*

5. Whereas under the principal Act the guardians of any union or parish may pay any officer appointed by them to prosecute persons charged with offences against that Act or otherwise to enforce its provisions, and it is expedient to render obligatory the appointment of such an officer: Be it enacted that the guardians of every union and parish shall appoint and pay one or more of such officers (in this Act referred to as "vaccination officers").

The provisions of the principal Act with respect to the division of unions and parishes into vaccination districts shall extend to authorize the division of such unions or parishes into districts for the purpose of the duties of vaccination officers, so however that a district of one vaccination officer shall (unless the Poor Law Board otherwise direct) coincide either with a



vaccination district or districts under the principal Act or with a district or districts of a registrar of births and deaths.

Subject to the provisions of this Act, the Poor Law Board shall have the same powers with respect to guardians and vaccination officers in matters relating to vaccination as they have with respect to guardians and officers of guardians in matters relating to the relief of the poor, and may make rules, orders, and regulations accordingly, and all enactments relating to such powers, and to such orders, rules, and regulations, shall apply *mutatis mutandis*; and the Poor Law Board shall also from time to time frame, provide, and distribute appropriate books and forms for the use of vaccination officers, public vaccinators, and medical practitioners under the principal Act and this Act.

6. The vaccination officer shall perform all the duties imposed by the principal Act on the registrar of births and deaths, except the duty of giving the notices mentioned in section fifteen of the principal Act, and the principal Act shall be construed as if the words "vaccination officer" were substituted for the words "registrar of births and deaths" throughout that Act, except section fifteen and any other part of that Act relating to that section, and except that all fees received by the vaccination officer as such shall be accounted for to the guardians and paid to the fund out of which the expenses of the guardians under the principal Act are paid.

7. Every certificate of a child being unfit for or insusceptible of successful vaccination if given by a public vaccinator shall, instead of being delivered by him to the parent, be transmitted by such public vaccinator, and if given by any other medical practitioner shall be transmitted by the parent of such child to the vaccination officer, in like manner as if it was a certificate of successful vaccination, and within seven days after the examination of the child upon which such certificate is founded, and the public vaccinator shall, upon request, and without fee or charge, deliver to the parent a duplicate of any such certificate transmitted by him.

Every certificate of successful vaccination shall be transmitted within seven days after it is ascertained that the operation has been successfully performed; and where a medical practitioner who is not a public vaccinator inspects a child to ascertain the result of the operation of vaccination, such medical practitioner, as soon as he has ascertained that the operation has been successfully performed, shall deliver to the parent causing the child to be vaccinated a certificate of successful vaccination, in the proper form, and duly filled up and signed by him.

Every person who acts in contravention of or fails to comply with any provision of this section shall be liable on summary conviction to a penalty not exceeding twenty shillings; and every person who wilfully signs a false certificate or duplicate under this section shall be guilty of a misdemeanour, and be liable to fine or to imprisonment with or without hard labour for a period not exceeding two years.

No fee shall be payable for the registration of any certificate of vaccination under the principal Act or this Act.

8. Every registrar of births and deaths for any place shall, once at least in every month, transmit, by post or otherwise, to each vaccination officer



whose district is wholly or partly comprised in such place, a return, certified under the hand of the registrar to be a true return, of all births and of all deaths of infants under twelve months of age which have, since the date of the last return (or in the case of the first return, since the passing of this Act), been registered by such registrar as having occurred in the district of the vaccination officer to whom the return is sent.

The registrar shall, whether he is or is not also the vaccination officer, be entitled to a fee of twopence for every birth or death entered in such return; and such fee shall be paid to him out of the same funds and by the same persons, and in the like manner as the fees for giving the notices under section fifteen of the principal Act.

The returns under this section shall be made in such form and contain such particulars as may be from time to time prescribed by the Registrar-General of births and deaths in England, with the approval of the Poor Law Board; and forms necessary for such purpose and for the purpose of the principal Act shall be supplied by the said Registrar-General to every registrar of births and deaths.

9. Where the operation of re-vaccinating any person is performed on the application of such person by the public vaccinator without charge to such person, the public vaccinator shall deliver to such person a notice requiring him to attend at the same place on the same day in the following week, in order that he may be inspected and the result of the operation ascertained, and stating that in default he will be liable as in this section mentioned, and the public vaccinator, if required, shall deliver to the person re-vaccinated a certificate of the result of the operation of re-vaccination; and if such person fail to comply with such notice or to permit the public vaccinator or his deputy to ascertain the result of the operation, he shall pay a fee for such re-vaccination of two shillings and sixpence, which fee shall be a debt due from him to the guardians of the union or parish in which such public vaccinator acts, and all such fees shall be paid to and all expenses of the guardians incurred under this section shall be paid out of the fund out of which the expenses of the guardians under the principal Act are paid.

#### *Penalties.*

10. Every person who prevents any public vaccinator from taking from any child lymph as provided by section seventeen of the principal Act shall be liable, on summary conviction, to pay a penalty not exceeding twenty shillings.

11. Proceedings under section thirty-one of the principal Act may be taken and proceeded with respect to any child who is not within the union or parish for which a vaccination officer acts, if either the child or its parent was within such union or parish at the time of the information being given by such vaccination officer.

Where any parent of a child fails to produce such child when required so to do by any summons under the principal Act, such parent shall be liable on summary conviction to a penalty not exceeding twenty shillings.

Any complaint may be made and any information laid for an offence



under the Vaccination Acts, 1867 and 1871, at any time not exceeding twelve months from the time when the matter of such complaint or information arose and not subsequently.

Where a person is charged with the offence of neglecting to take or cause to be taken any child to be vaccinated, and on the defence made by such person it appears to the justices having cognizance of the case that such person is not guilty of such offence but has been guilty of the offence of not transmitting any certificate required by the principal Act or this Act with respect to the vaccination of such child, the justices may convict such person of the last-mentioned offence in like manner as if he had been charged therewith.

The defendant in any proceedings under the principal Act or this Act, may appear by any member of his family or any other person authorized by him in this behalf.

*Miscellaneous.*

12. Where it appears to the public vaccinator of any district, upon personal examination of any child resident in such district who has not been successfully vaccinated by him, that such child has been successfully vaccinated, the public vaccinator may, on the request of the parent of such child, grant a certificate to that effect, and such certificate shall be transmitted and have the same effect as if it were a certificate of successful vaccination by the public vaccinator who gave the certificate.

13. Where the medical officer of any board of guardians is in attendance as such medical officer upon a person sick of small-pox, and vaccinates any person who is resident in the same house with the sick person and has never been vaccinated or had the small-pox, or re-vaccinates any person who is resident in the same house with the sick person and has never been re-vaccinated, and is of the age at which successful re-vaccination by a public vaccinator is paid for under the regulations of the lords of her Majesty's Council for the time being in force, such medical officer shall, upon transmitting the same certificates as he would be required to transmit if he were the public vaccinator for the district, be entitled to be paid in respect of every such case of vaccination and re-vaccination the same sum out of the same fund as he would be entitled to receive if he were the public vaccinator for the district.

14. The powers of the Poor Law Board, under section nine of the principal Act, with respect to contracts for vaccination entered into under the provisions of that Act, shall extend to contracts for vaccination entered into under the provisions of any other Act.

15. The Poor Law Board may, by order, from time to time repeal, alter, and add to the forms contained in the schedule to the principal Act, and the reference in the principal Act or this Act to the forms in such schedule or to any forms shall be construed to refer to the forms prescribed by any such order.

16. After the establishment of the Local Government Board under any Act passed in the present session, this Act shall be construed as if the words Local Government Board were throughout it substituted for the



words Poor Law Board or lords of her Majesty's Privy Council respectively.

*By the Vaccination Act, 1874, 37 and 38 Vict., ch. 75, it is enacted that the powers conferred by section five of the Vaccination Act, 1871, shall be deemed to extend to and include the making of rules, orders, and regulations prescribing the duties of guardians and their officers in relation to the institution and conduct of the proceedings to be taken for enforcing the provisions of the said Act, and the payment of the costs and expenses relating thereto, and rules, orders, and regulations under this Act shall be deemed to be made under the said section.*



## CHAPTER XVII.

## THE WATERWORKS CLAUSES ACT, 1863.

(26 and 27 Vict., ch. 93.)

AN Act for consolidating in one Act certain provisions frequently inserted in Acts relating to waterworks.

Whereas the Waterworks Clauses Act, 1847, was passed in order to comprise in one Act sundry provisions which were at the time of the passing of that Act usually introduced into Acts of Parliament authorizing the construction of certain waterworks :

And whereas sundry provisions of the like nature, but not comprised in the said Act, are now frequently introduced into Acts of Parliament relating to waterworks, and it is expedient to comprise such last-mentioned provisions also in one Act, and that as well for the purpose of avoiding the necessity of repeating such provisions in special Acts relating to waterworks, as for insuring greater uniformity in the provisions themselves.

Be it enacted—

*Preliminary.*

1. This Act may be cited as the Waterworks Clauses Act, 1863 ; and the Waterworks Clauses Act, 1847, and this Act may be cited together as the Waterworks Clauses Acts, 1847 and 1863.

2. This Act shall apply to any waterworks to which any special Act hereafter passed and incorporating this Act relates ; and every such special Act is herein-after referred to as “ the Special Act.”

Terms used in this Act have the same meanings as the same terms have when used in the Waterworks Clauses Act, 1847.

The provisions respecting the recovery of penalties contained in the last-mentioned Act shall be incorporated with this Act.

*Security of Reservoirs.*

And with respect to the security of the reservoirs constructed by the undertakers, be it enacted as follows :

3. Whenever any person interested complains to two justices that any reservoir constructed by the undertakers is in a dangerous state, such justices shall forthwith make inquiry into the truth of the complaint ; or two justices, on their own view, and without complaint by any person, may proceed under the present provisions as if a complaint had been so made to them.



4. If, on any such inquiry, the justices are satisfied that the complaint is well founded, and that the reservoir is in a dangerous state, and that the danger is so imminent as not to admit of delay in removing the cause of complaint, they shall order such person as they think fit to enter on the property of the undertakers, and to lower the water in the reservoir, and to execute and do all such works and things as the justices think requisite and proper for removing the cause of complaint.

5. If, on any such inquiry, the justices are satisfied that there is good cause of complaint, but are not satisfied that the reservoir is in such an imminently dangerous state as not to admit of delay in removing the cause of complaint, they shall issue their summons to the undertakers to answer the complaint; and upon hearing the parties, the justices may, or upon default of appearance of the undertakers, then in their absence, the Justices shall, order the undertakers, within such period as the justices think reasonable and specify in the order, to lower the water in the reservoir, and to execute and do all such works and things as the justices think requisite and proper for removing the cause of complaint.

If the undertakers fail to execute or do within that period any such work or thing, the Justices who made the order, or any other two justices, on being satisfied of such failure, may either order such persons as the justices think fit to enter on the property of the undertaker, and to lower the water in the reservoir, and to execute and do all such works and things as the justices think requisite and proper for removing the cause of complaint; or may, if they think fit, by order impose on the undertakers a penalty, not exceeding ten pounds, for every day during which such failure continues after the making of the order imposing the penalty.

6. Any order of justices made in any of the cases aforesaid shall be in writing under their hands, and may be in the form set forth in the schedule to this Act, with such variations as circumstances require.

7. Any person acting under and in pursuance of any such order shall not be deemed a trespasser; and if any person wilfully obstructs any person lawfully acting in obedience to any such order, or wilfully does, or instigates, or suffers to be done, anything in contravention thereof, he shall for every such offence be liable to a penalty not exceeding fifty pounds.

8. The justices may order all, or such part as they think fit, of the costs of and incident to the applying for and obtaining of any such order to be paid by the undertakers, and also all, or such part as the justices think fit, of the expenses of the works and things executed and done in pursuance of any such order by any person other than the undertakers, to be paid by the undertakers to such person as the justices appoint.

If the justices before whom the complaint is made think that there is no sufficient ground for the complaint, they may, if they think fit, order the complainant to pay to the undertakers the whole or any part of their costs of or incident to the complaint.

9. If the undertakers consider themselves aggrieved by any order or determination of justices under the present provisions, they may in like manner and subject to the like conditions as by the Railways Clauses Consolidation Act, 1845, are provided in the case of appeals in respect of



penalties, appeal to the court of general or quarter sessions for the county or place where the cause of appeal arises; and that court may, on the hearing of the appeal, either affirm or quash the order or determination, or make such other order in the premises as may seem fit, and may make such order as to the costs, both of the original proceedings and of the appeal, as may seem fit; but the order of determination appealed against shall, pending the appeal, continue in force.

10. Notwithstanding anything in the special Act contained, the undertakers shall not be liable to pay any damages, penalties, costs, charges, or expenses for or in respect of, or be answerable or accountable for, any diminution or cessation of the supply of water, or any other breach or non-performance of their or any of their duties, liabilities, or obligations under the special Act, that may be occasioned by or result from the execution of any such order.

11. The present provisions with respect to the security of reservoirs shall apply to England and Ireland; and they shall also apply to Scotland, subject to the following variations, namely,—the sheriff shall be deemed to be empowered thereby, as well as two justices; and the appeal given shall lie from two justices in manner provided by sections one hundred and fifty-one and one hundred and fifty-two of the Railways Clauses Consolidation (Scotland) Act, 1845, and shall lie from a sheriff substitute to the sheriff depute, where the matter comes in the first instance before a sheriff substitute; and in that case the sheriff depute shall hear and determine the appeal, and may either confirm, recall, vary, or supersede the order of the sheriff substitute as he thinks proper; and the costs of the appeal shall be in the discretion of the sheriff; and the order or judgment of the sheriff in the appeal shall be final.

#### *Supply of Water.*

And with respect to the supply of water to be furnished by the undertakers, be it enacted as follows:

12. A supply of water for domestic purposes shall not include a supply of water for cattle, or for horses, or for washing carriages where such horses or carriages are kept for sale or hire or by a common carrier, or a supply for any trade, manufacture, or business, or for watering gardens, or for fountains, or for any ornamental purpose.

13. Where the undertakers are authorized by the special Act to supply water for other than domestic purposes, they shall not be liable, in the absence of express stipulation, under any agreement for the supply of water for other than domestic purposes, to any penalty or damages for not supplying such water, if the want of such supply arises from frost, unusual drought, or other unavoidable cause or accident.

14. Where the undertakers are authorized by the special Act to supply water by measure, they may let for hire to any consumer of water so supplied any meter or instrument for measuring the quantity of water supplied and consumed, and any pipes and apparatus for the conveyance, reception, or storage of the water, for such remuneration in money as may



be agreed upon between them and the consumer, which shall be recoverable in the same manner as rates due to the undertakers for water; and the meters, instruments, pipes, and apparatus shall not be subject to distress or to the landlord's hypothec for rent of the premises where the same are used, or be attached or taken in execution under any process of any court of law or equity, or under or in pursuance of any adjudication or order in bankruptcy, or other legal proceeding, against or affecting the consumer of the water or the occupier of the premises, or other the person in whose possession the meters, instruments, pipes, and apparatus may be.

15. The officers of the undertakers may enter any house, building, or lands to, through, or into which water is supplied by them by measure, in order to inspect the meters, instruments, pipes, and apparatus for the measuring, conveyance, reception, or storage of water, or for the purpose of ascertaining the quantity of water supplied or consumed, and may from time to time enter any house, building, or lands, for the purpose of removing any meter, instrument, pipe, or apparatus the property of the undertakers; and if any person hinders any such officer from entering or making such inspection, or effecting such removal, he shall for every such offence be liable to a penalty not exceeding five pounds; but, except with the consent of a justice or the sheriff, this power of entry shall be exercised only between the hours of ten in the forenoon and four in the afternoon.

#### *Protection of Water.*

And with respect to the waste or misuse of the water supplied by or belonging to the undertakers, be it enacted as follows:

16. If any person supplied with water by the undertakers wrongfully does or causes or permits to be done anything in contravention of any of the provisions of the special Act, or wrongfully fails to do anything which, under any of those provisions, ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of the undertakers, they may (without prejudice to any remedy against him in respect thereof) cut off any of the pipes by or through which water is supplied by them to him, or for his use, and may cease to supply him with water, so long as the cause of injury remains or is not remedied.

17. If any person supplied with water by the undertakers wilfully or negligently causes or suffers any pipe, valve, cock, cistern, bath, soil-pan, water-closet, or other apparatus or receptacle to be out of repair, or to be so used or contrived as that the water supplied to him by the undertakers is or is likely to be wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the return of foul air, or other noisome or impure matter, into any pipe belonging to or connected with the pipes of the undertakers, he shall for every such offence be liable to a penalty not exceeding five pounds.

18. If any person—

First, not having from the undertakers a supply of water for other than domestic purposes, uses, for other than domestic purposes, any water supplied to him by the undertakers; or



Secondly, having from the undertakers a supply of water for any other than domestic purposes, uses, for any purposes other than those for which he is entitled to use the same, any water supplied to him by the undertakers,—

he shall for every such offence be liable to a penalty not exceeding forty shillings, without prejudice to the right of the undertakers to recover from him the value of the water misused.

19. It shall not be lawful for the owner or occupier of any premises supplied with water by the undertakers, or any consumer of the water of the undertakers, or any other person, to affix or cause or permit to be affixed any pipe or apparatus to a pipe belonging to the undertakers, or to a communication or service pipe belonging to or used by such owner, occupier, consumer, or other person, or to make any alterations in any such communication or service pipe, or in any apparatus connected therewith, without the consent in every such case of the undertakers; and if any person acts in any respect in contravention of the provisions of the present section, he shall for every such offence be liable to a penalty not exceeding five pounds, without prejudice to the right of the undertakers to recover damages from him in respect of any injury done to their property, and without prejudice to their right to recover from him the value of any water wasted, misused, or unduly consumed.

20. If any person, not being supplied with water by the undertakers, wrongfully takes or uses any water from any reservoir, water-course, conduit, or pipe belonging to the undertakers, or from any pipe leading to or from any such reservoir, water-course, conduit, or pipe, or from any cistern or other like place containing water belonging to the undertakers, or supplied by them for the use of any consumer of the water of the undertakers, he shall for every such offence be liable to a penalty not exceeding five pounds.

#### *Recovery of Rates.*

And with respect to the recovery of water rates and other money, be it enacted as follows:

21. If any person refuses or neglects to pay to the undertakers any rate or sum due to them under the special Act, they may recover the same, with costs, in any court of competent jurisdiction; and their remedy under the present section shall be in addition to their other remedies for the recovery thereof.



SCHEDULES.



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# SCHEDULE TO LOCAL GOVERNMENT BOARD ACT, 1871.

## PART I.

### *Powers and Duties of Secretary of State.*

Subject.	Act.
Registration of Births, Deaths, and Marriages	6 & 7 W. 4. c. 86. 7 W. 4 & 1 Vict. c. 22.
Public Health . . . . .	11 & 12 Vict. c. 63.
Local Government . . . . .	21 & 22 Vict. c. 98. 24 & 25 Vict. c. 61. 26 & 27 Vict. c. 17.
Drainage. Sanitary Matters . . . . .	28 & 29 Vict. c. 75. 29 & 30 Vict. c. 90. 30 & 31 Vict. c. 113. 31 & 32 Vict. c. 115. 32 & 33 Vict. c. 100.
Baths and Wash-houses . . . . .	9 & 10 Vict. c. 74. 10 & 11 Vict. c. 61.
Public Improvements . . . . .	23 & 24 Vict. c. 30.
Towns Improvement . . . . .	10 & 11 Vict. c. 34.
Artizans and Labourers Dwellings . . . . .	31 & 32 Vict. c. 130.
Returns. Local Taxation . . . . .	23 & 24 Vict. c. 51. And any Acts amending the said Acts, and con- ferring powers on the said Secretary of State.

## PART II.

### *Powers and Duties of Privy Council.*

Subject.	Act.
Prevention of Disease . . . . .	11 & 12 Vict. c. 63. 18 & 19 Vict. c. 116. Sections one, three, five, and six of 21 & 22 Vict. c. 97. 22 & 23 Vict. c. 3. 23 & 24 Vict. c. 77. 29 & 30 Vict. c. 90. 31 & 32 Vict. c. 115.
Vaccination . . . . .	30 & 31 Vict. c. 84. And any Acts amending the said Acts, and con- ferring powers on the said Privy Council.



## SCHEDULES TO PUBLIC HEALTH ACT, 1875.

## SCHEDULE I.

## RULES AS TO MEETINGS AND PROCEEDINGS.

(1.) *Rules applicable to Local Boards.*

1. EVERY local board shall from time to time make regulations with respect to the summoning notice, place, management, and adjournment of their meetings, and generally with respect to the transaction and management of their business under this Act.

2. No business shall be transacted at any such meeting unless at least one third of the full number of members be present thereat, subject to this qualification, that in no case shall a larger quorum than seven members be required.

3. Every local board shall from time to time at their annual meeting appoint one of their number to be chairman for one year at all meetings at which he is present.

4. If the chairman so appointed dies, resigns, or becomes incapable of acting, another member shall be appointed to be chairman for the period during which the person so dying, resigning, or becoming incapable would have been entitled to continue in office, and no longer.

5. If the chairman is absent from any meeting at the time appointed for holding the same, the members present shall appoint one of their number to act as chairman thereat.

6. The names of the members present, as well as of those voting on each question, shall be recorded, so as to show whether each vote given was for or against the question.

7. Every question at a meeting shall be decided by a majority of votes of the members present, and voting on that question.

8. In case of an equal division of votes the chairman shall have a second or casting vote.

9. The proceedings of a local board shall not be invalidated by any vacancy or vacancies among their members, or by any defect in the election of such board, or in the election or selection or qualification of any members thereof.

10. Any minute made of proceedings at a meeting, and copies of any orders made or resolutions passed at a meeting, if purporting to be signed by the chairman of the meeting at which such proceedings took place or such orders were made or resolutions passed, or by the chairman of the next ensuing meeting, shall be received as evidence in all legal proceedings; and, until the contrary is proved, every meeting where minutes of the proceedings have been so made shall be deemed to have been duly convened and held, and all the proceedings thereat to have been duly had.

11. The annual meeting of a local board shall be held as soon as may be convenient after the fifteenth of April in each year.

12. The first meeting of a local board for a district constituted after the



passing of this Act shall be held at such place and on such day (not being more than ten days after the completion of the election) as the returning officer may by written notice to each member of the board appoint; and the members shall appoint one of their number to be chairman at such meeting, and shall also appoint one of their number to be chairman for one year at all meetings at which he is present.

13. Nothing in these rules contained with respect to the appointment of chairman shall apply to the Oxford district, and in that district a chairman shall be appointed as heretofore.

(2.) *Rules applicable to Committees of Local Authorities, other than Councils of Boroughs, and to Joint Boards.*

1. A committee or joint board may meet and adjourn as it thinks proper.
2. The quorum of a committee or joint board shall consist of such number of members as may be prescribed by the authority that appointed the committee or joint board, or, if no number is prescribed, of three members.
3. A committee or joint board may appoint a chairman of its meetings.
4. If no chairman is elected, or if the chairman elected is not present at the time appointed for holding any meeting, the members present shall choose one of their number to be chairman of such meeting.
5. Every question at a meeting shall be determined by a majority of votes of the members present and voting on that question.
6. In case of an equal division of votes the chairman shall have a second or casting vote.
7. The proceedings of a committee or joint board shall not be invalidated by reason of any vacancy or vacancies amongst their members, or any defect in the mode of appointment of such committee or joint board or of any member thereof.
8. Any minute made of proceedings at a meeting, and copies of any orders made or resolutions passed at a meeting, purporting to be signed by the chairman of the meeting at which such proceedings took place or such orders were made or resolutions passed, or by the chairman of the next ensuing meeting, shall be received as evidence in all legal proceedings; and, until the contrary is proved, every meeting where minutes of the proceedings have been so made shall be deemed to have been duly convened and held, and all the proceedings thereat to have been duly had.

## SCHEDULE II.

### (I.) RULES FOR ELECTION OF LOCAL BOARDS.

#### *Number and Qualification of Members.*

1. THE number of members of a local board constituted after the passing of this Act shall be such number as is determined by the order forming the district.
2. The Local Government Board may from time to time by order, after local inquiry, increase or diminish the number of members of any local board, and may prescribe at what time or times and in what manner such increase or diminution shall take effect, and may vary temporarily the provisions of this schedule relating to the continuance in office and retirement of members so far as may be necessary for that purpose.
3. A person shall not be qualified to be a member of a local board unless he is at the time of his election, and so long as he continues in office by virtue of such election, resident within the district for which or for part of which he is elected, or within seven miles thereof, and is seised or possessed



of real or personal estate, or both, to the value of not less than five hundred pounds in districts containing less than twenty thousand inhabitants, or to the value of not less than one thousand pounds in districts containing twenty thousand or more inhabitants; or is rated to the relief of the poor of such, district, or of some parish within the same, on an annual value of not less than fifteen pounds in districts containing less than twenty thousand inhabitants, or on an annual value of not less than thirty pounds in districts containing twenty thousand or more inhabitants.

4. Where two or more persons are jointly seised or possessed of real or personal estate, or both, of such value or amount as would, if equally divided between them, qualify each to be elected, or if two or more persons are jointly rated in respect of any property which if equally divided between them would qualify each to be elected, each of the persons so jointly seised, possessed, or rated may be elected, but the same property shall not at the same time qualify the owner and the occupier thereof.

5. A person who is a bankrupt or whose affairs are under liquidation by arrangement or who has entered into any composition with his creditors, shall be incapable, so long as any proceedings in relation to such bankruptcy, liquidation, or composition are pending, of being elected member of a local board.

#### *Wards.*

6. The Local Government Board may, by order made on application in pursuance of a resolution of owners and ratepayers passed in manner provided by schedule III. to this Act, and after local inquiry, divide any district into wards; and on the like application from time to time may abolish such wards, or alter the number or boundaries of such wards, and may determine and from time to time alter the proportion of members of the local board to be elected by each ward.

Provided that where a district has been divided into wards by a provisional order, such wards shall not be abolished or altered otherwise than by a provisional order confirmed by Parliament.

7. If any member is elected in more than one ward, he shall within three days' notice thereof choose, or, in default of his choosing, the local board at their next meeting shall decide for which one of the wards the member shall serve, and he shall thereupon be held to be elected in that ward only, and a vacancy shall be held to exist in the other ward or wards, and shall be filled up as if it were a casual vacancy.

8. No person entitled to vote shall give in the whole of the wards a greater number of votes than he would have been entitled to give if the district had not been divided into wards, nor in any one ward a greater number of votes than he is entitled to in respect of property in that ward.

9. Subject as aforesaid, any owner or ratepayer may, by notice in writing delivered to the clerk of the local board, or in case of the first election to the returning officer, elect in what ward or wards he will vote for the ensuing year, and determine the proportion of votes which he will give in any one or more of such wards, and if he does not give such notice he shall not be entitled to vote for any ward in which he does not reside.

#### *Qualification of Electors, Scale of Voting, and Register of Owners.*

10. The word "owner," when used in relation to the right of voting at any election of a local board, shall mean any person for the time being in the actual occupation of any kind of property in the district or part of a district for which he claims to vote, rateable to the relief of the poor, and not let to him at a rackrent, or any person receiving on his own account, or as mort-



gagee or other incumbrancer in possession, the rackrent of any such property.

11. A person shall not be deemed a ratepayer or be entitled to vote as such at any such election unless he has been rated to the relief of the poor in the district or part of a district for which he claims to vote for the space of one whole year immediately preceding the day of tendering his vote, and has also before that day paid all rates made on him for the relief of the poor in such district or part of a district for the period of one whole year, and all rates due from him under this Act, except rates which have been made or become due within the six months immediately preceding.

12. Owners of and ratepayers in respect of property situated within the district for which the election is held shall be entitled to vote according to the scale following ; (that is to say,)

If the property in respect of which the person is entitled to vote is rated to the poor rate on a rateable value of less than fifty pounds, he shall have one vote ; if such rateable value amounts to fifty pounds and is less than one hundred pounds, he shall have two votes ; if it amounts to one hundred pounds and is less than one hundred and fifty pounds, he shall have three votes ; if it amounts to one hundred and fifty pounds and is less than two hundred pounds, he shall have four votes ; if it amounts to two hundred pounds and is less than two hundred and fifty pounds, he shall have five votes ; and if it amounts to or exceeds two hundred and fifty pounds, he shall have six votes.

13. Any person who is owner and also bonâ fide occupier of the same property shall be entitled to vote both in respect of such ownership and of such occupation.

14. Owners may give their votes either personally or by proxy.

15. The instrument appointing a proxy shall be in writing under the hand of the appointor, or where the appointor is a corporation under their common seal, or where the appointor is a body of persons unincorporate under the hands of three directors or other persons having the direction or management of the undertaking or business carried on by such body of persons ; and every such instrument shall be attested by a witness, and may be in the form M. in schedule IV. to this Act.

16. No member of a corporation or of any such body of persons (other than a partnership firm consisting of not more than six persons) shall be entitled to vote individually as owner in respect of property belonging to such corporation or body of persons.

17. Partners in a firm consisting of not more than six persons may vote as owners in respect of property of the firm as if that property were equally divided among the partners.

18. An owner or a proxy shall not (except at the first election of a local board constituted after the passing of this Act) be entitled to have a voting paper delivered to him as such unless his name is on the register hereinafter mentioned.

19. The local board shall cause a register to be made and kept, in which shall be entered the names, addresses, and qualifications of the owners claiming and entitled to vote, and the names or descriptions, addresses, and qualifications of the appointors of proxies, and the names and addresses of proxies duly appointed.

Any such register made before the passing of this Act shall be deemed to be a register or part of a register under this Act.

20. A claim by an owner or proxy to be entered on the register shall state his name and address within the district, and a description of the nature of the interest or estate in the property giving the qualification, and a



statement of the amount of all rent service (if any) received or paid in respect thereof by him or the body of persons for whom he is proxy, and of the persons from whom or to whom the same is received or paid ; and in the case of a proxy the claim shall be accompanied by the appointment of the proxy or an attested copy thereof.

21. A claim by an owner or proxy may be made by writing in the form L. in schedule IV. to this Act.

22. A person entitled to vote either as owner or ratepayer may object to the keeping of any name on the register by writing in the form L. in the said schedule.

23. Claims and objections shall be sent to the chairman of the local board on some one of the first six days of March, and a claim or objection sent at any other time shall not be admitted by the chairman.

24. A person making an objection shall also give written notice thereof to the person objected to by leaving the same at the address within the district of that person.

25. The chairman shall, between the twentieth of February and the first day of March, publish a notice, in the form L. in schedule IV. to this Act, and signed by him, of the time within which claims and objections are to be made as aforesaid, and shall cause a copy of such notice to be inserted in some local newspaper circulating in the district and to be affixed at the places where parochial notices are usually affixed.

26. The chairman on the expiration of the time for sending in claims and objections shall with the assistance of such persons (if any) as the local board may appoint, proceed forthwith to revise the register by entering thereon the names of the persons who have claimed and are proved to his satisfaction to be entitled to vote as owners or proxies respectively, and the other particulars by this schedule required to be entered with respect to owners and proxies, and by expunging from the register the names of owners and proxies who are proved to his satisfaction to be dead or to have ceased to be entitled to vote.

27. For the purpose of enabling the chairman to determine the validity of claims and objections he may examine such persons and call for such evidence from the persons making the same as he may think fit ; any person may tender himself to be examined ; but no person shall be entitled to be examined or to be heard before the chairman in support either of a claim or an objection.

28. Not later than the sixteenth of March the chairman shall close the revision and sign the revised register, and that register shall continue in force for the twelve months next ensuing.

29. If the chairman is unable or unwilling to conduct the revision of the register, the local board shall appoint some person to conduct the revision, and in default of such appointment the revision shall be conducted by the clerk to the local board. Any person so appointed or the clerk shall for the purposes of the revision have the same powers and duties as the chairman of the local board.

30. The register shall be open to the inspection of candidates and other persons interested in any election or in any question at which any such owner or proxy claims to vote, subject to such rules as the local board may prescribe for the prevention of loss, injury, or disorder.

31. At the first election of a local board constituted after the passing of this Act an owner or proxy shall be entitled to have a voting paper delivered to him if not less than fourteen days before the last day appointed for delivery of the voting papers he sends a claim in writing to the returning officer containing such particulars as are herein-before required to be contained in claims to be entered on the register of owners and proxies.



*Returning Officer.*

32. The returning officer, for the purposes of the election of a local board, shall be the chairman of the board, or in the case of the first election, if the district is constituted by provisional order, such person as may be appointed by order of the Local Government Board; and if the district is constituted in pursuance of a resolution of owners and ratepayers, the summoning officer of the meeting of owners and ratepayers; and all powers and duties by this Act vested in or imposed on the returning officer, and all other duties requisite to be performed by him in relation to such election, shall be exercised and performed by the chairman or such person as aforesaid.

33. If the office of chairman is vacant at the time when any such power or duty must be exercised or performed, or if the chairman or such other person as aforesaid, from illness or other sufficient cause, is unable to exercise or perform such powers or duties, or is absent, or refuses to act, some other person shall be appointed (in case of the first election) by the Local Government Board, and (in any other case) by the local board, to exercise or perform such powers and duties.

34. The local board, or (in case of the first election) the returning officer, shall, before or during the election, appoint a competent number of persons to assist the returning officer in conducting and completing the same.

35. If any returning officer appointed by the Local Government Board dies, refuses, or becomes incapable to act, the Local Government Board may appoint another person to act in his stead.

*Election.*

36. The returning officer shall after the close of the revision of the register but not less than fourteen days before the last day appointed for delivery to him of nomination papers, publish a notice, signed by him, and specifying—

The number and qualification of the persons to be elected;

The place where the nomination papers herein-after mentioned are to be delivered or sent to him;

The last day on which they are to be delivered or sent in;

The mode of voting in case of a contest;

The day or days on which the voting papers will be delivered and the day on which they will be collected; and

The place for the examination and for the casting up of the votes;

and shall also cause copies of such notice to be affixed at the places where parochial notices are usually affixed.

37. The returning officer may, if he thinks fit, cause to be made an alphabetical list of the persons entitled to vote at the election.

38. The clerk of the board of guardians of any union, and the overseers or other officers of every parish wholly or in part within the parts for which the election is held, and having the custody of any books or papers relating to the election of guardians of the poor, or of the poor-rate books relating to any such parish, shall permit the same to be inspected and copies or extracts to be taken therefrom by the returning officer. Any person having the custody of any such books or papers who refuses to permit the same to be inspected, or copies or extracts to be taken therefrom, shall be liable to a penalty not exceeding five pounds.

39. Any person entitled to vote may nominate for the office of member of the local board himself (if qualified to be elected), or any other person or persons so qualified (not exceeding the number of persons to be elected).

40. Every such nomination shall be in writing, and shall state the names



and residence and calling or quality of the person or persons nominated, and shall be signed by the person nominating, and be delivered or sent to the returning officer.

41. Any person nominated may withdraw from his candidature by giving notice to that effect, signed by him, to the returning officer.

42. If the number of persons nominated and not withdrawn is the same as or less than the number of persons to be elected, such persons (if duly qualified) shall be deemed and shall be certified by the returning officer under his hand to be elected.

43. If the number nominated and not withdrawn exceeds the number to be elected, the returning officer shall cause voting papers, in the form N. contained in schedule IV. to this Act, to be prepared and filled up, and shall insert therein the names and residence and the calling or quality of each of the persons nominated and not withdrawn, in the alphabetical order of the surnames of such persons, but it shall not be necessary to insert more than once the name of any person nominated.

44. The returning officer shall, three days at least before the day of collection of the voting papers, cause one of such voting papers to be delivered, by persons appointed by him for that purpose, at the address stated in the register or claim of each owner and proxy, and at the residence within the district of each ratepayer entitled to vote therein.

45. Each voter shall write his initials in the voting paper delivered to him against the name or names of the person or persons (not exceeding the number of persons to be elected) for whom he intends to vote, and shall sign such voting paper.

46. Any person voting as a proxy shall in like manner write his own initials and sign his own name, and state also in writing the name of the person or body of persons for whom he is proxy.

47. Any voter unable to write shall affix his mark at the foot of the voting paper in the presence of a witness, who shall attest and write the name of the voter against the mark, as well as the initials of such voter against the name of every candidate for whom the voter intends to vote.

48. The returning officer shall cause the voting papers to be collected on the day of collection (which shall not be later than the seventh of April) by such persons as he may appoint.

49. No voting paper shall be received or admitted unless the same has been delivered at the address or residence as aforesaid of the voter, nor unless the same is collected by the persons appointed for that purpose: Provided—

(a.) That if any person entitled to receive a voting paper has not received a voting paper as aforesaid, he shall, on personal application before the day of collection to the returning officer, be entitled to receive a voting paper from him, and to fill up the same in his presence, and then and there to deliver the same to him:

(b.) That if any voting paper duly delivered has not been collected, through the default of the returning officer or the persons appointed to collect the same, the voter in person may deliver the same to the returning officer before twelve o'clock at noon on the day or on the first day (as the case may be) appointed for the examination and casting up of the votes.

50. If any person nominated, or any person on his behalf, gives at least one clear day's notice in writing to the returning officer, before the delivery or collection of the voting papers, of an intention to send some agent to accompany the deliverer or collector of the papers, the returning officer shall make his arrangements so as to enable the person appointed by him to be so



accompanied, but no such agent shall interfere in any respect in the delivery or collection of the voting papers.

*Counting of Votes.*

51. The returning officer shall on the day immediately following the day of collection of the voting papers, and on as many days immediately succeeding as may be necessary, attend at the place appointed for the examination and casting up of the votes, and ascertain the validity of the votes, by an examination of the rate books and such other books and documents as he may think necessary, and by examining such persons as he may see fit ; he shall cast up such of the votes as he finds to be valid, and to have been duly given, collected, or received, and shall ascertain the number of such votes for each candidate.

Any candidate may himself attend or may appoint any agent to attend the examination and casting up of the votes ; any candidate or agent so attending who obstructs or in any way interferes with the examination and casting up of the votes may, by order of the returning officer, be forthwith removed from the place appointed for that purpose, and if so removed shall not be permitted to return.

52. The candidates to the number to be elected who, being duly qualified, have obtained the greatest number of votes, shall be deemed and shall be certified by the returning officer under his hand to be elected, and to each person so elected the returning officer shall forthwith send or deliver notice of his election.

53. The returning officer shall also cause to be made a list containing the names of the candidates, together with (in case of a contest) the number of votes given for each, and the names of the persons elected, and shall sign and certify such list, and shall deliver the same, together with the nomination and voting papers which he has received, to the local board at their first or next meeting (as the case may be), who shall cause the same to be deposited in their office.

54. Such list shall during office hours be open to public inspection, together with all other documents relating to the election, for six months after the election, without fee or reward ; and the returning officer shall, as soon as may be after the completion of the election, cause such list to be printed, and copies thereof to be affixed at the usual places for affixing parochial notices within the parts for which the election has taken place.

55. The returning officer shall make all his arrangements for the conduct of the election so as to ensure its completion, and the ascertainment of the result, on or before the fifteenth of April in each year ; and on that day the candidates elected shall come into office, and until that day the members in whose room they are elected shall continue to hold office.

Provided that the first election of a local board for a district constituted after the passing of this Act may be held at any time mentioned in the order constituting the district, and the members shall come into office on the day appointed for their first meeting, but shall for the purposes of retirement be deemed to have come into office on the fifteenth of April next following the commencement of the order.

*Declaration to be made by Members.*

56. A person shall not act as a member of a local board (except in administering the following declaration) until he has made and signed before two or more other members of such board a declaration in writing, to the effect following ; (that is to say,)







- By reason of his being interested in the sale or lease of any lands or in any loan of money to the local board ; or
- By reason of his being interested in any contract with the local board as a shareholder in any joint stock company, but he shall not vote at any meeting of the local board on any question in which such company are interested, save that in the case of a water company, or other company established for the carrying on of works of a like public nature, this prohibition may be dispensed with by the Local Government Board.

*Casual Vacancies.*

65. Any casual vacancy occurring by death, resignation, disqualification, failure duly to elect members, or otherwise in a local board, shall be filled up by the local board out of qualified persons within six weeks or within such further period as the Local Government Board may by order allow ; but the member so chosen shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred.

In the event of a casual vacancy, or of an ordinary vacancy which ought to have been filled up at a previous election, being filled up at an annual election, if there is a poll, the member who has been elected by the fewest votes shall be deemed elected to fill such vacancy ; if there is no poll, the member to be deemed to be elected to fill such vacancy shall be determined by lot.

*General Provisions.*

66. Whenever the day appointed for the performance of any act in relation to any election is a Sunday, Christmas Day, or Good Friday, a bank holiday, or any day appointed for public fast or thanksgiving, such act shall be performed on the day next following, unless it is one of the days excluded as aforesaid ; and in that case on the day following such excluded day.

67. The necessary expenses attendant on any election, and such reasonable remuneration to the returning officer and other persons for services performed or expenses incurred by them in relation thereto as may be allowed by the local board, shall be paid out of the general district rates levied under this Act.

68. If the returning officer refuses or neglects to comply with any of the provisions of this schedule relating to elections, he shall be liable to a penalty not exceeding fifty pounds ; and any person employed for the purposes of any such election by or under the returning officer who is guilty of any such neglect or refusal shall be liable to a penalty not exceeding five pounds.

69. Any person who—

Fabricates in whole or in part, or alters, defaces, destroys, abstracts, or purloins any voting paper, or

Personates any person entitled to vote at any election, or

Falsely assumes to act in the name or on the behalf of any person so entitled to vote, or

Interferes with the delivery or collection of any voting papers, or

Delivers any voting paper under a false pretence of being lawfully authorized so to do,

shall be liable to a penalty not exceeding twenty pounds, or, in the discretion of the court, to imprisonment with or without hard labour for any period not exceeding three months.

70. Any person who, not being duly qualified to act as member of the



local board, or not having made and subscribed the declaration required of him by this Act, or being disabled from acting by any provision of this Act, acts as such member, shall be liable to a penalty of fifty pounds, which may be recovered by any person, with full costs of suit, by action of debt; in such action it shall be sufficient for the plaintiff to prove in the first instance that the defendant at the time when the offence is alleged to have been committed acted as such member; and the burden of proving qualification, and the making and subscription of the declaration, or of negating disqualification by reason of non-residence or not being seised or possessed of the requisite real or personal estate, or both, shall be on the defendant.

But all acts and proceedings of any person disqualified, disabled, or not duly qualified, or who has not made and subscribed the declaration required by this Act, shall, if done previously to the recovery of the penalty mentioned in this Act, be valid and effectual to all intents and purposes.

*As to Local Boards established before the passing of the Local Government Act, 1858.*

71. Where the district of a local board established under the Public Health Act, 1848, before the passing of the Local Government Act, 1858, comprises the whole or any part of a borough or boroughs, and also parts not within the boundaries of any such borough, the following provisions shall have effect; (namely,)

- (a.) Each person selected by the council of any such borough out of their own number shall be a member of the local board with which he is selected to act, so long as he continues without re-election to be member of the council from whom he was selected, and no longer; and a declaration shall not be required to be made by any person so selected:
- (b.) Each person selected by any such council otherwise than out of their own number shall be a member of the local board with which he is selected to act, for one year from the date of his selection, and no longer:
- (c.) In case of any vacancy in the number selected some other qualified person shall be selected by the council by whom the person causing the vacancy was selected, within one month after the occurrence of the vacancy:
- (d.) The meeting of any council at which any selection as aforesaid is made in pursuance of this Act shall to all intents and purposes be deemed to be a meeting held in pursuance of the Act of the session of the fifth and sixth years of the reign of King William the Fourth, intituled "An Act for the Regulation of Municipal Corporations in England and Wales," and any Act amending the same:
- (e.) If any person is both selected and elected to be a member of any such local board, he shall, within three days after notice thereof from the clerk, choose, or, in default of such choice, the local board of which he is so selected and elected to be member shall determine, the title in respect of which he shall serve; and immediately on such choice or determination the person so selected and elected shall be deemed to be member only in respect of the title so chosen or determined, and his office as member in respect of any other title shall thereupon become vacant.

72. Elective members of any local board established under the Public Health Act, 1848, before the passing of the Local Government Act, 1858, shall be elected by such owners of property and ratepayers and in such manner as in this schedule mentioned; and the provisions of this schedule



(with the exception of the provisions relating to the number and qualification of members) shall apply accordingly.

*Temporary Provisions.*

73. All members of local boards existing at the time of the passing of this Act shall, notwithstanding any provision of any Act or order confirmed by Parliament, continue to hold office till the fifteenth day of April one thousand eight hundred and seventy-six; and the next election of members of such local boards shall be held in accordance with the provisions of this schedule.

74. The provisions of section twenty-six of the Sanitary Law Amendment Act, 1874, shall be deemed not to have been compulsory in the case of the first election of members of any local board elected after the passing of that Act, and before the passing of this Act; and all elections held or purporting to have been held in accordance with such provisions before the passing of this Act, shall be deemed to have been duly held, and to be valid for all purposes.

*Oxford.*

75. Nothing in the rules in this schedule shall apply to the local government district of Oxford.

(II.) PROCEEDINGS IN CASE OF LAPSE OF LOCAL BOARD.

1. Where any local board lapses through its members ceasing to hold office, and failure to elect new members in manner by this Act provided, any mortgagee or other person entitled to any principal or interest on any mortgage of rates made by such local board may, without prejudice to any other mode of recovery, apply for the appointment of a receiver to a court of summary jurisdiction. The said court may, by writing under their hands, appoint a person to make, levy, and collect the whole or a competent part of the rates liable to the payment of the principal and interest in respect of which the application is made, and to recover all arrears of such rates until such principal and interest, together with the costs of the application and of collection, are paid; and on such appointment being made, all such rates, competent part thereof and arrears, shall be paid to the receiver so appointed, and shall be rateably apportioned by him among the mortgagees or other persons entitled to the same.

2. In the case of any lapse of a local board, the owners and ratepayers of the district may, by resolution passed in manner provided by schedule III. to this Act, determine to elect, and may accordingly proceed to the election of a new local board in manner provided by this schedule, and the result of such election shall be signified to the Local Government Board by the returning officer; and all the powers, rights, duties, property, and liabilities of the lapsed board shall attach to the new board as if there had been no lapse before the election thereof, and from the date of the completion of such election all powers of any receiver to make rates under this schedule shall determine.

If no election takes place in pursuance of this provision within three months from the date of the lapse of the board, the Local Government Board may by order dissolve the district, and declare it to be a rural district, or to be included in any adjoining rural district; and from and after a day named in such order all such powers, rights, duties, property, and liabilities of the lapsed board as the Local Government Board may direct shall with respect to the dissolved district attach to the rural authority named in the order, and such property shall be held by the rural authority for the benefit of the dissolved district.



The Local Government Board may by order determine any question as to the fact of a local board having lapsed, or as to the date of the lapse of any local board.

### SCHEDULE III.

#### *Rules as to Resolutions of Owners and Ratepayers.*

(1.) For the purpose of passing a resolution of owners and ratepayers under this Act, a meeting shall be summoned on the requisition of any twenty ratepayers or owners, or of any twenty ratepayers and owners, resident in the district or place with respect to which the resolution is to be passed.

(2.) The summoning officer of such meeting shall be—

In boroughs, the mayor ;

In improvement Act districts, the chairman of the improvement commissioners ;

In local government districts, the chairman of the local board ;

In places situated in any rural district or districts and having known and defined boundaries, the churchwardens or one of them having jurisdiction co-extensive with the place ; or if there are no churchwardens, the overseers or one of them having the like jurisdiction ; or if there is none of the officers respectively above enumerated, or if such officer in any case neglects, is unable, or refuses to perform the duties hereby imposed on him, by any person appointed by the Local Government Board.

Where the boundaries of a place are settled by order of the Local Government Board, the Board shall by such order appoint the summoning officer.

If any summoning officer appointed by the Local Government Board dies, becomes incapable, or refuses or neglects to act, the Local Government Board may appoint another officer in his room.

(3.) Ratepayers or owners making a requisition for the summoning of such meeting shall, if required, give security in a bond, with two sufficient sureties, for repayment to the summoning officer, in the event of the resolution not being passed, of the costs incurred in relation to such meeting or any poll taken in pursuance of any demand made thereat ; the amount of the security to be given by such sureties, and their sufficiency, and the amount of such costs, to be settled by agreement between the summoning officer and such ratepayers or owners, or, in case of dispute, by a court of summary jurisdiction.

(4.) The summoning officer shall, on such requisition as aforesaid, fix a time and place for holding such meeting, and shall forthwith give notice thereof—

By advertisement in some one or more of the local newspapers circulated in the district or place ;

By causing such notice to be affixed to the principal doors of every church and chapel in the place to which notices are usually affixed.

(5.) The summoning officer shall be the chairman of the meeting unless he is unable or unwilling to preside, in which case the meeting on assembling shall choose one of its number as chairman, who may, with the consent of a majority of the persons present, adjourn the same from time to time.



(6.) The chairman shall propose to the meeting the resolution, and the meeting shall decide for or against its adoption: Provided, that if any owner or ratepayer demands that such question be decided by a poll of owners and ratepayers, such poll shall be taken by voting papers in the form O. in schedule IV. to this Act, in the same way and with the same incidents and conditions as to the qualification of electors and scale of voting, as to notice to be given by the returning officer, delivery, filling up, and collection of voting papers, as to the counting of votes, as to penalties for neglect or refusal to comply with the provisions of the Act, and in all respects whatsoever as is provided by the rules for the election of local boards in schedule II. to this Act; except that in districts or places where there is no register of owners and proxies under this Act, any owner or proxy shall be entitled to have a voting paper delivered to him if at least fourteen days before the last day appointed for delivery of the voting papers he sends a claim in writing to the summoning officer containing the particulars required by schedule II. to this Act to be contained in claims to be entered on the register of owners and proxies, and except that the provisions with respect to certain specified days of the month shall not apply.

For the purposes of such poll the summoning officer shall be the returning officer, and shall have the powers and perform the duties of a returning officer under schedule II. to this Act, so far as the same are applicable to a poll under this schedule.

If no poll is demanded, or the demand for a poll is withdrawn by the persons making the same, a declaration by the chairman shall, in the absence of proof to the contrary, be sufficient evidence of the decision of such meeting.

(7.) A copy, under the hand of the summoning officer, of every resolution so passed, shall be forwarded by him to the Local Government Board; and it shall be his duty to publish a copy thereof by advertisement for three successive weeks in some one or more of the local newspapers circulated in the district or place, and by causing a copy thereof to be affixed to the principal doors of every church and chapel in the place to which notices are usually affixed.

(8.) Where in pursuance of a resolution passed in manner provided by this schedule any place is constituted a local government district, all costs incurred by the summoning officer in relation to the meeting, and any poll taken in pursuance of any demand made thereat, shall be a first charge on the general district rates leviable within such district; in the case of a resolution so passed by owners or ratepayers in any urban district, such cost shall be paid out of the fund or rate applicable by the urban authority to the general purposes of this Act.

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## SCHEDULE IV.

### FORMS.

#### FORM A.

#### *Form of Notice requiring Abatement of Nuisance.*

To [person causing the nuisance, or owner or occupier of the premises whereon the nuisance exists, as the case may be].

Take notice that under the provisions of the Public Health Act, 1875, the [describe the local authority], being satisfied of the existence of a nuisance at



[*describe premises or place where the nuisance exists*], arising from [*describe the cause of nuisance, for instance, want of a privy or drain; or for further instance, a ditch or drain so foul as to be a nuisance or injurious to health; or for further instance, swine kept so as to be a nuisance or injurious to health*], do hereby require you within from the service of this notice to abate the same, and for that purpose to [*state any things required to be done or works to be executed*].

If you make default in complying with the requisitions of this notice, or if the said nuisance, though abated, is likely to recur, a summons will be issued requiring your attendance to answer a complaint which will be made to a court of summary jurisdiction for enforcing the abatement of the nuisance, and prohibiting a recurrence thereof, and for recovering the costs and penalties that may be incurred thereby.

Dated this                      day of                      18 .

Signature of officer }  
of local authority }

*In the notice it is not necessary to put the name—say, to the occupier or the owner, and send by registered letter.*

#### FORM B.

##### *Form of Summons.*

##### *Summons.*

To the owner or occupier of [*describe premises*], situated at [*insert such a description as may be sufficient to identify the premises*], or to A.B. of

County of  
[or borough of  
&c. or district of  
or as the case may  
be] to wit.

You are required to appear before [*describe the court of summary jurisdiction*], at the petty sessions [*or court*] holden at                      on the                      day of

next, at the hour of                      in the                      noon, to answer the complaint this day made to me by                      that in or on

the premises above mentioned [*or in or on certain premises situated at No.                      in the                      street in the parish of                      or such other description or reference as may be sufficient to identify the premises*], in the district,

under the Public Health Act, 1875, of [*describe the local authority*], the following nuisance exists [*describing it, as the case may be*], and that the said nuisance is caused by the act or default of the occupier [*or owner*] of the said premises, or by you A.B. [*or in case the nuisance be discontinued, but likely to be repeated, say, there existed recently, to wit, on or about the*

day of                      on the premises, the following nuisance [*describe the nuisance*], and that the said nuisance was caused [*&c.*], and although the same has since the said last-mentioned day been abated or discontinued, there is reasonable ground to consider that the same or the like nuisance is likely to recur on the said premises].

Given under my hand and seal this                      day of                      18 .  
J.S.                      (L.S.)

#### FORM C.

##### *Form of Order for Abatement or Prohibition of Nuisance.*

To the owner [*or occupier*] of [*describe the premises*] situated [*give such description as may be sufficient to identify the premises*], or to A.B. of

County of  
[or borough, &c. of  
or  
district of  
or as the case may  
be].

WHEREAS on the                      day of                      complaint was made before                      Esquire, one of Her Majesty's justices of the peace acting in and for the county [*or other jurisdiction*] stated in the margin [*or as the case may be*], by                      that in



or on certain premises situated at \_\_\_\_\_ in the district under the Public Health Act, 1875, of [*describe the local authority*] the following nuisance then existed [*describing it*]; and that the said nuisance was caused by the act or default of the owner [*or occupier*] of the said premises [*or was caused by A.B.*] [*If the nuisance have been removed say, the following nuisance existed on or about [the day the nuisance was ascertained to exist], and that the said nuisance was caused, &c., and although the same is now removed, the same or the like nuisance is likely to recur on the same premises.*]

And whereas \_\_\_\_\_ the owner [*or occupier*] within the meaning of the said Public Health Act, 1875, [*or the said A.B.,*] hath this day appeared before us [*(or me) describing the court*], to answer the matter of the said complaint [*or in case the party charged do not appear, say, and whereas it hath been this day proved to our (or my) satisfaction that a true copy of a summons requiring the owner [or occupier] of the said premises [or the said A.B.] to appear this day before us [or me]*] hath been duly served according to the said Act.

Now on proof here had before us [*or me*] that the nuisance so complained of doth exist on the said premises, and that the same is caused by the act or default of the owner [*or occupier*] of the said premises [*or by the said A.B.*], we [*or I*], in pursuance of the said Act, do order the said owner [*or occupier, or A.B.*] within [*specify the time*] from the service of this order or a true copy thereof according to the said Act [*here specify any things required to be done or works to be executed, as, for instance, to provide for the cleanly and wholesome keeping of, or, to remove the animal kept so as to be a nuisance or injurious to health; or, for further instance, to cleanse, whitewash, purify, and disinfect the said dwelling-house; or, for further instance, to construct a privy or drain, &c.; or, for further instance, to cleanse or to cover or to fill up the said cesspool, &c.*], so that the same shall no longer be a nuisance or injurious to health as aforesaid.

[*And if it appear to the court that the nuisance is likely to recur on the premises say [And we] [or I] being satisfied that, notwithstanding the said cause or causes of nuisances may be removed under this order, the same is or are likely to recur, do therefore prohibit the said owner [or occupier, or A.B.] from [here insert the matter of the prohibition, as, for instance,] from using the said house or building for human habitation until the same, in our [or my] judgment, is rendered fit for that purpose.*]

*In case the nuisance were removed before complaint, say,* Now, on proof here had before us [*or me*] that at or recently before the time of making the said complaint, to wit, on \_\_\_\_\_ as aforesaid, the cause of nuisance complained of did exist on the said premises, but that the same hath since been removed, yet, notwithstanding such removal, we [*or I*] being satisfied that it is likely that the same or the like nuisance will recur on the said premises, do hereby prohibit [*order of prohibition*]; and if this order of prohibition be infringed, then we [*or I*] [*order on local authority to do works*].

Given under the hands and seals of us [*or the hand and seal of me, describing the court*].

This

day of

18 .

J.S. (L.S.)

J.P. (L.S.)



## FORM D.

*Form of Order for Abatement of Nuisance by Local Authority.*

To the town council, &c., as the case may be.

County, &c. }  
to wit. } WHEREAS [*recite complaint of nuisance as in last form*].

And whereas it hath been now proved to our [*or my*] satisfaction that such nuisance exists, but that no owner or occupier of the premises, or person causing the nuisance, is known *or* can be found [*as the case may be*]; Now we [*or I*], in pursuance of the said Act, do order the said [*local authority, naming it,*] forthwith to [*here specify the works to be done*].

Given, &c. (*as in last form*).

## FORM E.

*Form of Order to permit Execution of Works by Owner.*

County of }  
[*or borough, &c.,*] } WHEREAS complaint hath been made to me, *E.F.* Esquire,  
to wit. } one of Her Majesty's justices of the peace in and for the  
county [*or borough, &c.*] of by *A.B.*,  
owner within the meaning of the Public Health Act, 1875, of certain premises [*describe situation of premises so as to identify them*], that *C.D.*, the occupier of the said premises, doth prevent the said *A.B.* from obeying and carrying into effect the provisions of the said Act in this, to wit, that he the said *C.D.* doth prevent the said *A.B.* from [*here describe the works generally, according to circumstances, for instance, thus: constructing and laying down, in connexion with the said house, a covered drain, so as to communicate with a sewer, which the local authority under the said Act of the district of* are entitled to use, such sewer being within one hundred feet of the said premises]: And whereas the said *C.D.*, having been duly summoned to answer the said complaint, and not having shown sufficient cause against the same, and it appearing to me that the said works are necessary for the purpose of enabling the said *A.B.* to obey and carry into effect the provisions of the said Act, I do hereby order that the said *C.D.* do permit the said *A.B.* to execute the same in the manner required by the said Act.

Given under my hand and seal, this                      day of                      18   .  
J.S.                      (L.S.)

## FORM F.

*Order of Justice for Admission of Officer of Local Authority.*

WHEREAS [*describe the local authority*] have by their officer [*naming him*] made application to me *A.B.*, one of Her Majesty's justices of the peace having jurisdiction in and for [*describe the place*], and the said officer has made oath to me that demand has been made pursuant to the provisions of the Public Health Act, 1875, for admission to [*describe situation of premises so as to identify them*], for the purpose of [*describe the purpose, as the case may be*], and that such demand has been refused.

Now, therefore, I the said *A.B.* do hereby require you [*name the person having custody of the premises*], to admit the said [*name the local authority*], [*or the officer of the said local authority*], to the said premises, for the purpose aforesaid.

Given, &c. (*as in last form*).



## FORM G.

*Form of Notice requiring Owner to sewer, &c. Private Street.*

To \_\_\_\_\_ the owner of certain premises fronting, adjoining, or abutting on a certain street called \_\_\_\_\_ within the district of [*describe the local authority*].

Whereas the said street is not sewered, levelled, paved, flagged, and channelled to the satisfaction of the above-named [*local authority*]; and whereas your said premises front, adjoin, or abut on certain parts of the said street which require to be sewered, levelled, paved, flagged, and channelled: Now, therefore, the said [*local authority*], hereby give you notice (in pursuance of the Public Health Act, 1875), to sewer, level, pave, flag, and channel the same within the space of [*state the time*] from the date hereof, in manner following; (that is to say,) the sewers to be laid or made [*here describe the mode to be adopted and material to be used*], of the sizes and forms, and at the rate or rates of inclination shown on the plans and sections of the works as prepared by the surveyor of the [*local authority*].

Each gully for surface draining, and its connexion with the sewer, to be placed as shown on the said plans, and to be constructed of the forms, materials, and dimensions as shown on the said plans.

A foundation for the carriageway and footway in the said street to be formed in the following manner [*here describe the mode to be adopted and the material to be used*], and the said carriageway and footway to be paved [*here describe the mode to be adopted and the material to be used*].

The channel stones to be [*here describe the mode to be adopted and the material to be used*]. The curb or side stones to be [*here describe the mode to be adopted and the material to be used*].

The whole of the above-mentioned works to be executed by you in accordance with the plans and sections hereinbefore referred to, and now lying for inspection by you at the office of the [*local authority*], situate in \_\_\_\_\_ street in \_\_\_\_\_ aforesaid, and the dimensions, widths, and levels shown thereon, and to be done in a good, workmanlike, and substantial manner, to the satisfaction of the said [*local authority*], or their surveyor.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

(Signed)

Clerk to the said [*local authority*].

## FORM H.

*Form of Mortgage of Rates.*

By virtue of the Public Health Act, 1875, we the \_\_\_\_\_ in being the local authority under that Act for the district of \_\_\_\_\_ consideration of the sum of \_\_\_\_\_ paid to the treasurer of the said district by A.B. of \_\_\_\_\_ for the purposes of the said Act, do grant and assign unto the said A.B., his executors, administrators, and assigns, such proportion of the rates arising or accruing by virtue of the said Act from [*the rates mortgaged*] as the said sum of \_\_\_\_\_ doth or shall bear to the whole sum which is or shall be borrowed on the credit of the said rates, to hold to the said A.B., his executors, administrators, and assigns, from the day of the date hereof until the said sum of \_\_\_\_\_ with interest at the rate of \_\_\_\_\_ per centum per annum for the same, shall be fully paid and satisfied: And it is hereby declared, that the said principal sum shall be repaid on the day of \_\_\_\_\_ at [*place of payment*]. Dated this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

[*To be sealed with the common seal of the local authority.*]



## FORM I.

*Form of Transfer of Mortgage.*

I *A.B.* of \_\_\_\_\_, in consideration of the sum of \_\_\_\_\_ paid to me by *C.D.* of \_\_\_\_\_, do hereby transfer to the said *C.D.*, his executors, administrators, and assigns, a certain mortgage, bearing date the day of \_\_\_\_\_ and made by the local authority under the Public Health Act, 1875, for the district of \_\_\_\_\_ for securing the sum of \_\_\_\_\_ and interest thereon at \_\_\_\_\_ per centum per annum [*or if such transfer be by endorsement on the mortgage, insert, instead of the words immediately following the word "assigns," the within security*], and all my right, estate, and interest in and to the money thereby secured, and in and to the rates thereby assigned. In witness whereof I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_ *A.B.* (L.S.)

## FORM K.

*Form of Rentcharge.*

By virtue of the Public Health Act, 1875, we the \_\_\_\_\_ being the local authority under that Act for the district of \_\_\_\_\_ do hereby declare and absolutely order that the inheritance of the [dwelling-house, shop, lands, and premises, *as the case may be*], situated in \_\_\_\_\_ street, in the parish of \_\_\_\_\_ within the said district, and now in the occupation of \_\_\_\_\_ shall be absolutely charged with the sum of \_\_\_\_\_ pounds, paid by \_\_\_\_\_ of \_\_\_\_\_ for the improvement by drainage and water supply [*as the case may be*] of the same dwelling-house, shop, lands, and premises [*as the case may be*], together with interest for the same from the date hereof at \_\_\_\_\_ pounds per centum per annum, until full payment thereof; and also all costs incurred by the said \_\_\_\_\_ his executors, administrators, or assigns, under this security, shall be fully paid and satisfied: And we hereby further declare that the said principal and interest moneys shall be paid and payable by the owner or occupier of the said premises to the said \_\_\_\_\_ his executors, administrators, and assigns, in manner following; (that is to say,) the interest on such principal sum of \_\_\_\_\_ pounds, or on so much thereof as shall from time to time remain due and payable under this order, shall be paid and payable by equal half-yearly payments whilst payable on the \_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_ in every year, the first payment thereof to be made on the \_\_\_\_\_ day of \_\_\_\_\_ next, and such principal sum of \_\_\_\_\_ pounds shall be paid and payable by \_\_\_\_\_ equal annual instalments on the \_\_\_\_\_ day of \_\_\_\_\_ in each of the next succeeding \_\_\_\_\_ years, towards the discharge of the same principal sum, until the whole shall be fully satisfied and discharged.

[*To be sealed with the common seal of the local authority.*]

## FORM L.

*Register of Owners for the District of**Notice of Time for making Claims and Objections.*

I hereby give notice that all persons who are entitled to vote as owners or proxies at the election of members of the local board for the district of \_\_\_\_\_, and who are not on the register of owners and proxies now in force, or who being on the register do not retain the qualification or the



address described therein, and who are desirous to have their names inserted in the register about to be made for the said district, and all persons who are desirous of objecting to any name on the register now in force, are hereby required to give or send to me, on some one of the first six days of March next, a claim or objection (*as the case may be*) in the form hereunder set forth.

(Signed)

Chairman of the local board.

*Owner's Claim.*

To the chairman of the local board for the district of

This                      day of                      18

I the undersigned claim to have my name inserted in the register of owners and proxies for the district of \_\_\_\_\_, pursuant to the provisions of the Public Health Act, 1875, as owner of the property hereinafter described which is situated in the parish of \_\_\_\_\_, that is to say: (a)

I also state that the interest or estate which I have in such property, and the amount of all the rent-service which I receive or pay in respect thereof, and the names of the persons from whom I receive or to whom I pay such rent-service are set forth in the form hereunder written.

Description of property. (b)	In respect of which I have an estate or interest of (c)	And in respect of which I re- ceive in rent- service the sum of (d)	From (e)	And in respect of which I pay in rent-service the sum of (f)	To (g)
		£ s. d.		£ s. d.	

Signature of claimant.

Address (*h*) of claimant.

- (a) Here insert a clear statement of the property, as "house," "building," "house and acres of land."
- (b) Describe the property by its name, situation, or the name of the occupier, or any other designation by which it may be identified.
- (c) Describe the estate or interest, as *an estate in fee simple, of freehold, a term of years*, and also whether it is held by the claimant solely, or jointly with others, and in the case of a partner\* claiming, insert the number and names of the other partners in the firm.
- (d) If the property is let by the owner, insert the amount of rent received from each tenant.
- (e) Insert name of tenant or tenants.
- (f) If the owner is a lessee paying rent, insert the amount of all the rent he pays.
- (g) Insert the name of the lessor.
- (h) This need not be the owner's residence, but should be some address within the district.

\* A partner must set out the amount of rent-service which he would receive or pay if the qualifying property were equally divided among his co-partners and himself.



*Claim of Proxy.*

To the chairman of the local board for the district of .

This                      day of                      18

I the undersigned having been appointed by                      of owner [or owners] of the property hereinafter described which is situated in the parish of                      to vote as his [or their] proxy pursuant to the provisions of the Public Health Act, 1875, claim to have my name inserted in the register of owners and proxies for the district of                      as such proxy.

I herewith transmit to you (a) the writing under the hand [or hands, or in the case of a corporation the seal] of                      appointing me such proxy.

I also state that the interest or estate which                      has [or have] in such property and the amount of the rent-service which he [or they] receives or pays [or pay] in respect thereof and the names of the persons from whom he [or they] receives [or receive] or to whom he [or they] pays [or pay] such rent-service are set forth in the form hereunder written.

Description of property. (b)	In respect of which the appointor has an estate or interest of (c)	And in respect of which the appointor receives in rent-service the sum of (d)	From (e)	And in respect of which the appointor pays in rent-service the sum of (f)	To (g)
		£ s. d.		£ s. d.	

\_\_\_\_\_  
Signature of proxy.

\_\_\_\_\_  
Address (h) of proxy.

- (a) If the appointment itself is not sent, insert the words "an attested copy of."  
 (b) Describe the property by its name, situation, or the name of the occupier, or any other designation by which it may be identified.  
 (c) Describe the estate or interest, as *an estate in fee simple, of freehold, a term of years*, and whether it is held by the appointor solely or jointly with others.  
 (d) If the property is let by the appointor, insert the amount of rent received from each tenant.  
 (e) Insert name of tenant or tenants.  
 (f) If the appointor is a lessee paying rent, insert the amount of all the rent he pays.  
 (g) Insert the name of the lessor.  
 (h) This need not be the proxy's residence, but should be some address within the district.







## FORM N.

*Form of Voting Paper at Elections of Members of Local Boards.  
Voting Paper.*

District of \_\_\_\_\_

No. of Voting Paper.	Name and Address of Voter.	Number of Votes.	
		As Owner.	As Ratepayer.

Initials of the Voter against the Names of the Persons for whom he intends to vote.	Names of the Persons nominated.	Residence of the Persons nominated.	Quality or Calling of the Persons nominated.	Name of the Nominator or of one of the Nominators.	Address of such Nominator.

I vote for the persons in the above list against whose names my initials are placed.

(Signed) \_\_\_\_\_

or the mark of \_\_\_\_\_

Witness to the mark \_\_\_\_\_

or \_\_\_\_\_ proxy for \_\_\_\_\_

*Directions to the Voter.*

The voter must write his initials against the name of every person for whom he votes, and must subscribe his name and address at full length.

If the voter cannot write he must make his mark instead of initials, but



such mark must be attested by a witness, and such witness must write the initials of the voter against his mark.

If a proxy votes he must in like manner write his initials, subscribe his own name and address, and add after his signature the words "as proxy for," with the name of the body of persons for whom he is proxy.

This paper will be collected on the \_\_\_\_\_ of \_\_\_\_\_ between the hours of \_\_\_\_\_ and \_\_\_\_\_.

## FORM O.

*Form of Voting Paper for Poll taken under Schedule III.*

*Voting Paper No. (    ).*

At a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ in the county of \_\_\_\_\_ it was agreed that the following resolution should be proposed to the owners and ratepayers of \_\_\_\_\_

*(Set out the resolution.)*

—	In favour of.	Against.	Number of Votes.	
			As Owner.	As Ratepayer.
Do you vote in favour of or against the adoption of this resolution?				

(Signed) \_\_\_\_\_

or the mark of \_\_\_\_\_

Witness to the mark \_\_\_\_\_

or proxy for \_\_\_\_\_

*Directions to the Voter.*

The voter must write his initials under the heading "in favour" or "against," according as he votes for or against the resolution, and must subscribe his name and address at full length.

If the voter cannot write he must make his mark instead of initials, but such mark must be attested by a witness, and such witness must write the initials of the voter against his mark.

If a proxy votes he must in like manner write his initials, subscribe his own name and address, and add after his signature the words "as proxy for," with the name of the body of persons for whom he is proxy.

This paper will be collected on the \_\_\_\_\_ of \_\_\_\_\_ between the hours of \_\_\_\_\_ and \_\_\_\_\_.



## SCHEDULE V.

## PART I.

Enactments which have been already repealed are in a few instances included in this repeal, in order to avoid the necessity of reference to previous statutes.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
11 & 12 Vict. c. 63.	The Public Health Act, 1848.	The whole Act.
14 & 15 Vict. c. 28.	The Common Lodging Houses Act, 1851.	The whole Act, except so far as relates to the Metropolitan Police District.
16 & 17 Vict. c. 41.	The Common Lodging Houses Act, 1853.	The whole Act, except so far as relates to the Metropolitan Police District.
18 & 19 Vict. c. 116.	The Diseases Prevention Act, 1855.	The whole Act, except so far as relates to the Metropolis.
18 & 19 Vict. c. 121.	The Nuisances Removal Act for England, 1855.	The whole Act, except so far as relates to the Metropolis.
21 & 22 Vict. c. 98.	The Local Government Act, 1858.	The whole Act.
23 & 24 Vict. c. 77.	An Act to amend the Acts for the Removal of Nuisances and the Prevention of Diseases.	The whole Act, except so far as relates to the Metropolis.
24 & 25 Vict. c. 61.	The Local Government Act (1858) Amendment Act, 1861.	The whole Act.
26 & 27 Vict. c. 17.	The Local Government Act Amendment Act, 1863.	The whole Act.
26 & 27 Vict. c. 117.	The Nuisances Removal Act for England (Amendment) Act, 1863.	The whole Act, except so far as relates to the Metropolis.
28 & 29 Vict. c. 75.	The Sewage Utilization Act, 1865.	The whole Act, except so far as relates to Scotland and Ireland.
29 & 30 Vict. c. 41.	The Nuisances Removal (No. 1) Act, 1866.	The whole Act, except so far as relates to the Metropolis.
29 & 30 Vict. c. 90.	The Sanitary Act, 1866.	Parts I., II., and III., except so far as relates to the Metropolis or to Scotland or Ireland.
30 & 31 Vict. c. 113.	The Sewage Utilization Act, 1867.	The whole Act, except so far as relates to Scotland or Ireland.



Session and Chapter.	Title or Short Title.	Extent of Repeal.
31 & 32 Vict. c. 115.	The Sanitary Act, 1868.	The whole Act, except so far as relates to the Metropolis.
32 & 33 Vict. c. 100.	The Sanitary Loans Act, 1869.	The whole Act, except so far as relates to the Metropolis.
33 & 34 Vict. c. 53.	The Sanitary Act, 1870.	The whole Act, except so far as relates to the Metropolis.
35 & 36 Vict. c. 79.	The Public Health Act, 1872.	The whole Act, except so far as relates to the Metropolis.
37 & 38 Vict. c. 89.	The Sanitary Law Amendment Act, 1874.	The whole Act, except so far as relates to the Metropolis or the Metropolitan Police District.

Of the above Acts, the following, (namely,) "The Public Health Act, 1848," and "The Local Government Act, 1858," and "The Local Government Act (1858) Amendment Act, 1861," and the Local Government Act Amendment Act, 1863, are in this Act referred to as "The Local Government Acts."

## PART II.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
12 & 13 Vict. c. 94.	The Public Health Supplemental Act, 1849.	The whole Act, except— Section 1 (Confirmation of certain provisional orders of the General Board of Health), and section 12 (short title of Act), and the schedule.
13 & 14 Vict. c. 90.	The Public Health Supplemental Act, 1850 (No. 2).	The whole Act, except— Section 1 (certain provisional orders of General Board of Health confirmed), and section 7 (short title of Act), and the schedule.
15 & 16 Vict. c. 42.	The first Public Health Supplemental Act, 1852.	Sections 6 to 12, both inclusive (first election or first selection and election of certain local boards), and section 13 (11 & 12 Vict. c. 63. ss. 68, 69, as to repair of highways), and section 14 (interpretation of year), and section 15 (Act incorporated with Public Health Act).



## PART III.

## 11 &amp; 12 Vict. c. 63. s. 83.

No vault or grave shall be constructed or made within the walls of or underneath any church or other place of public worship built in any urban district after the thirty-first day of August one thousand eight hundred and forty-eight; and whosoever shall bury, or cause, permit, or suffer to be buried, any corpse or coffin in any vault or grave constructed or made contrary to this enactment, shall for every such offence be liable to a penalty not exceeding fifty pounds, which may be recovered by any person, with full costs of suit, in an action of debt.

## 21 &amp; 22 Vict. c. 98. s. 49.

When a vestry of any parish comprised in a local government district resolves to appoint a burial board, the local board may at the option of the vestry be the burial board for such parish, and all expenses incurred by such burial board shall be defrayed out of a rate to be levied in such parish in the same manner as a general district rate.

Provided, that if such parish has been declared a ward for the election of members of the local board, such members shall form the burial board for the parish, and shall be deemed to be a burial board elected under the Burial Acts for the time being in force.

## 24 &amp; 25 Vict. c. 61. s. 21.

Any urban authority constituted a burial board may from time to time repair and uphold the fences surrounding any burial ground which has been discontinued as such within their jurisdiction, or take down such fences and substitute others in lieu thereof, and shall from time to time take the necessary steps for preventing the desecration of such burial ground and placing it in a proper sanitary condition; and they may from time to time pass bye-laws (subject to the provisions of this Act) for the preservation and regulation of all burial grounds within their jurisdiction; and the expense of carrying this section into execution may be defrayed out of any rates authorized to be levied by any urban authority constituted a burial board.

## 26 &amp; 27 Vict. c. 17. s. 6.

Where any local government district or any other place is surrounded by or adjoins a highway district constituted under the Highway Acts, such first-mentioned district or other place shall, for the purpose of any meeting of the highway board, be deemed to be within such highway district.

## 29 and 30 Vict. c. 90. s. 44.

When the district of a burial board is included in or conterminous with the district of an urban authority, the burial board may, by resolution of the vestry, and by agreement of the burial board and urban authority, transfer to the urban authority all their estate, property, rights, powers, duties, and liabilities, and from and after such transfer, the urban authority shall have all such estate, property, rights, powers, duties, and liabilities as if they had been duly appointed a burial board under the Burial Acts for the time being in force.

## 29 &amp; 30 Vict. c. 90. s. 51.

All penalties imposed by the Act of the sixth year of King George the Fourth, chapter seventy-eight, intituled "An Act to repeal the several laws relating to quarantine and to make other provisions in lieu thereof," may



be reduced by the justices or court having jurisdiction in respect of such penalties to such sum as the justices or court think just.

29 & 30 Vict. c. 90. s. 52.

Every vessel having on board any person affected with a dangerous or infectious disorder shall be deemed to be within the provisions of the Act of the sixth year of King George the Fourth, chapter seventy-eight, although such vessel has not commenced her voyage, or has come from or is bound for some place in the United Kingdom.

35 & 36 Vict. c. 76. s. 34.

Wherein any local Acts the consent, sanction, or confirmation of one of Her Majesty's Principal Secretaries of State is required with respect to the borrowing of any money, to the giving effect to any bye-laws, or to the appointment of any officer for sanitary purposes, the consent, sanction, or confirmation of the Local Government Board shall be required instead of that of the Secretary of State.

The consent of the Local Government Board, and not that of the Treasury, shall be required to the borrowing of money for the purposes of the Baths and Washhouses Acts.

If any question arises as to what are sanitary purposes within the meaning of this section, the determination of the Local Government Board on such question shall be conclusive.

35 & 36 Vict. c. 79. s. 35.

The powers and duties of the Board of Trade under the Alkali Act, 1863, and any Act amending the same, and under the Metropolis Water Acts, 1852 and 1871, shall be exercisable and performed by the Local Government Board, and "the Local Government Board" shall be deemed to be substituted for "the Board of Trade" wherever the latter expression occurs in the said Acts.

35 & 36 Vict. c. 79. s. 36.

All powers, duties, and acts vested in, imposed on, or required to be done by or to one of Her Majesty's Principal Secretaries of State by the several Acts of Parliament relating to highways in England and Wales, and to turn-pike roads and trusts and bridges in England and Wales, shall be imposed on and be done by or to the Local Government Board, subject to the conditions, liabilities, and incidents to which such powers, duties, and acts were respectively subject immediately before the passing of the Public Health Act, 1872, or as near thereto as circumstances admit.

35 & 36 Vict. c. 79. s. 37.

All inspectors, clerks, and other officers who are by virtue of section thirty-seven of the Public Health Act, 1872, attached to and under the control of the Local Government Board, shall hold their offices and places upon the same terms and conditions, and shall have the same powers, privileges, and immunities with respect to the performance of their duties, as if this Act had not passed.

The Local Government Board may by order distribute the business to be performed under the Local Government Board amongst such officers and persons in such manner as the Local Government Board may think expedient.

35 & 36 Vict. c. 79. s. 38.

Notwithstanding anything contained in any Act of Parliament now in



force, there shall be paid out of moneys to be provided by Parliament to the medical officer of the Local Government Board such salary as the Treasury may from time to time determine.

35 & 36 Vict. c. 79. s. 48.

Every general order of the Local Government Board, made in pursuance of the Poor Law Amendment Act, 1834, and the several Acts amending the same, shall be published in the *London Gazette*, and when so published shall take effect in like manner, and shall be of as much force and validity as any general order of the Poor Law Board made and sent in the manner prescribed by the last-mentioned Acts, and no further proceeding shall be necessary in such behalf; and as regards any single order of the said Board made in pursuance of the said last-mentioned Acts, it shall not be necessary henceforth to send a copy thereof to the clerk to the justices of the petty sessions.

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## SCHEDULE TO PUBLIC HEALTH (WATER) ACT, 1878.

### FORM (A.)

*Form of Notice requiring Owner to provide a supply of Water for an Occupied House.*

To \_\_\_\_\_ the owner of the house occupied by [state name of occupier] and situated at [give such description as may be sufficient to identify the premises] within the district of [describe the local authority].

Whereas it appears to the above-named [local authority] on the report of their [inspector of nuisances or their medical officer of health, as the case may be] that the said house has not within a reasonable distance an available supply of wholesome water sufficient for the consumption and use for domestic purposes of the inmates of the house by reason of the existing supply not being [wholesome or sufficient, or within a reasonable distance, as the case may be], and that the requisite supply can be provided at a reasonable cost; and whereas the said [local authority] are of opinion that such supply ought to be provided at your expense as the owner of the said house, or defrayed as private improvement expenses:

Now, therefore, we, the said [local authority], in pursuance of the Public Health (Water) Act, 1878, do hereby require you to provide an available supply of wholesome water sufficient for the consumption and use for domestic purposes of the inmates of the said house within a reasonable distance from such house, and to do all such works as may be necessary for that purpose within [state the time] from the date of the service hereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 187 .

(Signed)

Clerk to the said [local authority].

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## FORM (B.)

*Form of Second Notice to be served where Requirements of First Notice have not been complied with.*

To \_\_\_\_\_ the owner of the house occupied by [*state name of occupier*] and situated at [*give such description as may be sufficient to identify the premises*] within the district of [*describe the local authority*].

Whereas on the \_\_\_\_\_ day of \_\_\_\_\_ the above-named [*local authority*], in pursuance of the Public Health (Water) Act, 1878, served on you a notice bearing date the \_\_\_\_\_ day of \_\_\_\_\_ requiring you as the owner of the said house to provide an available supply of wholesome water sufficient for the consumption and use for domestic purposes of the inmates of the said house within a reasonable distance from such house, and to do all such works as might be necessary for that purpose within [*state the time*] from the date of the service of such notice :

And whereas the said notice has not been complied with : Now, therefore, we, the said [*local authority*], do hereby give you notice that if the requirements of the said first notice dated the \_\_\_\_\_ day of \_\_\_\_\_ are not complied with within one month from the date of the service hereof, we [*describe local authority*] will ourselves provide a supply of water for the said house, and do all necessary works for that purpose, and that the cost which may be incurred therein will be recovered from you summarily or be recovered as private improvement expenses.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 187 .

(Signed)

Clerk to the said [*local authority*].







SCHEDULE TO ALKALI, ETC., WORKS REGULATION  
ACT, 1881.

(44 and 45 Vict. ch. 37.)

*List of Works.*

(1.) SULPHURIC acid works, that is to say, any works in which the manufacture of sulphuric acid is carried on (not being alkali works within the meaning of the foregoing Act, and not being works in which the manufacture of sulphuric acid is carried on in conjunction with the extraction of copper or other metals from ore);

(2.) Chemical manure works, that is to say, any works in which the manufacture of chemical manure is carried on;

(3.) Gas liquor works, that is to say, any works in which gas liquor is used in any manufacturing process;

(4.) Nitric acid works, that is to say, any works in which the manufacture of nitric acid is carried on;

(5.) Sulphate of ammonia works and muriate of ammonia works, that is to say, any works in which the manufacture of sulphate of ammonia or of muriate of ammonia is carried on; and

(6.) Chlorine works or works in which chlorine, bleaching powder, or bleaching liquor is made.



## SCHEDULE TO ARTIZANS DWELLINGS ACT, 1875.

(38 and 39 Vict. ch. 36.)

PROVISIONS WITH RESPECT TO THE PURCHASE AND TAKING OF LANDS IN  
ENGLAND OTHERWISE THAN BY AGREEMENT, AND OTHERWISE AMENDING  
THE LANDS CLAUSES ACT, 1845.

*Deposit of Maps and Plans.*

(1.) THE local authority shall as soon as practicable after the passing of the confirming Act cause to be made out, and to be signed by their clerk or some other principal officer appointed by them, maps and schedules of all lands proposed to be taken compulsorily, (which lands are hereinafter referred to as the scheduled lands,) together with the names, so far as the same can be reasonably ascertained, of all persons interested in such lands as owners or reputed owners, lessees or reputed lessees, or occupiers.

(2.) The maps made by the local authority shall be upon such scale and be framed in such manner as may be prescribed by the confirming authority.

(3.) The local authority shall deposit such maps and schedules at the office of the confirming authority, and shall deposit and keep copies of such maps and schedules at the office of the local authority.

*Appointment of Arbitrator.*

(4.) After such deposit at the office of the confirming authority as aforesaid, it shall be lawful for the confirming authority, upon the application of the local authority, to appoint an arbitrator between the local authority and the persons interested in such of the scheduled lands, or lands injuriously affected by the execution of such scheme, so far as compensation for the same has not been made the subject of agreement.

*Proceedings on Arbitration.*

(5.) Before any arbitrator enters upon any inquiry he shall, in the presence of a justice of the peace, make and subscribe the following declaration; that is to say,

"I, A.B., do solemnly and sincerely declare, that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875.

"Made and subscribed in the presence of "A.B.  
."

And such declaration shall be annexed to the award when made; and if any arbitrator, having made such declaration, wilfully act contrary thereto, he shall be guilty of a misdemeanour.

(6.) As soon as an arbitrator has been appointed as aforesaid, the confirming authority shall deliver to him the maps and schedules deposited at



their office, and the local authority shall publish once in each of three successive weeks the following particulars :—

(a.) The appointment of the arbitrator :

(b.) The deposit at the office of the local authority of the copies of such maps and schedules as aforesaid, with a description of the situation of such office, and a statement of the time at which such copies may be inspected by any person desirous of inspecting the same :

(c.) A requisition directing the owners of or parties by this Act enabled to sell and convey or release any of the said scheduled lands, or any lands injuriously affected by the execution of the scheme of the local authority or any interest in such lands, to deliver to the arbitrator, on or before a day fixed by the arbitrator and named in such requisition, (and being a day not earlier than twenty-one days from the date of the insertion of the last of such notices,) a short statement in writing of the nature of their respective claims.

(7.) The arbitrator shall, after the expiration of the period within which such claims are required to be delivered to him as aforesaid, and so far as such claims may not be settled by agreement, proceed to inquire into and adjudicate according to the basis provided in this Act upon the compensation to be paid in respect of the scheduled lands, and of the several interests in such lands, and the compensation to be made for injury to any lands as are mentioned in his appointment injuriously affected by the execution of the scheme of the local authority.

(8.) The arbitrator shall, after due inquiry and examination, frame a provisional award, setting forth the compensation to be paid by the local authority in respect of the several interests in the said scheduled lands, and also, where any inquiry relates to injury to any lands injuriously affected by the execution of the scheme of the local authority, the compensation payable in respect of such injury.

(9.) The provisional award shall be deposited at the office of the confirming authority, and a copy shall be deposited at the office of the local authority.

(10.) The arbitrator shall cause notice of such award to be given to all persons entitled to compensation under the same, or who have made a claim before such arbitrator as claimants for compensation ; the arbitrator shall cause notice to be published once in each of three successive weeks, stating that a copy of the provisional award has been deposited at the office of the local authority, and he shall in the notice of the award given to such persons as aforesaid, and also in the published notice, appoint a time and place, or times and places, for holding a meeting or meetings to hear objections against such provisional award (the first such meeting to be not earlier than twenty-one days after the last day of publication of the said notice).

(11.) The arbitrator shall hold such meeting or meetings according to such notices, and thereat hear and determine any objections which may then and there be made to such provisional award by any person interested therein, or adjourn the further hearing thereof, if the arbitrator see fit, to a future meeting, and may take any measures which he may deem proper for ascertaining the compensation payable in respect of any such lands or interests as aforesaid, or the justice or propriety of any other matter of such provisional award, and may from time to time, if he see occasion, appoint and hold further meetings for hearing and determining objections to such provisional award, of which further meetings, when not holden by adjournment, notice shall be given in manner herein-before directed.

(12.) When the arbitrator has heard and determined all such objections,



and made such inquiries as he may think necessary in relation thereto, and made such alterations (if any) as he may deem proper in the provisional award, he shall confirm such award under his hand and seal accordingly; and thereupon such award shall be final, and be binding and conclusive (subject to the provisions concerning an appeal herein-after contained) upon all persons whomsoever, and no such award shall be set aside for irregularity in matter of form.

(13.) Such final award as aforesaid shall be deposited at the office of the confirming authority, and a copy thereof shall be deposited at the office of the local authority, and the local authority shall thereupon publish once in each of three successive weeks notice of the deposit having been made at the office of the local authority of a copy of the award so confirmed, and a further notice requiring all persons claiming to have any right to or interest in the lands (the compensation to be paid in respect of which is ascertained by such award) to deliver to the local authority, on or before a day to be named in such notice (such day not being earlier than twenty-one days from the date of the last publication of the notice), a short statement in writing of the nature of such claim, and a short abstract of the title on which the same is founded; and such statement and abstract shall be paid for by the local authority. Such abstract of title, in the case of a person claiming a fee simple interest in the land, shall commence twenty years previous to the date of the claim, except there has been an absolute conveyance on sale within twenty years, and more than ten years, previous to the claim when the abstract shall commence with such conveyance.

#### *Payment of Purchase Money.*

(14.) Within thirty days from the delivery of such statement and abstract as aforesaid to the local authority, the local authority shall, where it appears to them that any person so claiming is absolutely entitled to the lands, estate, or interest claimed by him, deliver to such person, on demand, a certificate stating the amount of the compensation to which he is entitled under the said award.

(15.) Every such certificate shall be prepared by and at the costs of the local authority; and where any agreement has been entered into as to the compensation payable in respect of the interest of any person in any lands, the local authority may, where it appears to them that such person is absolutely entitled, deliver to such person a like certificate.

(16.) The local authority shall, thirty days after demand, pay to the party to whom any such certificate is given, or otherwise as herein provided in the cases herein-after mentioned, the amount of moneys specified to be payable by such certificate to the party to whom or in whose favour such certificate is given, his or her executors, administrators, or assigns.

(17.) If the local authority wilfully make default in such payment as aforesaid, then the party named in such certificate shall be entitled to enter up judgment against the local authority in any of Her Majesty's superior courts of law at Westminster, or in any court to which the jurisdiction of such courts may be transferred, for the amount of the sums specified in such certificate, in the same manner in all respects as if he had been, by warrant of attorney from the local authority, authorized to enter up judgment for the amount mentioned in the certificate, with costs, as is usual in like cases; and all moneys payable under such certificates, or to be recovered by such judgments as aforesaid, shall at law and in equity be taken as personal estate as from the time of the local authority entering on any such lands as aforesaid.



(18.) When and so soon as the local authority have paid to the party to whom any such certificate as aforesaid is given, or otherwise, as herein provided, in the cases herein-after mentioned, the amount specified to be payable by such certificate to the party to whom or in whose favour the certificate is given, his executors, administrators, or assigns, it shall be lawful for the local authority, upon obtaining such receipt as herein-after mentioned, from time to time to enter upon any lands in respect of which such certificate is given, and thenceforth to hold the same for the estate or interest in respect of which the amount specified in such certificate was payable.

(19.) In every case in which any moneys are paid by any local authority under this Act, for such compensation as aforesaid, the party receiving such moneys shall give to the local authority a receipt for the same, and such receipt shall have the effect of a grant, release, and conveyance of all the estate and interest of such party, and of all parties claiming under or through him, in the lands in respect of which such moneys are paid, provided such receipt has had an ad valorem stamp of the same amount impressed thereon in respect of the purchase moneys mentioned in such certificate as would have been necessary if such receipt had been an actual conveyance of such estate or interest, every such receipt to be prepared by and at the costs of the local authority.

(20.) If it appear to the local authority, from any such statement and abstract as aforesaid, or otherwise, that the party making any such claim as aforesaid is not absolutely entitled to the lands, estate, or interest in respect of which his claim is made, or is under any disability, or if the title to such lands, estate, or interest be not satisfactorily deduced to the local authority, then and in every such case the amount to be paid by the local authority in respect of such lands, estate, or interest as aforesaid shall be paid and applied as provided by the clauses of "The Lands Clauses Consolidation Act, 1845," as amended by "The Court of Chancery Funds Act, 1872," "with respect to the purchase money or compensation coming to parties having limited interests, or prevented from treating, or not making title."

(21.) Where any person claiming any right or interest in any lands refuses to produce his title to the same, or where the local authority have under the provisions of this Act taken possession of any lands in respect of the compensation whereof, or of any estate or interest wherein, no claim has been made within one year from the time of the local authority taking possession, or if any party to whom any such certificate has been given or tendered refuses to receive such certificate, or to accept the amount therein specified as payable to him, then and in any such case the amount payable by the local authority in respect of such lands, estate, or interest, or the amount specified in such certificate, shall be paid into the Bank of England, in manner provided by the last-mentioned clauses of "The Lands Clauses Consolidation Act, 1845," as amended by "The Court of Chancery Funds Act, 1872," and the amount so paid into the said Bank shall be accordingly dealt with as by the said Act provided.

(22.) Nothing herein contained shall prevent the local authority from requiring any further abstract or evidence of title respecting any lands included in any such award as aforesaid, in addition to the abstract or statement herein-before mentioned, if they think fit, so as the same be obtained at the costs of the local authority.

(23.) If from any reason whatever the local authority does not deliver the certificate aforesaid to any party claiming to be entitled to any interest in any lands the possession whereof has been taken by the local authority as aforesaid, then the right to have a certificate according to the provisions of this Act may, at the costs and charges of the local authority, be enforced by



any party or parties, by application to the High Court of Chancery, or any court to which the jurisdiction of the High Court of Chancery may be transferred, in a summary way by petition, and all other rights and interests of any party or parties arising under the provisions of this Act may be in like manner enforced against the local authority by such application as aforesaid.

*Entry on Lands on making Deposit.*

(24.) Where the local authority are desirous, for the purposes of their works, of entering upon any lands before they would be entitled to enter thereon under the provisions herein-before contained, it shall be lawful for the local authority, at any time, after the arbitrator has framed his provisional award, upon depositing in the Bank of England such sum as the arbitrator may certify to be in his opinion the proper amount to be so deposited in respect of any lands authorized to be purchased or taken by the local authority, and mentioned in such provisional award, to enter upon and use such lands for the purposes of the improvement scheme of the local authority; and the arbitrator shall, upon the request of the local authority, at any time after he has framed such provisional award, certify under his hand the sum which, in his opinion, should be so deposited by the local authority in respect of any lands mentioned in such provisional award before they enter upon and use the same as aforesaid, and the sum to be so certified shall be the sum or the amount of the several sums set forth in such provisional award as the sum or sums to be paid by the local authority in respect of such lands, or such greater amount as to the arbitrator, under the circumstances of the case, may seem proper; and, notwithstanding such entry as aforesaid, all proceedings for and in relation to the completion of the award, the delivery of certificates, and other proceedings under this Act, shall be had, and payments made, as if such entry and deposit had not been made; provided that the local authority shall, where they enter upon any lands by virtue of this present provision, pay interest at the rate of five pounds per centum per annum upon the compensation money payable by them in respect of any lands so entered upon, from the time of their entry until the time of the payment of such money and interest to the party entitled thereto, or where, under the provisions of this Act, such compensation is required to be paid into the said Bank, then until the same, with such interest, is paid into such Bank accordingly; and where under this provision interest is payable on any compensation money the certificate to be delivered by the local authority in respect thereof shall specify that interest is so payable, and the same shall be recoverable in like manner as the principal money mentioned in such certificate.

(25.) The money so deposited as last aforesaid shall be paid into the Bank of England to such account as may from time to time be directed by any regulation or Act for the time being in force in relation to moneys deposited in the Bank in similar cases, or to such account as may be directed by any order of the Court of Chancery, or of any court to whom the powers of the Court of Chancery may be transferred, and remain in the Bank by way of security to the parties interested in the lands which have been so entered upon, for the payment of the money to become payable by the local authority in respect thereof under the award of the arbitrator; and the money so deposited may, on the application by petition of the local authority, be ordered to be invested in Bank Annuities or Government securities, and accumulated; and upon such payment as aforesaid by the local authority it shall be lawful for the Court of Chancery, or any other court to which the jurisdiction of the Court of Chancery may be transferred, upon a like



application, to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the local authority, or, in default of such payment as aforesaid by the local authority, it shall be lawful for the said court to order the same to be applied in such manner as it thinks fit for the benefit of the parties for whose security the same shall so have been deposited.

*Appeal.*

(26.) Where the party named in any certificate issued under the provisions herein-before contained of the amount of the compensation ascertained by any award under this Act (or any party claiming under the party so named) is dissatisfied with the amount in such certificate certified to be payable, and such amount exceeds five hundred pounds, and

Where any party claiming any interest in any moneys so paid into court as aforesaid is dissatisfied with the amount of the price or compensation in respect of which such moneys are paid into court, and such amount exceeds five hundred pounds, also

Where the local authority is dissatisfied with the amount of compensation which the arbitrator appointed under the provisions of this Act has awarded to be paid by the local authority to any person in respect of any estate or interest in lands, and such amount exceed the sum of five hundred pounds;

The party dissatisfied may submit the question of the proper amount of compensation to a jury, provided that such party give notice in writing to the other party of their intention to appeal within ten days after the cause of appeal has arisen.

The cause of appeal shall be deemed to have arisen,—

- (1.) Where a certificate has been issued as aforesaid, at the date of the issue of the certificate:
- (2.) Where moneys have been paid into court, at the date of the payment into court:
- (3.) Where the local authority appeals, at the date of the making of the final award.

(27.) Where a notice has been given under this Act of an appeal to a jury in respect of compensation for land, or any interest in land, a question of disputed compensation required to be determined by the verdict of a jury shall be deemed to have arisen within the meaning of the Lands Clauses Consolidation Act, 1845, and all the provisions of that Act contained in sections thirty-eight to fifty-seven, both inclusive, shall be deemed to apply, except sections forty-seven and fifty-one: Provided also, that,—

- (1.) Where the local authority appeals, that authority shall be deemed to be the plaintiff, and the party entitled to compensation to be the defendant; and
- (2.) Where the party claiming compensation appeals, then, in case the verdict of the jury is for a sum exceeding the award of the arbitrator, the local authority shall pay to such party the costs of the trial, such costs to be taxed and ascertained in the same manner as costs are by law ascertained on the trial of issues tried in the Court of Queen's Bench, or any court to which the jurisdiction of the Court of Queen's Bench may be transferred; but in case the verdict of the jury is for a sum not exceeding the award of the arbitrator, the party appealing shall pay to the local authority the costs of the trial to be taxed and ascertained in manner aforesaid.
- (3.) Where the local authority is the appellant,—



- (1.) Notwithstanding the verdict of the jury may be for a sum less than that awarded by the arbitrator, the local authority shall pay to the other party such sum not exceeding twenty pounds for the costs of the trial as the sheriff or other officer before whom the same is tried shall direct ; and,
- (2.) In case the verdict of the jury is for a sum equal to or exceeding the award of the arbitrator, the local authority shall pay to the other party the costs of the trial, such costs to be taxed and ascertained in manner aforesaid.
- (4.) The amount of compensation awarded by the arbitrator shall not be communicated to the jury, but they shall be required to make an independent assessment of the amount of compensation to which the party claiming compensation is entitled.

*Costs of Arbitration.*

(28.) The salary or remuneration, travelling and other expenses of the arbitrator, and all costs, charges, and expenses (if any) which may be incurred by the confirming authority in carrying the provisions of this Act into execution, shall be paid by the local authority ; and the amount of such costs, charges, and expenses shall from time to time be certified by the confirming authority after first hearing any objections that may be made to the reasonableness of any such costs, charges, and expenses by or on behalf of the local authority ; and every certificate of the said confirming authority certifying the amount of such costs, charges, and expenses shall be taken as proof in all proceedings at law or in equity of the amount of such respective costs, charges, and expenses, and the amount so certified shall be a debt due from the local authority to the Crown, and shall be recoverable accordingly. Further, any such certificate may be made a rule of one of the superior courts of law on the application of any party named therein, and may be enforced accordingly.

(29.) It shall be lawful for the arbitrator, where he thinks fit, upon the request of any party by whom any claim has been made before him, to certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the local authority ; and if within seven days after demand the amount so certified be not paid to the party entitled to receive the same, such amount shall be recoverable as a debt from such local authority, with interest at the rate of five per cent. for any time during which the same remains unpaid after such seven days as aforesaid, but no such certificate shall be given where the arbitrator has awarded the same or a less sum than has been offered by the local authority in respect of such claim before the appointment of the arbitrator.

*Miscellaneous.*

(30.) The arbitrator may call for the production of any documents in the possession or power of the local authority, or of any party making any claim under the provisions of this Act, which such arbitrator may think necessary for determining any question or matter to be determined by him under this Act, and may examine any such party and his witnesses, and the witnesses for the local authority, on oath, and administer the oaths necessary for that purpose.

(31.) If any arbitrator appointed in pursuance of this Act die, or refuse, decline, or become incapable to act, the confirming authority may appoint an arbitrator in his place, who shall have the same powers and authorities as



the arbitrator first appointed; and upon the appointment of any arbitrator in the place of an arbitrator dying, or refusing, declining, or becoming incapable to act, all the documents relating to the matter of the arbitration which were in the possession of such arbitrator shall be delivered to the arbitrator appointed in his place, and the local authority shall publish notice of such appointment in the *London Gazette*.

(32.) All notices required by this schedule to be published shall be published in some one and the same newspaper circulating within the jurisdiction of the local authority, and where no other form of service is prescribed all notices required to be served or given by the local authority under this schedule or otherwise upon any persons interested in or entitled to sell lands, shall be served in manner in which notices of lands proposed to be taken compulsorily for the purpose of an improvement scheme are directed by this Act to be served upon owners or reputed owners, lessees or reputed lessees, and occupiers.

## SCHEDULE TO ARTIZANS AND LABOURERS DWELLINGS IMPROVEMENT ACT, 1879.

(42 and 43 Vict. ch. 63.)

1. THE publication by the local authority of the appointment of the arbitrator, and the other particulars mentioned in article six of the schedule to the principal Act, shall be made not only by advertisement, but also by placards and handbills affixed in conspicuous places on or near the lands to be taken, and also by leaving a notice thereof at each house proposed to be taken, and also by sending a notice thereof by post to the persons interested in such lands as owners or reputed owners, lessees or reputed lessees, so far as they can be reasonably ascertained.

2. The arbitrator shall have the same power of apportioning any rent-service, rentcharge, chief or other rent, payment, or incumbrance, or any rent payable in respect of lands comprised in a lease, as two justices have under the Lands Clauses Consolidation Act, 1845.

3. Notwithstanding anything in section ninety-two of the Lands Clauses Consolidation Act, 1845, the arbitrator may determine that such part of any house, building, or manufactory as is proposed to be taken by the local authority can be taken without material damage to such house, building, or manufactory, and if he so determine may award compensation in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the party interested shall be required to sell and convey to the local authority such part, without the local authority being obliged to purchase the greater part or the whole of such house, building, or manufactory.

The local authority, or any person interested, if dissatisfied with a determination under this enactment, may, in manner provided by article twenty-six of the schedule to the principal Act, submit the question of whether the said part can be taken without material damage, as well as the question of the proper amount of compensation, to a jury; and the notice of intention to appeal shall be given within the same time as notice of intention to appeal against the amount of compensation awarded is required to be given.

4. The amount of purchase money or compensation to be paid in pur-



suance of section one hundred and twenty-four of the Lands Clauses Consolidation Act, 1845, in respect of any estate, right, or interest in or charge affecting any of the scheduled lands which the local authority have through mistake or inadvertence failed or omitted duly to purchase or make compensation for, shall be awarded by the arbitrator and be paid, in like manner, as near as may be, as the same would have been awarded and paid if the claim of such estate, right, interest, or charge had been delivered to the arbitrator before the day fixed for the delivery of statements of claims; with this qualification, that the first award of the arbitrator shall be final, and not provisional.

If the arbitrator is satisfied that the failure or omission to purchase the said estate, right, interest, or charge arose from any default on the part either of the claimant or of the local authority, he may direct the costs to be paid by the party so in default.

## SCHEDULE TO ARTIZANS DWELLINGS ACT, 1882.

(45 and 46 Vict. ch. 54.)

### AMENDMENT OF SCHEDULE TO 38 & 39 VICT. c. 36.

(1) IN lieu of articles eight to thirteen (both inclusive) of the schedule to the Artizans and Labourers Dwellings Improvement Act, 1875, the following articles shall be substituted; that is to say,

#### *Proceedings on Arbitration.*

(a.) Before any arbitrator enters upon any inquiry he shall, in the presence of a justice of the peace, make and subscribe the following declaration; that is to say,

“I, *A.B.*, do solemnly and sincerely declare, that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875.

“*A.B.*

“Made and subscribed in the presence of

.”

And such declaration shall be annexed to the award when made; and if any arbitrator, having made such declaration, wilfully act contrary thereto, he shall be guilty of a misdemeanour.

(b.) As soon as an arbitrator has been appointed as aforesaid, the confirming authority shall deliver to him the maps and schedules deposited at their office, and the local authority shall publish once in each of three successive weeks the following particulars:—

(1.) The appointment of the arbitrator; and

(2.) The deposit at the office of the local authority of the copies of such maps and schedules as aforesaid, with a description of the situation of such office, and a statement of the time at which such copies may be inspected by any person desirous of inspecting the same.

(c.) In every case in which compensation is payable under the Artizans and Labourers Dwellings Improvement Act, 1875, by the local authority to any claimant, and which compensation has not been made the subject of agreement (in this Act referred to as “a disputed case”), the arbitrator shall ascertain in such manner as he



thinks most convenient the amount of compensation demanded by the claimant, and the amount which the local authority may be willing to pay; and after hearing all such parties interested in each disputed case as may appear before him at a time and place of which notice has been given as in this Act mentioned, he shall proceed to decide on the amount of compensation to which he may consider the claimant to be entitled in each case.

- (d.) The arbitrator shall from time to time give notice to the claimants in disputed cases by causing such notice to be published or otherwise in such manner as he thinks advisable, of a time and place at which the difference between the claimants and the local authority in disputed cases as to the amount of compensation to be paid will be decided by the arbitrator.
- (e.) After the arbitrator has arrived at a decision on all the disputed cases brought before him he shall make an award under his hand and seal, and such award shall be final, and be binding and conclusive (subject to the provisions concerning an appeal herein-after contained) upon all persons whomsoever, and no such award shall be set aside for irregularity in matter of form.
- (f.) Such award as aforesaid shall be deposited at the office of the confirming authority, and a copy thereof shall be deposited at the office of the local authority, and the local authority shall thereupon publish once in each of three successive weeks notice of the deposit having been made at the office of the local authority of a copy of the award, and a further notice requiring all persons claiming to have any right to or interest in the lands (the compensation to be paid in respect of which is ascertained by such award) to deliver to the local authority on or before a day to be named in such notice (such day not being earlier than twenty-one days from the date of the last publication of the notice), a short statement in writing of the nature of such claim, and a short abstract of the title on which the same is founded; and such statement and abstract shall be paid for by the local authority. Such abstract of title, in the case of a person claiming a fee simple interest in the land, shall commence twenty years previous to the date of the claim, except there has been an absolute conveyance on sale within twenty years, and more than ten years, previous to the claim when the abstract shall commence with such conveyance.
- (g.) Any person or local authority dissatisfied with the amount of compensation awarded may, where such amount exceeds one thousand pounds, but not otherwise, appeal in manner provided by article twenty-six of the schedule to the Artizans and Labourers Dwellings Improvement Act, 1875, and that article shall be construed as if one thousand pounds were therein substituted for five hundred pounds.
- (h.) The costs, charges, and expenses payable by the local authority under article twenty-eight of the schedule to the Artizans and Labourers Dwellings Improvement Act, 1875, shall not be payable until the amount has been certified by the confirming authority.
- (i.) Notwithstanding anything contained in article twenty-nine of the said schedule, the arbitrator shall not be required to certify the amount of costs incurred by any party in relation to the arbitration in any case where he considers that such costs are not properly payable by the local authority.



## SCHEDULES TO BATHS AND WASHHOUSES ACT, 1846.

## SCHEDULE (A.)

*Bye-Laws to be made in all Cases.*

FOR securing that the baths and washhouses and open bathing places shall be under the due management and control of the officers, servants, or others appointed or employed in that behalf by the Council or Commissioners.

For securing adequate privacy to persons using the baths and washhouses and open bathing places, and security against accidents to persons using the open bathing places.

For securing that men and boys above eight years old shall bathe separately from women and girls and children under eight years old.

For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour, and nuisances.

For determining the duties of the officers, servants, and others appointed by the Council or Commissioners.

In parishes. For regulating the procedure of the Commissioners.

## SCHEDULE TO BATHS AND WASHHOUSES ACT AMENDMENT ACT, 1874.

(10 and 11 Vict. ch. 61.)

*Charges for the Baths and Washhouses and open Bathing Places.*

## 1. BATHS FOR THE LABOURING CLASSES.

EVERY bath to be supplied with clean water for every person bathing alone, or for several children bathing together, and in either case with one clean towel for every bather.

For one person above eight years old:

Cold bath, or cold shower bath, any sum not exceeding . . . . .	One penny.
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Warm bath, or warm shower bath, or vapour bath, any sum not exceeding . . . . .	Twopence.
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For several children, not above eight years old, nor exceeding four, bathing together:

Cold bath, or cold shower bath, any sum not exceeding . . . . .	Twopence.
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Warm bath, or warm shower bath, or vapour bath, any sum not exceeding . . . . .	Fourpence.
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## 2. BATHS OF ANY HIGHER CLASS.

Such charges as the Council and the Commissioners respectively think fit,



not exceeding in any case three times the charges above mentioned for the several kinds of baths for the labouring classes.

### 3. WASHHOUSES FOR THE LABOURING CLASSES.

Every washhouse to be supplied with conveniences for washing and drying clothes and other articles.

For the use by one person of one washing tub or trough, and of a copper or boiler (if any), or, where one of the washing tubs or troughs shall be used as a copper or boiler, for the use of one pair of washing tubs or troughs, and for the use of the conveniences for drying :

For one hour only in any one day, any sum not exceeding . . . . . One penny.

For two hours together, in any one day, any sum not exceeding . . . . . Threepence.

Any time over the hour or two hours respectively, if not exceeding five minutes, not to be reckoned.

For two hours not together, or for more than two hours in any one day, such charges as the Council and the Commissioners respectively think fit.

For the use of the washing conveniences alone, or of the drying conveniences alone, such charges as the Council and the Commissioners respectively think fit, but not exceeding in either case the charges for the use for the same time of both the washing and the drying conveniences.

### 4. WASHHOUSES OF ANY HIGHER CLASS.

Such charges as the Council and the Commissioners respectively think fit.

5. OPEN BATHING PLACES where several persons bathe in the same water, for one person one halfpenny—by the 41 Vict. ch. 14. s. 14 this was increased to one penny.

## SCHEDULE TO BATHS AND WASHHOUSES ACT, 1878.

### CHARGES FOR COVERED SWIMMING BATHS.

First Class.—Any sum not exceeding eightpence for each person.

Second Class.—                    „                    fourpence                    „

Third Class.—                    „                    twopence                    „



# SCHEDULES TO CONTAGIOUS DISEASES (ANIMALS) ACT, 1878.

(41 and 42 Vict. ch. 74.)

## THE FIRST SCHEDULE.

### ENACTMENTS REPEALED.

<p>32 &amp; 33 Vict. c. 70. [9 August 1869] in part.</p>	<p>I.—ENGLAND AND SCOTLAND.</p> <p>The Contagious Diseases (Animals) Act, 1869: Except—</p> <p>(i.) Paragraphs 2, 3, and 4 of section 28 (local), relating to the markets of the mayor, aldermen, and commons of the City of London, with the Fifth Schedule, referred to in that section.</p> <p>(ii.) Sections 100 and 101 (transitory), relating to money borrowed by local authorities before the passing of that Act.</p>
<p>38 &amp; 39 Vict. c. 75. [11 August 1875.]</p>	<p>II.—SCOTLAND.</p> <p>An Act to amend the Contagious Diseases (Animals) Act, 1869.</p>
<p>11 &amp; 12 Vict. c. 105. [4 September 1848.]</p> <p>11 &amp; 12 Vict. c. 107. [4 September 1848.]</p>	<p>III.—IRELAND.</p> <p>An Act to prohibit the importation of sheep, cattle, or other animals, for the purpose of preventing the introduction of contagious or infectious disorders.</p> <p>An Act to prevent, until the first day of September, one thousand eight hundred and fifty, and to the end of the then session of Parliament, the spreading of contagious or infectious disorders among sheep, cattle, and other animals.</p>
<p>16 &amp; 17 Vict. c. 62. [4 August 1853.]</p>	<p>An Act to extend and continue an Act of the twelfth year of Her present Majesty, to prevent the spreading of contagious or infectious disorders among sheep, cattle, and other animals.</p>
<p>29 &amp; 30 Vict. c. 4. [6 March 1866.]</p> <p>33 &amp; 34 Vict. c. 36. [1 August 1870.]</p> <p>35 &amp; 36 Vict. c. 16. [27 June 1872.]</p> <p>37 &amp; 38 Vict. c. 6. [21 May 1874.]</p> <p>39 &amp; 40 Vict. c. 51. [11 August 1876.]</p>	<p>The Cattle Disease Act (Ireland), 1866.</p> <p>The Cattle Disease (Ireland) Amendment Act, 1870.</p> <p>The Cattle Disease (Ireland) Amendment Act, 1872.</p> <p>The Cattle Disease (Ireland) Acts Amendment Act, 1874.</p> <p>The Cattle Disease (Ireland) Act, 1876.</p>



# SCHEDULES TO CONTAGIOUS DISEASES (ANIMALS) ACT, 1878.

(41 and 42 Vict. ch. 74.)

## THE SECOND SCHEDULE.

### LOCAL AUTHORITIES IN ENGLAND.

District.	Local Authority.	Local Rate	Clerk of Local Authority.
I.—Counties, except within the metropolis.	The justices in general or quarter sessions assembled.	The county rate, or rate in the nature of a county rate.	The clerk of the peace.
II.—The City of London and the liberties thereof.	The Corporation of London.	The consolidated rate.	The town clerk.
III.—The metropolis, except the City of London and the liberties thereof.	The Metropolitan Board of Works.	The metropolitan consolidated rate.	The clerk of the Metropolitan Board of Works.
IV.—Boroughs subject to the Municipal Corporation Act, 1835.	The mayor, aldermen, and burgesses acting by the Council.	The borough rate, with the borough fund.	The town clerk.
V.—Other boroughs	The commissioners or other body maintaining the police therein.	The rate applicable by the commissioners or other body to the maintenance of the police.	The clerk of the commissioners or other body.
VI.—The district of the local board of Oxford.	The local board.	The rate leviable by the local board.	The clerk of the local board.

## THE THIRD SCHEDULE.

### PLEURO-PNEUMONIA.

1. CATTLE are not to be moved into or out of a place infected with pleuro-pneumonia, except where, as regards movement into such a place, the cattle are affected with pleuro-pneumonia, and except in such other cases as the Privy Council think fit from time to time by general order to except.

2. In the cases so excepted by order cattle may be moved into or out of an infected place on conditions prescribed by general or special Order of Council, and not otherwise.

3. Cattle may be moved into, in, or out of such parts of an area infected with pleuro-pneumonia as are not comprised in a place infected with pleuro-pneumonia, by licence of the local authority, granted on conditions prescribed by general Order of Council, and not otherwise.

4. Nothing in this Schedule restricts movement of cattle in a place infected with pleuro-pneumonia.



## THE FOURTH SCHEDULE.

## FOOT-AND-MOUTH DISEASE.

1. ANIMALS are not to be moved into or out of a place infected with foot-and-mouth disease, except where, as regards movement into such a place, the animals are affected with foot-and-mouth disease, and except in such other cases as the Privy Council think fit from time to time by general order to except.

2. In the cases so excepted by order animals may be moved into or out of an infected place on conditions prescribed by general or special Order of Council, and not otherwise.

3. Animals may be moved into, in, or out of such parts of an area infected with foot-and-mouth disease as are not comprised in a place infected with foot-and-mouth disease, by licence of the local authority, granted on conditions prescribed by Order of Council, and not otherwise.

4. Nothing in this Schedule restricts movement of animals in a place infected with foot-and-mouth disease.

## THE FIFTH SCHEDULE.

## FOREIGN ANIMALS.

I.—*Slaughter at Port of Landing.*

1. FOREIGN animals are to be landed only at a part of a port defined for that purpose by special Order of Council, to be called a foreign animals wharf.

2. They are to be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs from time to time direct.

3. They are not to be moved alive out of the wharf.

II.—*Quarantine.*

4. The foregoing provisions of this Schedule (under the head of Slaughter at Port of Landing) do not apply to animals intended for exhibition or for other exceptional purposes; and in lieu thereof the subsequent provisions of this Schedule (under the head of Quarantine) apply to those animals.

5. Those animals are to be landed only at a part of a port defined for that purpose by special Order of Council, to be called a foreign animals quarantine station.

6. They are to be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs from time to time direct, and subject to such conditions in respect of the animals, or of the vessel from which they are landed, as the Privy Council from time to time by general order prescribe.

7. When landed they are to be placed in sheds or other receptacles in the quarantine station, prepared by the local authority or the owners of the quarantine station, or the consignees of animals or other persons, and approved by the Privy Council.



8. Any such animal is not to be moved out of the quarantine station except on conditions prescribed by general or special Order of Council.

9. Notwithstanding anything in the foregoing provisions of this Schedule (under the head of Quarantine), the provisions of this Act relating to slaughter in case of the existence of disease, and to compensation or other payment in respect of animals so slaughtered, and to the ownership of carcasses of such animals, shall apply to animals in a foreign animals quarantine station.

### III.—*Channel Islands and Isle of Man.*

10. In relation to animals brought from the Channel Islands or the Isle of Man, the Privy Council may from time to time, if they think fit, by general or special order or by licence, alter or add to the provisions of this Schedule relating to slaughter or to quarantine, as the case may require.

### IV.—*Other Foreign Countries.*

11. In relation to foreign animals other than those brought from the Channel Islands and the Isle of Man, if and as long as, from time to time, the Privy Council are satisfied, with respect to any foreign country, that the laws thereof relating to the importation and exportation of animals, and to the prevention of the introduction or spreading of disease, and the general sanitary condition of animals therein, are such as to afford reasonable security against the importation therefrom of diseased animals, then, from time to time, the Privy Council, by general or special order, shall allow animals, or any specified kind of animals, brought from that country, to be landed, without being subject, under the provisions of this Schedule, to slaughter or to quarantine, and may for that purpose alter or add to those provisions, as the case may require ; but every such order shall forthwith, after the making thereof, if Parliament is then sitting, and if not, then forthwith after the next meeting of Parliament, be laid before both Houses of Parliament.

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## THE SIXTH SCHEDULE.

### COMMITTEES OF LOCAL AUTHORITIES.

1. EACH local authority shall form and keep up a committee or committees, and may appoint the number of members by whom the powers of a committee may be exercised, and may at any time add to or diminish the number of the members of a committee, or otherwise alter the constitution thereof, and fill up or provide for the filling up of vacancies therein, or revoke the appointment thereof and appoint another committee or committees, and lay down rules for the guidance of a committee, who shall act accordingly.

2. Each committee may consist wholly of members of the local authority, or partly thereof, and partly of other persons, being rated occupiers in the district of the local authority, and otherwise qualified as the local authority think fit.

3. A local authority may delegate all or any of their powers, except the power to make a rate, to a committee, with or without conditions or restrictions.

4. A local authority may revoke or alter any power given by them to a committee.



5. A local authority may, if they think fit, appoint and designate one committee as their executive committee.

6. An executive committee shall have all the powers of the local authority, except the power to make a rate, and may, if they think fit, appoint a sub-committee or sub-committees, and delegate to them all or any of the powers of the executive committee, with or without conditions or restrictions, and from time to time revoke or alter any such delegation, and appoint the number of members by whom the powers of a sub-committee may be exercised, and add to or diminish the number of the members of a sub-committee, or otherwise alter the constitution thereof, and fill up or provide for the filling up of vacancies therein, or revoke the appointment thereof and appoint another sub-committee or other sub-committees, and lay down rules for the guidance of a sub-committee, who shall act accordingly.

7. Proceedings of a committee or sub-committee shall not be invalidated by any vacancy in the committee or sub-committee, or, in the case of a committee appointed by the local authority for a county, by the termination of the session at which they were appointed.

8. In case of the formation of two or more committees, they shall act according to rules laid down for their guidance by the local authority.

9. A committee, and a sub-committee of an executive committee, may elect a chairman of their meetings.

10. If no chairman is elected, or if the chairman so elected is not present at the time appointed for a meeting, the members then present shall choose a chairman for that meeting.

11. A committee or sub-committee may meet and adjourn as they think proper.

12. Every question at a meeting of a committee or sub-committee shall be determined by a majority of the votes of the members, including the chairman, present and voting on the question; and in case of equal division, the chairman shall have a second vote.

## THE SEVENTH SCHEDULE.

### LOCAL AUTHORITIES IN SCOTLAND.

District.	Local Authority.	Local Rate.	Clerk of Local Authority.
I.—Counties, including any town or place which does not return, or contribute to return, a member to Parliament.	The persons appointed as provided in Part III.	Rate appointed to be levied in Part III.	The clerk of supply.
II.—Burghs which return, or contribute to return, a member to Parliament.	The magistrates and town council.		The town clerk.

1. In and for purposes of this Schedule and Part III. "county" does not include county of a city.

2. For purposes of Part III. the burgh of Maxwelltown is part, not of the parliamentary burgh of Dumfries, but of the stewartry of Kirkcudbright.







Names of Places.	Limits of Places.
Canterbury— <i>continued</i> .	St. Peter. The Archbishop's Palace. St. Dunstan. Christ Church. St. Gregory. Staplegate. Westgate Within. Westgate Without. St. Augustine. Old Castle.
Chatham . . . . .	The limits of the following parishes and places; namely, Chatham. Gillingham. St. Nicholas, Rochester. St. Margaret, Rochester. The Precincts, Rochester. Brompton. New Brompton. Strood. Frindsbury, and The hamlet of Grange, otherwise Grench.
Colchester . . . . .	The limits of the following parishes or ecclesiastical districts; namely, All Saints. St. Botolph. St. Giles. St. James. St. John. St. Leonard. St. Martin. St. Mary at the Walls. St. Mary Magdalene. St. Nicholas. St. Peter. St. Runwald. The Holy Trinity. St. Andrew's, Greenstead. Lexden. St. Michael's, Mile End.
Dover . . . . .	The limits of the parishes of— Buckland. Charlton. Hougham. St. Mary's. St. James's. Eastcliff (extra-parochial). Guston.



Names of Places.	Limits of Places.
Gravesend . . .	The limits of the parishes of— Gravesend. Milton. Northfleet. Denton. Chalk.
Maidstone . . .	The limits of the parishes of— Maidstone. Barming. East Farleigh. Loose. Boughton Monchelsea. Allington, and The hamlet of Tovil.
Plymouth and Devonport .	The limits of the following places ; namely, The municipal borough of Plymouth. The parliamentary borough of Devon- port. The district of Laira. The tithing of Pennycross or Western Peveril. The tithing of Compton Gifford. Torpoint in the county of Cornwall, within the distance of half a mile from the Ferry Gate. Ivy Bridge. The parishes of Plympton St. Maurice and Plympton St. Mary. Dartmouth.
Portsmouth . . .	The limits of the following places and parishes ; namely, The municipal borough of Portsmouth. The residue of the island of Portsea. The parish of Alverstoke. The township of Landport.
Sheerness . . .	The limits of the parish of Minster, of the township of Queenborough, and of the Isle of Grain.
Shorncliffe . . .	The limits of the following parishes ; namely, Cheriton. Hythe. Folkstone. Walmer. Deal. Sholden. Mongeham. Ringwold. Ripple.



Names of Places.	Limits of Places.
Southampton . . . .	The limits of the municipal borough of Southampton.
Winchester . . . .	The limits of the parliamentary borough of Winchester.
Windsor . . . .	The limits of the following parishes ; namely, New Windsor, } Old Windsor, } in the county of Berks. Clewer, } Eton, } Datchet, } in the county of Bucks. Upton, }
Woolwich . . . .	The limits of the following parishes and places ; namely, Woolwich. Plumstead. Charlton. St. Paul, } Deptford. St. Nicholas, } Hamlet of Hatcham. St. Alphage, Greenwich.
IRELAND.	
The Curragh . . . .	The limits of the following parishes ; namely Kilcullen. Kildare. Ballysax. Great Conwell. Morristown-beller.
Cork . . . .	The limits of the borough of Cork for municipal purposes.
Queenstown . . . .	The limits of the town of Queenstown for the purposes of town improvement.

## SECOND SCHEDULE.

## FORMS.

(A.)

*Gazette Notice of Appointments.*

London

18 .

THE Lords Commissioners of the Admiralty have [*or* the Secretary of State for War has] appointed *R.S.* to be visiting surgeon [*or* assistant



visiting surgeon] for [*Portsmouth, or* the Lords Commissioners of the Admiralty and the Secretary of State for War have appointed *P.S.* to be inspector [*or assistant inspector*] of certified hospitals] under the Contagious Diseases Acts, 1866 to 1869.

## (B.)

*Certificate for Hospital provided by Admiralty, &c.*

THE CONTAGIOUS DISEASES ACTS, 1866 to 1869.

IN pursuance of the above-mentioned Acts, it is hereby certified by the commissioners for executing the office of Lord High Admiral of the United Kingdom [*or by Her Majesty's Principal Secretary of State intrusted with the seals of the War Department*], that the following building [*or part of a building*], namely, [*here describe generally the building or part of building,*] has been provided by the said Lords Commissioners [*or Secretary of State*] as a hospital for the purposes of the said Acts.

Dated this                      day of                      18                      .

By order of the Lords Commissioners of the Admiralty.

(Signed)                      *C.P.*,

Secretary of the Admiralty.

[*Or,*

By order of the Secretary of State for War,

(Signed)                      *E.L.*,

Under-Secretary of State.]

## (C.)

*Certificate for Hospital not provided by Admiralty, &c.*

THE CONTAGIOUS DISEASES ACTS, 1866 to 1869.

IN pursuance of the above-mentioned Acts, it is hereby certified by the commissioners for executing the office of Lord High Admiral of the United Kingdom [*or by Her Majesty's Principal Secretary of State intrusted with the seals of the War Department*], that the following building [*or part of a building*], namely, [*the lock wards of the Portsmouth, Portsea, and Gosport hospital, or as the case may be,*] is useful and efficient as a hospital for the purposes of the said Acts.

Dated this                      day of                      18                      .

By order of the Lords Commissioners of the Admiralty.

(Signed)                      *C.P.*,

Secretary of the Admiralty.

[*Or*

By order of the Secretary of State for War.

(Signed)                      *E.L.*,

Under-Secretary of State.]



## (D.)

*Declaration of Withdrawal of Certificate.*

THE CONTAGIOUS DISEASES ACTS, 1866 to 1869.

IN pursuance of the above-mentioned Acts, it is hereby declared by the commissioners for executing the office of Lord High Admiral of the United Kingdom [*or by Her Majesty's Principal Secretary of State intrusted with the seals of the War Department*], that the certificate under the said Acts dated the                      day of                      , constituting the hospital [*or as the case may be*] a certified hospital under the said Acts, has been and the same is hereby withdrawn as from the                      day of                      18                      .

Dated this                      day of                      18                      .

By order of the Lords Commissioners of the Admiralty.

(Signed)                      C.P.,

Secretary of the Admiralty.

[Or

By order of the Secretary of State for War.

(Signed)                      E.L.,

Under-Secretary of State.]

## (E.)

*Information.*

to wit. } THE information of C.D. of                      , Superintendent  
 } of Police for                      [*or as the case may be*]  
 under the Contagious Diseases Acts, 1866 to 1869, taken this  
 day of                      186                      , before the undersigned, one of Her Majesty's  
 justices of the peace in and for the said [*county*] of                      of  
 who says he has good cause to believe that A.B. is a common prostitute, and  
 is resident within the limits of a place to which the said Acts apply, that is  
 to say, at                      in the [*county*] of                      [*or*  
 is a common prostitute, and being resident within fifteen miles of a place to  
 which the said Act applies, that is to say, at                      in  
 the county of                      , was within fourteen days before the laying  
 of this information, that is to say, on the                      day of                      , within  
 those limits [*or outside of those limits*], that is to say, at                      ,  
 in the county of                      for the purpose of prostitution [*in the company*  
 of men resident within those limits].

Taken and sworn before me the day and year first above mentioned.

(Signed)                      L.M.

## (F.)

*Notice for Attendance of Woman.*

To A.B. of

TAKE notice, that an information, a copy whereof is subjoined hereto, has been laid before me, and that in accordance with the provisions of the Acts



therein mentioned, the truth of the statements therein contained will be inquired into before me, or some other justice, at  
on the                      day of                      , at                      o'clock in the                      noon.

You are therefore to appear before me or such other justice at that place and time, and to answer to what is stated in the said information.

You may appear yourself, or by any person on your behalf.

If you do not appear, you may be ordered, without further notice, to be subject to a periodical medical examination by the visiting surgeon under the said Acts.

If you prefer it, you may, by a submission in writing signed by you in the presence of the Superintendent of Police [*or as the case may be*], and attested by him, subject yourself to such a periodical examination.

If you do so before the time above appointed for your appearance, it will not be necessary for you to appear then before a justice.

Dated this                      day of                      .

(Signed)                      L.M.

Justice of the peace for

[*Subjoined copy of information.*]

(G.)

*Order subjecting Woman to Examination.*

to wit. } BE it remembered, that on the                      day of  
          } in pursuance of The Contagious Diseases Acts, 1866 to 1869, I, one  
of her Majesty's justices of the peace in and for the said [*county*] of  
do order that A.B.                      of                      be subject to a periodical  
medical examination by the visiting surgeon for [*Portsmouth, or as the case  
may be*] for                      calendar months from this day, for the purpose of  
ascertaining at the time of each such examination whether she is affected  
with a contagious disease within the meaning of the said Acts, and that she  
do attend for the first examination at                      on the                      day of  
at                      o'clock in the                      noon.

(Signed)                      L.M.

(H.)

*Voluntary Submission to Examination.*

THE CONTAGIOUS DISEASES ACTS, 1866 to 1869.

I, A.B.,                      of                      , in pursuance of the  
above-mentioned Acts, by this submission, voluntarily subject myself to a  
periodical medical examination by the visiting surgeon for [*Portsmouth, or  
as the case may be*] for                      calendar months from the date hereof.

Dated this                      day of                      18                      .

(Signed)                      A.B.

Witness,

X.Y.

Superintendent of police for

[*or as the case may be*].



(J.)

*Notice by Visiting Surgeon to Woman of Times, &c. of Examination.*

To A.B. of

TAKE notice, that in pursuance of The Contagious Diseases Acts, 1866 to 1869, you are required to attend for medical examination as follows:

[Here state times and places of examination.]

Dated this                      day of                      18 .

(Signed) E.F.,

Visiting Surgeon for [Portsmouth].

(K.)

*Certificate of Visiting Surgeon.*

IN pursuance of The Contagious Diseases Acts, 1866 to 1869, I hereby certify that I have this day examined A.B.                      of                      , and

that she is affected with a contagious disease within the meaning of those Acts; and the certified hospital in which she is to be placed under the said Acts is the                      hospital.

Dated this                      day of                      18 .

(Signed) E.F.,

Visiting Surgeon for [Portsmouth].

(L.)

*Certificate of Visiting Surgeon where Woman cannot properly be examined.*

I HEREBY certify, that A.B., on being examined by me this day in pursuance of The Contagious Diseases Acts, 1866 to 1869, was in such a condition that I could not properly examine her, and I have reasonable ground to believe that she is affected with contagious disease within the meaning of those Acts, and the certified hospital in which she is to be placed under the said Acts is the                      hospital.

Dated this                      day of                      18 .

(Signed) E.F.,

Visiting Surgeon for [Portsmouth].

(M.)

*Order of Visiting Surgeon for temporary Detention of Woman.*

I HEREBY certify that A.B., on attending this day for examination, in pursuance of The Contagious Diseases Acts, 1866 to 1869, was drunk, so that I could not properly examine her, and I have reasonable ground to believe that she is affected with contagious disease within the meaning of those Acts, and I hereby order that she be detained in the lock-up [or as the case may be], at                      in accordance with the said Acts.

Dated this                      day of                      18 .

(Signed) E.F.,

Visiting Surgeon for [Portsmouth].



(N.)

*Order by Inspector of Certified Hospitals for Transfer.*

By virtue of the power in this behalf vested in me by The Contagious Diseases Acts, 1866 to 1869, I hereby order that A.B. of  
now detained under those Acts in the certified hospital of  
for medical treatment be transferred thence to the certified hospital of

Dated this                      day of                      18 .  
(Signed)                      M.N.,  
Inspector of certified hospitals.

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(O.)

*Certificate for Detention beyond Three Months.*

THE CONTAGIOUS DISEASES ACTS, 1866 to 1869.

WE the undersigned, hereby certify that the further detention for medical treatment of A.B. of                      , now an inmate of this hospital is requisite.

Dated this                      day of                      18 , at the                      hospital.  
(Signed)                      M.N.,  
Inspector of certified hospitals,  
[or as the case may be.]  
G.H.,  
Chief medical officer.

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(P.)

*Discharge from Hospital.*

IN pursuance of the Contagious Diseases Act, 1866 to 1869, I hereby discharge A.B. of                      from this hospital [add according to the fact, and certify that she is now free from a contagious disease].

Dated this                      day of                      18 , at the                      hospital.  
(Signed)                      G.H.  
Chief medical officer.

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(Q.)

*Certificate on Discharge from Imprisonment.*

THE CONTAGIOUS DISEASES ACTS, 1866 to 1869.

WHEREAS under the above-mentioned Acts, A.B. of                      of was on the                      day of                      convicted of the offence of                      and has since been imprisoned for that offence in the gaol of                      and is now discharged from imprisonment therein; Now in pursuance of the said Acts, I hereby certify that she is now free from a contagious disease.

Dated this                      day of                      .  
R.O.,  
Surgeon of the gaol of                       
[or E.F.,  
Visiting Surgeon for Portsmouth.]



(R.)

*Notice to Woman leaving Hospital.*

THE CONTAGIOUS DISEASES ACTS, 1866 to 1869.

To *A.B.*

As you are now leaving this hospital, I hereby, in pursuance of the above-mentioned Acts, give you notice that you are still affected with a contagious disease.

Dated this                      day of

(Signed)            *G.H.*,  
Chief medical officer.

Note.—The above-mentioned Acts provide as follows:—

If on any woman leaving a certified hospital a notice [*set out section of Act*].

(S.)

*Certificate on last foregoing Notice or Copy.*

IN pursuance of the within-mentioned Acts, I hereby certify that the within-named woman is now free from a contagious disease.

Dated this                      day of

(Signed)            *E.F.*,  
Visiting Surgeon for [*Portsmouth*].

(T.)

*Application to be relieved from Examination.*

To *L.M.*, Esq., and others, Her Majesty's justices of the peace for the  
[*county*] of                      [*or to N.O.*, Esq., Visiting Surgeon for *Portsmouth*,  
*or as the case may be*].

I, *A.B.*,                      of                      , being in pursuance of The  
Contagious Diseases Acts, 1866 to 1869, subject to a periodical medical  
examination on my own submission [*or under the order of L.M.*, Esq., *as*  
*the case may be*], dated the                      day of                      , do hereby  
apply to be relieved therefrom.

Dated this                      day of

18 .                      (Signed)            *A.B.*

Witness, *G.W.*



## SCHEDULES TO FACTORY AND WORKSHOP ACT, 1878.

(41 Vict. ch. 16.)

## FIRST SCHEDULE.

## SPECIAL PROVISIONS FOR HEALTH.

*Factories and Workshops in which the Employment of Young Persons and Children is restricted.*

1. IN a part of a factory or workshop in which there is carried on—  
The process of silvering of mirrors by the mercurial process ; or  
The process of making white lead,  
a young person or child shall not be employed.
2. In the part of a factory in which the process of melting or annealing glass is carried on a child or female young person shall not be employed.
3. In a factory or workshop in which there is carried on—  
(a.) The making or finishing of bricks or tiles not being ornamental tiles ; or  
(b.) The making or finishing of salt,  
a girl under the age of sixteen years shall not be employed.
4. In a part of a factory or workshop in which there is carried on—  
(a.) Any dry grinding in the metal trade, or  
(b.) The dipping of lucifer matches,  
a child shall not be employed.
5. In any grinding in the metal trades other than dry grinding or in fustian cutting a child under the age of eleven years shall not be employed.

## SECOND SCHEDULE.

## SPECIAL RESTRICTIONS.

*Places forbidden for Meals.*

THE prohibition on a child, young person, or woman taking a meal or remaining during the times allowed for meals in certain parts of factories or workshops applies to the parts of factories and workshops following ; that is to say,

- (1.) In the case of glass works, to any part in which the materials are mixed ; and
- (2.) In the case of glass works where flint glass is made, to any part in which the work of grinding, cutting, or polishing is carried on ; and



- (3.) In the case of lucifer-match works, to any part in which any manufacturing process or handicraft (except that of cutting the wood) is usually carried on; and
- (4.) In the case of earthenware works, to any part known or used as dippers house, dippers drying room, or china scouring room.

### THIRD SCHEDULE.

#### SPECIAL EXCEPTIONS.

##### PART ONE.

##### *Period of Employment.*

THE exception respecting the employment of children, young persons, and women between the hours of eight in the morning and eight in the evening, and on Saturday between the hours of eight in the morning and four in the afternoon, or between the hours of seven in the morning and three in the afternoon, applies to any factory or workshop or part thereof in which any of the following manufacturing processes or handicrafts are carried on; that is to say,

- (a.) Lithographic printing :
- (b.) Turkey red dyeing :
- (c.) The making of any article of wearing apparel :
- (d.) The making of furniture hangings :
- (e.) Artificial flower making :
- (f.) Bon-bon and Christmas present making :
- (g.) Valentine making :
- (h.) Fancy box making :
- (i.) Envelope making :
- (k.) Almanac making :
- (l.) Playing card making :
- (m.) Machine ruling :
- (n.) Biscuit making :
- (o.) Firewood cutting :
- (p.) Job dyeing : or
- (q.) Aërated water making ; and also to
- (r.) Bookbinding works :
- (s.) Letter-press printing works : and
- (t.) A part of a factory or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods.

##### PART TWO.

##### *Meal Hours.*

The cases in which the provisions of this Act as to meal times being allowed at the same hour of the day are not to apply are—

1. The case of children, young persons, and women employed in the following factories ; that is to say,  
     Blast furnaces,  
     Iron mills,



Paper mills,  
Glass works, and  
Letter-press printing works ; and

- (2.) The case of male young persons employed in that part of any print works or bleaching and dyeing works in which the process of dyeing or open-air bleaching is carried on.

The cases in which and the extent to which the provisions of this Act as to a child, young person, or woman during the times allowed for meals being employed or being allowed to remain in a room in which a manufacturing process or handicraft is being carried on, are not to apply are,—

- (1.) The case of children, young persons, and women employed in the following factories ; that is to say,

Iron mills,  
Paper mills,  
Glass works (save as otherwise provided by this Act), and  
Letter-press printing works ; and

- (2.) The case of a male young person employed in that part of any print works or bleaching and dyeing works in which the process of dyeing or open-air bleaching is carried on, to this extent, that the said provisions shall not prevent him, during the times allowed for meals to any other young person or to any child or woman, from being employed or being allowed to remain in any room in which any manufacturing process is carried on, and shall not prevent, during the times allowed for meals to such male young person, any other young person or any child or woman from being employed in the factory or allowed to remain in any room in which any manufacturing process is carried on.

### PART THREE.

#### *Overtime.*

The exception with respect to the employment of young persons and women for forty-eight days in any twelve months during a period of employment, beginning at six or seven o'clock in the morning and ending at eight or nine o'clock in the evening, or beginning at eight o'clock in the morning and ending at ten o'clock in the evening, applies to each of the factories and workshops, and parts thereof, following ; that is to say,

- (1.) Where the material which is the subject of the manufacturing process or handicraft is liable to be spoiled by weather ; namely,
- (a.) Flax scutch mills ; and
  - (b.) A factory or workshop or part thereof in which is carried on the making or finishing of bricks or tiles not being ornamental tiles ; and
  - (c.) The part of rope works in which is carried on the open-air process ; and
  - (d.) The part of bleaching and dyeing works in which is carried on open-air bleaching or Turkey red dyeing ; and
  - (e.) A factory or workshop or part thereof in which is carried on glue making ; and
- (2.) Where press of work arises at certain recurring seasons of the year ; namely,
- (f.) Letter-press printing works ;
  - (g.) Bookbinding works ; and
- A factory, workshop, or part thereof in which is carried on the manufacturing process or handicraft of—



- (h.) Lithographic printing ; or
  - (i.) Machine ruling ; or
  - (k.) Firewood cutting ; or
  - (l.) Bon-bon and Christmas present making ; or
  - (m.) Almanac making ; or
  - (n.) Valentine making ; or
  - (o.) Envelope making ; or
  - (p.) Aërated water making ; or
  - (q.) Playing card making ; and
- (3.) Where the business is liable to sudden press of orders arising from unforeseen events ; namely,
- A factory or workshop, or part thereof, in which is carried on the manufacturing process or handicraft of—
- (r.) The making up of any article of wearing apparel ; or
  - (s.) The making up of furniture hangings ; or
  - (t.) Artificial flower making ; or
  - (u.) Fancy box making ; or
  - (v.) Biscuit making ; or
  - (w.) Job dyeing ; and also,
  - (x.) A part of a factory or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods
- Provided that the said exception shall not apply—
- (a.) Where persons are employed at home, that is to say, to a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory or workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used, and in which the only persons employed are members of the same family dwelling there ; or
  - (b.) To a workshop or part thereof which is conducted on the system of not employing any child or young person therein.

#### PART FOUR.

##### *Additional Half Hour.*

The exception with respect to the employment of a child, young person, or woman for a further period of thirty minutes where the process is in an incomplete state applies to the factories following ; that is to say,

- (a.) Bleaching and dyeing works ;
- (b.) Print works ;
- (c.) Iron mills in which male young persons are not employed during any part of the night ;
- (d.) Foundries in which male young persons are not employed during any part of the night ; and
- (e.) Paper mills in which male young persons are not employed during any part of the night.

#### PART FIVE.

##### *Overtime for Perishable Articles.*

The exception with respect to the employment of women for ninety-six days in any twelve months during a period of employment beginning at six or seven o'clock in the morning and ending at eight or nine o'clock in the



evening applies to a factory or workshop or part thereof in which any of the following processes is carried on ; namely,

- The process of making preserves from fruit,
- The process of preserving or curing fish, or
- The process of making condensed milk.

#### PART SIX.

##### *Night Work.*

The exception with respect to the employment of male young persons during the night applies to the factories following ; (that is to say,)

- (a.) Blast furnaces,
- (b.) Iron mills,
- (c.) Letter-press printing works, and
- (d.) Paper mills.

#### PART SEVEN.

##### *Spell.*

The exception respecting the continuous employment in certain textile factories during the winter months of children, young persons, and women without an interval of at least half an hour for a meal for the same period as in a non-textile factory, applies to textile factories solely used for—

- (a.) The making of elastic web ; or
- (b.) The making of ribbon ; or
- (c.) The making of trimming.

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### FOURTH SCHEDULE.

#### LIST OF FACTORIES AND WORKSHOPS.

##### PART ONE.

##### *Non-Textile Factories.*

(1.) "PRINT works," that is to say, any premises in which any persons are employed to print figures, patterns, or designs upon any cotton, linen, woollen, worsted, or silken yarn, or upon any woven or felted fabric not being paper ;

(2.) "Bleaching and dyeing works," that is to say, any premises in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping, and making up and packing any yarn or cloth of any material, or the dressing or finishing of lace, or any one or more of such processes, or any process incidental thereto, are or is carried on ;

(3.) "Earthenware works," that is to say, any place in which persons work for hire in making or assisting in making, finishing, or assisting in finishing, earthenware of any description, except bricks and tiles not being ornamental tiles ;

(4.) "Lucifer-match works," that is to say, any place in which persons work for hire in making lucifer matches, or in mixing the chemical materials for making them, or in any process incidental to making lucifer matches, except the cutting of the wood ;



(5.) "Percussion-cap works," that is to say, any place in which persons work for hire in making percussion caps, or in mixing or storing the chemical materials for making them, or in any process incidental to making percussion caps ;

(6.) "Cartridge works," that is to say, any place in which persons work for hire in making cartridges, or in any process incidental to making cartridges, except the manufacture of the paper or other material that is used in making the cases of the cartridges ;

(7.) "Paper-staining works," that is to say, any place in which persons work for hire in printing a pattern in colours upon sheets of paper, either by blocks applied by hand, or by rollers worked by steam, water, or other mechanical power ;

(8.) "Fustian-cutting works," that is to say, any place in which persons work for hire in fustian cutting ;

(9.) "Blast furnaces," that is to say, any blast furnace or other furnace or premises in or on which the process of smelting or otherwise obtaining any metal from the ores is carried on ;

(10.) "Copper mills" ;

(11.) "Iron mills," that is to say, any mill, forge, or other premises in or on which any process is carried on for converting iron into malleable iron, steel, or tin plate, or for otherwise making or converting steel ;

(12.) "Foundries," that is to say, iron foundries, copper foundries, brass foundries, and other premises or places in which the process of founding or casting any metal is carried on ; except any premises or places in which such process is carried on by not more than five persons and as subsidiary to the repair or completion of some other work ;

(13.) "Metal and india rubber works," that is to say, any premises in which steam, water, or other mechanical power is used for moving machinery employed in the manufacture of machinery, or in the manufacture of any article of metal not being machinery, or in the manufacture of india-rubber or gutta percha, or of articles made wholly or partially of india-rubber or gutta-percha ;

(14.) "Paper mills," that is to say, any premises in which the manufacture of paper is carried on ;

(15.) "Glass works," that is to say, any premises in which the manufacture of glass is carried on ;

(16.) "Tobacco factories," that is to say, any premises in which the manufacture of tobacco is carried on ;

(17.) "Letter-press printing works," that is to say, any premises in which the process of letter-press printing is carried on ;

(18.) "Bookbinding works," that is to say, any premises in which the process of bookbinding is carried on ;

(19.) Flax scutch mills.

## PART TWO.

### *Non-Textile Factories and Workshops.*

(20.) "Hat works," that is to say, any premises in which the manufacture of hats or any process incidental to their manufacture is carried on ;

(21.) "Rope works," that is to say, any premises being a ropery, ropewalk, or rope work, in which is carried on the laying or twisting or other process of preparing or finishing the lines, twines, cords, or ropes, and in which machinery, moved by steam, water, or other mechanical power is not used for drawing or spinning the fibres of flax, hemp, jute, or tow, and which has



no internal communication with any buildings or premises joining or forming part of a textile factory, except such communication as is necessary for the transmission of power ;

(22.) "Bakehouses," that is to say, any places in which are baked bread, biscuits, or confectionery from the baking or selling of which a profit is derived ;

(23.) "Lace warehouses," that is to say, any premises, room, or place not included in bleaching and dyeing works as herein-before defined, in which persons are employed upon any manufacturing process or handicraft in relation to lace, subsequent to the making of lace upon a lace machine moved by steam, water, or other mechanical power ;

(24.) "Shipbuilding yards," that is to say, any premises in which any ships, boats, or vessels used in navigation are made, finished, or repaired ;

(25.) "Quarries," that is to say, any place, not being a mine, in which persons work in getting slate, stone, coprolites, or other minerals ;

(26.) "Pit-banks," that is to say, any place above ground adjacent to a shaft of a mine, in which place the employment of women is not regulated by the Coal Mines Regulation Act, 1872, or the Metalliferous Mines Regulation Act, 1872, whether such place does or does not form part of the mine within the meaning of those Acts.

## FIFTH SCHEDULE.

### SPECIAL EXEMPTIONS.

Straw plaiting.  
Pillow-lace making.  
Glove making.

## SIXTH SCHEDULE.

### *Acts repealed.*

Session and Chapter.	Title of Act.	Extent of Repeal.
42 Geo. 3. c. 73 . .	An Act for the preservation of the health and morals of apprentices and others employed in cotton and other mills and cotton and other factories.	The whole Act.
3 & 4 Will. 4. c. 103.	An Act to regulate the labour of children and young persons in the mills and factories of the United Kingdom.	The whole Act.
7 & 8 Vict. c. 15 . .	An Act to amend the laws relating to labour in factories.	The whole Act.



Session and Chapter.	Title of Act.	Extent of Repeal.
9 & 10 Vict. c. 40 .	An Act to declare certain ropeworks not within the operation of the Factory Acts.	The whole Act.
13 & 14 Vict. c. 54 .	An Act to amend the Acts relating to labour in factories.	The whole Act.
16 & 17 Vict. c. 104 .	An Act further to regulate the employment of children in factories.	The whole Act.
19 & 20 Vict. c. 38 .	The Factory Act, 1856 .	The whole Act.
24 & 25 Vict. c. 117 .	An Act to place the employment of women, young persons, youths, and children in lace factories under the regulations of the Factories Acts.	The whole Act.
26 & 27 Vict. c. 40 .	The Bakehouse Regulation Act, 1863.	The whole Act.
27 & 28 Vict. c. 48 .	The Factory Acts Extension Act, 1864.	The whole Act.
29 & 30 Vict. c. 90 .	The Sanitary Act, 1866 .	The following words (so far as unrepealed) in section nineteen, "not already under the operation of any general Act for the regulation of factories or bakehouses."
30 & 31 Vict. c. 103 .	The Factory Acts Extension Act, 1867.	The whole Act.
30 & 31 Vict. c. 146 .	The Workshop Regulation Act, 1867.	The whole Act.
33 & 34 Vict. c. 62 .	The Factory and Workshop Act, 1870.	The whole Act.
34 & 35 Vict. c. 19 .	An Act for exempting persons professing the Jewish religion from penalties in respect of young persons and females professing the said religion working on Sundays.	The whole Act.
34 & 35 Vict. c. 104 .	The Factory and Workshop Act, 1871.	The whole Act.
37 & 38 Vict. c. 44 .	The Factory Act, 1874 .	The whole Act.



Session and Chapter.	Title of Act.	Extent of Repeal.
38 & 39 Vict. c. 55 .	The Public Health Act, 1875	The following words in section four, "more than twenty," and the words "at one time," and the following words in section ninety-one, "not already under the operation of any general Act for the regulation of factories or bake-houses."
39 & 40 Vict. c. 79 .	The Elementary Education Act, 1876.	Section eight and the following words in section forty-eight, "the Factory Acts, 1833 to 1874, as amended by this Act, and includes the Workshop Acts, 1867 to 1871 as amended by this Act, and".



## SCHEDULES TO INFANT LIFE PROTECTION ACT.

(35 and 36 Vict. ch. 38.)

THE FIRST SCHEDULE referred to in the foregoing Act.

## ENGLAND.

District.	Local Rate.	Local Jurisdiction.	Local Authority.
Counties, except the metropolis and city of London.	The county rate or rate in the nature of a county rate.	Petty sessional division.	Justices in petty sessions.
The metropolis . . .	Rate or fund applicable to the payment of the general expenses of the board.	Area of the metropolis.	The Metropolitan Board of Works.
City of London and the liberties thereof.	Consolidated sewers rate.	Area of the city of London and the liberties thereof.	Common council.
Boroughs . . . .	The borough fund or borough rate.	Area of borough . .	Council.

"County" shall not include a county of a city or county of a town, but shall include any riding, division, parts, or liberty of a county having a separate commission of the peace.

Where a county or liberty of a county having a separate commission of the peace is not divided into petty sessional divisions, such county or liberty of a county shall itself for the purposes of this Act be deemed to be a petty sessional division of the county by which it is constituted or in which it is geographically situate.

"The metropolis" shall include all parishes and places in which the Metropolitan Board of Works have power to levy a main drainage rate, exclusive of the city of London and the liberties thereof.

"Borough" shall mean any place for the time being subject to an Act passed in the session holden in the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act made to provide for the "Regulation of Municipal Corporations in England and Wales," and having a separate court of quarter sessions.

Every place that is not, according to the foregoing definitions, a borough, a county, or part of the metropolis, or city of London, or the liberties thereof, shall be deemed to form part of the county, as hereinbefore defined, to the county rate of which it is assessed, or, if not so assessed, of the county within which it is situate.



## SCOTLAND.

District.	Local Rate.	Local Jurisdiction.	Local Authority.
Counties . . . .	The county general assessment.	Area subject to the county general assessment.	Justice of peace.
Burghs, royal or parliamentary not subject to the separate jurisdiction of police commissioners or trustees.	The revenue or common good of the burgh or any rate leviable by the town council.	Area of the burgh .	Town council.
Burghs and Places where police commissioners or trustees exercise the functions of police commissioners or trustees under any general or local Act.	Any rate leviable by the commissioners or trustees, or any fund belonging to them.	Area within the boundaries of the burgh or place as defined under the general or local Act.	The commissioners or trustees.

## IRELAND.

District.	Local Rate.	Local Jurisdiction.	Local Authority.
Towns corporate .	The borough rate or borough fund.	Area of borough . .	Town council.
Towns having commissioners appointed by virtue of an Act made in the ninth year of the reign of George the Fourth, intituled "An Act to make provision for the lighting, cleansing, and watching of cities and towns corporate and market town in Ireland in certain cases."	Any rate leviable by the commissioners.	Area of town . . .	The commissioners.
Towns having town commissioners under the Towns Improvement (Ireland) Act, 1854 (17 & 18 Vict. c. 103), or under any other local Act.		Area of town . . .	The commissioners.
Townships having commissioners under local Acts.		Area of township .	The commissioners.
Places in Ireland not included in the foregoing descriptions.	The grand jury cess.	Area of petty sessional district in which the place is situate.	The petty sessions for the district in which the place is situate.



## THE SECOND SCHEDULE referred to in the foregoing Act.

## REGISTER OF INFANTS.

Date at which received.	Name.	Sex.	Age	Name and Address of Person from whom received.	Date at which removed.	Name and Address of Person by whom removed.



## SCHEDULES TO CEMETERY CLAUSES ACT, 1847.

(10 and 11 Vict. ch. 65.)

*Form of Grant of Right of Burial.*

By virtue of [*here name the special Act*] we [*here state the name or description of the company*], in consideration of the sum of  
 to us paid by \_\_\_\_\_ of \_\_\_\_\_ do hereby  
 grant unto the said \_\_\_\_\_ the exclusive right of burial [*or*  
 the right of burying \_\_\_\_\_ bodies, *as the case may be*] [*or the*  
 right of placing a monument, tablet, or gravestone] in [*here describe the*  
*ground intended for the exclusive burial, or for placing a monument, tablet,*  
*or gravestone, as the case may be, so as to identify the same, and if a place*  
*of exclusive burial, add, "numbered \_\_\_\_\_ on the plan of the cemetery*  
*made in pursuance of the said Act"*], to hold the same to the said  
 \_\_\_\_\_ in perpetuity [*or the period agreed upon*] for the  
 purpose of burial [*or as the case may be*].

Given under our common seal [*or under our hands and seals, as the case*  
*may be*], this \_\_\_\_\_ day of \_\_\_\_\_ in the year  
 of our Lord.

*Form of Assignment of Right of Burial.*

I, A.B., of \_\_\_\_\_ in consideration of the sum  
 of \_\_\_\_\_ paid to me by C.D. of \_\_\_\_\_ do  
 hereby assign unto the said C.D. the exclusive right of burial in [*here*  
*describe the place*], and numbered \_\_\_\_\_ on the plan of the cemetery  
 made in pursuance of the said Act, which was granted to me [*or unto A.B.*  
*of \_\_\_\_\_*] in perpetuity [*or as the case may be*] by  
 [*here state the name of the company*] by a deed of grant bearing date  
 the \_\_\_\_\_ day of \_\_\_\_\_ and all my estate, title,  
 and interest therein, to hold the same unto the said C.D. in perpetuity [*or,*  
*as the case may be, for the remainder of the period for which the same*  
*was granted by the said company*], subject to the conditions on which I  
 held the same immediately before the execution hereof.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ .



## SCHEDULE TO PETROLEUM ACT, 1879.

MODE OF TESTING PETROLEUM SO AS TO ASCERTAIN THE TEMPERATURE AT WHICH IT WILL GIVE OFF INFLAMMABLE VAPOUR.

## SPECIFICATION OF THE TEST APPARATUS.

THE following is a description of the details of the apparatus:—

The oil cup consists of a cylindrical vessel 2" diameter,  $2\frac{2}{10}$ " height (internal), with outward projecting rim  $\frac{5}{10}$ " wide,  $\frac{3}{8}$ " from the top, and  $1\frac{7}{8}$ " from the bottom of the cup. It is made of gun metal or brass (17 B.W.G.) tinned inside. A bracket, consisting of a short stout piece of wire bent upwards and terminating in a point, is fixed to the inside of the cup to serve as a gauge. The distance of the point from the bottom of the cup is  $1\frac{1}{2}$ ". The cup is provided with a close-fitting overlapping cover made of brass (22 B.W.G.), which carries the thermometer and test lamp. The latter is suspended from two supports from the side by means of trunnions upon which it may be made to oscillate; it is provided with a spout, the mouth of which is one-sixteenth of an inch in diameter. The socket which is to hold the thermometer is fixed at such an angle and its length is so adjusted that the bulb of the thermometer when inserted to its full depth shall be  $1\frac{1}{2}$ " below the centre of the lid.

The cover is provided with three square holes, one in the centre,  $\frac{5}{10}$ " by  $\frac{4}{10}$ ", and two smaller ones,  $\frac{3}{10}$ " by  $\frac{2}{10}$ ", close to the sides and opposite each other. These three holes may be closed and uncovered by means of a slide moving in grooves, and having perforations corresponding to those on the lid.

In moving the slide so as to uncover the holes, the oscillating lamp is caught by a pin fixed in the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. Upon the slide being pushed back so as to cover the holes, the lamp returns to its original position.

Upon the cover, in front of and in line with the mouth of the lamp, is fixed a white bead, the dimensions of which represent the size of the test-flame to be used.

The bath or heated vessel consists of two flat-bottomed copper cylinders (24 B.W.G.), an inner one of 3" diameter and  $2\frac{1}{2}$ " height, and an outer one of  $5\frac{1}{2}$ " diameter and  $5\frac{3}{4}$ " height; they are soldered to a circular copper plate (20 B.W.G.) perforated in the centre, which forms the top of the bath, in such a manner as to enclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about  $\frac{3}{8}$ "; that is, its diameter is about  $\frac{6}{8}$ " greater than that of the body of the bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner copper cylinder. To the inner projection of the top is fastened, by six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite, to avoid metallic contact between the bath and the oil cup. The exact distance



between the sides and bottom of the bath and of the oil lamp is one-half of an inch. A split socket similar to that on the cover of the oil cup, but set at a right angle, allows a thermometer to be inserted into the space between the two cylinders. The bath is further provided with a funnel, an overflow pipe, and two loop handles.

The bath rests upon a cast-iron tripod stand, to the ring of which is attached a copper cylinder or jacket (24 B.W.G.) flanged at the top, and of such dimensions that the bath, while firmly resting on the iron ring, just touches with its projecting top the inward-turned flange. The diameter of this outer jacket is  $6\frac{1}{2}$ ". One of the three legs of the stand serves as support for the spirit lamp attached to it by means of a small swing bracket. The distance of the wick-holder from the bottom of the bath is 1".

Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for determining the flashing point. The thermometer for ascertaining the temperature of the water has a long bulb and a space at the top. Its range is from about  $90^{\circ}$  to  $190^{\circ}$  Fahrenheit. The scale (in degrees of Fahrenheit) is marked on an ivory back fastened to the tube in the usual way. It is fitted with a metal collar, fitting the socket, and the part of the tube below the scale should have a length of about  $3\frac{1}{2}$ " measured from the lower end of the scale to the end of the bulb. The thermometer for ascertaining the temperature of the oil is fitted with collar and ivory scale in a similar manner to the one described. It has a round bulb, a space at the top, and ranges from about  $55^{\circ}$  F. to  $150^{\circ}$  F.; it measures from end of ivory back to bulb  $2\frac{1}{4}$ ".

NOTE.—A model apparatus is deposited at the Weights and Measures Department of the Board of Trade.

#### DIRECTIONS FOR APPLYING THE FLASHING TEST.

1. The test apparatus is to be placed for use in a position where it is not exposed to currents of air or draughts.

2. The heating vessel or water bath is filled by pouring water into the funnel until it begins to flow out at the spout of the vessel. The temperature of the water at the commencement of the test is to be  $130^{\circ}$  Fahrenheit, and this is attained in the first instance either by mixing hot and cold water in the bath, or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or by heating the water with the spirit lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

If the water has been heated too highly, it is easily reduced to  $130^{\circ}$  by pouring in cold water little by little (to replace a portion of the warm water) until the thermometer gives the proper reading.

When a test has been completed, this water bath is again raised to  $130^{\circ}$  by placing the lamp underneath, and the result is readily obtained while the petroleum cup is being emptied, cooled, and refilled with a fresh sample to be tested. The lamp is then turned on its swivel from under the apparatus, and the next test is proceeded with.

3. The test lamp is prepared for use by fitting it with a piece of flat plaited candle wick, and filling it with colza or rape oil up to the lower edge of the opening of the spout or wick tube. The lamp is trimmed so that when lighted it gives a flame of about 0.15 of an inch diameter, and this size of flame which is represented by the projecting white bead on the cover of the oil cup is readily maintained by simple manipulation from time to time with a small wire trimmer.



When gas is available it may be conveniently used in place of the little oil lamp, and for this purpose a test-flame arrangement for use with gas may be substituted for the lamp.

4. The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured in slowly until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and if it exceeds  $65^{\circ}$  the samples to be tested should be cooled down (to about  $60^{\circ}$ ) by immersing the bottles containing them in cold water, or by any other convenient method. The lid of the cup, with the slide closed, is then put on, and the cup is placed into the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not under any circumstances to be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.

5. The test lamp is then placed in position upon the lid of the cup, the lead line or pendulum, which has been fixed in a convenient position in front of the operator, is set in motion, and the rise of the thermometer in the petroleum cup is watched. When the temperature has reached about  $66^{\circ}$  the operation of testing is to be commenced, the test-flame being applied once for every rise of one degree, in the following manner:—

The slide is slowly drawn open while the pendulum performs three oscillations, and is closed during the fourth oscillation.

NOTE.—If it is desired to employ the test apparatus to determine the flashing points of oils of very low volatility, the mode of proceeding is to be modified as follows:—

The air-chamber which surrounds the cup is filled with cold water, to a depth of  $1\frac{1}{2}$  inches, and the heating vessel or water bath is filled as usual, but also with cold water. The lamp is then placed under the apparatus and kept there during the entire operation. If a very heavy oil is being dealt with, the operation may be commenced with water previously heated to  $120^{\circ}$ , instead of with cold water.







## SCHEDULE TO VACCINATION ACT, 1867.

(30 and 31 Vict. ch. 84.)

## SCHEDULE OF FORMS.

## A.

I, the undersigned, hereby give you notice to have the child (*insert name*), whose birth is now registered, vaccinated within three months from the date of its birth, pursuant to the provisions and directions of the Vaccination Act; and that in default of your doing so you will be liable to the penalties thereby imposed for neglect of those provisions.

If you intend to apply to the Public Vaccinator of your district I have to inform you that he will attend at \_\_\_\_\_ on \_\_\_\_\_ at the hour of \_\_\_\_\_

You are required to produce to the Public Vaccinator or medical practitioner who may be applied to the forms herewith supplied for him to fill up and sign; and if the operation be performed by a medical practitioner who is not the Public Vaccinator, you must transmit to me by post or otherwise the certificate signed by him within twenty-one days after the performance of the operation, or you will be liable to a penalty of twenty shillings, to be recovered on a summary conviction.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

(Signed) *C.D.*,  
Registrar of Births and Deaths for the sub-district of \_\_\_\_\_  
in the \_\_\_\_\_ union or  
parish.

## FORMS OF CERTIFICATE TO THE VACCINATION ACT, 1867.

## B.

I, the undersigned, hereby certify, that I am of opinion that the child of \_\_\_\_\_ of \_\_\_\_\_ in the parish or township of \_\_\_\_\_ in the county or borough of \_\_\_\_\_ aged \_\_\_\_\_ is not now in a fit and proper state to be successfully vaccinated. I do hereby postpone the vaccination until the day of \_\_\_\_\_ . (a)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

(Signed) *A.B.*,  
Public Vaccinator of the \_\_\_\_\_ union or  
parish.

or *A.B.*, \_\_\_\_\_ of  
Medical Practitioner (*i.e.* M.D., L.A.C., or F.R.C.S., or  
*otherwise, as the case may be*).

*Mem.—This is to be kept by the parent or other person to whom it is given.*

(a) *This must not exceed two calendar months from the date of the certificate.*



## C.

I, the undersigned, hereby certify, that I have \_\_\_\_\_ times  
 unsuccessfully vaccinated \_\_\_\_\_ the child of \_\_\_\_\_  
 of \_\_\_\_\_ in the parish or township of \_\_\_\_\_ in  
 the county or borough of \_\_\_\_\_ aged \_\_\_\_\_, [or that  
 the child has already had smallpox, *as the case may be*,] and I am of opinion  
 that such child is insusceptible of successful vaccination.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 .  
 (Signed) \_\_\_\_\_ A.B.,  
 Public Vaccinator of the \_\_\_\_\_ union or  
 parish.  
 or A.B., \_\_\_\_\_ of  
 Medical Practitioner (*i.e.* M.D., L.A.C., or F.R.C.S., or  
*otherwise, as the case may be*).

*Mem.—This is to be kept by the parent or other person to whom it is given.*

## D.

I, the undersigned, hereby certify, that \_\_\_\_\_ the child  
 of \_\_\_\_\_ aged \_\_\_\_\_ of \_\_\_\_\_ in the parish  
 or township of \_\_\_\_\_ in the county or borough of \_\_\_\_\_  
 has been successfully vaccinated by me.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 .  
 (Signed) \_\_\_\_\_ A.B.,  
 Public Vaccinator of the \_\_\_\_\_ union or  
 parish.  
 or A.B., \_\_\_\_\_ of  
 Medical Practitioner (*i.e.* M.D., L.A.C., or F.R.C.S., or  
*otherwise, as the case may be*).

**NOTICE.**—*This certificate is to be transmitted within twenty-one days from the performance of the operation by the Public Vaccinator to the Registrar of the district in which the birth was registered, or, if that be not known to him, to the Registrar of the district in which the operation was performed. A duplicate is to be given to the parent, or other person procuring the vaccination, if requested.*

*When the vaccination is performed by a medical practitioner, not the Public Vaccinator of the district, he is to fill up and sign this certificate, and the parent or such other person is within the same time to transmit it to the Registrar with whom the birth was registered, or if his district be not known to such parent or other person, to the Registrar of the district in which the operation was performed.*

*The transmission may be by post or otherwise.*

*In each case the Vaccination Act of 1867 imposes a penalty of twenty shillings for default.*



## SCHEDULE TO WATERWORKS CLAUSES ACT, 1863.

(26 and 27 Vict. ch. 93.)

*Form of Order of Justices.*To *A.B.* of &c.

WE the undersigned, two of Her Majesty's Justices of the Peace acting for the [county] of do hereby order and direct you [and such person or persons as you may require to aid and assist you herein] forthwith to lower the water in the [*here describe the reservoir and the extent to which the water is to be lowered*], and to do all such works and things as are requisite to repair and make secure the said reservoir [and you shall do as little injury as possible to the property of the , and for acting as you are hereby directed this shall be your sufficient warrant].

Given under our hands this day of , one thousand eight hundred and

*A.B.**C.D.*



CIRCULARS

FROM THE

LOCAL GOVERNMENT BOARD.



OF THE

ROYAL GOVERNMENT BOARD



*The following letter was addressed by the Local Government Board to the various urban sanitary authorities in explanation of the various clauses of the Public Health Act, 1875 :—*

Urban Sanitary Authorities.

Local Government Board,  
Whitehall, S.W., 30th September, 1875.

Sir,—I am directed by the Local Government Board to bring under the notice of the urban sanitary authority the provisions of the Public Health Act of the last session (38 & 39 Vict. c. 55).

The Act, for the sake of clearness and convenience of reference, is distributed under eight principal headings, and all the provisions relating to any particular subject will be found under the same title. It consolidates, so far as regards England, exclusive of the metropolis, the whole of the Sanitary Acts, with the following exceptions, viz. "The Bakehouse Regulation Act," "The Artizans' and Labourers' Dwellings Act, 1868," "The Baths and Washhouses Acts," and "The Labouring Classes' Lodging Houses Acts." The Acts thus consolidated are, of course, repealed; but the Acts which have been excepted, and the duties of sanitary authorities under them, are in no way affected.

Although the main object of the Act is consolidation, it is right to state that when the bill was prepared advantage was taken of the opportunity to introduce certain amendments of the law, the chief of which were explained to the House of Commons by the President of the Board, Mr. Sclater Booth, in moving for leave to bring in the bill. After the bill was circulated, numerous other amendments were suggested by various sanitary authorities. These amendments were carefully considered by the Board, and a large number of them were subsequently adopted and inserted during the various stages of the measure in both Houses. The object of many of the amendments was to clear up doubtful points of construction, and to harmonize the provisions of the various Acts which were consolidated, whilst the effect of others is to extend the powers and obligations of urban authorities with respect to sewerage, water supply, gas, the abatement of nuisances, and other matters connected with sanitary administration and town government.

Before noticing the amendments in detail, it should be observed that the Act does not alter the present constitution of any existing urban authority, or the tenure of office of any of their officers or servants; nor does it affect any existing rights and liabilities, all of which have been fully preserved by sections 326 and 343.

The following detailed statement shows the principal alterations of the law contained in the Act, so far as they relate to urban sanitary authorities :—

#### *Sewerage and Drainage.*

Under the Sanitary Acts it was open to doubt whether sewers constructed by a sanitary authority without their district vested in the authority constructing them, or in the authority of the district in which the sewers were situated. Section 13 removes this doubt by declaring that they shall vest in the authority who constructed them, or to whom they have been transferred.



By the Local Government Act Amendment Act, 1861, section 4, power was given to sanitary authorities to construct works of sewerage outside their districts, but it was provided that nothing in that Act should empower such authorities to discharge unpurified sewage into streams or watercourses. Section 17 has made this provision applicable to all works of sewerage, whether within or without the district of the authority, and has extended it to canals, ponds, and lakes.

Section 19 imposes on every local authority, which is the common term in the Act for urban and rural sanitary authorities, the duty of causing their sewers to be ventilated, so as not to be a nuisance or injurious to health.

In cases where, for the purpose of enforcing the drainage of a row of undrained houses, it would be less expensive to construct a new sewer than to compel such houses to drain into an existing sewer, the authority are empowered (section 23) to construct a new sewer, and to apportion the expense among the owners of the houses.

It has happened that a local authority, after enforcing the communication of house drains with a particular system of sewers, have found it necessary to change their general scheme of sewerage, and to construct fresh sewers; but the Sanitary Acts contained no provision under which the local authority could compel fresh junctions, or defray their cost. Section 24 now empowers a local authority, under these circumstances, to close any such existing drains, on condition of providing others equally effectual and communicating with the new system.

Under the Sewage Utilization Act, 1867, a local authority were not empowered to let, for more than seven years, land held by them for purposes connected with sewage distribution; this period is extended by section 29 to twenty-one years.

#### *Water Supply.*

Section 51, in conformity with the recommendation of the Royal Sanitary Commission, requires that the sanction of the Local Government Board should be obtained before any waterworks or water-rights are purchased by a local authority.

By the Public Health Act, 1848, section 75, local authorities were placed under certain restrictions in the construction of waterworks within the limits of supply of any water company, and a question having arisen whether these restrictions were confined to cases where the company is empowered *by statute* to supply water, section 52 removes the doubt, by expressly limiting such restrictions to cases where the water company has acquired parliamentary powers.

Before constructing any reservoir to hold more than 100,000 gallons, local authorities are required, by section 53, to give notice of their intention by advertisement; and in case of objection on the part of any person interested, the Local Government Board are empowered, after local inquiry, to allow the proposed work, with or without modifications, or to disallow it.

Section 54 confers on local authorities the same powers for carrying water mains without their district as they have for carrying sewers, and imposes on them the like restrictions.

Where the local authority have constructed or purchased waterworks, section 55 imposes upon them the obligation of keeping the supply of water pure and wholesome.

The provisions of the Sanitary Acts with reference to the supply of water by local authorities having been found in some respects inadequate,



section 57 incorporates the provisions of the Waterworks Clauses Acts, with regard to communication pipes, the waste or misuse of water, the fouling of water, and the payment and recovery of water rates. The effect of this incorporation will be to give local authorities supplying water the benefit of such of the provisions of the general Acts relating to water companies as are applicable to their circumstances; and in consequence of such incorporation some of the provisions of the Public Health Act, 1848, have been omitted as unnecessary.

Sections 58, 59, and 60 enable local authorities to supply water by measure, and contain such provisions with respect to meters as are usually found in special Water Acts.

In cases where a local authority have more water than is required for the supply of their own district, and the authority of an adjoining district are willing to take the surplus, section 61 enables the necessary arrangements to be entered into for that purpose, subject to the sanction of the Local Government Board. It is believed that this provision will not infrequently be found useful in cases where a local authority obtain their supply from sources outside their district.

Complaints have often been made, that in attempting to enforce a compulsory supply of water to houses in districts where no Local Act is in force, the limited charge, viz. twopence a week, is insufficient to enable a proper supply to be furnished. The Local Government Board are now empowered by section 62, on the application of any local authority, to extend the limit of charge to such amount as the Board may, under all the circumstances of the case, deem reasonable. The same section, by expressly enabling the local authority to enter into contracts with a water company, removes certain difficulties which had arisen under the Sanitary Acts, where the authority enforced a supply of water in a district within the limits of a water company.

The Sanitary Acts required the consent of three-fifths of the shareholders of a water company to the transfer of their undertaking to a local authority. By section 63 the consent of three-fourths is required where the company is not registered under the Companies' Act, 1862, but in the case of companies so registered the consent must be expressed by a special resolution passed in the manner provided by that Act. The object of this amendment is to assimilate the law to the requirements of the standing orders of the House of Lords in similar cases.

The power of local authorities under the 50th section of the Sanitary Law Amendment Act, 1874, to institute proceedings for the closing of polluted wells, cisterns, and tanks, has been extended by section 70, so as to include the case where the water is used for the manufacture of aerated or other drinks for human consumption. The section further enables proceedings to be taken against the owner as well as the occupier, and empowers the authority, if an order of justices under the section is not complied with, themselves to carry it into execution, and to recover the expenses in a summary manner from the person on whom the order is made.

#### *Common Lodging Houses.*

In addition to the duties imposed on local authorities under the Sanitary Acts, in relation to these houses, they are required by section 80 (3) to make bye-laws for the giving of notices and the taking precautions in case of any infectious disease.

#### *Nuisances.*

Previously to the decision of the Court of Queen's Bench in the case of



*The Guardians of the Rye Union v. Paine*, 44 L. J. M. C. 148, which was decided after the introduction of the bill, doubts had been entertained whether, under the Nuisances Removal Acts, the overcrowding of a house by members of the same family constituted a nuisance within the meaning of those Acts. The court decided that the fact of the overcrowding being caused by members of the same family was immaterial; and section 91 is in accordance with that decision.

Under the Nuisances Removal Acts the justices were not enabled to impose a penalty on the person causing a nuisance until he had actually disobeyed an order to abate it. Section 96 now empowers the justices to impose, by their order for the abatement of any nuisance, a penalty not exceeding 5*l.* on the person on whom the order is made.

It was generally considered that under the Sanitary Acts local authorities could not protect the inhabitants of their respective districts against nuisances existing therein, but originating in another district; and as it often happened that these nuisances were of a very serious character, frequent complaints were made to the Board of this defect in the law. Section 108 now enables local authorities to deal with nuisances of this kind, by conferring upon them the power of instituting legal proceedings in such cases, subject to the condition that summary proceedings are to be taken only before the justices having jurisdiction in the district where the act complained of arises.

#### *Offensive Trades.*

Proceedings under the Nuisances Removal Acts, with respect to offensive trades, could only be taken by a nuisance authority within the limits of a city, town, or populous district; and it was necessary to show that the person complained of was not using the best practicable means to abate the nuisance. Under section 114 the proceedings in question may be taken by the authority in any urban district, and the burden of proof that the best practicable means are used to abate the nuisance is thrown upon the defendant.

The provisions of the 28th section of the Nuisances Removal Act, 1855, by which the person complained of could compel the authority to abandon summary proceedings against him, and to proceed in a superior court, have been omitted from the Act, having been found in practice sometimes to have the effect of depriving the authority of any remedy by reason of the cost and delay involved if the proceedings were taken to a superior court.

By means of a provision corresponding to that contained in section 108, and to which attention has already been called, urban authorities are enabled by section 115 to protect the inhabitants of their districts from nuisances arising from offensive trades carried on in other districts.

It should be stated that the provisions contained in sections 108 and 115 extend to the metropolis.

#### *Infectious Diseases and Hospitals.*

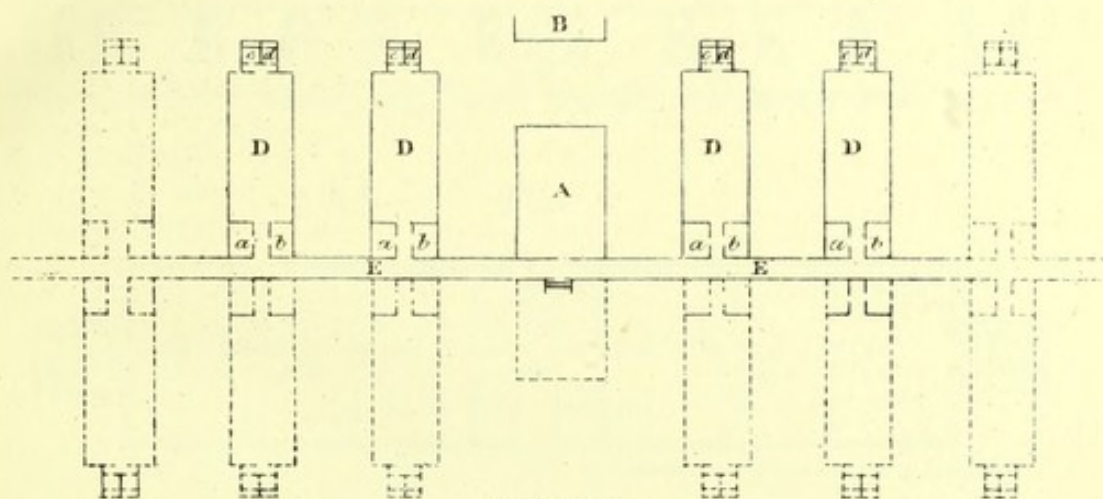
Under the Sanitary Act, 1866, and the Sanitary Law Amendment Act, 1874, persons suffering from infectious disorders could, in certain cases, be compulsorily removed to any hospital provided by the local authority within the district; and for this purpose any hospital was to be deemed to be within the district, if it was declared by the Local Government Board to be within a convenient distance of the district. By section 124, every hospital, to which persons may be compulsorily removed under the above provisions, is required to be a suitable one, and within a convenient distance



DIACRAM ILLUSTRATING ARRANGEMENTS & MODES OF EXTENSION  
OF HUT HOSPITALS.

PLAN 1

*The Huts arranged parallel to each other not less than 30 feet distant.*

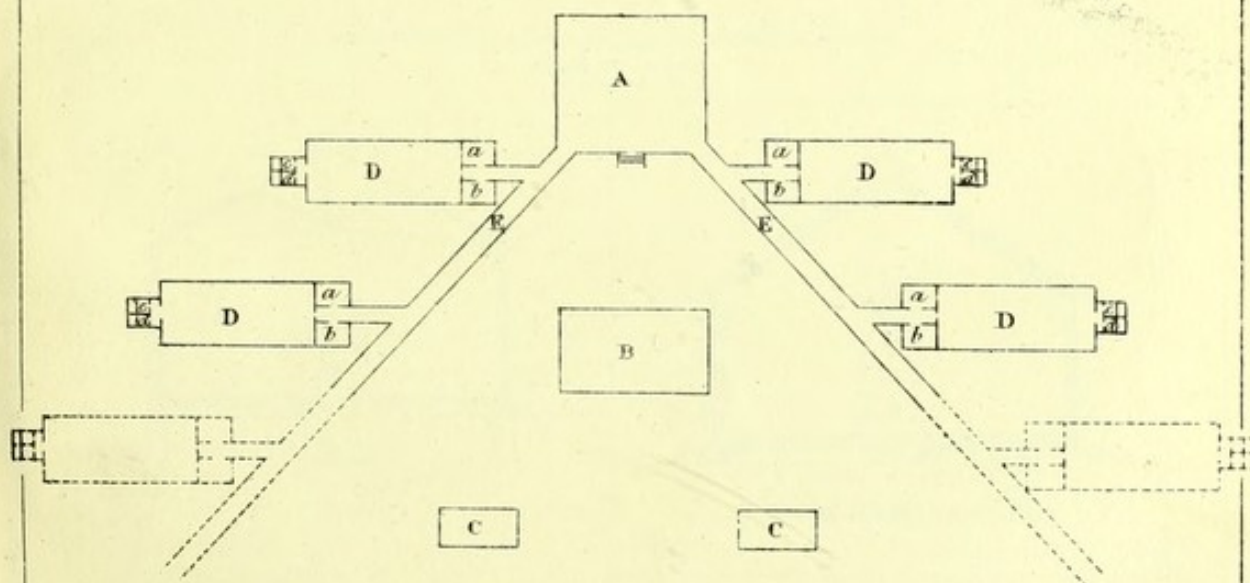


REFERENCE

A. Administrative Buildings (Kitchen, Stores, Offices, Nurses' Bedrooms, &c.) B. Laundry, &c.  
C. Disinfection, Dead House &c. D. Huts shown of dimensions for 10 patients each, with  
Scullery & Bathroom (a b) at one end, and closet & sink (c d) at other end of each.  
E. Open Corridors. The dotted lines show direction of further extension.

PLAN 2

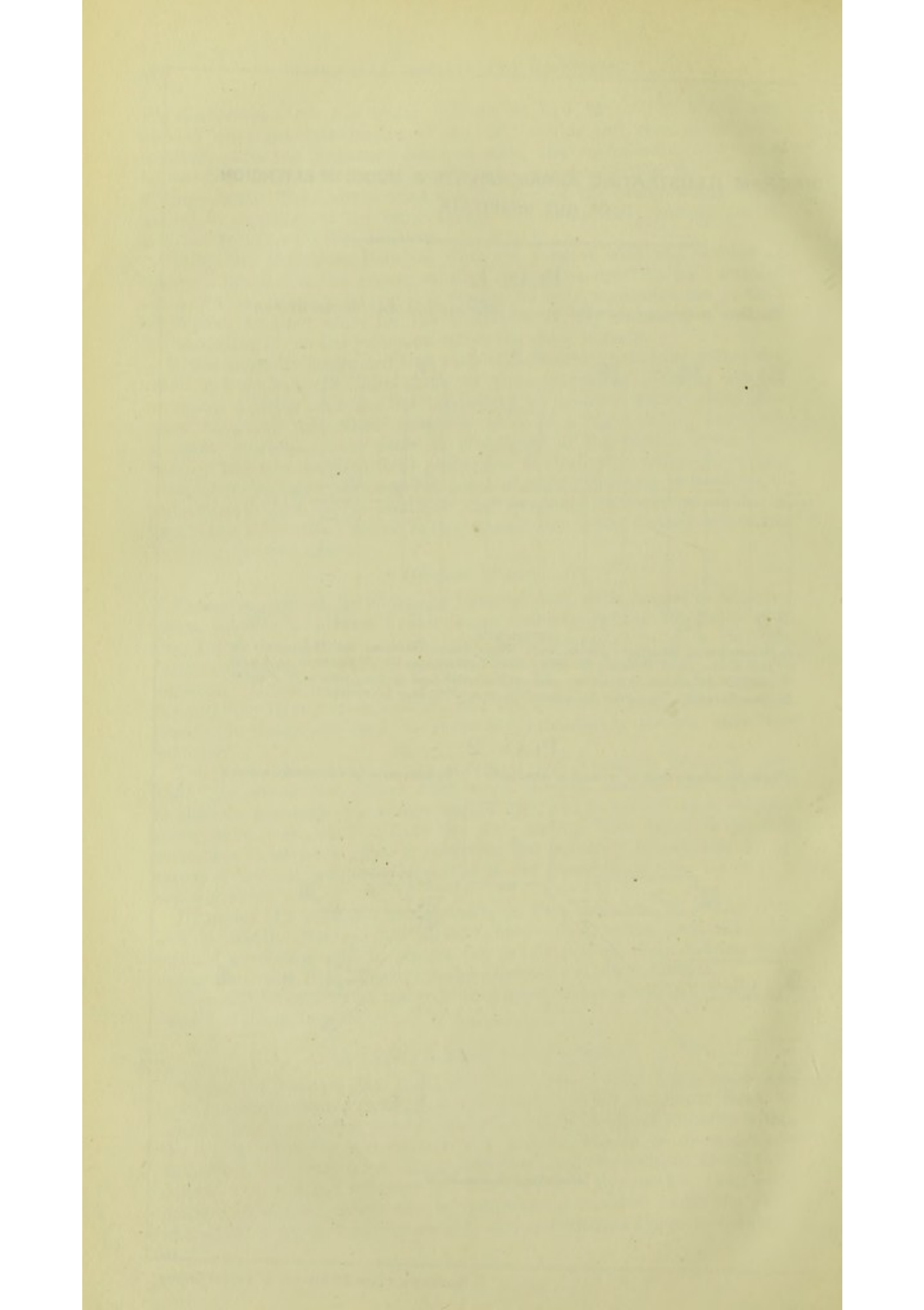
*(Preferable when plenty of ground is available) The huts arranged in double echelon*



Scale of Feet







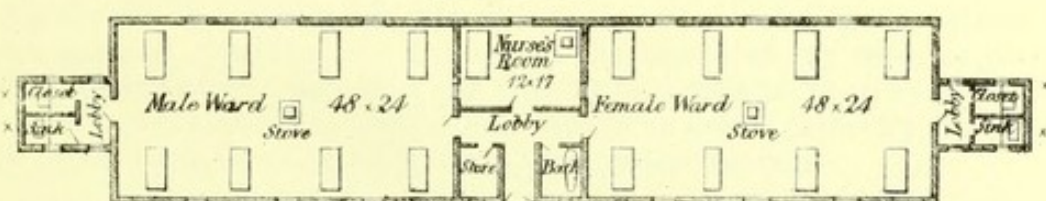


PLAN OF A HOSPITAL HUT FOR EIGHT PATIENTS OF EACH SEX  
HAVING THE SAME INFECTIOUS DISEASE.

Elevation,



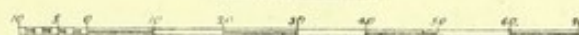
Plan.



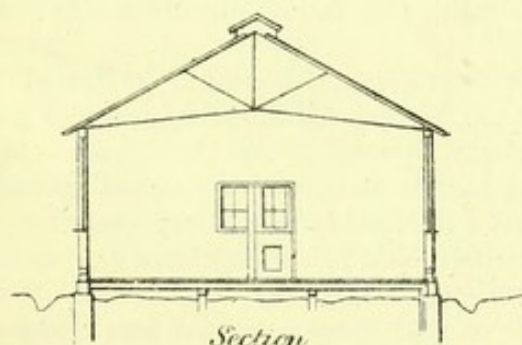
Cottage or Hut containing  
Kitchen and other offices  
or additional rooms for  
Nurses



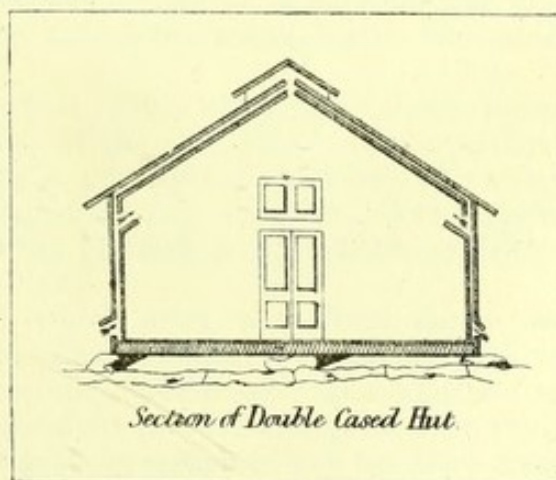
Mem If Earth or Pail Closets are  
adapted outside doors or flaps  
for the removal of the receptacles  
to the closets and sinks, so as to  
avoid carriage of refuse through  
wards, are required.  
The partition between the closet and  
the sink, should be arranged so as  
not to interfere with cross ventilation  
of the two places.



SCALE TO PLANS



Section



Section of Double Cased Hut



SCALE TO SECTIONS



THE NEW YORK PUBLIC LIBRARY  
ASTOR LENOX TILDEN FOUNDATION

1875

THE NEW YORK PUBLIC LIBRARY  
ASTOR LENOX TILDEN FOUNDATION

THE NEW YORK PUBLIC LIBRARY  
ASTOR LENOX TILDEN FOUNDATION



THE NEW YORK PUBLIC LIBRARY  
ASTOR LENOX TILDEN FOUNDATION

THE NEW YORK PUBLIC LIBRARY  
ASTOR LENOX TILDEN FOUNDATION



of the district, and it will be for the justice now to determine whether or not the hospital fulfils these conditions, the Board having no longer any power to make orders for the purpose referred to.

In connexion with hospitals, a new and important provision will be found in section 132, which enables a local authority to recover expenses incurred by them in maintaining in a hospital patients who are not paupers.

#### *Mortuaries.*

Under the Sanitary Acts the local authority were empowered to provide a mortuary, and section 141 of the present Act imposes on local authorities the obligation of making such provision, if required by the Local Government Board to do so.

The following section (142), under which a justice may order the removal to a mortuary of the body of a person who has died of any infectious disease, renders any person obstructing the execution of such order liable to a penalty, not exceeding 5*l.*

#### *Removal of Toll Gates.*

The power given by the Local Government Act, 1858, to urban authorities to agree with the trustees of a turnpike road to remove toll gates, related to gates situated "within two miles from the centre of any town or place" within their district; and as it was difficult to determine in many cases what was the centre referred to, section 148 enables an urban authority to exercise this power with regard to all toll gates within the district.

#### *Regulation of Streets and Buildings.*

A penalty, not exceeding 5*l.*, is imposed by section 149 upon any persons injuring trees in the public streets, and the court may, in addition, order compensation to be paid for the damage actually done.

In cases where urban authorities propose to compel the sewerage and paving of private streets, they were required to deposit plans and sections before giving notice to the owners to do the works. They are now required by section 150 to deposit also estimates of the probable cost of the works.

An amendment of some importance, in connexion with the power to regulate the line of buildings, will be found in section 155, which provides that where the front only of a house in a street is taken down, the urban authority may prescribe the line of the new building. Under the previous law the authority could not interfere unless the entire house was taken down.

It will be observed that the next section (156), which prohibits the bringing forward of buildings beyond the line of the adjoining buildings without the consent of the authority, imposes a penalty not exceeding 40*s.* a day during the continuance of an offence against this enactment, and thus supplies a summary remedy in substitution for the proceeding by indictment, which alone was available under the previous law.

In addition to the other bye-laws which urban authorities might previously make with respect to new buildings, section 157 enables them to make bye-laws with respect to the structure of chimneys. The same section contains a provision, following the precedent in the metropolis, exempting the buildings of railway companies from the operation of any bye-laws made by the authority, relative to the construction of new buildings.

Section 158 requires, with respect to new buildings, that the authority shall signify, in writing, their approval or disapproval of the plans deposited with them in accordance with their bye-laws within one month from the date of deposit.



*Lighting Streets.*

An urban authority could only contract for lighting their district for a period not exceeding three years, and they had no power to provide gasworks. The consequence was, that whenever it became necessary for them to undertake such works, they were compelled to apply to Parliament for a special Act for the purpose. Section 161 removes the restriction with regard to contracts, and enables the authority, in districts or parts of districts, where there is no company or person supplying gas under the authority of Parliament, to undertake such supply themselves, and for that purpose to obtain a provisional order, under the Gas and Water Works Facilities Act, 1870, authorizing a gas undertaking. The effect of this latter provision is to place urban authorities on the same footing with respect to commencing and carrying on a gas undertaking as an ordinary gas company. The provisional order, however, must be obtained from the Local Government Board, instead of from the Board of Trade.

Urban authorities are further empowered (section 162), subject to the sanction of the Local Government Board, to purchase the undertaking of any gas company supplying the district. The powers of sale conferred by this section on the directors of the company correspond with those given by section 63 to the directors of a water company.

*Public Pleasure Grounds.*

Urban authorities are enabled for the first time, by section 164, to make bye-laws providing for the regulation of their public walks and pleasure grounds, and for the removal of offenders by a constable or an officer of the authority.

*Markets.*

The powers of sale conferred on the directors of a market company by the 53rd section of the Local Government Act, 1858, have been modified by section 168, so as to correspond with those given in the case of the sale of the undertakings of water and gas companies, by sections 63 and 162, which have been already explained.

*Police Regulations.*

The terms "superintendent constable" and "any constable or other officer appointed by virtue of this or the special Act," as used in the Town Police Clauses Act, 1847, are defined by section 171 to include any superintendent of police, and any constable acting in the district of the urban authority; and the expression "within the prescribed distance," when occurring in the incorporated provisions of the Town Police Clauses Act, is defined to mean "within any urban district;" and by the same section licences granted to the drivers of hackney carriages by the urban authority are declared to be in force for one year only, or until the next general licensing meeting.

The powers of urban authorities under the 25th section of the Local Government Act Amendment Act, 1861, to make bye-laws for the licensing and regulating of horses and boats for hire are extended, by section 172, so as to include the qualification of drivers, conductors, and boatmen, and the names of boats, the number of persons to be carried in them, and their mooring places.

*Contracts.*

The 85th section of the Public Health Act, 1848, required that contracts by a local board, when not a town council, should not only be sealed, but also be signed by five or more members of the local board. Section 174 of the present Act dispenses with the formality of signing, and simply requires that



the contract, if the value exceeds 50*l.*, should be in writing, and sealed with the common seal of the authority.

#### *Purchase of Lands.*

Any doubt which may have been felt as to the requirements of the Sanitary Acts with respect to the resale of surplus lands, not needed for the purposes for which they were purchased, has been removed by section 175, which expressly provides that local authorities shall resell any such surplus lands, unless the Local Government Board otherwise direct, and shall apply the proceeds of any such resale towards the discharge, either by means of a sinking fund or otherwise, of their existing mortgage debts.

The 127th section of the Lands Clauses Consolidation Act, 1845, which provides that surplus lands, if not resold within the prescribed period, shall vest in the owners of adjoining lands, is not incorporated with section 176 of the present Act, but the other provisions of the Lands Clauses Consolidation Act, with regard to the sale of superfluous lands, still apply, including the section which requires that superfluous lands shall be offered to the owner from whom they were originally taken or to the owner of the adjoining lands. It will be seen that the section contains a new provision with regard to the service of notices in the case of owners of rights of common, and enacts that such notices may be served on any three or more of such persons on behalf of all of them.

#### *Arbitration.*

Under the Public Health Act, 1848, where the arbitrators neglected or refused to appoint an umpire, the appointment had to be made by the Court of Quarter Sessions. Owing to the length of time that must sometimes elapse before an application can be made to Quarter Sessions, it was deemed expedient to provide that in future such appointment should rest with the Local Government Board. See section 180 (7). By the same section the award is required to be made within two months from the date of submission to arbitration, or the date of reference to the umpire, as the case may be.

#### *Bye-Laws.*

Under the Sanitary Acts it was requisite that the bye-laws of an urban authority, when not a town council, should be under their seal, and signed by five members. In future they must be under seal, but need not be signed. (Section 182.)

Section 186 facilitates the proof of bye-laws in legal proceedings, by providing that, except where made by the council of a borough, a copy of them, signed and certified by the clerk, shall be *prima facie* evidence of their having been duly made and confirmed. The case of bye-laws made by the council of a borough, it will be remembered, is provided for by the 36 and 37 Vict. c. 33.

#### *Officers.*

Although the Public Health Act, 1872, rendered it obligatory on every sanitary authority to appoint a medical officer of health, neither that Act, nor the previous statutes, prescribed his duties, and it was only in cases where part of his salary was repaid from the parliamentary grant that the Local Government Board had any jurisdiction in the matter. Having regard, therefore, to the importance of securing uniformity in practice, and of adopting the necessary means for insuring periodical reports and returns respecting the sanitary condition of each locality, the Legislature have now empowered the Board, by section 191, to prescribe the qualifications and duties of other medical officers of health appointed under the Act, although



no portion of their salaries is repaid out of moneys voted by Parliament. Power is also expressly given to the Board by the same section, to impose conditions in cases where the district medical officer of a union is appointed medical officer of health. The section further enables local authorities, in case of the illness or incapacity of their medical officer, to appoint a deputy medical officer, subject to the approval of the Local Government Board.

The appointment of assistant officers, by urban authorities, is also authorized by section 189.

#### *Mode of conducting Business.*

The Public Health Act, 1848, required the acts of committees to be submitted for approval to the urban authorities appointing them. The acts of committees, however, appointed under the Nuisances Removal Acts, required no such approval. In this respect the new statute follows the latter precedent, by authorizing the appointment of an executive committee, whose acts will not necessarily require confirmation; at the same time it enables the authority to impose on a committee any restrictions they may think fit (section 200), and no committee is to be authorized to borrow money, make a rate, or enter into a contract.

Provision is made in section 203 for the filling up of casual vacancies in any committee.

#### *Expenses.*

The 9th section of the Sanitary Law Amendment Act, 1874, empowered the Board to alter, by provisional order, the incidence of rating in urban districts, in any way that seemed to them fair and equitable. This section was intended to meet cases where the system of rating prescribed by the Local Government Act was not in force, and section 208 now expressly restricts the power of the Board in this matter, so that in future they can only declare that the expenses of the authority shall be defrayed out of a general district rate, subject, however, to the provisions in section 216, relating to the mode of raising the sums required for the repair of the highways. The application for a provisional order to alter the incidence of rating must now be made by the authority, or by ten ratepayers.

#### *General District Rate.*

Express provision is made by section 209 for the continuance or establishment of a district fund, where the expenses of the authority are defrayed out of a General District Rate.

Section 211 renders the valuation list under the Union Assessment Committee Act conclusive for the assessment of the General District Rate, the power which previously existed of adopting another basis of assessment being taken away.

#### *Highway Rate.*

The provisions of the Local Government Act Amendment Act, 1861, with reference to the "excluded part" of a parish, the remainder of which has been constituted or included in an urban district, are modified by section 216, which provides that when the excluded part has been included in a highway district, it shall no longer, in any case, be considered as forming part of the urban district for highway purposes.

Provision is also made by the same section for the issuing of an order by the Court of Quarter Sessions directing the election of a waywarden for the excluded part.

#### *Borrowing Powers.*

Doubts had been expressed (1) as to whether loans under the Sanitary



Acts could properly be repaid by equal annual instalments of principal and interest combined; (2) as to the precise amount required to be set aside and invested annually, when provision was made for repayment of the loan by means of a sinking fund; and (3) as to the mode in which the sinking fund was from time to time to be applied towards the discharge of part of the loan. Section 234 therefore expressly authorizes loans under the Act to be repaid by equal annual instalments of principal or of principal and interest combined; it enacts that where the repayment is by means of a sinking fund, the annual amount to be set aside is to be such as will, with accumulations, be sufficient to repay the loan at the end of the term; and it provides that the whole, or any part of the fund, may at any time be applied towards the discharge of the loan; but until the loan is discharged, the interest which would have accrued on the amount withdrawn must be paid into the fund, in addition to the other payments.

Local authorities are exempted (section 238) from responsibility to the transferee of any of their mortgages, until an entry of the transfer has been made in the register kept by them; and by the same section a penalty, not exceeding 20*l.*, is imposed on the clerk of the authority, if he wilfully neglects or refuses to make any such entry in the register.

The powers of borrowing, conferred by the Act on local authorities, are extended by section 244 to joint boards, port sanitary authorities, Local Boards of Health of main sewerage districts, and joint sewerage boards; and the Public Works Loan Commissioners may make any loan to any of these authorities, in the same manner and upon the same terms as to urban or rural authorities under the Act.

#### *The Public Works and Local Loans Acts.*

In connexion with the borrowing powers of local authorities, under the present statute, it is desirable that their attention should be called to two Acts passed during the last session—viz. (1) the Public Works Loans Act, 1875 (38 and 39 Vict. c. 89), and (2) the Local Loans Act, 1875 (38 and 39 Vict. c. 83).

(1.) The first Act consolidates, with amendments, the law relating to loans by the Public Works Loan Commissioners, and section 13 requires that every intending borrower shall send to the Commissioners, on or before the 31st of December in every year, a statement of the loans likely to be required during the ensuing financial year, commencing with the first of April following; and the Public Works Loan Commissioners are prohibited from granting any loan which has not been included in the statement above referred to, except with the consent of the Treasury, which can only be expected under very exceptional and pressing circumstances.

Although the Act does not come into operation until the 1st of April, 1876, section 54 provides that the first statement of the probable requirements of loans shall be sent to the Commissioners *on or before the 31st of December, 1875*. Local authorities, therefore, who are desirous of borrowing from the Public Works Loan Commissioners will see the necessity of sending in the requisite statements within the prescribed time.

It should be added that, when any loan is advanced by the Commissioners on the security of a rate, section 36 imposes on the Local Government Board the duty of satisfying themselves that the loan is applied to the purpose for which it has been advanced. The Board are empowered to make, with this object, such examination as they may think necessary, and to appoint an officer to conduct the examination.

(2.) The Local Loans Act enables local authorities to borrow sums which they are authorized to raise upon debentures, debenture stock, or annuity



certificates; and section 26 empowers them when they propose to raise a loan by the issue of securities under the Act, to apply to the Local Government Board to authorize the issue of such securities under official sanction, and this sanction will be conclusive evidence that the local authority had power to issue the securities, and that the same are in conformity with the Act. It should also be stated that the Act enables local authorities to re-borrow in the manner prescribed by it any sums required for the purpose of discharging existing loans. (See section 31.) This Act will not come into force until the 1st day of January, 1876, and, in the meantime, the Board will cause the necessary forms and instructions to be prepared for giving effect to the provisions referred to.

#### *Audit.*

Where the district auditor is a member of the urban authority (section 247) the audit is to be conducted by some other auditor appointed by the Local Government Board, and not, as hitherto, chosen by the local board from among the auditors of the adjoining unions.

It was recently decided by the Court of Queen's Bench, in the cases of *Gibson v. Bell*, and *The Queen v. The West Bromwich Improvement Commissioners*, that the accounts of Improvement Commissioners as an urban sanitary authority were by the Public Health Act, 1872, required to be audited in the same manner as the accounts of local boards. Section 247 accordingly directs these accounts to be audited in all respects in the same manner as those of local boards, although the provisions of the local Act with respect to audit may be inconsistent with those of the present statute.

In conformity with the precedent of the Poor Law Amendment Act, 1844 (7 and 8 Vict. c. 101, s. 32), the power of an auditor to surcharge is extended by the same section to sums lost by the negligence or misconduct of any accounting person, or any sums not brought into account by him.

#### *Legal Proceedings.*

Section 255 facilitates proceedings against persons who jointly contribute to a nuisance. Under the Nuisances Removal Acts much difficulty was experienced in enforcing any remedy, unless it could be clearly proved that the separate contribution of the person proceeded against would alone cause a substantial nuisance, such proof being often from the nature of the case almost impossible.

To save technical objections and expense in legal proceedings, section 260 dispenses with the necessity, on the part of the plaintiff, of proving the corporate name of the authority and the constitution or limit of the district.

Under the Sanitary Acts the jurisdiction of County Courts extended only to the recovery of debts not exceeding 20*l*. This limit is enlarged by section 261 to 50*l*.

Section 262, following the previous law, provides that no proceeding shall be removed by *certiorari* into a superior court; but the judges having recently expressed a strong opinion that the power of stating a special case which can be removed into a superior court ought not to be taken away, a proviso has been added reserving that power.

#### *Appeal.*

The time during which an appeal may be made to the Local Government Board, with respect to expenses summarily recoverable, and private improvement expenses, is extended, by section 268, from seven to twenty-one days.



The appellant is required to deliver a copy of his memorial to the local authority, and the Board's decision on the appeal is expressly made conclusive on all parties.

The provisions with respect to appeals to Quarter Sessions, contained in the Public Health Act, 1848, and the Nuisances Removal Act, 1855, are, for the purposes of the Act, consolidated in section 269, with the following amendment :—(Subsection 1) the appeal is not required to be made to the next court of Quarter Sessions, if the same is held within twenty-one days from the demand of the rate or the decision appealed against ; (subsection 4) the appellant, if in custody, may be released on entering into recognizances ; and (subsection 6) appeals other than those against rates may be adjourned.

#### *Alteration of Areas.*

In addition to the powers which were given to the Local Government Board in relation to the alteration of areas by the 22nd section of the Public Health Act, 1872, section 270 of the present Act enables the Board, by provisional order, to include the whole of any Local Government or rural district in any adjoining Local Government district, and any portion of a Local Government district in any rural district.

By the 25th section of the Sanitary Law Amendment Act, 1874, the Local Government Board were empowered by order to settle disputes as to the boundaries of adjoining districts, upon the application of the authorities interested therein. Section 278 enables such a settlement to be made on the application of any one of the authorities interested, and renders it clear that the enactment only applies to the districts of Local Boards or Improvement Commissioners.

#### *Union of Districts.*

The provisions of the 28th section of the Local Government Act, 1858, which enables an urban authority to execute works in adjoining districts with the consent of the authorities of such districts, have been made expressly applicable by section 285 to all sanitary authorities and districts.

The 10th section of the Public Health Act, 1872, authorized the appointment of the same person as Medical Officer of Health for two or more districts, and section 26 of that Act provided for the formation of a united district for all or any of the purposes of the Sanitary Acts, including, therefore, amongst such purposes, that of the appointment of a medical officer of health. This, however, could only be done by provisional order, upon the application of one or more of the sanitary authorities interested, and it involved the necessity of setting up a joint board with its several officers and attendant expenses. Section 286 of the present Act enables the Local Government Board, on any representation that the appointment of a medical officer of health for two or more districts, situated wholly or partially in the same county, would diminish expense or otherwise be to the advantage of such districts, to issue an order uniting them for that purpose, and prescribing all necessary consequential regulations. In the event of the authority of any district proposed to be included objecting to the arrangement, that district can only be included in the combination by means of a provisional order. No urban district containing a population of more than 25,000, or borough having a separate court of Quarter Sessions, can be included in any combination under this section without the consent of the local authority of such district or borough.

The section further provides that no medical officer of health shall be appointed for any urban or rural district within the united district, except as an assistant to the medical officer appointed under this provision ; but the



Board may assign to the district medical officer of any poor law union, comprising a constituent district, the duty of rendering local assistance to the medical officer so appointed.

*Port Sanitary Authorities.*

The following new power is given to the Local Government Board by section 287—viz. to constitute, as the port sanitary authority for the whole or any part of a port, or for any two or more ports, a joint board, consisting of representatives from all or any of the riparian authorities of such port or ports. The section further removes a doubt which had been raised with respect to the power of the Local Government Board to renew temporary orders by expressly authorizing the renewal from time to time of such orders.

The new power of appointing a joint board as the port sanitary authority, has rendered it unnecessary to continue the provision under which riparian authorities might be enabled to send representatives to the meetings of a port sanitary authority, and that provision has therefore not been re-enacted.

*Provisional Orders.*

Where a provisional order was made for the formation of a united district under the Public Health Act, 1872, the order was *prima facie* evidence that all the requirements in respect of the previous proceedings had been complied with. This provision is now extended by section 297 (7) to all provisional orders made under the present Act.

*Defaulting Authorities.*

The provisions of the Sanitary Acts, with respect to defaulting authorities, are extended by section 299, so as to embrace those cases where a local authority make default in either fulfilling or enforcing any of the additional obligations imposed by this Act.

*Powers of the Local Government Board in relation to Local Acts.*

The power of the Board to repeal or alter local Acts by provisional order is enlarged by section 303, so as to enable them to deal with the case of a local Act in force in more than one district, although the application for its repeal or amendment is made by the local authority of one of the districts interested only. The section also enables the Board, when amending a local Act by provisional order in such a way as to extend or diminish the area of its operation, to determine what local authority shall have jurisdiction in the area thus included or excluded.

*Miscellaneous Provisions.*

The right of entry possessed by local authorities and their officers, for the discharge of their duties, is extended by section 305 from the hours of ten and four to nine and six; and it will be seen that the power to apply to a court of summary jurisdiction for an order enforcing entry, in the event of refusal, now includes cases where such entry is required for the purpose of making works or keeping them in repair.

It has sometimes happened that a new borough is created, which consists of or includes an existing Local Government or Improvement Act district, in which case the town council supersede the previous urban authority. In order to remove any doubt as to the effect of this change, section 310 provides that all the powers, duties, liabilities, and property of the Local Board or Improvement Commissioners, shall be transferred to the town council.

The same section also declares that the transfer to an urban authority of



the powers, property, and liabilities of any local board or improvement commissioners, under the Public Health Act, 1872, is to be deemed to have included their property, powers, and liabilities as a burial board, for which case no provision had previously existed.

Changes in local circumstances sometimes render it desirable that a local board should have power to alter their name, and this power is accordingly given them by section 311, subject to the sanction of the Local Government Board.

To meet those cases where any of the provisions of the Sanitary Acts are referred to in any statutes, orders, or documents now in force, section 313 declares that the corresponding provisions of the present Act shall be considered as substituted for the analogous provisions of the repealed Acts. Thus, if by any Act of Parliament the consent of owners and ratepayers to any matter,—as for instance, in the case of the Municipal Corporations (Borough Funds) Act,—is required to be expressed by resolution, in the manner provided by the Local Government Act, 1858, the resolution in future must be passed in conformity with the requirements of Schedule III. of the present Act.

Where a bye-law has been made under the Sanitary Acts by any local authority, and the same is inconsistent with the present Act, such bye-law is to that extent repealed by section 315 ; and section 326 declares that, subject to this provision, all bye-laws under the Sanitary Acts shall be deemed to have been made under this Act.

#### *Temporary Provisions.*

Section 323 enables the Local Government Board, by provisional order, to dissolve districts constituted for the purpose of main sewerage only, or subject to the jurisdiction of joint sewerage boards, or to constitute such districts united districts, subject to the jurisdiction of a joint board.

#### *Saving Clauses.*

As the Sanitary Acts are now repealed, and sanitary authorities for the most part derived their powers from those Acts, special provision was necessary to preserve the authorities and arrangements in existence at the time of the passing of the new Act. Section 326 therefore declares that local government districts, constituted in pursuance of the Sanitary Acts, shall be deemed to be districts under the Act ; that all sanitary authorities charged at the time of the passing of the Act with the execution of the Sanitary Acts shall be deemed to be authorities charged with the execution of the Act ; and that their officers and servants shall continue in their offices and employments so long as they would have done if the Act had not passed.

Another important section is that which excepts mines and the manufacture of mineral produce from the operation of the Act. Under the Nuisances Removal Acts the exception extended, not only to mines and the smelting of ores and minerals, but also to the manufacturing of the produce of such ores and minerals generally. The exception in section 334 of the present Act is less extensive, and only applies to mines, to the smelting of ores and minerals, to the calcining, puddling, and rolling of metals, and to the conversion of pig-iron into wrought-iron, so as not to interfere with those processes.

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## SCHEDULE I.

## RULES AS TO MEETINGS AND PROCEEDINGS.

I.—*Rules applicable to Local Boards.*

THE Public Health Act, 1848, enabled local boards to make bye-laws for the summoning of their meetings and the transaction of their business. Under the present Act they may make regulations for those purposes, and such regulations do not, as in the case of bye-laws, require the confirmation of the Local Government Board.

The Public Health Act, 1848, prohibited the transaction of any business, unless one-third of the number of members were present at the meeting; but Rule 2 of this schedule declares that a larger quorum than seven members is not to be required in any case.

The names of members voting on any question are to be recorded in such a way as to show whether each vote given is for or against the question (Rule 6); and every question is to be decided by a majority of votes of the members present and voting on it (Rule 7). The corresponding provisions of the Public Health Act, 1848, merely required the record of the voters' names, unaccompanied by any statement as to whether the respective votes were given for or against the question, and left it open to some doubt whether the majority required was a majority of those present or of those voting.

Minutes and copies of orders and resolutions made and passed at meetings, if purporting to be signed by the chairman either of the meeting at which the proceedings took place or of the following meeting, are to be received as evidence in legal proceedings. (Rule 10.)

Rule 11 provides that the annual meeting of every local board must be held as soon as conveniently may be after the 15th of April.

II.—*Rules applicable to Committees of Local Authorities other than Councils of Boroughs, and to Joint Boards.*

The whole of these rules are new. They authorize meetings and adjournments; prescribe a quorum, in cases where none has been prescribed by the appointing authority; provide for the election of a chairman, and the manner in which a majority of votes is to be determined; render proceedings valid, notwithstanding vacancies or defective appointments; and declare that the minutes, orders, and resolutions of the committee or joint board, if authenticated as in the case of those of local boards, shall be evidence in legal proceedings.

## SCHEDULE II.

## I.—RULES FOR ELECTION OF LOCAL BOARDS.

*Number and Qualification of Members.*

THE Local Government Board were enabled by the 28th section of the Sanitary Law Amendment Act, 1874, to increase or diminish, by order, the number of members of a local board; but they were not empowered to effect any such increase or diminution before the next ordinary election. Rule 2 of this schedule confers upon them the necessary powers for this purpose.



*Wards.*

Under the Local Government Acts, the number, boundaries, and proportionate representation of the wards in a Local Government district could be altered by order ; but the wards, when once established, could not be wholly abolished, except by the dissolution of the district. Rule 6 enables them to be abolished by an order of the Local Government Board.

*Qualification of Voters, Scale of Voting, and Register of Owners.*

The Public Health Act, 1848, authorized only corporations and companies to vote by proxy in the election of local boards. Rule 14 extends this privilege to all owners entitled to a vote. Every instrument appointing such a proxy must be in writing, and attested by a witness. (Rule 15.)

It was doubtful whether, under the Public Health Act, 1848, members of a partnership could vote as individual owners in respect of partnership property. This doubt has been removed by Rules 16 and 17, which enable partners in a firm of less than seven members to vote as if the qualifying property were equally divided between them, firms of seven members and upwards being treated as a company.

Rules 20 to 30, both inclusive, contain new regulations with respect to claims, and objections to claims of owners and proxies to be entered on the register required to be kept by the 23rd section of the Sanitary Law Amendment Act, 1874, and also with respect to the annual revision of such register by the chairman. If the chairman is unwilling or unable to act, and the local board fail to appoint another person for the purpose, then the clerk must conduct the revision. The most important of these regulations are that all such claims and objections must be made on one of the first six days of March in every year, notice to that effect being published by the chairman, both by advertisement and posting in the usual manner, in a form prescribed in Schedule IV. ; and that the register shall be closed not later than the 16th of March, and remain in force for the next twelve months.

*Election.*

Hitherto no particular time has been specified for the publication by the returning officer of the notice required to be published previous to an election. Rule 36 requires him to publish this notice after the close of the revision of the register, but not less than fourteen days before the last day appointed for delivery to him of the nomination papers.

By the Public Health Act, 1848, section 22, persons having the custody of parochial books or papers were required to allow them to be inspected, and extracts taken by the returning officer ; but no penalty was imposed in case of refusal. This omission is rectified by Rule 38, which imposes in such a case a penalty not exceeding 5*l*.

By Rule 43 the names of the candidates are required to be inserted in the voting papers in alphabetical order, instead of, as hitherto, in the order in which the nomination papers have been received.

It will be seen by reference to the form of voting paper that the insertion of the name of one nominator will in future be sufficient.

*Counting of Votes.*

The returning officer is enabled, under Rule 51, to attend for the purpose of examining and casting up the votes after any election, at any place which may have been previously appointed by him for that purpose. Such place need not be as heretofore the office of the local board.

By the same rule candidates are for the first time afforded the right of



themselves attending, or appointing agents to attend, the casting up of the votes ; but any candidate or agent interfering with or obstructing the proceedings may be removed by order of the returning officer, and, when so removed, will not be permitted to return.

Rule 48 requires that the last day for collecting the voting papers shall be not later than the 7th of April, and Rule 55 provides that the returning officer shall make all his arrangements for the conduct of the election, so as to ensure its completion, and the ascertainment of the result, on or before the 15th of April in every year ; and on that day the candidates elected are to come into office, the members, in whose room they are elected, continuing in office until that day.

#### *Retirement of Members.*

If the number of persons elected for any ward is less than three, they are required by Rule 61 to go out of office in such year or years as the local board, with the sanction of the Local Government Board, may determine.

#### *Casual Vacancies.*

It was not clear whether under the Local Government Act, 1858, a vacancy created by a failure duly to elect members was a casual vacancy ; or how, in the event of such a vacancy, or any other casual vacancy being left by the local board to be filled up at the next annual election, the member elected to fill such vacancy was to be distinguished from the other successful candidates. In order to leave no doubt on these points, Rule 65 includes a failure duly to elect members among the causes creating a casual vacancy, and declares that in the event of a casual vacancy being filled up at an annual election, if there is a poll, the member who has been elected by the fewest votes is to be deemed to be elected to fill such vacancy ; and if there is no poll, the question is to be determined by lot. The rule also extends the period during which a casual vacancy may be filled up by the local board from a month to six weeks, or such further period as the Local Government Board may, by order, allow.

#### *General Provisions.*

Rule 66 adds the bank holidays to the days hitherto excluded under the Public Health Act, 1848, for the performance of any act in relation to any election.

In lieu of imprisonment, a penalty, not exceeding 20*l.* may be imposed under Rule 69 upon any person tampering with voting papers, personating voters, or interfering with the delivery or collection of voting papers.

#### *Temporary Provisions.*

It should be specially noticed that Rule 73 provides for the continuance in office until the 15th of April next of all members of existing local boards.

### II.—PROCEEDINGS IN CASE OF LAPSE OF LOCAL BOARDS.

The Sanitary Acts contained no provision for the vesting of the property of a lapsed local board in the succeeding authority ; and in the event of no new local board being elected, the district remained a Local Government district, and was under the control of no local authority. Both these defects are cured by Rule 2 of Part II. of this schedule, which enables the Local Government Board, in the event of no new election taking place within three months, to dissolve the district and declare it to be a rural district, or included in any adjoining rural district, the property of the lapsed



local board passing to the new authority. The rule further enables the Board to determine any question as to the fact of a local board having lapsed, or the date of such lapse.

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### SCHEDULE III.

#### *Rules as to Resolutions of Owners and Ratepayers.*

UNDER the Local Government Act, 1858, section 13 (1), a meeting for the purpose of passing a resolution for the adoption of that Act had to be called, on the requisition of twenty ratepayers or owners. A meeting for the purpose of passing the corresponding resolution under this Act may be called under Rule 1 of this schedule on the requisition of twenty ratepayers or owners, or of twenty ratepayers and owners, but the requisitionists, in both cases, are required to be resident in the district or place with respect to which the resolution is to be passed.

Under the Local Government Act, 1858, section 13 (3), the meeting could only be adjourned from day to day, and the construction placed by the Law Officers of the Crown upon this provision was that the adjournment must be from one day to the next. The interpretation has been productive of inconvenience, and in some cases has led to the failure of the proceedings, when the adjournment has been improperly made over intervening days. An amendment has therefore been introduced (Rule 5) enabling the meeting to be adjourned from time to time.

The foregoing statement does not profess to exhaust all the minor amendments which have been made in the law by the present Act; but the Board believe that they have sufficiently explained the nature and intention of all the principal changes effected by it, and they trust that their observations will be of service to urban authorities in administering its various and important provisions.

I am, sir,

Your obedient servant,

JOHN LAMBERT,

*Secretary.*

*To the Clerk to the Urban Sanitary Authority.*



*Circular Letter of the Local Government Board to the various Rural Sanitary Authorities, explanatory of the Public Health Act, 1875.*

Rural Sanitary Authorities.

Local Government Board,  
Whitehall, S.W.,  
30th September, 1875.

SIR,—I am directed by the Local Government Board to bring under the notice of the rural sanitary authority the provisions of the Public Health Act of the last Session (38 and 39 Vict. c. 55).

The Act, for the sake of clearness and convenience of reference, is distributed under eight principal headings, and all the provisions relating to any particular subject will be found under the same title. It consolidates, so far as regards England, exclusive of the metropolis, the whole of the Sanitary Acts, with the following exceptions, viz., "The Bakehouse Regulation Act," "The Artizans' and Labourers' Dwellings Act, 1868," "The Baths and Wash-houses Acts," and "The Labouring Classes' Lodging Houses Acts." The Acts thus consolidated are of course repealed; but the Acts which have been excepted, and the duties of sanitary authorities under them, are in no way affected.

Before noticing the amendments in detail, it should be observed that the Act does not alter the present constitution of any existing sanitary authority, or the tenure of office of any of their officers or servants; nor does it affect existing rights and liabilities, all of which have been fully preserved by sections 326 and 343.

The following detailed statement shows the principal alterations of the law contained in the Act, so far as they relate to rural sanitary authorities:—

*Constitution of Authorities.*

In some cases where nearly the whole of the parishes of a poor-law union are included in one or more urban districts, the number of elective guardians qualified to act as members of the rural sanitary authority was too small to enable them to form a quorum; and in others, the members of the rural sanitary authority have been so few as to prevent the efficient discharge of their duties. Section 9 of the present Act, therefore, enables the board to nominate as members of any rural sanitary authority a sufficient number of persons to make up the number to five, exclusive of *ex officio* members; such nominees to be selected from owners or occupiers of property in the district of a value sufficient to qualify them to act as elective guardians of the union.

*Sewerage and Drainage.*

Under the Sanitary Acts, sewers in an urban district, excepting those made for the purposes of profit, or under the authority of commissioners of sewers, or for the drainage or improvement of land under local or private Acts, vested in the urban authority; but no similar provision was made with respect to sewers in rural districts. For the future, these will vest in



the rural sanitary authority, subject to the above exceptions, and to the proviso that sewers constructed by or transferred to any authority empowered by statute to construct sewers, will vest in the authority who constructed them, or to whom they have been transferred. In order to prevent this and other provisions of the Act from extending to drains for surface water belonging to highway authorities, the definition of "sewer" contained in the Public Health Act, 1848, has been modified by section 4 of the present Act, so as to exclude drains vested in or under the control of any authority having the management of roads, and not being a local authority under the Act. It may be here observed that "local authority" is the term used in the Act when it is intended to include both urban and rural sanitary authorities.

The power possessed by local boards under the 44th section of the Public Health Act, 1848, of purchasing sewers, or rights in sewers, in their districts, has been extended by section 14 to rural authorities.

By the Local Government Act Amendment Act, 1861, section 4, power was given to sanitary authorities to construct works of sewerage outside their districts, but it was provided that nothing in that Act should empower such authorities to discharge unpurified sewage into streams or water-courses. Section 17 has made this provision applicable to all works of sewerage, whether within or without the district of the authority, and has extended it to canals, ponds, and lakes.

Section 19 imposes on every local authority the duty of causing their sewers to be ventilated, so as not to be a nuisance or injurious to health.

In cases where, for the purpose of enforcing the drainage of a row of undrained houses, it would be less expensive to construct a new sewer than to compel such houses to drain into an existing sewer, the authority are empowered (section 23) to construct a new sewer and to apportion the expense among the owners of the houses.

It has happened that a local authority, after enforcing the communication of house drains with a particular system of sewers, have found it necessary to change their general scheme of sewerage, and to construct fresh sewers; but the Sanitary Acts contained no provision under which the local authority could compel fresh junctions, or defray their cost. Section 24 now empowers a local authority, under these circumstances, to close any such existing drains, on condition of providing others equally effectual and communicating with the new system.

Under the Sewage Utilization Act, 1867, a local authority were not empowered to let, for more than seven years, land held by them for purposes connected with sewage distribution; this period is extended by section 29 to twenty-one years.

#### *Privies, Water Closets, &c.*

The power given to local boards by the 52nd section of the Public Health Act, 1848, to enforce proper water-closet or privy accommodation in factories, has been extended by section 38 of the present Act to rural authorities. The previous provision only applied to factories in which persons of both sexes, and above twenty in number, were employed; but the restriction as to number has now been removed.

#### *Scavenging and Cleansing.*

By the 60th section of the Public Health Act, 1848, urban authorities were enabled to enforce the white-washing, cleansing, or purifying of houses, on the certificate of the medical officer of health, or two medical practitioners, that they were in such a filthy or unwholesome state as to affect



or endanger the health of any person, or that such white-washing, cleansing, or purifying, would tend to prevent or check infectious disease. Section 46 extends this power to rural authorities.

It will be observed from section 4 that "house" includes schools, also factories and other buildings in which more than twenty persons are employed at one time.

*Offensive Ditches and Collections of Matter.*

The power contained in the 31st section of the Local Government Act, 1858, enabling an urban authority to obtain an order of justices for the cleansing of any offensive ditch or water-course lying near or forming the boundary of their district, is conferred by section 48 on rural authorities.

*Water Supply.*

Section 51, in conformity with the recommendation of the Royal Sanitary Commission, requires that the sanction of the Local Government Board should be obtained before any waterworks or water rights are purchased by a local authority.

By the Public Health Act, 1848, section 75, local authorities were placed under certain restrictions in the construction of waterworks within the limits of supply of any water company, and a question having arisen whether these restrictions were confined to cases where the company is empowered *by statute* to supply water, section 52 removes the doubt by expressly limiting such restrictions to cases where the water company has acquired parliamentary powers.

Before constructing any reservoir to hold more than 100,000 gallons, local authorities are required, by section 53, to give notice of their intention by advertisement; and in case of objection on the part of any person interested, the Local Government Board are empowered, after local inquiry, to allow the proposed work, with or without modifications, or to disallow it.

Section 54 confers on local authorities the same powers for carrying water mains without their districts as they have for carrying sewers, and imposes on them the like restrictions.

Where the local authority have constructed or purchased waterworks, section 55 imposes upon them the obligation of keeping the supply of water pure and wholesome.

The provisions of the Sanitary Acts with reference to the supply of water by local authorities having been found in some respects inadequate, section 57 incorporates the provisions of the Waterworks Clauses Acts, with regard to communication pipes, the waste or misuse of water, the fouling of water, and the payment and recovery of water rates. The effect of this incorporation will be to give local authorities supplying water the benefit of such of the provisions of the general Acts relating to water companies as are applicable to their circumstances; and in consequence of such incorporation some of the provisions of the Public Health Act, 1848, have been omitted as unnecessary.

Sections 58, 59, and 60 enable local authorities to supply water by measure, and contain such provisions with respect to meters as are usually found in special Water Acts.

In cases where a local authority have more water than is required for the supply of their own district, and the authority of an adjoining district are willing to take the surplus, section 61 enables the necessary arrangements to be entered into for that purpose, subject to the sanction of the Local Government Board. It is believed that this provision will not infrequently be found useful in cases where a local authority obtain their supply from sources outside their district.



Complaints have often been made that, in attempting to enforce a compulsory supply of water to houses in districts where no local Act is in force, the limited charge, viz. 2d. a week is insufficient to enable a proper supply to be furnished. The Local Government Board are now empowered by section 62, on the application of any local authority, to extend the limit of charge to such amount as the board may, under all the circumstances of the case, deem reasonable. The same section, by expressly enabling the local authority to enter into contracts with a water company, removes certain difficulties which had arisen under the Sanitary Acts, where the authority enforced a supply of water in a district within the limits of a water company.

The Sanitary Acts required the consent of three-fifths of the shareholders of a water company to the transfer of their undertaking to a local authority. By section 63 the consent of three-fourths is required where the company is not registered under the Companies' Act, 1862, but in the case of companies so registered, the consent must be expressed by a special resolution, passed in the manner provided by that Act. The object of this amendment is to assimilate the law to the requirements of the standing orders of the House of Lords in similar cases.

The power of local authorities under the 50th section of the Sanitary Law Amendment Act, 1874, to institute proceedings for the closing of polluted wells, cisterns and tanks, has been extended by section 70, so as to include the case where the water is used for the manufacture of aerated or other drinks for human consumption. The section further enables proceedings to be taken against the owner as well as the occupier, and empowers the authority, if an order of justices under the section is not complied with, themselves to carry it into execution, and to recover the expenses in a summary manner from the person on whom the order is made. Any expenses which are not recovered from such person are, when incurred by a rural authority under this provision, to be special expenses.

#### *Common Lodging Houses.*

In addition to the duties imposed on local authorities under the Sanitary Acts, in relation to these houses, they are required by section 80 (3) to make bye-laws for the giving of notices and the taking precautions in case of any infectious disease.

#### *Nuisances.*

Previously to the decision of the Court of Queen's Bench in the case of *The Guardians of the Rye Union v. Paine*, 44 L. J. M. C. 148, which was decided after the introduction of the Bill, doubts had been entertained whether, under the Nuisances Removal Acts, the overcrowding of a house by members of the same family constituted a nuisance within the meaning of those Acts. The court decided that the fact of the overcrowding being caused by members of the same family was immaterial; and section 91 is in accordance with that decision.

Under the Nuisances Removal Acts the Justices were not enabled to impose a penalty on the person causing a nuisance, until he had actually disobeyed an order to abate it. Section 96 now empowers the Justices to impose, by their order for the abatement of any nuisance, a penalty not exceeding 5l., on the person on whom the order is made.

It was generally considered that under the Sanitary Acts local authorities could not protect the inhabitants of their respective districts against nuisances existing therein, but originating in another district; and as it



often happened that these nuisances were of a very serious character, frequent complaints were made to the Board of this defect in the law. Section 108 now enables local authorities to deal with nuisances of this kind, by conferring upon them the power of instituting legal proceedings in such cases, subject to the condition that summary proceedings are to be taken only before the justices having jurisdiction in the district where the act complained of arises.

#### *Offensive Trades.*

Proceedings under the Nuisances Removal Acts, with respect to offensive trades, could only be taken by a nuisance authority within the limits of a city, town, or populous district. Section 114 provides that such proceedings shall, for the future, be taken only by authorities in urban districts; but this provision is subject to the general power contained in section 276, which enables the Board to confer on a rural authority any urban power which the circumstances of the district may require.

#### *Infectious Diseases and Hospitals.*

Under the Sanitary Act, 1866, and the Sanitary Law Amendment Act, 1874, persons suffering from infectious disorders could, in certain cases, be compulsorily removed to any hospital provided by the local authority within the district; and for this purpose any hospital was to be deemed to be within the district, if it was declared by the Local Government Board to be within a convenient distance of the district. By section 124, every hospital, to which persons may be compulsorily removed under the above provisions, is required to be a suitable one, and within a convenient distance of the district, and it will be for the justice now to determine whether or not the hospital fulfils these conditions, the Board having no longer any power to make orders for the purpose referred to.

In connexion with hospitals, a new and important provision will be found in section 132, which enables a local authority to recover expenses incurred by them in maintaining in a hospital patients who are not paupers.

#### *Mortuaries.*

Under the Sanitary Acts the local authority were empowered to provide a mortuary, and section 141 of the present Act imposes on local authorities the obligation of making such provision, if required by the Local Government Board to do so.

The following section (142), under which a justice may order the removal to a mortuary of the body of a person who has died of any infectious disease, renders any person obstructing the execution of such order liable to a penalty not exceeding five pounds.

#### *Lighting Streets.*

In some cases application had been made to the Board to invest the rural authority with power to contract for the lighting of some of the populous portions of their district; but a difficulty existed in complying with such applications, in cases where the Lighting and Watching Act (3 and 4 William IV. c. 90) was in force. Section 163 enacts that if lighting powers are conferred on a rural authority in a place where the Lighting and Watching Act has been adopted, that Act shall be superseded by the present statute.

#### *Purchase of Lands.*

Any doubts which may have been felt as to the requirements of the



Sanitary Acts with respect to the resale of surplus lands, not needed for the purposes for which they were purchased, has been removed by section 175, which expressly provides that local authorities shall resell any such surplus lands, unless the Local Government Board otherwise direct, and shall apply the proceeds of any such resale towards the discharge, either by means of a sinking fund or otherwise, of their existing mortgage debts.

The 127th section of the Lands Clauses Consolidation Act, 1845, which provides that surplus lands, if not resold within the prescribed period, shall vest in the owners of adjoining lands, is not incorporated with section 176 of the present Act, but the other provisions of the Land Clauses Consolidation Act, with regard to the sale of superfluous lands, still apply, including the section which requires that superfluous lands shall be offered to the owner from whom they were originally taken, or to the owner of the adjoining lands. It will be seen that the section contains a new provision with regard to the service of notices in the case of owners of rights of common, and enacts that such notices may be served on any three or more of such persons on behalf of all of them.

#### *Arbitration.*

Under the Public Health Act, 1848, where the arbitrators neglected or refused to appoint an umpire, the appointment had to be made by the Court of Quarter Sessions. Owing to the length of time that must sometimes elapse before an application can be made to quarter sessions, it was deemed expedient to provide that in future such appointment should rest with the Local Government Board. See section 180 (7). By the same section the award is required to be made within two months from the date of submission to arbitration, or the date of reference to the umpire, as the case may be.

#### *Bye-laws.*

Section 186 facilitates the proof of bye-laws in legal proceedings, by providing that a copy of them, signed and certified by the clerk to the rural authority, shall be *primâ facie* evidence of their having been duly made and confirmed.

#### *Officers.*

Section 190 expressly authorizes the appointment of assistant officers by a rural authority, and provides that the assistant clerk of the union shall be appointed clerk of the rural authority, when the clerk of the union is unable or unwilling to undertake the duty. Under the sixth section of the Sanitary Law Amendment Act, 1874, the assistant clerk might be appointed to the office, but his appointment was merely optional.

Although the Public Health Act, 1872, rendered it obligatory on every sanitary authority to appoint a medical officer of health, neither that Act, nor the previous statutes, prescribed his duties, and it was only in cases where part of his salary was repaid from the parliamentary grant that the Local Government Board had any jurisdiction in the matter. Having regard, therefore, to the importance of securing uniformity in practice, and of adopting the necessary means for insuring periodical reports and returns respecting the sanitary condition of each locality, the Legislature have now empowered the Board, by section 191, to prescribe the qualifications and duties of other medical officers of health appointed under the Act, although no portion of their salaries is repaid out of moneys voted by Parliament. Power is also expressly given to the Board, by the same section, to impose con-



ditions in cases where the district medical officer of a union is appointed medical officer of health. The section further enables local authorities, in case of the illness or incapacity of their medical officer, to appoint a deputy medical officer, subject to the approval of the Local Government Board.

The provisions contained in sections 37 to 39 of the Public Health Act, 1848, both inclusive, which relate to the disabilities of officers of urban authorities, which require them to give security and account for receipts and disbursements, and which enable summary proceedings to be taken against them, when defaulting, are extended by sections 192 to 196 of the present statute to the officers of rural authorities.

#### *Mode of conducting Business.*

The Public Health Act, 1872, contained no express provision enabling a rural authority to fill up casual vacancies in any committee appointed by them. Section 203 now confers this power.

By the 76th section of the Local Government Act, 1858, urban authorities were required to make and publish an annual report of all works executed by them during the preceding year, and of their receipts and disbursements. This duty is imposed upon all local authorities by section 206; but the obligation of publishing the report in a local newspaper does not extend to rural authorities.

#### *Expenses.*

Section 229 differs from the corresponding provisions in the Sanitary Acts, by not including among special expenses the expenses of the cleansing and lighting of streets in any contributory place when the requisite urban powers have been conferred on the rural sanitary authority for that purpose. Such expenses will, therefore, for the future, be general expenses, unless otherwise determined by order of the Local Government Board. The section is, moreover, so worded, as to show clearly that the water-rents or rates levied in a contributory place are to be applied in defraying the cost of providing the water supply for such place.

Section 11 of the Sanitary Law Amendment Act, 1874, prohibited the levying of a special rate in any contributory place where the amount required *in any one year* was less than ten pounds, or so small that a rate of less than a penny in the pound would be required to raise it. This prohibition is extended by section 230 to every case where the amount required by any precept or precepts comes within either of the limits mentioned. It has also been made clear that the amount is to be paid as if forming part of the contribution required for general expenses.

#### *Borrowing Powers.*

Doubts had been expressed (1) as to whether loans under the Sanitary Acts could properly be repaid by equal annual instalments of principal and interest combined; (2) as to the precise amount required to be set aside and invested annually, when provision was made for repayment of the loan by means of a sinking fund; and (3) as to the mode in which the sinking fund was from time to time to be applied towards the discharge of part of the loan. Section 234 therefore expressly authorizes loans under the Act to be repaid by equal annual instalments of principal, or of principal and interest combined; it enacts that where the repayment is by means of a sinking fund, the annual amount to be set aside is to be such as will, with accumulations, be sufficient to repay the loan at the end of the term; and



it provides that the whole or any part of the fund may at any time be applied towards the discharge of the loan; but, until the loan is discharged, the interest which would have accrued on the amount withdrawn must be paid into the fund, in addition to the other payments.

Local authorities are exempted (section 238) from responsibility to the transferee of any of their mortgages, until an entry of the transfer has been made in the register kept by them; and by the same section a penalty, not exceeding twenty pounds, is imposed on the clerk of the authority, if he wilfully neglects or refuses to make any such entry in the register.

#### *The Public Works and Local Loans Acts.*

In connexion with the borrowing powers of local authorities under the present statute, it is desirable that their attention should be called to two Acts passed during the last session, viz. (1) the Public Works Loans Act, 1875 (38 and 39 Vict. c. 89), and (2) the Local Loans Act, 1875 (38 and 39 Vict. c. 83).

(1.) The first Act consolidates, with amendments, the law relating to loans by the Public Works Loan Commissioners, and section 13 requires that every intending borrower shall send to the Commissioners, on or before the 31st of December in every year, a statement of the loans likely to be required during the ensuing financial year, commencing with the 1st of April following; and the Public Works Loan Commissioners are prohibited from granting, except with the consent of the Treasury, which can only be expected under very exceptional and pressing circumstances, any loan which has not been included in the statement above referred to.

Although the Act does not come into operation until the 1st of April, 1876, section 54 provides that the first statement of the probable requirements of loans shall be sent to the Commissioners *on or before the 31st of December, 1875*. Local authorities, therefore, who are desirous of borrowing from the Public Works Loan Commissioners, will see the necessity of sending in the requisite statements within the prescribed time.

It should be added that, when any loan is advanced by the Commissioners on the security of a rate, section 36 imposes on the Local Government Board the duty of satisfying themselves that the loan is applied to the purpose for which it has been advanced. The Board are empowered to make, with this object, such examination as they may think necessary, and to appoint an officer to conduct the examination.

(2.) The Local Loans Act enables local authorities to borrow sums which they are authorized to raise upon debentures, debenture stock, or annuity certificates; and section 26 empowers them, when they propose to raise a loan by the issue of securities under the Act, to apply to the Local Government Board to authorize the issue of such securities under official sanction, and this sanction will be conclusive evidence that the local authority had power to issue the securities, and that the same are in conformity with the Act. It should also be stated that the Act enables local authorities to re-borrow in the manner prescribed by it any sums required for the purpose of discharging existing loans (see section 31). This Act will not come into force until the 1st day of January, 1876, and, in the meantime, the Board will cause the necessary forms and instructions to be prepared for giving effect to the provisions referred to.

#### *Legal Proceedings.*

The 133rd and 134th sections of the Public Health Act, 1848, render the consent of the Attorney-General necessary to proceedings for the



recovery of penalties under that Act, except by persons aggrieved, or by the Local Board, and provide for the application of penalties. Sections 253 and 254 embody these provisions, and make them applicable to rural districts and authorities.

Section 255 facilitates proceedings against persons who jointly contribute to a nuisance. Under the Nuisances Removal Acts much difficulty was experienced in enforcing any remedy, unless it could be clearly proved that the separate contribution of the person proceeded against would alone cause a substantial nuisance, such proof being often from the nature of the case almost impossible.

To save technical objections and expense in legal proceedings, section 260 dispenses with the necessity, on the part of the plaintiff, of proving the corporate name of the authority and the constitution or limits of the district.

Under the Sanitary Acts the jurisdiction of county courts extended only to the recovery of debts not exceeding 20*l*. This limit is enlarged by section 261 to 50*l*.

Section 262, following the previous law, provides that no proceedings shall be removed by *certiorari* into a superior court; but the judges having recently expressed a strong opinion that the power of stating a special case which can be removed into a superior court ought not to be taken away, a proviso has been added reserving that power.

#### *Appeal.*

The time during which an appeal may be made to the Local Government Board, with respect to expenses summarily recoverable, and private improvement expenses, is extended, by section 268, from seven to twenty-one days. The appellant is required to deliver a copy of his memorial to the local authority, and the board's decision on the appeal is expressly made conclusive on all parties.

The provisions with respect to appeals to quarter sessions contained in the Public Health Act, 1848, and the Nuisances Removal Act, 1855, are, for the purposes of the Act, consolidated in section 269, with the following amendments:—(Subsection 1) the appeal is not required to be made to the next court of quarter sessions, if the same is held within twenty-one days from the demand of the rate or the decision appealed against; (subsection 4) the appellant, if in custody, may be released on entering into recognizances; and (subsection 6) appeals other than those against rates may be adjourned.

#### *Alteration of Areas.*

In addition to the powers which were given to the Local Government Board in relation to the alteration of areas by the twenty-second section of the Public Health Act, 1872, section 270 of the present Act enables the board, by provisional order, to include the whole of any rural district in any adjoining local government district, and any portion of a local government district in any rural district.

With respect to the constitution of urban districts, in pursuance of resolutions passed by the owners and ratepayers in places situated in rural districts, the attention of the authority may be directed to sections 272 to 274, both inclusive. The sections set forth the proceedings which may now be taken by owners and ratepayers in order that a place may be constituted a local government district, and it will be found that such proceedings are analogous to those prescribed by the Local Government Act, 1858, with regard to the adoption of that Act, but in future the resolution to be passed



by the owners and ratepayers, instead of being to the effect that the Local Government Act should be adopted, must affirm that it is expedient that the place should be constituted a local government district.

It should be observed that the resolution of owners and ratepayers must be passed in the manner provided by Schedule III. to the Act.

General provisions with respect to orders made by the board under this part of the Act are contained in section 275. The most important of them are (1), that a newly-constituted local government district is to remain under the jurisdiction of its former local authority until the first meeting of the local board; and (2) that any such order may provide for the settlement of differences, the adjustment of accounts, and the apportionment of liabilities.

It is important to observe that section 276 clears up any doubt which might have previously existed as to the right of the board to apply urban provisions to a rural district, where such provisions do not confer *powers* on the authority, by enacting in express terms, that the board may declare any urban provisions of the Act to be in force in rural districts. Any new powers conferred by the Act, and which may, under special circumstances, be needful to a rural authority, may, by order of the board, be rendered applicable to them under this section.

#### *Union of Districts.*

The provisions of the twenty-eighth section of the Local Government Act, 1858, which enabled an urban authority to execute works in adjoining districts with the consent of the authorities of such districts, have been made expressly applicable by section 285 to all sanitary authorities and districts.

The tenth section of the Public Health Act, 1872, authorized the appointment of the same person as medical officer of health for two or more districts, and section twenty-six of that Act provided for the formation of a united district for all, or any, of the purposes of the Sanitary Acts, including, therefore, amongst such purposes, that of the appointment of a medical officer of health. This, however, could only be done by provisional order upon the application of one or more of the sanitary authorities interested, and it involved the necessity of setting up a joint board with its several officers and attendant expenses. Section 286 of the present Act enables the Local Government Board, on any representation that the appointment of a medical officer of health for two or more districts, situated wholly or partially in the same county, would diminish expense or otherwise be to the advantage of such districts, to issue an order uniting them for that purpose, and prescribing all necessary consequential regulations. In the event of the authority of any district proposed to be included objecting to the arrangement, that district can only be included in the combination by means of a provisional order. No urban district containing a population of more than 25,000, or borough having a separate court of quarter sessions, can be included in any combination under this section, without the consent of the local authority of such district or borough.

The section further provides that no medical officer of health shall be appointed for any urban or rural district within the united district, except as an assistant to the medical officer appointed under this provision, but the board may assign to the district medical officer of any poor law union, comprising a constituent district, the duty of rendering local assistance to the medical officer so appointed.



*Port Sanitary Authorities.*

The following new power is given to the Local Government Board by section 287—viz. to constitute, as the port sanitary authority for the whole or any part of a port, or for any two or more ports, a joint board, consisting of representatives from all or any of the riparian authorities of such port or ports. The section further removes a doubt which had been raised with respect to the power of the Local Government Board to renew temporary orders by expressly authorizing the renewal from time to time of such orders.

The new power of appointing a joint board as the port sanitary authority, has rendered it unnecessary to continue the provision under which riparian authorities might be enabled to send representatives to the meetings of a port sanitary authority, and that provision has therefore not been re-enacted.

*Provisional Orders.*

Where a provisional order was made for the formation of a united district, under the Public Health Act, 1872, the order was *prima facie* evidence that all the requirements in respect of the previous proceedings had been complied with. This provision is now extended by section 297 (7) to all provisional orders made under the present Act.

*Defaulting Authorities.*

The provisions of the Sanitary Acts, with respect to defaulting authorities, are extended by section 299, so as to embrace those cases where a local authority make default in either fulfilling or enforcing any of the additional obligations imposed by this Act.

*Powers of the Local Government Board in relation to Local Acts.*

The power of the board to repeal or alter local Acts by provisional order is enlarged by section 303, so as to enable them to deal with the case of a local Act in force in more than one district, although the application for its repeal or amendment is made by the local authority of one of the districts interested only. The section also enables the board, when amending a local Act by provisional order in such a way as to extend or diminish the area of its operation, to determine what local authority shall have jurisdiction in the area thus included or excluded.

*Miscellaneous Provisions.*

The right of entry possessed by local authorities and their officers, for the discharge of their duties, is extended by section 305 from the hours of ten and four to nine and six, and it will be seen that the power to apply to a court of summary jurisdiction for an order enforcing entry, in the event of refusal, now includes cases where such entry is required for the purpose of making works or keeping them in repair.

To meet those cases where any of the provisions of the Sanitary Acts are referred to in any statutes, orders, or documents now in force, section 313 declares that the corresponding provisions of the present Act shall be considered as substituted for the analogous provisions of the repealed Acts. Thus, in cases where rural sanitary authorities have been invested with urban powers contained in the Sanitary Acts, they will, by the operation of this section, be invested with the corresponding powers contained in the present Act.

Where a bye-law has been made under the Sanitary Acts by any local



authority, and the same is inconsistent with the present Act, such bye-law is to that extent repealed by section 315; and section 326 declares that, subject to this provision, all bye-laws under the Sanitary Acts shall be deemed to have been made under this Act.

#### *Temporary Provisions.*

Section 323 enables the Local Government Board, by provisional order, to dissolve districts constituted for the purpose of main sewerage only, or subject to the jurisdiction of joint sewerage boards, or to constitute such districts united districts, subject to the jurisdiction of a joint board.

#### *Saving Clauses.*

As the Sanitary Acts are now repealed, and sanitary authorities for the most part derived their powers from those Acts, special provision was necessary to preserve the authorities and arrangements in existence at the time of the passing of the new Act. Section 326 therefore declares that all sanitary authorities charged at the time of the passing of the Act with the execution of the Sanitary Acts shall be deemed to be authorities charged with the execution of the Act; and that their officers and servants shall continue in their offices and employments so long as they would have done if the Act had not passed.

Another important section is that which excepts mines and the manufacture of mineral produce from the operation of the Act. Under the Nuisances Removal Acts the exception extended not only to mines and the smelting of ores and minerals, but also to the manufacturing of the produce of such ores and minerals generally. The exception in section 334 of the present Act is less extensive, and only applies to mines, to the smelting of ores and minerals, to the calcining, puddling, and rolling of metals, and to the conversion of pig-iron into wrought iron, so as not to interfere with those processes.

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#### SCHEDULE I.

##### *Rules applicable to Committees.*

The whole of these rules are new, and apply to the committees appointed by the rural sanitary authority. They authorize meetings and adjournments; prescribe a quorum, in cases where none has been prescribed by the appointing authority; provide for the election of a chairman, and the manner in which a majority of votes is to be determined; render proceedings valid, notwithstanding vacancies or defective appointments; and declare that the minutes, orders, and resolutions of the committee, purporting to be signed by the chairman, either of the meeting at which the proceedings took place or of the following meeting, shall be evidence in legal proceedings.

#### SCHEDULE II.

##### *Proceedings in case of Lapse of Local Boards.*

The Sanitary Acts contained no provision for the vesting of the property of a lapsed local board in the succeeding authority; and in the event of no new local board being elected, the district remained a local government district, and was under the control of no local authority. Both these defects are cured by Rule 2 of Part II. of this schedule, which enables the Local Government Board, in the event of no new election taking place



within three months, to dissolve the district and declare it to be a rural district, or included in any adjoining rural district, the property of the lapsed local board passing to the new authority. The rule further enables the board to determine any question as to the fact of a local board having lapsed, or the date of such lapse.

#### SCHEDULE III.

##### *Rules as to Resolutions of Owners and Ratepayers.*

Under the Local Government Act, 1858, section 13 (1), a meeting for the purpose of passing a resolution for the adoption of that Act had to be called, on the requisition of twenty ratepayers or owners. A meeting for the purpose of passing the corresponding resolution under this Act may be called under Rule 1 of this schedule on the requisition of twenty ratepayers or owners, or of twenty ratepayers and owners, but the requisitionists, in both cases, are required to be resident in the district or place with respect to which the resolution is to be passed.

Under the Local Government Act, 1858, section 13 (3), the meeting could only be adjourned from day to day, and the construction placed by the law officers of the crown upon this provision was that the adjournment must be from one day to the next. This interpretation has been productive of inconvenience, and in some cases has led to the failure of the proceedings, when the adjournment has been improperly made over intervening days. An amendment has therefore been introduced (Rule 5) enabling the meeting to be adjourned from time to time.

Hitherto the meeting has been required to elect its own chairman, but under Rule 6 the summoning officer will be the chairman, unless he is unable or unwilling to preside, in which case only the chairman will be elected by the meeting.

The provisions of the same section of the Local Government Act have been held as constituting the churchwardens and overseers summoning officers only in cases where their jurisdiction has been co-extensive with the places in which it has been proposed to adopt the Act. An express enactment contained in Rule 2 declares, in accordance with this interpretation, that the jurisdiction of these officers must be conterminous with the proposed district, so that in all other cases the summoning officer must be appointed by the board.

The foregoing statement does not profess to exhaust all the minor amendments which have been made in the law by the present Act; but the Board believe that they have sufficiently explained the nature and intention of all the principal changes effected by it, and they trust that their observations will be of service to rural authorities in administering its various and important provisions.

I am, Sir,

Your obedient Servant,

JOHN LAMBERT,  
*Secretary.*

*To the Clerk to the Rural Sanitary Authority.*



TO THE SEVERAL URBAN SANITARY AUTHORITIES,

for the time being in England and Wales ;

And to all others whom it may concern.

WHEREAS by a General Order dated the 11th day of November, 1872, addressed to "The several Urban Sanitary Authorities in England and Wales constituted by the Public Health Act, 1872," the Local Government Board, acting under the authority conferred upon them by section 10 of that Act, prescribed regulations with respect to the qualification, appointment, duties, salary, and tenure of office of medical officers of health appointed by urban sanitary authorities, in all cases where any portion of the salary of any such officer was paid out of moneys voted by Parliament :

And whereas it is required by section 189 of the Public Health Act, 1875, that every urban sanitary authority shall from time to time appoint a medical officer of health, and by section 191 of that Act it is enacted that a person shall not be appointed medical officer of health under that Act unless he is a legally qualified medical practitioner ; and that the Local Government Board shall have the same powers as it has in the case of a district medical officer of a union, with regard to the qualification, appointment, duties, salary, and tenure of office of a medical officer of health of a local authority, any portion of whose salary is paid out of moneys voted by Parliament :

And whereas urban sanitary authorities are local authorities within the meaning of the last-named section :

Now therefore, we, the Local Government Board, hereby order that the above-cited order shall not apply to any medical officer of health appointed or re-appointed by any urban sanitary authority after the twenty-fifth day of March, One thousand eight hundred and eighty.

And we hereby order as follows with respect to the qualification, appointment, duties, salary, and tenure of office of every medical officer of health, any portion of whose salary is paid out of moneys voted by Parliament, and who may be appointed by any urban sanitary authority after the twenty-fifth day of March, One thousand eight hundred and eighty, or who, having been appointed by such authority under the provisions of the above-cited order, may be re-appointed by them after that date.

#### *Qualification.*

Art. 1. A person shall not be qualified to be appointed unless he shall be registered under "the Medical Act" of 1858, and qualified by law to practise both medicine and surgery in England and Wales, such qualification being established by the production to the sanitary authority of a diploma, certificate of a degree, licence, or other instrument granted or issued by competent legal authority in Great Britain or Ireland, testifying to the medical or surgical, or medical and surgical, qualification or qualifications of the candidate for such office.

Provided that the Local Government Board may, upon the application of the sanitary authority, dispense with so much of this regulation as requires



that the medical officer of health shall be qualified to practise both medicine and surgery, if he is duly registered under the said Act to practise either medicine or surgery.

*Appointment.*

Art. 2. A statement shall be submitted to the Local Government Board, in a form to be supplied by them, showing the population and area of the district of the sanitary authority, together with the salary intended to be assigned to the officer, and such other particulars as may be prescribed by such form.

Provided that where any such statement has been submitted to the said Board under the said order of the eleventh day of November, one thousand eight hundred and seventy-two, or under this order, no further statement under this article shall be necessary, unless required by the said Board.

Art. 3. When the approval of the Local Government Board has been given to the proposals contained in the statement so submitted to them, the sanitary authority shall proceed to the appointment of a medical officer of health accordingly.

Art. 4. An appointment of a medical officer of health shall not be made unless an advertisement specifying the amount of salary proposed to be assigned, and the day fixed for such appointment, shall have appeared in some public newspaper circulating in the district at least seven days before the day so fixed.

Art. 5. Every such officer shall be appointed by a majority of the members present at a meeting of the sanitary authority, and voting on the question.

Art. 6. Every appointment shall, within seven days after it is made, be reported to the Local Government Board by the clerk to the sanitary authority.

Art. 7. Upon the occurrence of a vacancy in the office of medical officer of health, the sanitary authority shall proceed to make a fresh appointment, which shall be reported to the Local Government Board as required by Art. 6 of this order :

Provided always as follows :—

- (1.) If the sanitary authority desire to make any fresh arrangement with respect to the terms of the appointment, they shall, before filling up the vacancy, supply the particulars of the arrangement to the Local Government Board in the manner prescribed by Art. 2 of this order in regard to the first appointment, and if the approval of the Local Government Board be given, absolutely or with modifications, the sanitary authority shall then proceed to fill up the vacancy according to the terms of the approval so given.
- (2.) If the vacancy arise from notice given by an officer of an intended resignation to take effect on a future day, the sanitary authority may elect a successor to such officer in conformity with the above regulations, at any time subsequent to such notice.
- (3.) If the sanitary authority deem it advisable that the vacancy should not be filled up forthwith, they may appoint a person to act temporarily, subject to the approval of the Local Government Board.
- (4.) In the case of an officer who holds his office for a specified term, the sanitary authority may provide for the continuance of such officer, or appoint his successor, within three calendar months next before the expiration of such term.

Art. 8. If in the case of an officer who may have been appointed for a



specified term, the sanitary authority should desire to renew his appointment for a further term or otherwise in conformity with the provisions of this order, and no fresh arrangement should be proposed with respect to the terms of the appointment, it shall not be necessary for that purpose that articles 2, 3, and 4 of this order should be complied with, but it shall be sufficient if the sanitary authority, at a meeting held after notice given at one of their two ordinary meetings next preceding such meeting, pass a resolution renewing the appointment accordingly on the expiration of the term for which it was made, and the Local Government Board sanction such resolution.

Art. 9. If any officer be at any time prevented by sickness or accident, or other sufficient reason, from performing his duties, the sanitary authority may appoint a person qualified as aforesaid to act as his temporary substitute, and may pay him a reasonable compensation for his services; and it shall not be necessary in any such case that articles 2, 3, and 4 of this order shall be complied with, but articles 5 and 6 of this order shall apply in every such case.

#### *Tenure of Office.*

Art. 10. Every officer shall continue to hold office for such period as the sanitary authority may, with the approval of the Local Government Board, determine, or until he die, or resign, or be removed by such authority with the assent of the Local Government Board, or by the Local Government Board, or be proved to be insane by evidence which that Board shall deem sufficient.

Art. 11. The sanitary authority may at their discretion suspend any officer from the discharge of his duties, and shall, in case of every such suspension, forthwith report the same, together with the cause thereof, to the Local Government Board; and if the Local Government Board remove the suspension of such officer by the sanitary authority, he shall forthwith resume the performance of his duties.

Art. 12. Where any change in the duties or salary of any officer may be deemed necessary, and he shall decline to acquiesce therein, the sanitary authority may, with the consent of the Local Government Board, but not otherwise, and after six months' notice in writing, signed by their clerk, given to such officer, determine his office.

Art. 13. A person shall not be appointed who does not agree to give one month's notice previous to resigning the office, or to forfeit such sum as may be agreed upon as liquidated damages.

#### *Salary.*

Art. 14. The sanitary authority shall pay to every officer such salary as may be approved by the Local Government Board.

Provided always that the sanitary authority, with the approval of the Local Government Board, may pay to any officer a reasonable compensation on account of extraordinary services, or other unforeseen or special circumstances connected with his duties or the necessities of the district.

Art. 15. The salary of every officer shall be payable up to the day on which he ceases to hold the office, and no longer, subject to any deduction which the sanitary authority may be entitled to make in respect of article 13 of this order; and in case he shall die whilst holding such office, the proportion of salary (if any) remaining unpaid at his death shall be paid to his personal representatives.

Provided that an officer who may be suspended, and who may, without the previous removal of such suspension, resign or be removed under article



10 of this order, shall not be entitled to any salary from the date of such suspension.

Art. 16. The salary assigned to every officer shall be payable quarterly, according to the usual feast days in the year, namely, Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day ; but the sanitary authority may pay to him at the expiration of every calendar month such proportion as they may think fit, on account of the salary to which he may become entitled at the termination of the quarter.

Art. 17. All salaries shall be considered as accruing from day to day, and be apportionable in respect of time accordingly, in pursuance of the provisions of "The Apportionment Act, 1870."

### *Duties*

Art. 18. The following shall be the duties of the medical officer of health in respect of the district for which he is appointed.

- (1.) He shall inform himself as far as practicable respecting all influences affecting or threatening to affect injuriously the public health within the district.
- (2.) He shall inquire into and ascertain by such means as are at his disposal the causes, origin, and distribution of diseases within the district, and ascertain to what extent the same have depended on conditions capable of removal or mitigation.
- (3.) He shall by inspection of the district, both systematically at certain periods, and at intervals as occasion may require, keep himself informed of the conditions injurious to health existing therein.
- (4.) He shall be prepared to advise the sanitary authority on all matters affecting the health of the district, and on all sanitary points involved in the action of the sanitary authority ; and in cases requiring it, he shall certify, for the guidance of the sanitary authority or of the Justices, as to any matter in respect of which the certificate of a medical officer of health or a medical practitioner is required as the basis or in aid of sanitary action.
- (5.) He shall advise the sanitary authority on any question relating to health involved in the framing and subsequent working of such bye-laws and regulations as they may have power to make.
- (6.) On receiving information of the outbreak of any contagious, infectious, or epidemic disease of a dangerous character within the district, he shall visit the spot without delay and inquire into the causes and circumstances of such outbreak, and in case he is not satisfied that all due precautions are being taken, he shall advise the persons competent to act as to the measures which may appear to him to be required to prevent the extension of the disease, and, so far as he may be lawfully authorized, assist in the execution of the same.
- (7.) Subject to the instructions of the sanitary authority, he shall direct or superintend the work of the inspector of nuisances in the way and to the extent that the sanitary authority shall approve, and on receiving information from the inspector of nuisances that his intervention is required in consequence of the existence of any nuisance injurious to health, or of any overcrowding in a house, he shall, as early as practicable, take such steps authorized by the Public Health Act, 1875, in that behalf as the circumstances of the case may justify and require.
- (8.) In any case in which it may appear to him to be necessary or advisable, or in which he shall be so directed by the sanitary



authority, he shall himself inspect and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, or milk exposed for sale, or deposited for the purpose of sale or of preparation for sale, and intended for the food of man, which is deemed to be diseased, or unsound, or unwholesome, or unfit for the food of man; and if he finds that such animal or article is diseased, or unsound, or unwholesome, or unfit for the food of man, he shall give such directions as may be necessary for causing the same to be seized, taken, and carried away, in order to be dealt with by a Justice according to the provisions of the statutes applicable to the case.

- (9.) He shall perform all the duties imposed upon him by any bye-laws and regulations of the sanitary authority, duly confirmed, in respect of any matter affecting the public health, and touching which they are authorized to frame bye-laws and regulations.
- (10.) He shall inquire into any offensive process of trade carried on within the district, and report on the appropriate means for the prevention of any nuisance or injury to health therefrom.
- (11.) He shall attend at the office of the sanitary authority or at some other appointed place, at such stated times as they may direct.
- (12.) He shall from time to time report in writing to the sanitary authority, his proceedings, and the measures which may require to be adopted for the improvement or protection of the public health in the district. He shall in like manner report with respect to the sickness and mortality within the district, so far as he has been enabled to ascertain the same.
- (13.) He shall keep a book or books, to be provided by the sanitary authority, in which he shall make an entry of his visits, and notes of his observations and instructions thereon, and also the date and nature of applications made to him, the date and result of the action taken thereon, and of any action taken on previous reports; and shall produce such book or books, whenever required, to the sanitary authority.
- (14.) He shall also prepare an annual report, to be made to the end of December in each year, comprising a summary of the action taken during the year for preventing the spread of disease, and an account of the sanitary state of his district generally at the end of the year. The report shall also contain an account of the inquiries which he has made as to conditions injurious to health existing in his district, and of the proceedings in which he has taken part or advised under the Public Health Act, 1875, so far as such proceedings relate to those conditions; and also an account of the supervision exercised by him, or on his advice, for sanitary purposes over places and houses that the sanitary authority have power to regulate, with the nature and results of any proceedings which may have been so required and taken in respect of the same during the year. It shall also record the action taken by him, or on his advice, during the year, in regard to offensive trades, and to factories and workshops. The report shall also contain tabular statements (on forms to be supplied by the Local Government Board, or to the like effect), of the sickness and mortality within the district, classified according to diseases, ages, and localities.
- (15.) He shall give immediate information to the Local Government Board of any outbreak of dangerous epidemic disease within the district, and shall transmit to the Board a copy of each annual and of any special report.



- (16.) In matters not specifically provided for in this order, he shall observe and execute the instructions of the Local Government Board on the duties of medical officers of health, and all the lawful orders and directions of the sanitary authority applicable to his office.
- (17.) Whenever the Local Government Board shall make regulations for all or any of the purposes specified in section 134. of the Public Health Act, 1875, and shall declare the regulations so made to be in force within any area comprising the whole or any part of the district, he shall observe such regulations, so far as the same relate to or concern his office.

Given under the seal of office of the Local Government Board,  
this eighth day of March, in the year one thousand eight  
hundred and eighty.

G. SCLATER BOOTH,  
*President.*

JOHN LAMBERT,  
*Secretary.*

The same order applies to rural sanitary authorities.

The same qualifications and duties are required from the medical officer of health appointed by local authorities, no part of whose salary is repaid out of moneys voted by Parliament, but in such cases the medical officer of health is required within seven days after his appointment to report the same in writing to the Local Government Board.



CIRCULAR FROM THE LOCAL GOVERNMENT BOARD RELATIVE TO THE  
ANNUAL REPORTS OF MEDICAL OFFICERS OF HEALTH WHOSE SALARIES  
ARE PARTLY REPAID OUT OF MONEYS VOTED BY PARLIAMENT.

INSTRUCTIONS.

*The instructions are the same for those medical officers of health no portion of whose salary is repaid out of moneys voted by Parliament, the only addition or alteration being printed in italics.*

EVERY medical officer of health, appointed under order of the Local Government Board (*after the 25th of March, 1880*) is required to make an annual report with regard to each sanitary district, or division of a district, which is under his superintendence. This report is to be for the year ending the 31st of December, or, if the officer at that date has not been in office for a whole year, then for so much of the year as has elapsed since his appointment. The report is to be made to the sanitary authority, and a copy of it is to be sent to the Local Government Board by the medical officer of health. It should be made as soon as practicable after the expiration of the year to which it relates. The medical officer of health ought not, in general, to have any difficulty in doing this within a month or six weeks; but if from any special circumstances the report cannot be completed within six weeks, it should be understood that the delay must not be indefinite, and that the report, complete or incomplete, should be in the hands of the sanitary authority, within, at most, three months from the end of the year. The Board's copy of the report should be forwarded to them when the original is sent to the sanitary authority, except where the report is likely to be printed by order of the authority. In such cases the Board need only be supplied with a printed copy. But in all cases in which the report cannot be sent to the Board within six weeks from the end of the year, they should be informed by the medical officer of health as to the reason for the delay.

Article 18 of the Board's order of March, 1880, specifies the information to be contained in the annual report, and is printed below.

The report should be chiefly concerned with the conditions affecting health in the district and with the means for improving those conditions. It should consider these subjects with reference to the future as well as to the past, and the account (directed by section 14 [*section 15*]) of the sanitary state of the district generally at the end of the year, should, while marking the point that has been reached in the sanitary state and administration of the district, indicate directions for further consideration and action. The sanitary history of the year under review should include a record alike of the proceedings of the medical officer of health himself and of the proceedings taken under his direction or advice. And the tabular statements of sickness and mortality in the district during the year, to be made on the forms supplied for the purpose, should be the subject of comment in the text of the report, in so far as deductions from them may assist the sanitary authority to an appreciation of the lines of action needful in the future.



The medical officer of health, in reporting his proceedings and advice, will find it advantageous to follow, in the main, the order in which the subject matters of his duty appear in the several paragraphs of article 18 [*article 2*], and herein special care should be taken in reporting on the subject of section 3 [*section 4*]. Not only the fact of having made systematic inspections, but the outcome from those inspections, should be duly put on record. They are inspections independent of such inquiries as, under other articles of the order, the medical officer of health has to make into particular outbreaks of disease, or into unwholesome conditions to which his attention may have been specially called by complaints or otherwise; and the object of these systematic inspections is that he may assure himself that he is well acquainted with all the discoverable circumstances which are likely to affect the public health in his district. How often these inspections require to be made, and how detailed the inquiries should be, must be determined by the particular circumstances of the locality. In some neighbourhoods a house-to-house inspection should as far as practicable be made; in others this may not be needful; but every medical officer of health should at certain times set himself to examine into the state of his district, devoting some time to each portion of it, so as to be sure that no part escapes his notice. Of these inspections, of the judgment he has formed thereon as to the sanitary state of his district, and of the advice he has in consequence given to the sanitary authority and the action taken by the authority thereon, the annual report should contain a full account.

In making such systematic inspection, as in much of his other action, the medical officer of health will usually require the assistance of the inspector of nuisances; and it will be for the medical officer to include in his report an account of the action which, at his instance, the inspector may have taken for the removal of nuisances injurious to health.

As regards the tabular statements of sickness and mortality only one observation appears to be needful. The district under the superintendence of a medical officer of health will often contain several parts evidently differing in their circumstances, or having very different rates of mortality,—either of mortality from all causes, or of mortality from some particular disease or class of diseases. The observation of these differences can scarcely fail to lead to valuable information, and it is in view of such differences that the tabular statements are required in section 14 [*section 15*] to be classified according to localities, and that provision for such a classification is made in the forms supplied for returns of deaths. In the absence of any ascertained differences of the above sort, it will still be desirable to classify the deaths of the district according to the part of the district in which they occur; and for this purpose any areas of known population (such as parishes, groups of parishes, townships, or wards) may be taken as representing “localities” for the purposes of the order. Classification on this basis will be likely to lead to the discovery of real differences when the returns for several years can be compared together.

What has been said above with regard to the information which an annual report should contain must be understood, not as suggesting that the report should be limited to these subjects, or that more detailed or differently arranged tabular statements may not be added, but as indicating the minimum of information which will satisfy the requirements of the Board's order. Many medical officers of health will doubtless, with great advantage to the administration of their district, furnish much more detailed information than this minimum, and thus will give prominence to particular questions to which they have been led by the circumstances of the foregoing year to devote attention, or in the investigation of which they may



have arrived at valuable conclusions. Any information of this kind will be appreciated by the Local Government Board.

GEORGE BUCHANAN, M.D.,  
Medical Officer.

Local Government Board,  
*April, 1880.*

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EXTRACT FROM THE ORDER OF THE LOCAL GOVERNMENT BOARD.

DUTIES.

Art. 18. The following shall be the duties of the medical officer of health in respect of the district for which he is appointed.

- (1.) He shall inform himself as far as practicable respecting all influences affecting or threatening to affect injuriously the public health within the district.
- (2.) He shall inquire into and ascertain by such means as are at his disposal the causes, origin, and distribution of diseases within the district, and ascertain to what extent the same have depended on conditions capable of removal or mitigation.
- (3.) He shall by inspection of the district, both systematically at certain periods, and at intervals as occasions may require, keep himself informed of the conditions injurious to health existing therein.
- (4.) He shall be prepared to advise the sanitary authority on all matters affecting the health of the district, and on all sanitary points involved in the action of the sanitary authority; and in cases requiring it, he shall certify, for the guidance of the sanitary authority or of the justices, as to any matter in respect of which the certificate of a medical officer of health or a medical practitioner is required as the basis or in aid of sanitary action.
- (5.) He shall advise the sanitary authority on any question relating to health involved in the framing and subsequent working of such bye-laws and regulations as they may have power to make.
- (6.) On receiving information of the outbreak of any contagious, infectious, or epidemic disease of a dangerous character within the district, he shall visit the spot without delay and inquire into the causes and circumstances of such outbreak, and in case he is not satisfied that all due precautions are being taken, he shall advise the persons competent to act as to the measures which may appear to him to be required to prevent the extension of the disease, and, so far as he may be lawfully authorized, assist in the execution of the same.
- (7.) Subject to the instructions of the sanitary authority, he shall direct or superintend the work of the inspector of nuisances in the way and to the extent that the sanitary authority shall approve, and on



receiving information from the inspector of nuisances that his intervention is required in consequence of the existence of any nuisance injurious to health, or of any overcrowding in a house, he shall, as early as practicable, take such steps authorized by the Public Health Act, 1875, in that behalf as the circumstances of the case may justify and require.

- (8.) In any case in which it may appear to him to be necessary or advisable, or in which he shall be so directed by the sanitary authority, he shall himself inspect and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, or milk exposed for sale, or deposited for the purpose of sale or of preparation for sale, and intended for the food of man, which is deemed to be diseased, or unsound, or unwholesome, or unfit for the food of man; and if he finds that such animal or article is diseased, or unsound, or unwholesome, or unfit for the food of man, he shall give such directions as may be necessary for causing the same to be seized, taken, and carried away, in order to be dealt with by a justice according to the provisions of the statutes applicable to the case.
- (9.) He shall perform all the duties imposed upon him by any bye-laws and regulations of the sanitary authority, duly confirmed, in respect of any matter affecting the public health, and touching which they are authorized to frame bye-laws and regulations.
- (10.) He shall inquire into any offensive process of trade carried on within the district, and report on the appropriate means for the prevention of any nuisance or injury to health therefrom.
- (11.) He shall attend at the office of the sanitary authority or at some other appointed place, at such stated times as they may direct.
- (12.) He shall from time to time report in writing to the sanitary authority, his proceedings, and the measures which may require to be adopted for the improvement or protection of the public health in the district. He shall in like manner report with respect to the sickness and mortality within the district, so far as he has been enabled to ascertain the same.
- (13.) He shall keep a book or books, to be provided by the sanitary authority, in which he shall make an entry of his visits, and notes of his observations and instructions thereon, and also the date and nature of applications made to him, the date and result of the action taken thereon and of any action taken on previous reports; and shall produce such book or books, whenever required, to the sanitary authority.
- (14.) He shall also prepare an annual report, to be made to the end of December in each year, comprising a summary of the action taken during the year for preventing the spread of disease, and an account of the sanitary state of his district generally at the end of the year. The report shall also contain an account of the inquiries which he has made as to conditions injurious to health existing in his district, and of the proceedings in which he has taken part or advised under The Public Health Act, 1875, so far as such proceedings relate to those conditions; and also an account of the supervision exercised by him, or on his advice, for sanitary purposes over places and houses that the sanitary authority have power to regulate, with the nature and results of any proceedings which may have been so required and taken in respect of the same during the year. It shall also record the action taken by him, or on his advice, during the year, in regard to offensive trades, and to factories and workshops. The report



- shall also contain tabular statements (on forms to be supplied by the Local Government Board, or to the like effect) of the sickness and mortality within the district, classified according to diseases, ages, and localities.
- (15.) He shall give immediate information to the Local Government Board of any outbreak of dangerous epidemic disease within the district, and shall transmit to the Board a copy of each annual and of any special report.
- (16.) In matters not specifically provided for in this order, he shall observe and execute the instructions of the Local Government Board on the duties of medical officers of health, and all the lawful orders and directions of the sanitary authority applicable to his office.
- (17.) Whenever the Local Government Board shall make regulations for all or any of the purposes specified in section 134 of the Public Health Act, 1875, and shall declare the regulations so made to be in force within any area comprising the whole or any part of the district, he shall observe such regulations, so far as the same relate to or concern his office.
- (18.) *Every medical officer of health appointed after the 25th of March, 1880, no portion of whose salary is repaid out of moneys voted by Parliament, shall within seven days after his appointment report the same in writing to the Local Government Board.*



*The following Regulations are prescribed by the Local Government Board with respect to the appointment, duties, salaries, and tenure of office of Inspectors of Nuisances appointed by Local Authorities.*

*Appointment.*

ART. 1. A statement shall be submitted to the Local Government Board, in a form to be supplied by them, showing the population and area of the district of the sanitary authority, together with the salary intended to be assigned to the officer, and such other particulars as may be prescribed by such form.

Provided that where any such statement has been submitted to the said Board under the said order of the eleventh day of November, one thousand eight hundred and seventy-two, or under this order, no further statement under this article shall be necessary, unless required by the said Board.

ART. 2. When the approval of the Local Government Board has been given to the proposals contained in the statement submitted to them, the sanitary authority shall proceed to the appointment of an inspector of nuisances accordingly.

ART. 3. An appointment of an inspector of nuisances shall not be made unless an advertisement specifying the amount of salary proposed to be assigned, and the day fixed for such appointment, shall have appeared in some public newspaper circulating in the district at least seven days before the day so fixed.

ART. 4. Every officer shall be appointed by a majority of the members present at a meeting of the sanitary authority, and voting on the question.

ART. 5. Every appointment shall, within seven days after it is made, be reported to the Local Government Board by the clerk to the sanitary authority.

ART. 6. Upon the occurrence of a vacancy in the office of inspector of nuisances, the sanitary authority shall proceed to make a fresh appointment, which shall be reported to the Local Government Board as required by article 5 of this order:

Provided always as follows:

- (1.) If the sanitary authority desire to make any fresh arrangement with respect to the terms of the appointment, they shall, before filling up the vacancy, supply the particulars of the arrangement to the Local Government Board in the manner prescribed by article 1 of this order in regard to the first appointment, and if the approval of the Local Government Board be given, absolutely or with modifications, the sanitary authority shall then proceed to fill up the vacancy according to the terms of the approval so given.
- (2.) If the vacancy arise from notice given by an officer of an intended resignation to take effect on a future day, the sanitary authority may elect a successor to such officer in conformity with the above regulations, at any time subsequent to such notice.



- (3.) If the sanitary authority deem it advisable that the vacancy should not be filled up forthwith, they may appoint a person to act temporarily, subject to the approval of the Local Government Board.
- (4.) In the case of any officer who holds his office for a specified term, the sanitary authority may provide for the continuance of such officer, or appoint his successor, within three calendar months next before the expiration of such term.

Art. 7. If in the case of an officer who may have been appointed for a specified term, the sanitary authority should desire to renew his appointment for a further term or otherwise in conformity with the provisions of this order, and no fresh arrangement should be proposed with respect to the terms of the appointment, it shall not be necessary for that purpose that articles 1, 2, and 3 of this order should be complied with, but it shall be sufficient if the sanitary authority, at a meeting held after notice given at one of their two ordinary meetings next preceding such meeting, pass a resolution renewing the appointment accordingly on the expiration of the term for which it was made, and the Local Government Board sanction such resolution.

Art. 8. If any officer be at any time prevented by sickness or accident, or other sufficient reason, from performing his duties, the sanitary authority may appoint a person qualified as aforesaid to act as his temporary substitute, and may pay him a reasonable compensation for his services; and it shall not be necessary in any such case that articles 1, 2, and 3 of this order shall be complied with, but articles 4 and 5 of this order shall apply in every such case.

#### *Tenure of Office.*

Art. 9. Every officer shall continue to hold office for such period as the sanitary authority may, with the approval of the Local Government Board, determine, or until he die, or resign, or be removed by such authority with the assent of the Local Government Board, or by the Local Government Board, or be proved to be insane by evidence which that Board shall deem sufficient.

Art. 10. The sanitary authority may at their discretion suspend any officer from the discharge of his duties, and shall, in case of every such suspension, forthwith report the same, together with the cause thereof, to the Local Government Board; and if the Local Government Board remove the suspension of such officer by the sanitary authority, he shall forthwith resume the performance of his duties.

Art. 11. Where any change in the duties or salary of any officer may be deemed necessary, and he shall decline to acquiesce therein, the sanitary authority may, with the consent of the Local Government Board, but not otherwise, and after six months' notice in writing, signed by their clerk, given to such officer, determine his office.

Art. 12. A person shall not be appointed who does not agree to give one month's notice previous to resigning the office, or to forfeit such sum as may be agreed upon as liquidated damages.

#### *Salary.*

Art. 13. The sanitary authority shall pay to every officer such salary as may be approved by the Local Government Board.

Provided always, that the sanitary authority, with the approval of the Local Government Board, may pay to any officer a reasonable compensation on account of extraordinary services, or other unforeseen or special circumstances connected with his duties or the necessities of the district.



Art. 14. The salary of every officer shall be payable up to the day on which he ceases to hold the office, and no longer, subject to any deduction which the sanitary authority may be entitled to make in respect of article 12 of this order; and in case he shall die whilst holding such office, the proportion of salary (if any) remaining unpaid at his death shall be paid to his personal representatives.

Provided that an officer who may be suspended, and who may, without the previous removal of such suspension, resign or be removed under article 9 of this order, shall not be entitled to any salary from the date of such suspension.

Art. 15. The salary assigned to every officer shall be payable quarterly, according to the usual feast days in the year, namely, Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day; but the sanitary authority may pay to him at the expiration of every calendar month such proportion as they may think fit, on account of the salary to which he may become entitled at the termination of the quarter.

Art. 16. All salaries shall be considered as accruing from day to day, and be apportionable in respect of time accordingly, in pursuance of the provisions of "The Apportionment Act, 1870."

#### *Duties.*

Art. 17. The following shall be the duties of the inspector of nuisances in respect of the district for which he is appointed:—

- (1) He shall perform, either under the special directions of the sanitary authority, or (so far as authorized by the sanitary authority) under the directions of the medical officer of health, or in cases where no such directions are required, without such directions, all the duties specially imposed upon an inspector of nuisances by the Public Health Act, 1875, or by the orders of the Local Government Board, so far as the same apply to his office.
- (2.) He shall attend all meetings of the sanitary authority when so required.
- (3.) He shall by inspection of the district, both systematically at certain periods, and at intervals as occasion may require, keep himself informed in respect of the nuisances existing therein that require abatement under the Public Health Act, 1875.
- (4.) On receiving notice of the existence of any nuisance within the district, or of the breach of any bye-laws or regulations made by the sanitary authority for the suppression of nuisances, he shall, as early as practicable, visit the spot, and inquire into such alleged nuisance or breach of bye-laws or regulations.
- (5.) He shall report to the sanitary authority any noxious or offensive businesses, trades, or manufactories established within the district, and the breach or non-observance of any bye-laws or regulations made in respect of the same.
- (6.) He shall report to the sanitary authority any damage done to any works of water supply, or other works belonging to them, and also any case of wilful or negligent waste of water supplied by them, or any fouling by gas, filth, or otherwise, of water used for domestic purposes.
- (7.) He shall from time to time, and forthwith upon complaint, visit and inspect the shops and places kept or used for the sale of butchers' meat, poultry, fish, fruit, vegetables, corn, bread, flour, or milk, or as a slaughter-house, and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, or milk which



may be therein ; and in case any such article appear to him to be intended for the food of man, and to be unfit for such food, he shall cause the same to be seized, and take such other proceedings as may be necessary in order to have the same dealt with by a Justice : provided that in any case of doubt arising under this clause, he shall report the matter to the medical officer of health, with the view of obtaining his advice thereon.

- (8.) He shall when and as directed by the sanitary authority, procure and submit samples of food, drink, or drugs suspected to be adulterated, to be analyzed by the analyst appointed under "The Sale of Food and Drugs Act, 1875," and upon receiving a certificate stating that the articles of food, drink, or drugs are adulterated, cause a complaint to be made, and take the other proceedings prescribed by that Act.
- (9.) He shall give immediate notice to the medical officer of health of the occurrence within the district of any contagious, infectious, or epidemic disease ; and whenever it appears to him that the intervention of such officer is necessary in consequence of the existence of any nuisance injurious to health, or of any overcrowding in a house, he shall forthwith inform the medical officer thereof.
- (10.) He shall, subject to the directions of the sanitary authority, attend to the instructions of the medical officer of health with respect to any measures which can be lawfully taken by an inspector of nuisances under the Public Health Act, 1875, for preventing the spread of any contagious, infectious, or epidemic disease of a dangerous character.
- (11.) He shall enter from day to day, in a book to be provided by the sanitary authority, particulars of his inspections and of the action taken by him in the execution of his duties. He shall also keep a book or books, to be provided by the sanitary authority, so arranged as to form, as far as possible, a continuous record of the sanitary condition of each of the premises in respect of which any action has been taken under The Public Health Act, 1875, and shall keep any other systematic records that the sanitary authority may require.
- (12.) He shall at all reasonable times, when applied to by the medical officer of health, produce to him his books, or any of them, and render to him such information as he may be able to furnish with respect to any matter to which the duties of inspector of nuisances relate.
- (13.) He shall, if directed by the sanitary authority to do so, superintend and see to the due execution of all works which may be undertaken under their direction for the suppression or removal of nuisances within the district.
- (14.) In matters not specifically provided for in this order, he shall observe and execute all the lawful orders and directions of the sanitary authority, and the orders of the Local Government Board which may be hereafter issued, applicable to his office.

Given under the seal of office of the Local Government Board, this tenth day of March, in the year one thousand eight hundred and eighty.

G. SCLATER BOOTH,  
*President.*

JOHN LAMBERT,  
*Secretary.*



*Circular Letter of the Local Government Board to the Clerks of the various Sanitary Authorities relative to the Public Health (Interments) Act, 1879. (42 and 43 Vict. ch. 31.)*

Local Government Board, Whitehall, S.W.,

19th August, 1879.

SIR,—I am directed by the President of the Local Government Board to request that you will bring under the notice of the sanitary authority the provisions of the Public Health (Interments) Act, 1879 (42 and 43 Vict. cap. 31), which received the Royal Assent, and came into operation on the 21st of July last.

The object of the Act is to enable sanitary authorities, rural as well as urban, to provide cemeteries for their districts, and for this purpose all the provisions of the Public Health Act, 1875, with respect to a mortuary are extended to a cemetery.

As the sanitary authority are aware, section 141 of the Public Health Act enables a sanitary authority to provide and fit up a proper place as a mortuary for the reception of dead bodies before interment, and to make bye-laws with respect to the management and charges for the use of the same, and it is, moreover, compulsory on a sanitary authority to provide a mortuary if they should be required by the Local Government Board to do so.

The effect, therefore, of the Act, which has just been passed is, in like manner, to empower a sanitary authority to provide a cemetery, and to render it compulsory on them to do so if the Local Government Board should require one to be provided.

The Legislature has not specified the cases in which it is incumbent upon the sanitary authority to give effect to the provisions of the new statute; but, seeing that it is incorporated with the Public Health Act, there can be no doubt that wherever, in the interests of the public health, it is necessary that a cemetery should be provided in any locality, the Legislature contemplated that the local authority would exercise the important powers now conferred upon them.

The following may be referred to as circumstances under which it will be incumbent upon the sanitary authority to take action :

1. Where in any burial ground which remains in use there is not proper space for burial, and no other suitable burial ground has been provided ;
2. Where the continuance in use of any burial ground (notwithstanding there may be such space) is by reason of its situation in relation to the water supply of the locality, or by reason of any circumstances whatsoever, injurious to the public health ;
3. Where, for the protection of the public health, it is expedient to discontinue burials in a particular town, village, or place, or within certain limits.

There are other circumstances which might render it necessary or expedient that a cemetery should be provided, such as inconvenience of access from the populous parts of the district to the existing burial ground, or the nature



of the site, or the character of the subsoil; and instances may exist where, in deference to the wishes of the inhabitants, it may be expedient to provide, in accordance with the policy of the Burial Acts, a cemetery in which persons of different creeds may be buried with their own religious rites. On all or any of the foregoing grounds the authority of the Local Government Board may be invoked, and if the application should prove well founded, a compulsory order would necessarily follow.

The question, however, whether a cemetery should be provided for a particular locality will be one for the determination of the sanitary authority in the first instance; and it is only in the event of their default to establish a proper cemetery where one is required, or in consequence of a loan being needed to carry out the undertaking, or, if they should determine to construct a cemetery outside their district, of objection being taken to such a proceeding, that the Local Government Board have any authority to interfere.

The President has reason to believe that in numerous localities considerations of public health require that a cemetery should be provided, and with a view of enabling the authority to determine whether, on sanitary grounds, it is necessary, or desirable, that a cemetery should be provided for all or any part of their district the medical officers of health should be instructed to report upon the state of the several burial grounds within the area subject to their jurisdiction.

The statute enables a sanitary authority to acquire, construct, and maintain a cemetery either within or without their district. In the latter case, however, at least three months before the cemetery is commenced, public notice must be given, and, in the event of any objection, the work cannot proceed without the sanction of the Local Government Board after local inquiry.

It will be seen, therefore, that a sanitary authority are empowered not only to establish a cemetery, but also to purchase an existing one; and it will be competent for the sanitary authority, in the event of their failure to acquire a suitable site by agreement, to apply for a provisional order enabling them to take lands for the purpose compulsorily.

Moreover, with the sanction of the central authority, they will be enabled to borrow money to pay for the purchase of the requisite land, for draining and inclosing the site, and for rendering it otherwise suitable for the object intended.

At the same time I am to point out that, if the sanitary authority should deem it expedient to provide a cemetery without resorting to a loan for the purpose, it is competent for them to do so, and to charge the cost upon the local rates.

In the case of an urban sanitary authority the rate liable for this cost will be the general district rate, or other rate applicable to the general purposes of the Public Health Act within the district. In the case of a rural sanitary authority the amount would come under the head of general expenses, and be defrayed out of the rate applicable to the payment of such expenses.

If, however, the cemetery were provided for a separate contributory place, by which is meant a parish or special drainage district, or so much of a parish as is not within an urban sanitary district, or a special drainage district, it would be competent for the Local Government Board to order the amount to be special expenses, in which event the charge would be borne by the particular contributory place, but with this distinction in the incidence of the rate, that whereas in the case of general expenses the amount is either paid out of the poor rate, or levied by a rate of an equal sum in the pound, in the case of special expenses the amount is raised by a separate rate to which lands are assessable at only one-fourth. It may be useful to add



here that the rates referred to would in like manner be applicable to the maintenance of the cemetery after it is established, and also that a rural sanitary authority may depute to a parochial committee the exercise of their powers in connexion with the management of any cemetery which may be required for any contributory place.

In addition to the powers conferred upon sanitary authorities of purchasing land for a cemetery the recent Act authorizes them to accept a donation of land for the purpose, and also a donation of money or other property for enabling them to acquire, construct, or maintain a cemetery.

With regard to the regulation of the cemetery after it has been established, I am to state that the application to a cemetery of section 141 of the Public Health Act, 1875, will enable the sanitary authority to make bye-laws with respect to the management and charges for the use of any cemetery established by them, and in this manner to provide for the orderly conduct of all persons within its limits, for the regulation of graves, and for the payment of reasonable fees for interments therein.

It should be borne in mind, however, that such bye-laws must be made in conformity with the Public Health Act, and be confirmed by the central authority; and the President contemplates that the department should hereafter frame a series of model bye-laws to be recommended for adoption.

In order to make further provision for the due maintenance and management of a cemetery the recent statute incorporates the Cemeteries Clauses Act, 1847 (10 and 11 Vict. c. 65).

That Act forms one of a series of statutes passed in 1847, the object being in each case to comprise in one general Act the provisions usually contained in Acts of Parliament relating to matters of local improvement or administration. Several of these Acts, as well as other Consolidation Acts, were incorporated, either wholly or partly, with the Public Health Act, 1875, and the particular Act referred to has previously been incorporated with some general and several local improvement Acts. Its provisions will now form part of the Public Health Act, 1875, and will apply, subject to the necessary qualifications, to all cemeteries acquired, constructed, or maintained by a sanitary authority under the new Act.

The President therefore thinks it right to direct the attention of the sanitary authority to the following obligations and powers imposed upon and exercisable by them under the incorporated enactments.

#### *With respect to the Making of the Cemetery.*

The cemetery is not to be constructed nearer to any dwelling-house than 200 yards, except with the consent of the owner and occupier.

The sanitary authority may build such chapels in the cemetery for the performance of burial services as they may think fit, and lay out and embellish the grounds of the cemetery.

The cemetery must be inclosed by substantial walls, or iron railings, of the height of eight feet at least.

The sanitary authority must keep the cemetery and the buildings and fences thereof in complete repair, and in good order and condition.

#### *With respect to Burials.*

The sanitary authority may set apart a portion of the cemetery for burials according to the rites of the Established Church, and the Bishop of the diocese may, on the application of the sanitary authority, consecrate the portion so set apart.

A chapel, to be approved by the Bishop, must be built on the consecrated part for the performance of the burial service of the Established Church.



A salaried chaplain is to be appointed to officiate in the consecrated part of the cemetery, the appointment and salary to be subject to the approval of the Bishop.

The sanitary authority may set apart the whole, or a portion of the unconsecrated part of the cemetery as a place of burial for persons not being members of the Established Church, and may allow in any chapel built in such unconsecrated part a burial service to be performed according to the rites of any church or congregation other than the Established Church.

*With respect to exclusive rights of Burial and Monumental Inscriptions.*

The sanitary authority may set apart portions of the cemetery for the purpose of granting exclusive rights of burial therein, and may sell the exclusive right of burial in such portions, and the right of placing any monument or gravestone in the cemetery, or any tablet or monumental inscription on the walls of any chapel or other building in the cemetery.

It should be observed that the Act under consideration does not extend to the metropolis, and it is scarcely necessary to point out that in other parts of the country where suitable cemeteries are in existence there can rarely be need for resorting to its provisions.

The President trusts, however, that in other localities the sanitary authorities will not hesitate to avail themselves of the important powers conferred by the Act, having regard to their serious obligations in the interest of the public health, and to the responsibilities imposed upon them by the Legislature.

I am, sir,

Your obedient Servant,

JOHN LAMBERT,

*Secretary.*



## VARIOUS CIRCULARS, ETC., RELATIVE TO VACCINATION.

*Circular addressed to the Guardians of the Poor of all Unions and Parishes, to the Churchwardens and Overseers of all Parishes, Townships, and places in which the Relief to the Poor is not administered by Guardians, in England and Wales, and to all Medical Practitioners, by the Lords of her Majesty's most Honourable Privy Council.*

Council Chamber, Whitehall,

1st December, 1859.

WHEREAS by the Public Health Act 1858, and by an Act since passed to perpetuate the same, it is enacted that the Privy Council may, from time to time, issue such regulations as they think fit, for securing the due qualification of persons to be thereafter contracted with by guardians and overseers of unions and parishes in England, for the vaccination of persons resident in such unions and parishes, and for securing the efficient performance of vaccination by the persons already or thereafter to be contracted with as aforesaid :—

Now, therefore, it is hereby ordered, by the Lords and others of her Majesty's most Honourable Privy Council (of whom the Vice-President of the Committee of the said Privy Council on education is one) that on and after the 1st day of January, 1860, the following regulations shall be in force, viz. :—

1. Except where the Privy Council, for reasons brought to their notice, see fit in particular cases otherwise to allow, no person shall in future be admitted as a contractor for vaccination, unless he possess the same qualifications as are required by the orders of the Poor Law Commissioners as qualifications for a district medical officer, and produce a special certificate, given, under such conditions as the Privy Council from time to time fix, by some public vaccinator whom the Privy Council authorize to act for the purpose, and by whom he has been duly instructed or examined in the practice of vaccination, and all that relates thereto :—

But the production of this special certificate on occasion of the contract being made may be dispensed with if the certificate, or some other which the Privy Council judge to be of like effect, have been among the certificates, or testimonials necessary for obtaining any diploma, licence, or degree, which the candidate possesses ;—

And also, in respect of persons legally admitted to practice before this regulation comes into effect, the special certificate may be dispensed with, on condition that the contract, during one year from its making, continue subject to the approval of the Poor Law Board ;—

And all persons now contracted with shall be deemed to be qualified to be again contracted with.

2. Under the same conditions as are appointed for the admission of a contractor, any person qualified to be a contractor may, on the contractor's application, be admitted by the guardians or overseers to act as his occasional deputy ;—

But, if this admission be not part of the original contract, it must be



notified by indorsement upon the contract ; and at least fifteen days before it is intended to take effect, a copy of the proposed indorsement, together with all requisite evidence of the qualification of the person whom it is proposed to admit, must be transmitted to the Poor Law Board.

3. All vaccinations and inspections under contract shall be performed by the contractor in person, or by some other contractor of the same union or parish acting for him, or by a deputy, duly admitted as above :—

But, at any station where the contractor is authorized (as above) to grant certificates, pupils and other candidates, aged not less than eighteen years, may, in his presence, and under his direction, take part in vaccinating.

All vaccinations and inspections under contract shall be performed in accordance with the annexed “Instructions for Vaccinators under Contract.” [For these Instructions see Annexed Order of July 29th, 1871.]

4. Until some new form of vaccination register be duly prescribed, the person who performs any vaccination under contract, shall, on the day when he performs it, legibly write in his register (as now provided) the letter R (for re-vaccination) against the name of every person, adult or adolescent, who having in early life been successfully vaccinated, is re-vaccinated ; and shall also enter in some column, or in the margin of the register, the source whence the lymph used in the vaccination was obtained ;—

Thus : the name, or number (if any) in the register, of the subject from whom the lymph was taken ; or “N.V.E.,” if the lymph was sent by the National Vaccine Establishment ; or the name or description of any other source ;—

And where the vaccination or the inspection is done by a person acting as deputy for the contractor, the deputy shall write the initials of his name in the register side by side with the entry of the case ; viz. in the left margin of the page, if it be a vaccination which he performs, or in the right margin of the page, if it be an inspection which he performs.

5. Guardians and overseers, in their respective unions and parishes, shall forthwith take measures to bring the performance of public vaccination into conformity with these regulations.

WM. L. BATHURST.



*Order by the Lords of her Majesty's most Honourable Privy Council relative to the performance of Vaccination.*

Council Chamber, Whitehall,

29th July, 1871.

PRESENT : The Lord President, Mr. Secretary Bruce, and Mr. W. E. Forster.

Whereas by "The Public Health Act, 1858," and by an Act since passed, to perpetuate the same, it is enacted that the Privy Council may from time to time issue such regulations as they shall think fit for (among other things) securing the efficient performance of vaccination by the persons already or thereafter to be contracted with; and whereas their lordships, on the first day of December, one thousand eight hundred and fifty-nine, ordered (among other things) that all vaccinations and inspections under contract should be performed in accordance with certain "Instructions to Vaccinators under Contract" annexed to the order now in recital; and whereas by "The Vaccination Act, 1867," the Lords of her Majesty's Council are authorized (among other things) to make regulations to secure the efficient performance of vaccination :

Now, therefore, it is hereby ordered by the Lords and others of her Majesty's most Honourable Privy Council (of whom the Vice-President of the Committee of the said Privy Council on Education is one) that :—

1. The order of the first day of December, one thousand eight hundred and fifty-nine, is hereby repealed, so far as the same required vaccinations and inspections under contract to be performed in accordance with the "Instructions to Vaccinators under Contract" annexed thereto.

2. All vaccinations and inspections under contract, whether the contracts may have been made before, or may be made after, the date of this order, shall be performed in accordance with the "Instructions for Vaccinators under Contract" hereto annexed.

(Signed) JOHN SIMON.

*Instructions for Vaccinators under contract.*

(1.) Except so far as any immediate danger of small-pox may require, vaccinate only subjects who are in good health. As regards infants, ascertain that there is not any febrile state, nor any irritation of the bowels, nor any unhealthy state of skin; especially no chafing or eczema behind the ears, or in the groin, or elsewhere in folds of skin. Do not, except of necessity, vaccinate in cases where there has been recent exposure to the infection of measles or scarlatina, nor where erysipelas is prevailing in or about the place of residence.

(2.) In all ordinary cases of primary vaccination, if you vaccinate by separate punctures, make such punctures as will produce at least four separate good-sized vesicles, not less than half an inch from one another; or, if you vaccinate otherwise than by separate punctures, take care to produce local effects equal to those just mentioned.

(3.) Direct care to be taken for keeping the vesicles uninjured during



their progress, and for avoiding afterwards the premature removal of the crusts.

(4.) Enter all cases in your register on the day when you vaccinate them, and with all particulars required in the register up to column 9 inclusive. Enter the results on the day of inspection. Never enter any results which have not been inspected by yourself, or your legally qualified deputy. In cases of primary vaccination, register as "successful" only those cases in which the normal vaccine vesicle has been produced; in cases of re-vaccination, register as "successful" only those cases in which either vesicles, normal or modified, or papules surrounded by areolæ, have resulted. When the vaccination of an unsuccessful case is repeated, it should be entered as a fresh case in the register.

(5.) Endeavour to maintain in your district such a succession of cases as will enable you uniformly to vaccinate with liquid lymph directly from arm to arm; and do not, under ordinary circumstances, adopt any other method of vaccinating. To provide against emergencies, always have in reserve some stored lymph; either *dry*, as on thickly-charged ivory points, constantly well protected from damp; or *liquid*, according to the method of Dr. Husband of Edinburgh, in fine, short, uniformly capillary (not bulbed) tubes, hermetically sealed at both extremities. Lymph, successfully preserved by either of these methods, may be used without definite restrictions as to time; but with all stored lymph caution is necessary, lest in time it have become inert, or otherwise unfit for use. If, in order to vaccinate with recent liquid lymph, you convey it from case to case otherwise than in hermetically-sealed capillary tubes, do not ever let more than eight hours intervene before it is used.

(6.) Consider yourself strictly responsible for the quality of whatever lymph you use or furnish for vaccination. Never either use or furnish lymph which has in it any, even the slightest, admixture of blood. In storing lymph, be careful to keep separate the charges obtained from different subjects, and to affix to each set of charges the name, or the number in your register, of the subject from whom the lymph was derived. Keep such note of all supplies of lymph which you use or furnish, as will always enable you, in any case of complaint, to identify the origin of the lymph.

(7.) Never take lymph from cases of re-vaccination. Take lymph only from subjects who are in good health, and, as far as you can ascertain, of healthy parentage; preferring children whose families are known to you, and who have elder brothers or sisters of undoubted healthiness. Always carefully examine the subject as to any existing skin-disease, and especially as to any signs of hereditary syphilis. Take lymph only from well-characterized, uninjured vesicles. Take it (as may be done in all regular cases on the day week after vaccination) at the stage when the vesicles are fully-formed and plump, but when there is no perceptible commencement of areola. Open the vesicles with scrupulous care to avoid drawing blood. Take no lymph which, as it issues from the vesicles, is not perfectly clear and transparent, or is at all thin and watery. From such a vesicle as vaccination by puncture commonly produces, do not, under ordinary circumstances, take more lymph than will suffice for the immediate vaccination of five subjects, or for the charging of seven ivory points, or for the filling of three capillary tubes; and from larger or smaller vesicles, take only in like proportion to their size. Never squeeze or drain any vesicle. Be careful never to transfer blood from the subject you vaccinate to the subject from whom you take lymph.

(8.) Scrupulously observe in your inspections every sign which tests the



efficiency and purity of your lymph. Note any case wherein the vaccine vesicle is unduly hastened, or otherwise irregular in its development, or wherein any undue local irritation arises; and if similar results ensue in other cases vaccinated with the same lymph, desist at once from employing it. Consider that your lymph ought to be changed, if your cases, at the usual time of inspection on the day week after vaccination, have not, as a rule, their vesicles entirely free from areolæ.

(9.) Keep in good condition the lancets or other instruments which you use for vaccinating, and do not use them for other surgical operations. When you vaccinate, have water and a napkin at your side, with which invariably to cleanse your instrument after one operation before proceeding to another.

(Signed) JOHN SIMON.

N.B.—Supplies of lymph are furnished to medical practitioners on personal application at the New Government Offices, Whitehall, London, S.W., between the hours of 12 and 2; or by letter addressed to the Secretary, Local Government Board, Whitehall, London, S.W. [*National Vaccine Establishment.*]



*Further Regulations by the Lords of her Majesty's most Honourable Privy Council, for securing the efficient performance of Public Vaccination, to the Guardians of the Poor of all Unions and Parishes, to all Public Vaccinators, and to all others whom it may concern.*

Council Chamber, Whitehall,  
18th February, 1868.

PRESENT: The Lord President, Lord Robert Montagu, and Mr. Cave.

The Lords and others of her Majesty's most Honourable Privy Council (of whom the Vice-President of the Committee of the said Privy Council on Education is one) acting under the authority of the Vaccination Act of 1867, and all other authorities in this behalf, do hereby make and issue the following regulations, in addition to those already in force, for securing the efficient performance of public vaccination, and in respect of the re-vaccination of persons who apply to be re-vaccinated, that is to say:

*I.—Places and Times for Vaccination under Contract.*

1. Except where the Privy Council, for reasons brought to its notice, sees fit in regard of any particular district to sanction a system of domiciliary vaccination, every vaccination district shall have in it at least one public station appointed for the performance of the vaccinations under contract; and where any such station has been provided for a district, no person resident within two miles thereof, and not being an inmate of the workhouses shall be vaccinated under contract elsewhere than at such station, unless the vaccinator in the particular case be of opinion (which, if so, he is hereby required to note in his register) that, for some special reason, the person whom he purposes to vaccinate cannot properly be vaccinated at the station.

2. Except under special authorization from the Privy Council as aforesaid or in so far as may be expedient at times when there is immediate danger of small-pox, vaccination under contract shall not be appointed to be performed at any station oftener than once a week.

3. And in any future contract concerning a vaccination district which is partly or wholly within a town, there shall not, except under special authorization as aforesaid, be appointed within the town more than a single station for the performance of the vaccination of the district.

*II.—Vaccination Districts in Towns.*

No part of the metropolis, or of any city, or municipal borough, or town corporate, or other town, shall, in respect of any future contract, form by itself, or with any rural place, a separate district for vaccination, except with the approval of the Privy Council, unless it contain an estimated population of at least 25,000 persons, or else be as much of the metropolis, city, borough, or town, as is for purposes of vaccination under the control of one Board of Guardians.

*III.—Office of Public Vaccinator.*

After the expiration of the month of June next, no two or more persons



shall be allowed to act severally as vaccinators under contract in any one and the same part or district of any union or parish.

*IV.—Re-Vaccination.*

The performance of re-vaccination by the public vaccinator on persons applying to him for that purpose shall be limited in each case by the following conditions :—(1) That, so far as the public vaccinator can ascertain, the applicant has attained the age of fifteen years, or, if during any immediate danger of small-pox, the age of twelve years, and has not before been successfully re-vaccinated ; and (2) that, in the public vaccinator's judgment, the proposed re-vaccination is not for any sufficient medical reason undesirable ; and (3) that the public vaccinator can afford vaccine lymph for the purpose without in any degree postponing the claims which are made on him for the performance of primary vaccination in his district.

(Signed)      ARTHUR HELPS.



*Copy of a Letter addressed by the Local Government Board to the Guardians of the Evesham Union on the 17th day of September, 1875, relative to the powers of the Guardians in relation to repeated prosecutions against persons who have been more than once fined for refusing to have their children vaccinated.*

Local Government Board, Whitehall, S.W.,  
September 17th, 1875.

SIR,—I am directed by the Local Government Board to acknowledge the receipt of your letter of the 7th instant, in which, with reference to the refusal of Mr. C. F. Hensley, of Broadway, to have his infant child vaccinated, you inquire whether the Guardians of the Evesham Union have, under the Vaccination Acts, any discretionary powers to abstain from taking further legal proceedings against persons who have once been fined for not complying with the law by having their children vaccinated.

The Board, in reply, direct me to state, for the information and guidance of the Guardians, their views upon the question generally in connexion with the law on the subject.

It is distinctly contemplated by Articles 16 of the Board's general order of the 31st October, 1874, that, independently of any proceedings which may be taken against the person in default, under section 29 of the Vaccination Act, 1867, the vaccination officer shall be authorized to take proceedings against him if he continue contumacious, at least once also under section 31 of that Act. Until, therefore, proceedings under the latter section have been taken in a case and a conviction obtained, the Board consider that the several means, which the law provides with a view to ensure the vaccination of a child, have not been used. The Board would here observe that, from the information in their possession, it is not clear whether all the means above alluded to have been resorted to in the case of Mr. Hensley.

The Board at the same time direct me to point out that by Article 16 of their above-mentioned order, it is provided that in any case in which a magistrate's order has been obtained, and summary proceedings have been taken under section 31 of the Vaccination Act, 1867, no further proceeding shall be taken by the vaccination officer without the express instructions of the guardians.

The intention of this provision is that the Guardians should carefully consider with regard to each individual case the effect which a continuance of proceedings is likely to have in procuring the vaccination of the individual child, and in insuring the observance of the law in the union generally.

The Board may further state that it is, on the one hand, undeniable that a repetition of legal proceedings has, in numerous cases resulted in the vaccination of a child when such vaccination has not been procured by the previous proceedings; and it is therefore important, with the view of securing a proper observance of the law, that parents should be well assured that proceedings in case of non-compliance with its requirements will not



be lightly discontinued. On the other hand, the Board are prepared to admit that, when in a particular case repeated prosecutions have failed in their object, it becomes necessary to carefully consider the question whether the continuance of a fruitless contest with the parent may not have a tendency to produce mischievous results, by exciting sympathy with the person prosecuted, and thus creating a more extended opposition to the law.

The Board entertain no doubt that, in all cases of the kind in question, the Guardians, having before them the preceding observations, will not fail to exercise the discretionary powers confided to them in the manner best calculated to give effect to the policy of the law.

I am, &c.,

(Signed) FRAS. FLETCHER,

Assistant Secretary.

Henry Wadams, Esq.,

Clerk to the Guardians of the Evesham Union,

Hampton, near Evesham.



## VACCINATION.

*Circular relative to the Sub-division of Public Vaccination, as affecting the supply of Lymph.*

THERE is reason to believe that the performance of public vaccination in England is disadvantageously affected by its present extreme sub-division.

For the satisfactory working of a public vaccinating-station, it is requisite that systematically on each vaccinating day two groups of cases should assemble there ;—on the one hand infants, who, having been vaccinated on the day-week preceding, are now (as the law requires) brought back for inspection, and are ready to furnish the vaccinator with lymph for his present proceedings ;—on the other hand infants brought for vaccination, who, if now vaccinated, will on the day-week following be brought back for inspection, and then in their turn contribute lymph for the benefit of further applicants. By the coming together of these two groups of cases, the vaccinator is enabled to vaccinate from arm to arm ;—a mode of proceeding, which (as a rule) is of great importance to his success.

It is also requisite that each group of cases should not be too restricted in number. The careful vaccinator does not indifferently vaccinate from the arms of all infants brought back on the eighth day, but exercises selection among them ; and facility for this selection cannot be afforded him, unless there be on each vaccinating day an average return of several vaccinated cases. If his share of the local vaccination be either too small or too much sub-divided among different stations and different days, the cases returning to him for eight-day inspection will on many vaccinating-days be too few for his purpose. On all such occasions, he must either omit to vaccinate those who apply to him, or (unless he have recourse to less eligible sources) must vaccinate them with preserved lymph, and incur the much greater chances of failure which belong to the usual modes of thus vaccinating.

Ill-frequented vaccinating-stations (stations, this is to say, where the total number of vaccinations, as compared with the number of vaccinating-days, it is too small for the local lymph supply to be continuously and properly maintained) are now a very prominent feature in our system of public vaccination. And this state of things is one of serious consequence ; not only as implying that at present a large proportion of the vaccinations in England are performed under disadvantageous circumstances ; but also because, if it continue, the general lymph-supply of England can scarcely fail to become insufficient or deteriorated.

The excessive sub-division which leads to this result, arises in various ways. Sometimes, no doubt, the quantity of vaccination to be performed within one jurisdiction has been divided among too many performers. But still oftener it is the case, that individual vaccinators have distributed their respective shares of the public duty among too many stations, or too many vaccinating-days ; and in some cases the vaccinator develops the incon-



venience to its greatest extent by almost or entirely disusing the appointed station, and habitually performing his vaccinations under contract at the several private dwellings of his patients ;—a mode of proceeding, which in thinly-populated rural districts may be convenient and even necessary, but which in town-districts can never be necessary, and scarcely ever can fail to be disadvantageous.

It cannot be questioned but that local authorities, in adopting the arrangements here animadverted on, have been actuated by the very laudable intention of giving the utmost possible facility to persons desirous of being vaccinated. To any one who has not studied the subject, it naturally appears that the greatest facilities for vaccination must be given by the largest number of stations, and the largest number of surgical attendances there ; whereas in fact (from circumstances which have been here explained) any multiplication of attendances beyond a certain point, can only give spurious facilities for its purpose ; and public vaccination in a district may often be difficult or inefficient, merely because the stations are too numerous or the attendances at them too frequent.

The inconveniences adverted to are not altogether removable. In rural districts, from obvious and unavoidable causes, it can never be as easy as in populous towns to maintain effective vaccination at one common centre ; and in many of such districts the medical officer exercises a wise discretion in vaccinating, as opportunities offer, at the scattered dwellings of his patients. Again in instances where small-pox breaks out among a population which presents considerable illegal arrears of vaccination, the emergency, while it lasts, requires exceptional arrangements.

Exception being made of these, and perhaps other special cases, it seems certain that the public vaccination of England would be greatly improved by judicious consolidation of its present too diffuse arrangements. And to effect this object, it seems desirable that guardians and overseers, where there is no special reason to the contrary, should regulate the details of their respective contracts in uniformity with the following general rules :—

- (1) That, except at times when there is immediate danger of small-pox, vaccination be not appointed to be performed at any station oftener than once a week ;
- (2) That, except at times when there is immediate danger of small-pox, or for special reason in individual cases, vaccination in town districts (unless it be of private patients) be performed only at the public station ;
- (3) That, as opportunity offers, especially in urban unions and parishes, all unnecessary sub-division of public vaccination among many districts or stations be discontinued ; and that in populous towns, unless under special circumstances, sub-division be not made beyond the point where each vaccinating-station will have annually at least 500 applicants for vaccination.



*Memorandum on Arrangements for the Performance of Public Vaccination  
issued by the Principal Medical Officer to the Local Government  
Board.*

1. IN order to secure the best sort of vaccination, the operation should, as far as practicable, be performed with fresh lymph direct from arm to arm. The lymph should be carefully selected from the best formed vesicles upon the healthiest children at the right period of the course of the vesicles.

2. As, in ordinary circumstances, it is at the end of the week from vaccination that the arm of a child is in the state best fitted for yielding lymph, the attendances for the performance of public vaccination must be given at weekly intervals.

3. As, for keeping up vaccination in perfection, it is essential that a public vaccinator should have on each vaccinating occasion an ample choice of children and of vesicles, it is obvious that the cases for vaccination must not be divided between too many stations, nor distributed over too many vaccinating days.

4. The Regulations of the 18th of February, 1868, are accordingly designed to secure that as large a number of cases as practicable shall be brought together at each performance of public vaccination :—

4a. Thus it is provided that the public vaccination of children living within two miles of a vaccination station shall (except for some special reason which must be entered in the Public Vaccinator's Register) be performed only at the station and at the time specified in the contract.

4b. It is also provided that in ordinary circumstances vaccination under contract shall not be performed at any station more often than once a week.

4c. It is also provided that any vaccination district which is partly or wholly urban shall not have more than one vaccination station within the town.

4d. It is further provided that any urban vaccination district shall contain a population of not less than 25,000, or all the part of the union which is within the town. It will be noticed that 25,000 is a minimum. It is found, however, that those stations are most efficient at which the number of cases annually vaccinated amounts to 800 or more; and this can only, in ordinary circumstances, be supplied by districts having a population over 50,000.

5. It is only in very populous districts that weekly vaccination can be maintained efficiently throughout the year. If an attempt were made to keep up vaccination throughout the year at a vaccination station to which 100 or even 200 cases are brought annually, it would be found that as the births are not equally spread over the whole year, and as accidental circumstances must often interfere with the bringing of children in particular weeks, there would frequently be no cases at all at the station to supply lymph, and in most weeks not a sufficient number of children to enable the vaccinator to make a free selection.



6. Hence, in districts which are not very populous, it is necessary that the performance of public vaccination should be limited to certain periods of the year (quarterly or half-yearly periods), weekly attendances being then given for two, three, or four successive weeks, according to the population for the accommodation of which the particular station is designed.

7. Without attempting to lay down a precise rule on a question which must largely be decided according to the circumstances of each locality, it may be said, generally, that any station at which there are less than 80 vaccinations annually should not be attended more frequently than at half-yearly periods.

8. In the case of districts in which public vaccination is performed at intervals exceeding three months, the 12th section of the Vaccination Act, 1867, provides that parents shall not be liable to penalty for the non-vaccination of their children until after the next periodical attendances of the public vaccinator at the appointed stations subsequently to the children having attained the age of three months.

9. Having regard to weather and to other considerations, the months of April and October will generally be found most suitable for half-yearly vaccination.

10. In districts in which public vaccination is fixed to take place periodically, the public vaccinator should, on the day week preceding the first day of the periodical attendances appointed under Schedule A. to the contract, vaccinate, with lymph stored by himself or obtained from the National Vaccine Establishment or from some other trustworthy source, two or three selected children. Arrangements should be made for bringing these children to the station on the day appointed for beginning the periodical vaccination of the district, and the lymph from their arms will afford means of starting such vaccination satisfactorily. (The public vaccinator in registering these preliminary vaccinations should, in accordance with the regulations of 18th February, 1868 [L. (1)], state in his register the special reason for their not having been vaccinated at the station.)

11. In framing periodical arrangements for districts in which there are two or more stations, the attendances should not commence in the same week at all the stations, but a week or two should be given for establishing at the most frequented station a supply of lymph with which to start vaccination at the others.

12. It is convenient that, as far as practicable, the stations of a district should be attended on the same weekday, in order that, when it is necessary to take lymph from station to station, it may be taken fresh.

13. In order to facilitate the performance of vaccination with fresh rather than with stored lymph, it is desirable that, even in unions where vaccination is only performed at periodical intervals, excessive sub-division of districts should be avoided. In a district containing several parishes with one station in each, the public vaccinator need only start vaccination with stored lymph at one station, which will furnish fresh lymph for beginning vaccination at the others. (See section 11.) But if each parish be constituted a district and allotted to a separate vaccinator, it is probable that stored lymph, instead of fresh, will have to be used for starting vaccination at each station.

14. Children living over two miles from a vaccination station may be vaccinated by the public vaccinator at their own homes; and a clause may be inserted in his contract binding him to vaccinate any such children on receiving notice from the vaccination officer.

15. By section 7 of the Vaccination Act, 1867, it is provided that all



vaccination stations (except at the residence or surgery of the public vaccinator) shall be provided by the guardians.

16. Vaccination stations must be within the district for which they are to serve, and must not be fixed at union workhouses, as the independent poor are unwilling to resort for vaccination to an institution connected with pauper relief. The same objection applies, though perhaps in a minor degree, to the appointment of pauper pay stations as vaccination stations. The Board further consider it undesirable that public-houses should be selected for the purpose. Whatever room or place be selected as a vaccination station, it is essential that the public vaccinator should have the exclusive use of it during the time of vaccination.

17. In large towns the vaccination station should, if possible, be at some public building, *e.g.*, town hall, meeting hall, or school, or at rooms specially hired for the purpose. Various objections exist to the use of the surgeries of public vaccinators in such towns, especially that they rarely afford the accommodation necessary for the number of children likely to be brought, and that they do not possess the distinctive public character which is desirable.

18. In rural districts schoolrooms are frequently found convenient for the purpose. It is of course necessary that the assent of the managers of the school should be obtained; that the vaccination should be fixed at such an hour as not to interfere with school arrangements; and that the public vaccinator should have at the time fixed for vaccination the exclusive use of the schoolroom or class-room appointed for the purpose.

19. In order to secure at vaccination stations the punctual bringing together of children (from some of whom lymph has to be taken for the vaccination of others) it is desirable that the time of attendance notified to parents should be that at which vaccination is intended to begin, as "at 10 a.m.," not "from 10 to 11 a.m."

20. The hour of public vaccination should never be fixed so late in the day as to make it impracticable to complete the business of the station by daylight. Regard should also be had to the necessity of allowing time for mothers to get their children home before dark.

21. Enough time (which should rarely be less than one hour) should be allowed between the times of attendance at different stations, to enable the public vaccinator, after performing vaccination and making the necessary entries in the register at one station, to arrive punctually at the next.

22. The payments to be made for vaccinations performed at other places than stations should not exceed the sum that would have been paid had the operation been performed at the station nearest to the residence of the person vaccinated, and exception can only be made to this rule in the case of outlying places distant over two miles from a vaccination station.

23. Every vaccination contract must contain a stipulation or condition in accordance with section 7 of the Vaccination Act, 1867. The form in general use is as follows:—

"And it is hereby mutually agreed by and between the parties hereto that no money shall be paid to the said  
in respect of any person vaccinated by him until he shall have transmitted to the vaccination officer a certificate of the successful vaccination of such person, and otherwise fulfilled on his part the requirements of the Vaccination Acts, 1867 and 1871, and the regulations made thereunder."

24. The course to be taken if small-pox break out in a district where ordinarily the public vaccination is carried on periodically is explained in the Office Memorandum on the steps to be taken by guardians in places in which small-pox is epidemic.



25. If an infectious disease, such as scarlatina, measles, or diphtheria, prevail to such an extent in a district that the public vaccinator considers that the bringing of children together for vaccination would be likely to spread the disease, he should represent the facts to the guardians for communication with the Local Government Board, who will, on sufficient cause shown, be ready to authorize the postponement of the attendances prescribed by the contract. In some cases, however, it may be found desirable not to postpone vaccination altogether, but to perform it at the homes of the children instead of at the stations, the "special reason" being stated in the public vaccinator's register.

26. A contractor for public vaccination must be a registered medical practitioner qualified in medicine and surgery, and (if admitted to practice since 1st January, 1860) possessing a special certificate of proficiency in vaccination from one of the examiners authorized to grant such certificates for the purposes of the order of 1st December, 1859.

27. The duties of a public vaccinator must be habitually discharged by the contractor himself, and the employment of a deputy must be limited to those occasions when unavoidable circumstances prevent the contractor's personal attendance.

28. In order to provide for occasions when the public vaccinator is unavoidably absent, it is proper that a deputy (who must possess the same qualifications as a contractor) should be appointed under the regulations of 1st December, 1859, and that the appointment, after having been submitted by the guardians for the approval of the Local Government Board, should be endorsed upon the contract.

29. On the occurrence of a sudden vacancy in the office of public vaccinator, if any attendances for vaccination which have been notified to parents are due before a new contract can be executed by the guardians and approved by the Local Government Board, the guardians should make arrangements with the public vaccinator of an adjoining district of the union to give such attendances. This course is warranted by the exceptional provision of section 11 of the Vaccination Act, 1867.

30. Public vaccination cannot under any circumstances be legally performed by an unqualified person, and the guardians cannot legally pay for any vaccination so performed, or for any vaccination not performed in accordance with a contract approved by the Local Government Board.

GEORGE BUCHANAN,  
Medical Officer.

Local Government Board,  
*April 15th, 1880.*



MEMORANDUM FROM THE LOCAL GOVERNMENT BOARD ON THE STEPS  
SPECIALLY REQUISITE TO BE TAKEN BY BOARDS OF GUARDIANS  
UNDER THE VACCINATION ACTS, 1867 AND 1871, IN PLACES WHERE  
SMALL-POX IS PREVALENT.

*As it is by vaccination that the spread of small-pox can most effectually be prevented, Boards of Guardians, as soon as any case of that disease is brought into or occurs in their respective unions or parishes, should see that measures are promptly taken to secure, as far as necessary, the vaccination (or, as the case may be, re-vaccination) of all such persons as are specially exposed to the danger of the infection.*

*Under the Order of Privy Council of February 18th, 1868 (Reg. I., Art. 1), the public vaccinator is authorized to vaccinate, elsewhere than at the public station, cases in which there exists a special reason (to be noted by him in his register) for taking this exceptional course; and section 13 of 34 and 35 Vict. c. 98, provides that any district medical officer in attendance as such medical officer upon a person suffering from small-pox shall be entitled to payment from the Guardians for vaccinating or (as the case may be) re-vaccinating any person who is resident in the same house as such sick person, and who could lawfully be vaccinated or (as the case may be) re-vaccinated by a public vaccinator at the public expense.*

*These provisions, promptly applied on the occurrence of any isolated case or cases of small-pox, will in general be found adequate to stop the further spread of the disease; but if from neglect of them, or from any other circumstances, cases of small-pox shall have become numerous, special measures (as below explained) should be taken to expedite, as far as practicable, the vaccination of all unvaccinated persons in the district, and to promote the re-vaccination of adults and adolescents who have not already been successfully re-vaccinated; and special arrangements (as below explained) may also be requisite to facilitate the performance of public vaccination and re-vaccination.*

*This memorandum is intended to afford information on those measures and arrangements.*

I.—*Special Instructions to Vaccination Officers.*

1. On the occurrence of any special prevalence of small-pox, the vaccination officer should give his first and special attention to the particular localities in which the infection exists.

2. In order that for this purpose he may have the earliest possible information of the occurrence of cases of the disease, the guardians should instruct their district medical officers to give him immediate notice of every fresh case of small-pox which comes under their treatment, and should also arrange with the registrars of deaths to forward to him immediate notice of each death registered from small-pox. For convenience of transmitting such notices, each district medical officer and registrar should be supplied



with forms duly stamped for post, or with post-cards adapted for the purpose. Private medical practitioners should also be invited to give similar information.

3. In each locality in which the infection exists, the vaccination officer should, with the utmost possible despatch, personally ascertain what children are unprotected by vaccination, and should use his utmost exertions to obtain the prompt vaccination of all such children. Generally speaking, his own judgment and local knowledge will guide him as to the manner in which his inquiries can best be made; but in infected courts or alleys, as well as in certain kinds of streets, inquiries from house to house, and, in tenement houses, from room to room, will be indispensable. In order that speedy discovery may be made of all unvaccinated persons, whether born in the district, or newly arrived there, it will frequently be desirable, in populous places, that some temporary assistance be given to vaccination officers, in the manner provided in the General Order of the Local Government Board, dated 31st October, 1874. (Section 1, Article 1.) With the same object the co-operation of the officers of the sanitary authority, and of others who visit among the poor, should be invited.

4. Where any child (between the ages of three months and 14 years) is found illegally unvaccinated, the vaccination officer should give a notice requiring the vaccination to be done within a specified period. This period, when there is small-pox in the house, or other special risk of exposure to the contagion, should not exceed twenty-four hours; but in other cases some days, not exceeding a week, may be allowed. A second visit from the vaccination officer will, of course, afterwards be necessary, in order to see that his notice has been complied with.

With regard to unvaccinated children, not yet three months old, who may be in infected localities, the vaccination officer should advise the parents not to incur the unnecessary risk of waiting for the child to complete that age before having its vaccination performed; for vaccination is perfectly well borne by children even immediately after birth. In no house in which there is small-pox ought a child, however young, on any account to remain unvaccinated, unless on medical examination it be pronounced unfit to be vaccinated.

5. The vaccination officer should make it well known in infected localities that the public vaccinator is at liberty to re-vaccinate grown-up and young persons (not under twelve years of age) who have not before been successfully re-vaccinated, and who apply to him for that purpose; and that persons not vaccinated since childhood, who are likely to be exposed to contagion, ought to be re-vaccinated without delay. Above all, this is necessary for persons whose original marks of vaccination are imperfect.

6. All notices given and representations made as above should be accompanied with information as to the provisions made for public vaccination in the district. If any case requiring prompt vaccination by the public vaccinator cannot, in the judgment of the vaccination officer, properly be taken to the station or to the residence of the public vaccinator, the vaccination officer should give to the public vaccinator immediate information of the case.

7. Besides the above-described special proceedings in localities already infected, the vaccination officer should take every means to ensure that the vaccination of his district generally is as complete as possible. He should make frequent examination of his birth-lists, and deal, as soon as practicable, with every default as it arises; and he should be prompt and diligent in his inquiries respecting the other children to whom his duties



extend under Section 12 of his "Instruction," as issued by the Local Government Board.

8. The vaccination officer should give immediate information to the local sanitary authority of any house in which small-pox has appeared, in order that needful means of isolation and disinfection may be taken.

## II.—*Supplementary Arrangements for Special Public Vaccination.*

1. In the case, first, of towns which have regular weekly attendances for the performance of public vaccination, it cannot be too clearly understood that the appearance of small-pox gives extra reason for scrupulousness in maintaining systematic primary vaccination and all practicable re-vaccination, at the appointed day and hour, and not at other periods.

It is on the regular weekly attendances that the vaccinator has to depend for the means of adequately meeting the demands for vaccination; and the experience of every recent epidemic of small-pox has shown that to attempt at such times an indiscriminate daily performance of vaccination and re-vaccination leads only to difficulties and disadvantages. There are two reasons, indeed, for which at such times an adherence to systematic arrangements is of more than ordinary consequence; first, because it is then peculiarly important that each primary vaccination should be done under conditions which scarcely admit of failure; and, secondly, because without system it is not possible properly to meet the large demands for re-vaccination which at such times are sure to arise; nor yet to have trustworthy lymph for use in such exceptional primary vaccinations as may really need to be done under circumstances of urgency. Re-vaccinations, unless of persons residing in houses in which there is small-pox, or under other exceptional circumstances, should ordinarily be reserved for the regular vaccinating days.

Nevertheless there are conditions justifying certain additional attendances besides those of the ordinary day and hour; these are:—

- (a.) In the case of a town district of particularly large population, it may be convenient that, during the stress of the epidemic, the station should be open for the general performance of vaccination on two days (instead of one day) in each week.
- (b.) In the case of many artisans requiring re-vaccination, and being unwilling to lose part of their working day with the object of securing the desired protection, it may be expedient to appoint for their attendance some evening hour of the day appointed for systematic vaccination, when the public vaccinator possesses abundance of fresh lymph.
- (c.) And, thirdly, in order to meet cases of emergency, special daily attendances at the station may be appointed to take place at a fixed hour, not for vaccination or re-vaccination generally, but for giving protection to the particular persons who are running exceptional risk of exposure to small-pox infection.

2. In districts (whether of town or country) which ordinarily have their public vaccinations performed at quarterly or half-yearly or other intervals, should small-pox break out at a time of year when vaccination is not going on, it will be necessary that the station, for the district or part of district in which the disease is prevailing, should at once be opened, and that a weekly attendance should be given thereat for a limited period; during which period the vaccination officer should take steps as above directed for making the vaccination of the district, or part of district, as complete as possible. In districts of the kind now under consideration, it will probably be more convenient that cases of emergency should be vacci-



nated at their own homes under the exceptional provisions of Regulation 1, Article 1, of the Order of February 18, 1868 (above referred to) than that daily attendances should be given at the station.

3. Any exceptional vaccination arrangements made as above by the guardians with reference to epidemics of small-pox should be for some fixed period, not exceeding six weeks; at the end of which period they can, in case of need, be renewed by a further order of the guardians; but every such making or renewal of the exceptional arrangements should be reported without delay to the Local Government Board.

N.B.—The isolation of the sick, the disinfection of infected houses, and the disinfection or destruction of infected things, are very important means of checking the spread of small-pox; and in order that such measures may be enforced, the Public Health Act, 1875, besides imposing penalties on the exposure of infected persons, the letting of infected houses, the sale of infected things, and other acts similarly dangerous to the public health, gives very important powers to sanitary authorities. These are stated in the official "Memorandum on the duties of Sanitary Authorities in reference to epidemics of Small-pox." It is also to be observed that, so far as the destitute classes are visited by small-pox, boards of guardians, as poor law authorities, have opportunities, which it is desirable they should fully use, for securing disinfection and the isolation of the sick.

GEORGE BUCHANAN,  
Medical Officer

Local Government Board,

*November, 1881.*



STATISTICAL EVIDENCE OF THE DIFFERENT DEGREES IN WHICH PERSONS  
VACCINATED IN DIFFERENT WAYS WILL BE SAFE AGAINST DEATH BY  
SMALL-POX IF THEY SHOULD HAPPEN AFTERWARDS TO CONTRACT  
THIS DISEASE.

The table is founded on information given to the medical officer of the Local Government Board by Mr. Marson, surgeon of the Small-pox Hospital, as the result of his observations made during twenty-five years in nearly 6000 cases of post vaccinal small-pox.

Cases of small-pox classified according to the vaccination-marks borne by each patient respectively.	Number of deaths per cent. in each class respectively.
1. Stated to have been vaccinated, but having <i>no</i> cicatrix .	21 $\frac{3}{4}$
2. Having one vaccine cicatrix* . . . . .	7 $\frac{1}{2}$
3. Having <i>two</i> vaccine cicatrices† . . . . .	4 $\frac{1}{8}$
4. Having <i>three</i> vaccine cicatrices . . . . .	1 $\frac{3}{4}$
5. Having <i>four or more</i> vaccine cicatrices . . . . .	$\frac{3}{4}$
Unvaccinated . . . . .	35 $\frac{1}{2}$

\* Among cases in which the one cicatrix was *well marked*, the death-rate was 4 $\frac{1}{4}$ . Among cases in which it was *badly marked*, the death-rate was 12.

† Among cases in which the two cicatrices were *well marked*, the death-rate was 2 $\frac{3}{4}$ . Among cases in which they were *badly marked*, it was 7 $\frac{1}{4}$ .



*General Memorandum issued by the Local Government Board on the Proceedings which are advisable to be taken in Places attacked or threatened by Epidemic Disease.*

1. WHEREVER there is prevalence or threatening of cholera, diphtheria, fever, or any other epidemic disease, it is of more than common importance that the statutory powers conferred upon sanitary authorities for the protection of the public health should be well exercised by those authorities, acting with the advice of their medical officers of health.

2. Proper precautions are equally requisite for all classes of society. But it is chiefly with regard to the poorer population, therefore chiefly in the courts and alleys of towns, and at the labourers' cottages of country districts that local authorities are called upon to exercise vigilance, and to proffer information and advice. Common lodging-houses, and houses which are sub-let in several small holdings, always require particular attention.

3. Wherever there is accumulation, stink, or soakage, of house refuse, or of other decaying animal or vegetable matter, the nuisance should as promptly as possible be abated, and precaution should be taken not to let it recur. Especially examination should be made as to the efficient working of sewers and drains, and any nuisance therefrom, or from any foul ditches or ponds, should be got rid of without delay. The ventilation of sewers, the ventilation and trapping of house drains, and the disconnexion of cistern overflows and sink pipes from drains should be carefully seen to. The scavenging of the district, the state of receptacles for excrement, and of dust-bins, will require particular and sustained attention. In slaughter-houses, and wherever animals are kept, strict cleanliness should be enforced.

4. In order to guard against the harm which sometimes arises from disturbing heaps of offensive matter, it is often necessary to combine the use of chemical disinfectants (*see* section 17) with such means as are taken for the removal of filth; and in cases where removal is for the time impossible or inexpedient, the filth should always be disinfected. Disinfection is likewise desirable for unpaved earth close to dwellings, if it be sodden with slops and filth. Generally, where cholera or enteric (typhoid) fever is in a house, the privy requires to be disinfected.

5. Sources of water-supply should be well examined. Those which are in any way tainted by animal or vegetable refuse, above all, those into which there is any leakage or filtration from sewers, drains, cesspools, or foul ditches, ought no longer to be drunk from. Especially where the disease is cholera, diarrhœa, or enteric fever, it is essential that no foul water be drunk.

If unfortunately the only water which for a time can be got should be open to suspicion of dangerous organic impurity, it ought at least to be boiled before it is used for drinking, but then not to be drunk later than twenty-four hours after it has been boiled. Or, under medical or other skilled direction, water, in quantities sufficient for one day's drinking in the house, may be disinfected by a very careful use of Condry's red disinfectant



fluid ; which should be added to the water (with stirring or shaking) in such number of drops that the water, an hour afterwards, shall have the faintest pink colour which the eye can distinctly perceive. Filtering of the ordinary kind cannot by itself be trusted to purify water, but is a good addition to either of the above processes. It cannot be too distinctly understood, that dangerous qualities of water are not obviated by the addition of wine or spirits.

When there appears any probable relation between the distribution of disease and of milk supplies, the cleanliness of dairies, and the purity of the water used in them, should be carefully investigated.

6. The washing and lime-whiting of uncleanly premises, especially of such as are densely occupied, should be pressed with all practicable despatch.

7. Overcrowding should be prevented. Especially where disease has begun, the sick-room should, as far as possible, be free from persons who are not of use or comfort to the patient.

8. Ample ventilation should be enforced. It should be seen that window-frames are made to open, and that windows are sufficiently opened. Especially where any kind of infective fever has begun, it is essential, both for patients and for persons who are about them, that the sick-room and the sick-house be constantly well traversed by streams of fresh air.

9. The cleanliest domestic habits should be enjoined. Refuse matters which have to be cast away should never be allowed to remain within doors ; and things which have to be disinfected or cleansed, should always be disinfected or cleansed without delay.

10. Special precautions of cleanliness and disinfection are necessary with regard to infective matters discharged from the bodies of the sick. Among discharges which it is proper to treat as infective, are those which come, in cases of small-pox, from the affected skin ; in cases of cholera and enteric fever, from the intestinal canal ; in cases of diphtheria, from the nose and throat ; likewise, in cases of any eruptive or other epidemic fever, the general exhalations of the sick. The caution which is necessary with regard to such matters must, of course, extend to whatever is imbued with them ; so that bedding, clothing, towels, and other articles, which have been in use by the sick, may not become sources of mischief, either in the house to which they belong, or in houses to which they are conveyed. Moreover, in enteric fever and cholera, the evacuations should be regarded as capable of communicating an infectious quality to any night-soil with which they are mingled in privies, drains, or cesspools ; and this danger is best guarded against by thoroughly disinfecting them before they are thrown away (*see* section 17) ; above all, they must never be cast where they can run or soak into sources of drinking water.

11. All reasonable care should be taken not to allow infective disease to spread by the unnecessary association of sick with healthy persons. This care is requisite, not only with regard to the sick house, but likewise with regard to day-schools and other establishments wherein members of many different households are accustomed to meet.

12. Where dangerous conditions of residence cannot be promptly remedied, it will be best that the inmates, while unattacked by disease, remove to some safer lodging. If disease begins in houses where the sick person cannot be rightly circumstanced and tended, medical advice should be taken as to the propriety of removing him to an infirmary or hospital. Every sanitary authority should have in readiness a hospital for the reception of such cases.

13. Privation, as predisposing to disease, may require special measures of relief.



14. In certain cases special medical arrangements are necessary. For instance, as cholera in this country almost always begins somewhat gradually in the comparatively tractable form of what is called "premonitory diarrhœa," it is essential that, where cholera is epidemic, arrangements should be made for affording medical relief without delay to persons attacked, even slightly, with looseness of bowels. So again, where small-pox is the prevailing disease, it is essential that all unvaccinated persons (unless they previously have had small-pox) should very promptly be vaccinated; and that re-vaccination should be performed in cases properly requiring it.

15. It is always to be desired that the people should, as far as possible, know what real precautions they can take against the disease which threatens them, what vigilance is needful with regard to its early symptoms, and what (if any) special arrangements have been made for giving medical assistance within the district. For the purpose of such information printed hand-bills or placards may usefully be employed, and in cases where danger is great, house-to-house visitation by discreet and competent persons may be of the utmost service, both in quieting unreasonable alarm, and in leading or assisting the less educated and the destitute parts of the population to do what is needful for safety.

16. The present memorandum relates to occasions of emergency. Therefore the measures suggested in it are all of an extemporaneous kind; and permanent provisions for securing the public health have not been in express terms insisted on. It is to be remembered, however, that in proportion as a district is habitually well cared for by its sanitary authorities, the more formidable emergencies of epidemic disease are not likely to arise in it.

17. Chemical disinfectants are of two great classes, and hitherto it is not certain which of the two classes acts best. The one class is well represented by chlorine and certain of its compounds; the other is well represented by carbolic acid. Under the former system, the solution of chloride of lime may be used for minor domestic purposes, chloride of lime itself to any masses of filth, and chlorine gas for disinfection of rooms. Under the latter system carbolic acid may be used for minor domestic purposes, sulphate or perchloride of iron to any masses of filth, and sulphurous acid gas for disinfection of rooms. These systems do not combine well with one another, and in the choice which has to be made between them, it will be convenient that the sanitary authority of each district should declare which of the two systems it adopts, and that all private disinfection in the district should follow such lead of the authority. The detail in each case should be carried out under medical advice. In public disinfection establishments for the disinfection of wearing apparel, bedding, curtains, and other large household articles, the most convenient process consists in employment of high degrees of heat.

18. For detailed advice on hospital accommodation and on ambulances, see the Office Memoranda on those subjects.

EDWARD C. SEATON, M.D.,  
Medical Officer

Local Government Board,  
*January, 1878.*



MEMORANDUM ON DISINFECTION ISSUED BY THE MEDICAL DEPARTMENT OF  
THE PRIVY COUNCIL OFFICE, JULY, 1866.

*N.B.—It is to cleanliness, ventilation, and drainage, and the use of perfectly pure drinking water, that populations ought mainly to look for safety against nuisance and infection. Artificial disinfectants cannot properly supply the place of those essentials; for, except in a small and peculiar class of cases, they are of temporary or imperfect usefulness. That no house refuse—not only no excremental matter, but also no other kind of dirt or refuse, should remain on or about inhabited premises, is a first rule against infection. That the air within the house should never in any part of the house be stagnant, but should always be in course of renewal from without by uninterrupted and abundant supplies of fresh air, is a condition of equal importance. And that all water meant to be used for drinking or cooking should be drawn from sources which cannot have been polluted by any kind of refuse matter, is a third most important rule for the avoidance of infection.*

*If dwelling-places have within them any odour of drainage, particular examination should be made (1) whether the filth which house-drains are meant to carry away is retained in or near the premises in ill-made drains, or sewers, or cesspools, or perhaps is leaking from house-drains within the house; and (2) whether, inside the house, the inlets of drains and sinks are properly trapped; and (3) whether the drains and sewers are sufficiently ventilated outside the house. All water-closets within houses should have free openings for ventilation from and into the outer air. Of a cesspool, the only true disinfection is to abolish it. In country places, where proper drainage is not provided, the nuisance of open privies may be best avoided by the use of the so-called earth-closet.*

*If a sewer is much complained of, as stinking into the public way, generally the presumption is, that, from original ill-construction or some other cause, it does not properly fulfil its object, but has filth accumulated and stagnant in it; and such a sewer, besides occasioning nuisance in the public way, may be the source of serious danger to the inhabitants of houses which drain into it. It is most important that all sewers should be well ventilated at points where their effluvia will be least injurious; and ordinary drain-pipes may be used to conduct the effluvia to a distance.*

For convenience, in this memorandum, the word “disinfectants” is used to cover, not only those true disinfectants which permanently destroy infective matter, but also those agents which merely arrest the process, or absorb the offensive products, of organic decomposition.

For artificial disinfection on a large scale, the agents which most commonly prove useful are—quick lime, chloride of lime, carbolic acid, sulphate of iron, perchloride of iron, and chloride of manganese. The following are



also efficient disinfectants, but, as being dearer, are less suited for large operations:—sulphate of zinc, chloride of zinc, chloride of soda, and permanganate of potash. In certain cases chlorine gas, or nitrous acid gas, or sulphurous acid gas, may advantageously be used; and in certain other cases, powdered charcoal or fresh dry earth.

Quick-lime ought to have been recently burnt, and may be used, either in the form of dry powder, or, stirred up with about ten times its bulk of water, as milk of lime. Chloride of lime is best used with water, and thoroughly mixed with it, in the proportion of a pound to the gallon; or, of the solution as commonly sold, about two pints may be mixed with a gallon of water. Carbolic acid (in the fluid form in which it is commonly sold) should be dissolved in about eighty times its volume of water, with which it must be mixed by strong shaking in a closed vessel. Sulphate of iron should be dissolved in ten times its weight in water; a solution which is best effected by employing hot water and stirring. Of perchloride of iron and chloride of manganese, the common concentrated solutions may be used, diluted with ten or twelve times their bulk of water. Sulphate of zinc should be dissolved in about ten times its weight of warm water. Of chloride of zinc the common concentrated solution may be diluted with eight or ten times its bulk of water.<sup>1</sup> Of chloride of soda, the common solution may be used like that of chloride of lime. Of permanganate of potash an ounce may be dissolved in a gallon of water.<sup>2</sup>

All disinfectants must be used in quantities proportionate to the amount of matter or surface to be disinfected. When the matters requiring to be disinfected have an offensive smell, the disinfectant should be used till this smell has entirely ceased; and as often as the smell recurs, the disinfectant must again be used.

1. During the emptying of privies and cesspools, and whenever else temporary disinfection is required for them, carbolic acid, or sulphate of iron, or perchloride of iron, or chloride of manganese, or chloride of zinc, will be found available. A dilute solution (as above) of one of these agents should be poured into the privy or cesspool, from a quart to a pailful at a time, till the desired effect is obtained. Especially where cholera or typhoid fever is present, privies and cesspools ought to be very frequently flooded in this manner. The best test of their being adequately disinfected, is the entire absence of fæcal or ammoniacal odour.

2. Heaps of manure or other filth, if it be for the time impracticable or inexpedient to remove them, should be covered, to the depth of two or three inches, with a layer of freshly burnt vegetable charcoal in powder. Freshly burnt lime may be used in the same way, but is less effective than charcoal. If neither charcoal nor lime be at hand, the filth should be covered with a layer, some inches thick, of clean dry earth. For a privy which has only solid contents, the same sort of treatment is applicable. Earth near dwellings, if it has become offensive or foul by the soakage of decaying animal or vegetable matter, should be treated on the same plan.

3. If running sewage about to be used in agriculture, require to be disinfected, the chloride of manganese or perchloride of iron may be best used;<sup>3</sup> but if the sewage is to pass into a river, or into any pond or canal, where it might again become offensive, chloride of lime is to be preferred; and in this case a pound of good chloride of lime will generally suffice to disinfect 1000

<sup>1</sup> Or the preparations respectively known as Burnett's and Crewe's disinfectant solutions may be employed.

<sup>2</sup> Or Condy's disinfectant fluids, which contain manganic and permanganic salts, may be used.

<sup>3</sup> In some such cases McDougall's process, as practised by him at Carlisle, may be applicable. And his powder may also be applicable to cases mentioned in section 1.



gallons of the sewage. For foul ditches and other stagnant drainage, chloride of lime is also the proper disinfectant.

4. Where it is desirable to disinfect, before throwing away the evacuations from the bowels of persons suffering from cholera or typhoid fever some of the disinfectant (which here may best be chloride of lime) should be put into the bed-pan or other vessel before it is used by the patient, and some more should be added immediately after. Its thorough mixture with the evacuation should be ensured. Care should also be taken that portions of the discharges do not remain about the patient's body, or in his dress.

5. Linen and washing apparel requiring to be disinfected may be set to soak in water containing per gallon about an ounce either of the common clear solution of chloride of lime, or that of chloride of soda. Or the articles in question may be plunged into boiling water, and afterwards, when at wash, be actually boiled in the washing water.

6. Woollens, bedding, or clothing, which cannot be washed, may be disinfected by exposure for two or more hours, in chambers constructed for the purpose, to a temperature of F. 210° to 250°. When this cannot be done, the natural disinfecting process of prolonged exposure to air, sun, and rain, ought to be had recourse to.

7. For the disinfection of the interior of houses, the ceilings and walls should be washed with warm quick-lime water. The wood-work should be cleansed with soap and water, and subsequently washed with water containing in each gallon about two ounces of the clear solution of either chloride of lime or chloride of soda.

8. A room no longer occupied may be disinfected by chlorine gas, or nitrous acid gas, or sulphurous acid gas. And for this purpose the gases may be produced in the room as follow:—chlorine gas, by pouring over a quarter of a pound of finely powdered black oxide of manganese, contained in a jar, half a pint of muriatic acid previously mixed with a quarter of a pint of water, or by pouring over a quarter of a pound of chloride of lime, contained in a jar, a quarter of a pint of muriatic or dilute sulphuric acid;—nitrous acid gas, by pouring over an ounce of copper shavings or turnings, contained in a deep jar, three ounces of concentrated nitric acid;—sulphurous acid gas, by burning an ounce or two of flour of sulphur in a pipkin. The process of disinfecting a room by any of these gases requires several hours, and while it is going on all doors, chimneys, and windows of the room must be kept carefully closed. Precautions to this effect should have been taken before the chemicals are mixed, as the person who starts the process (having to avoid the gases) must not afterwards loiter in the room. When the process is at an end, doors and windows should be fully opened.

9. Ships (except the class of cattle-ships, for which special treatment is required) may be disinfected on the same plan as houses. The process should be conducted as distantly as may be from the shore and from other vessels. All the compartments of the ship should first be fumigated with some disinfectant gas, best with chlorine or nitrous acid, and then all the accessible woodwork (in and out) should be washed with a solution of chloride of soda or lime. The bilges require particular attention, and before they are first pumped, some pounds of chloride of lime in water, or some gallons of solution of perchloride of iron, should be poured into them, for the purpose of disinfecting the bilge-water. All permanent shingle and small grained ballast should be replaced by fresh.

It is most frequently with reference to the infection of yellow fever that ships require to be disinfected, and generally in such cases the cargo requires



the same treatment as the ship. So far, therefore, as the cargo has not been completely disinfected in the course of the disinfection of the ship, and so far as is practicable, it ought, before it is landed, and part by part as it is moved, to be disinfected by free sprinklings with the solutions of chloride of lime, or soda. Also in these cases it is to be remembered that persons from on board the infected ship (especially those who have been most in its hold) may carry infection about their persons—in precaution against which danger it is desirable that the persons should have complete baths of soap and water, and that their clothes should partake of the general fumigation of the ship. The person who conducts the fumigation of a ship (especially where there is a question of yellow fever) ought not at first to enter the hold, but merely to hang down the hatches, or otherwise place within the hold, the vessel which contains his chemical mixture.

JOHN SIMON,  
Medical Officer.

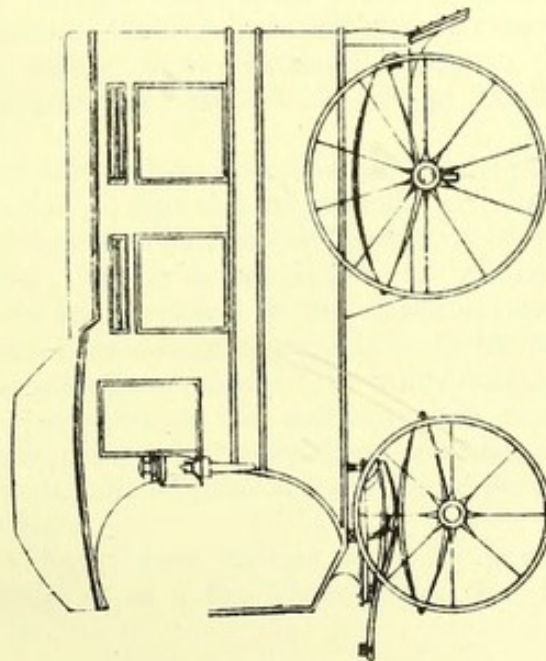


# HOSPITAL FOR INFECTIOUS DISEASES.

## AT OLDHAM

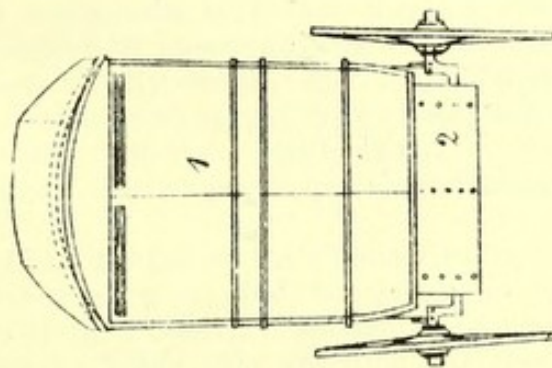
### PLAN OF AMBULANCE

No 1.



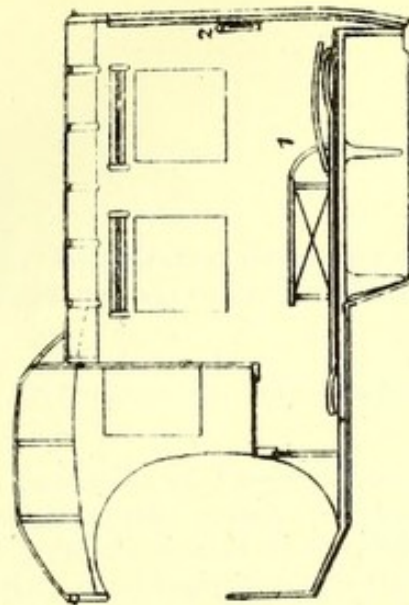
$\frac{3}{4}$  Inch Scale.

No 2.



1. Back View of Ambulance showing the doors.
2. Step which is let down when required.

No 3.



#### SECTION SHOWING INSIDE

1. Movable Stretcher.
2. Lamp.

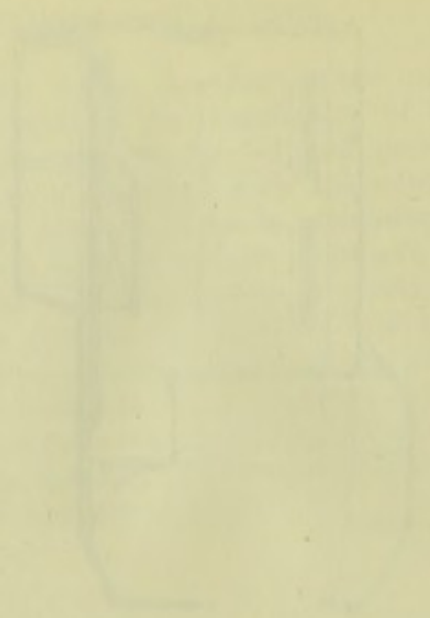
Wt of Van without Movable Stretcher 11 2 14  
 net gms lbs

Wm Harding, Coach Builder  
 Oldham  
 Lancashire.



MAHORO TA

MAHORO TA





MEMORANDA ISSUED BY THE LOCAL GOVERNMENT BOARD FOR LOCAL  
ARRANGEMENTS RELATING TO INFECTIOUS DISEASE.

I.—*On Hospital Accommodation to be given by Local Authorities.*

A LARGE part of the mortality of England is caused by diseases which spread readily by infection from person to person; such as scarlatina, typhus, small-pox. In order to prevent the extension of such diseases in neighbourhoods where they have begun, it is of the utmost importance that, in addition to whatever other sanitary measures may be requisite, every practicable endeavour should be made to separate the sick from the healthy. Such separation is comparatively easy, if means to attain it are taken early, while cases of the disease are very few; but any interval of delay allows the cases of sickness to multiply, and perhaps at last to become so numerous that endeavours to isolate them cannot succeed. These considerations are especially important with regard to the poorer classes of the population, whose usually crowded and ill-ventilated dwellings give extreme facilities for infection; and among these classes, the sick, generally speaking, cannot be separated from the healthy, except in proportion as they can be removed from home into proper hospital accommodation provided for their reception.

Under the 131st section of the Public Health Act, 1875, every sanitary authority (whether urban or rural) has power to provide "for the use of the inhabitants of their district hospitals or temporary places for the reception of the sick." When this provision has been made, any justice may order the removal of such place of any person suffering from any dangerous infectious disease, if he is without proper lodging or accommodation, or lodged in a room occupied by more than one family, or is on board any ship or vessel.

The present memorandum is intended for the assistance of sanitary authorities, who having to secure the isolation that is needed for cases of dangerous infectious disease, but not yet having the requisite hospital accommodation within their districts, desire to provide such accommodation under the powers of section 131 of the Public Health Act, 1875, or otherwise.

A condition of the highest degree of importance for the usefulness of any such accommodation is, that the accommodation shall be ready beforehand. The quantity of accommodation wanted will, of course, be widely different in different cases; but it must always be remembered that when two infectious diseases are prevalent in one place at one time, patients having the one infectious disease cannot properly be in the same ward with patients having the other infectious disease. In kind, the accommodation ought, in all cases, to be as good as the authority can reasonably supply. It is believed, however, that, even under these conditions, the cost of providing hospital accommodation, whether for villages or for towns, need not ever be proportionately great.

As regards villages, each village ought to have the means of accommodating instantly, or at a few hours' notice, say, four cases of infectious



disease in at least two separate rooms, without requiring their removal to a distance. A decent four-room or six-room cottage, at the disposal of the authority, would answer this purpose; or permanent arrangement might be made beforehand with trustworthy cottage-holders, not having children, that they should receive and nurse, in case of need, patients requiring such accommodation; and small adjacent villages (if under the same sanitary authority) might often have such arrangements in common. If, in villages where such provision as this has been made, cases of disease in excess of the accommodation occur, the sick must not be crowded together, but temporary further provision should be made for them. The most rapid and the cheapest way of obtaining this further accommodation, may often be to hire other neighbouring cottages; or, in default of this, tents or huts may be erected upon adjacent ground.

In towns, hospital accommodation for infectious diseases is wanted more constantly, as well as in larger amount, than in villages; and in towns there is greater probability that room will be wanted at the same time for two or more infectious diseases which ought not to be treated in the same ward. The permanent provision to be made in a town, in order to obtain reasonable security against the spread of infectious diseases, should consist of not less than four rooms, in two separate pairs; each pair to receive the sufferers from one infectious disease, the men and women of course separately. The number of cases for which permanent provision should be made must depend upon various circumstances, chiefly upon the size of the town; and as no closely limited amount of permanent accommodation can be trusted always to suffice for the requirements of considerable epidemics, foresight must from the first be used, how in emergency additional accommodation can be temporarily given to meet requirements in excess of the permanent provision. Accordingly, for a town of any importance, the hospital provision ought to consist of a permanent building, having around it space enough for the erection of temporary structures, as occasion may require. Considerations of ultimate economy make it wise to have the permanent building equal to somewhat more than the average necessities of the place, so that recourse to temporary extensions may less often be wanted. In small towns, for instance, if a hospital, consisting of four wards and the necessary administrative offices, is to be provided, the original expense of making each ward serve for (say) eight persons, will be far less than double that of making the wards for four. And in any case it is well to make the administrative offices somewhat in excess of the wants of the permanent wards; because thus, at little additional first cost, they will be ready to serve when occasion comes for the wants of the temporary extensions.

It is not proposed to discuss in detail in this memorandum the principles on which permanent hospitals for infectious diseases should be built; but it may be noted, that in order to have practical success of any such hospital, the following conditions have particularly to be studied:—

Accessibility of situation, so that the sick may not be exhausted by long journeys; wholesomeness of situation; and, as far as consists with these conditions, an open uncrowded neighbourhood:

Adequate ward-space for each patient, approaching as nearly as circumstances allow to 2000 cubic feet, with a floor space of not less than 144 square feet:

Thoroughly good provision for ward ventilation (i.e. for sufficient unceasing entrance of pure air and of exit of ward air), with arrangements also for immediate change of air in the whole ward when necessary.

Perfect security against the possibility of any foul air (as from privies or sinks) entering any ward:



Means of warming each ward in winter to a temperature of 60° Fahrenheit, and of keeping it cool in summer :

Safe means (safe both for the hospital and for the neighbourhood) for disposing of excremental matters and of slops, and for cleansing and disinfecting infected linen and bedding :

Facilities for obtaining, in the use of the hospital, the very strictest cleanliness of every part.

When the pressure of a particular epidemic requires temporary extension of the accommodation, or when, the provision of a permanent hospital having been neglected, accommodation for cases of infectious disease is suddenly required, huts, or in summer tents, will sufficiently answer the purpose.

The tents may be either such as the bell tent or hospital marquee of her Majesty's army, or one of the various forms of tent and marquee used in civil life. Huts may be of wood or iron ; and if the administrative part of the original building have been thoughtfully devised, these temporary erections may be of very simple construction. Both tents and huts need to be carefully arranged and regulated, especially in the following respects :—

*As to tents.*—It is essential to secure the dryness of the ground upon which they are pitched, by trenching around and between them, so as to carry off all rainfall and prevent the lodgment of moisture. The tents should everywhere be distant at least a diameter and a half from each other. The approaches should be paved or otherwise prepared, to prevent their being trodden into mud in wet weather, and it is especially requisite that abundant proper means be provided for the reception of refuse matters, and that no casting of slops or other refuse upon the ground in the vicinity of the tents be allowed. In the distribution of patients in active stages of disease, no more than one patient should be assigned to a bell tent of the ordinary regulation size, nor more than three such patients to the regulation hospital marquee ;<sup>1</sup> and in other forms of tents, the number of patients should be regulated in similar proportions. Tents should always be provided with special ventilating openings. They should have boarded floors, raised sufficiently above the ground so as to allow of air passing freely beneath. From the ready inflammability of the ordinary canvas of which tents are constructed, much care is required in the use of lights in tents ; and tents should not be used in states of weather which render artificial warming necessary, if sufficiently rapid provision for the isolation of the sick can otherwise be had. The safest method of warming a hospital marquee is by a flue carried beneath the floor, from a stove placed in an excavation outside the tent to a chimney also beyond the tent wall.

*As to huts.*—Dryness of site is, as in the case of tents, of the first importance. Each hut should be trenched round. Its floors should be raised a foot or a foot and a half from the earth, so as to permit the free under passage of air ; but care must be taken to prevent the lodgment of moisture or impurities beneath the floor. In some cases a layer of concrete under the hut may be necessary to prevent dampness. A distance not less than three times the wall-height of a hut should intervene between any two huts, and each hut should be so placed as not unnecessarily to interfere with free circulation of air round other huts. In huts, as in permanent buildings for the treatment of infectious diseases, 2000 cubic feet, with 144 square feet of floor, is the standard of space that should be allowed to each

<sup>1</sup> *Regulation Bell Tent.*—Diameter, 14 ft. ; height, 10 ft. ; area of base, 154 square ft. ; cubic space, 513 feet.

*Regulation Hospital Marquee.*—Length, 29 ft. ; width, 14 ft. ; side walls, 5 ft. 4 in. ; height to ridge, 11 ft. 8 in. ; area of base, 396 square ft. ; cubic capacity, 3366 ft.



patient. The ventilation of huts also is of equal importance with that of permanent hospital buildings. It is best secured by the combination of side windows with roof-opening, the latter protected from rain, and running the whole length of the ridge of the roof. The side windows should not be of less size than ordinary house windows; they must freely open top and bottom, and for this purpose had best be sash-windows; they should be placed in similar series on opposite sides of the wards, one window between each pair of beds. The ventilating opening beneath the ridge may have flaps, movable from within the hut by ropes and pulleys, so that the opening to windward can be closed, if necessary, in high winds. Double-wall wood huts may have additional ventilation by the admission of air between the outer and inner walls, and its passage into the interior of the hut through openings with movable covers at the top of the inner lining. The roof should be covered with waterproof felt; the edges of the felt fastened down by strips of wood, not directly by nails. The hut should be warmed by open fireplaces, fixed in brick stove-stacks, or by open stoves placed in the centre of the floor, the flue being carried through the roof, with all the needful precautions to guard against ignition of the wood-work.

The sewerage and scavenging arrangements both of tents and huts demand very careful consideration. When the tents or huts are placed within the area of a public system of sewerage and water supply no difficulty will arise; for drains may be laid into the public sewer, and water-closets may easily be adopted. But where no system of sewerage exists, the disposal of excremental matters and other refuse will require special provisions. In regard to excremental-disposal under such circumstances, the best method to adopt is the dry-earth system, or failing this, a pail system, with careful arrangements for the disinfection and subsequent disposal of the excrementitious matter. All slops and other refuse should be deposited in metal pails, to be removed from the tents and huts at frequent intervals, and should be so disposed of as not to become a nuisance. Too much attention cannot be given to the careful scavenging of tents and huts, and to the proper disposal of the refuse from them; and the servant or servants to whom the duty is assigned (as indeed all service which concerns the cleanliness and wholesomeness of the hospital) should be under very vigilant supervision.

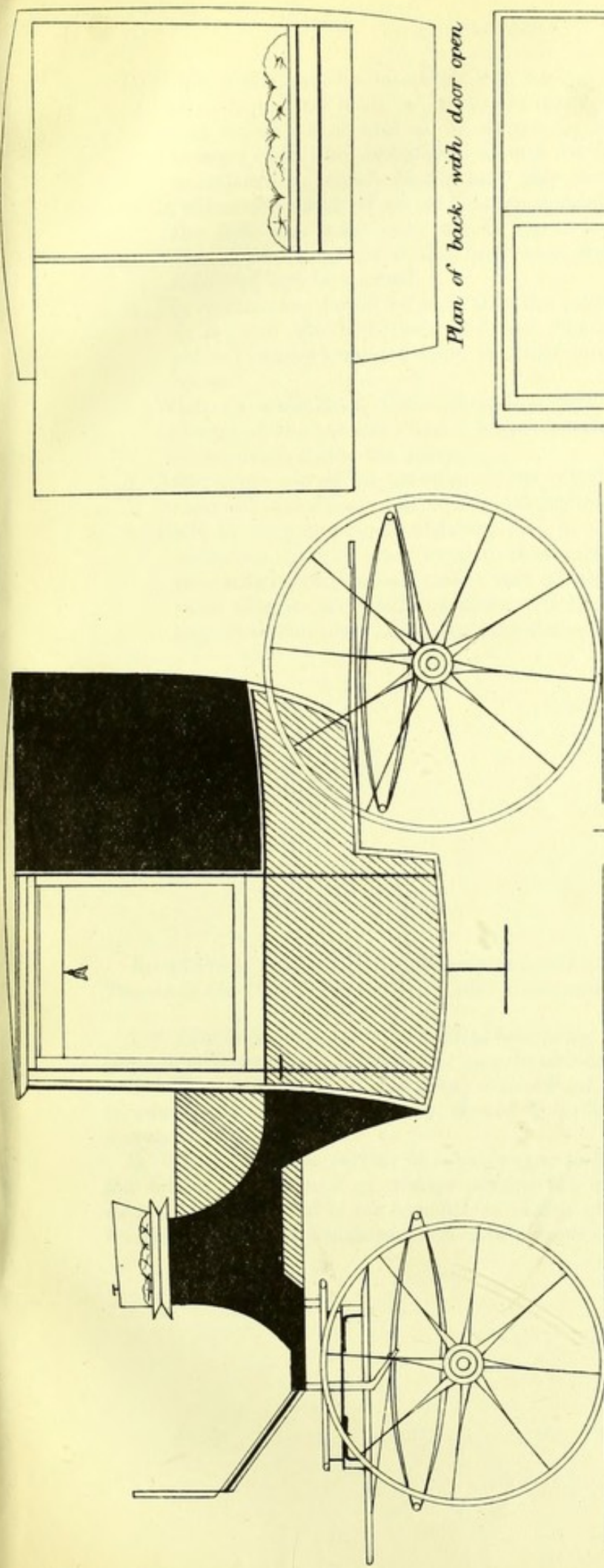
Appended is a plan of a hospital hut for male and female patients, and a section of a double-walled military hospital hut constructed out of ordinary scantling. If no cottage or other building has been adapted permanently for the administrative purposes of the hospital, or can be rendered available for them, the kitchen and other necessary offices (larder, wash-house, bedding, and linen stores, additional nurses' accommodation, nurses' closet, dead-house, &c.) are most readily provided by simply constructed huts, set near the huts or tents which contain the sick.

Appended, also, is a diagram illustrating the way in which several separate huts may be arranged so as to provide for the necessities of a considerable epidemic, or for the case of several epidemic diseases prevailing at the same time.

## II.—On Ambulances.

For the conveyance of patients who are sick with infectious disease, special carriages, which are known by the name of "ambulances," are necessary. Such carriages may be provided by sanitary authorities under section 123 of the Public Health Act, 1875. The following points have to be attended to in the provision and use of such carriages:—





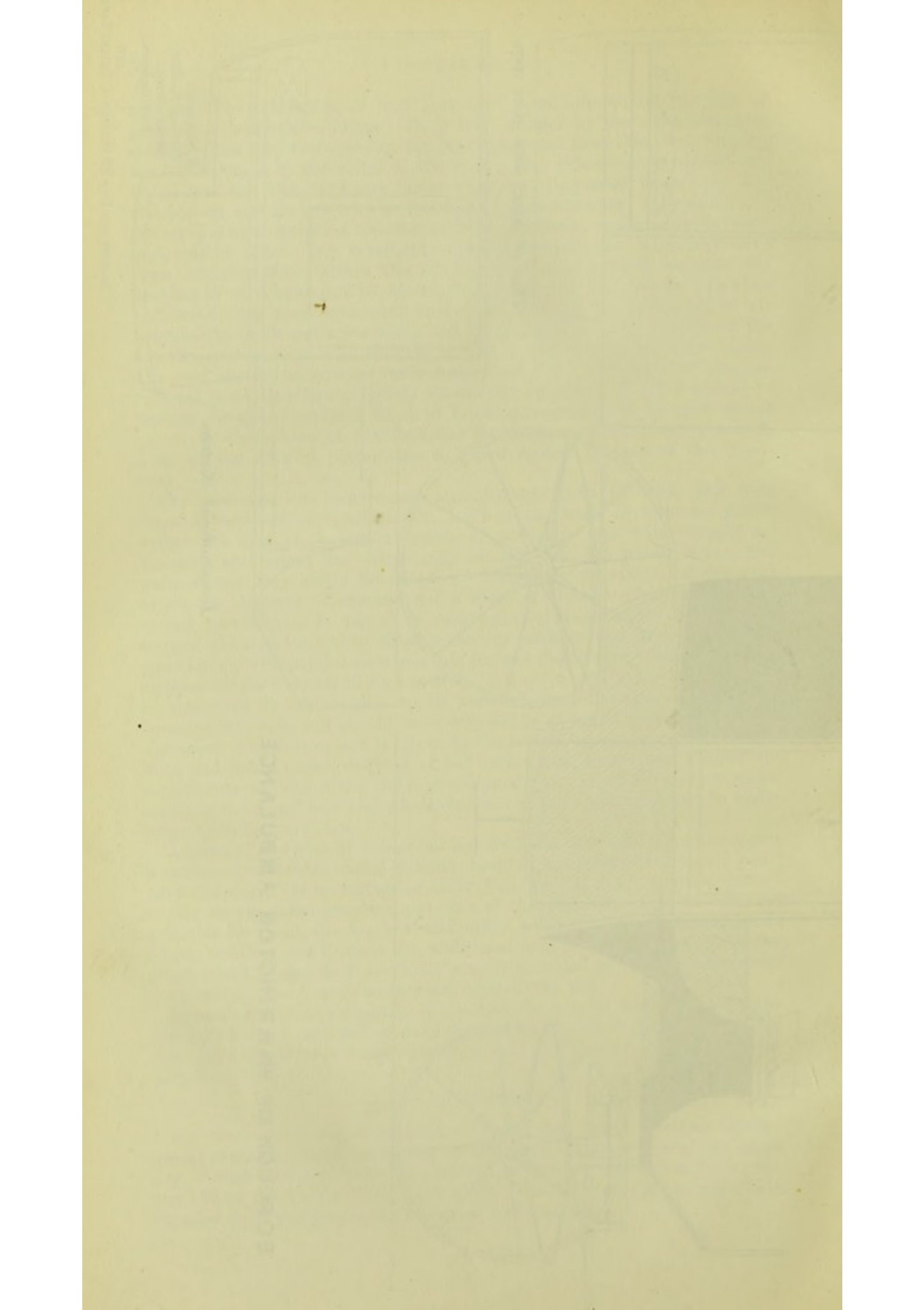
*Plan of back with door open*

*Longitudinal Section*

*R. Thomson  
Carriage Builder,  
Broad Street,  
Birmingham.*

**BOROUGH OF WARRINGTON AMBULANCE.**







1. If the ambulance be intended only for journeys of not more than a mile, it may be made so as to be carried between two people, or it may be on wheels and to be drawn by hand. If the distance be above a mile, the ambulance should be drawn by a horse. Every ambulance on wheels should have easy carriage-springs.
2. In the construction of an ambulance, special regard should be had to the fact that after each use, it has to be cleansed and disinfected. The entire interior, and the bed-frame and bed, should be of materials that can be washed.
3. The ambulance should be such that the patient can lie full length in it; and the bed-frame and bed should be movable, so that the patient can be arranged upon the bed before being taken out of his house.
4. With an ambulance there should always be a person specially in charge of the patient; and a horse-ambulance should have a seat for such person inside the carriage.
5. After every use of an ambulance for infectious disease, it should be cleansed and disinfected to the satisfaction of a medical officer.
6. Both in very populous districts, and in districts which are of very wide area, it may often happen that more than one ambulance will be wanted at one time; and in any district if more than one infectious disease is prevailing, there will be an evident sanitary advantage in having more than one ambulance for use.

EDWARD C. SEATON, M.D.,  
Medical Officer.

Local Government Board,  
December, 1876.

*In addition to these, the following suggestions are made by Dr. Thorne Thorne in the 10th Report of the Local Government Board:—*

1. *“That it is desirable to have fitted behind the driver’s seat a sheet of glass, through which an outside attendant may be able to keep the patient in view.*
2. *“That a box or case containing a stimulant, which it might be necessary to administer during the journey, should be provided in connexion with the conveyance.*
3. *“I would desire further to impress upon sanitary and hospital authorities the extreme importance of always placing the ambulance, especially during its journeys from and to the hospital, in charge of a person who can be fully trusted to permit no communication with persons on the route.”*



MEMORANDUM FROM THE LOCAL GOVERNMENT BOARD ON THE DUTIES  
OF SANITARY AUTHORITIES IN REFERENCE TO EPIDEMICS OF  
SMALL-POX.

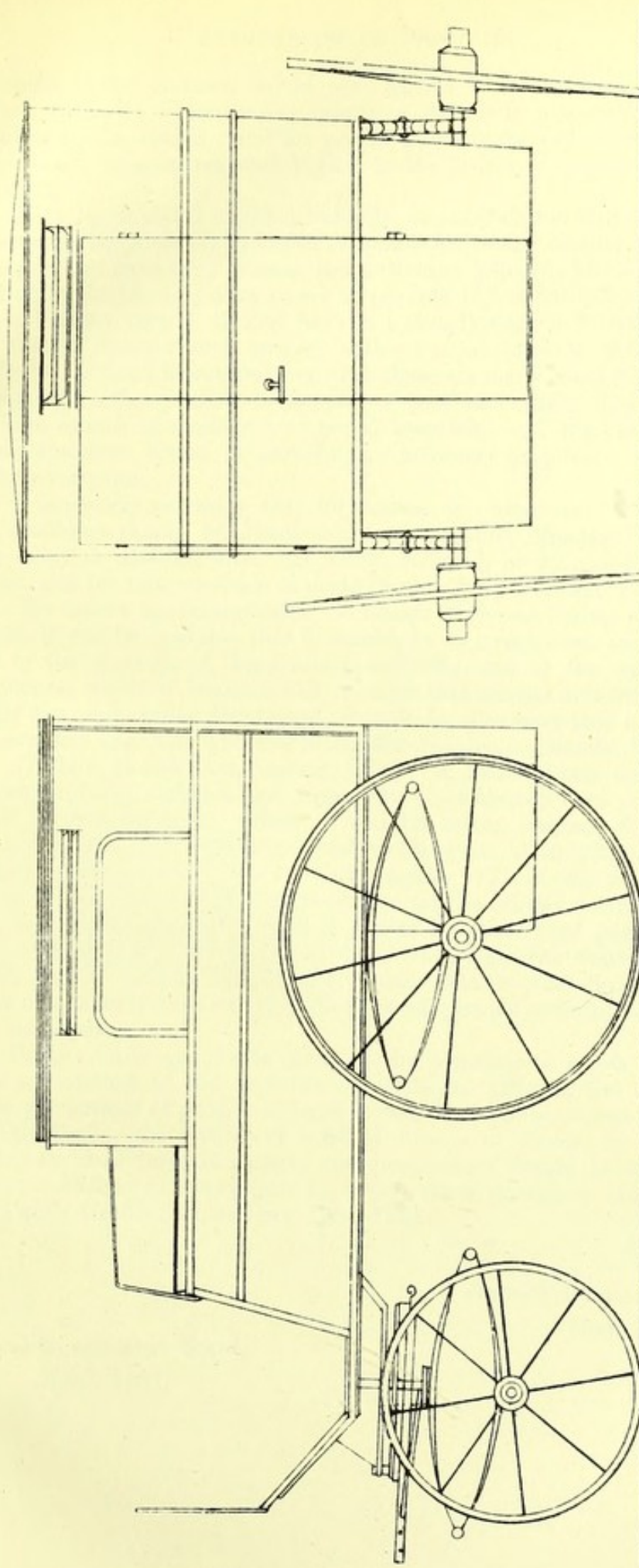
*As it is by vaccination that the spread of small-pox can most effectually be prevented or restrained, the sanitary authority of any district into which a case of that disease may be brought, or in which it may occur, should immediately, on obtaining information of the occurrence, give notice to the Board of Guardians (the local authority for vaccination purposes), or the vaccination officer, in order that all requisite measures in regard to vaccination may be taken. The sanitary authority should also instruct their officers to assist in the administration of the Vaccination Acts by spreading a knowledge of the advantages of vaccination and re-vaccination, and by giving to the vaccination officer any information they may obtain as to children and others unprotected by vaccination.*

*The sanitary authority themselves should, on any appearance of small-pox within their district, at once proceed (under the powers of the Public Health Act, 1875), to see that proper means to prevent the spread of the disease, by isolation of the sick, and by disinfection of infected houses and things, are adopted. Any extension of the disease from the house first infected, or any fresh importation of it, needs to be dealt with in the same way. And as, from the extreme infectiousness of small-pox, every new case is a fresh source of danger, it is of the first importance towards preventing the spread of the disease that the necessary measures of the kind above mentioned should be taken in each case at the earliest possible moment. Hence the necessity for every sanitary authority to see—at any time when small-pox threatens to become prevalent—that their machinery for supplying to the medical officer of health information from the district medical officers of every fresh case of small-pox occurring amongst paupers, and from the district registrars of all cases of death from small-pox, is in complete working order; and to request the medical practitioners of the district to give information of any fresh cases of the disease occurring in their private practice. To facilitate the carrying out of these arrangements, post-cards, addressed to the medical officer of health, should be distributed to district medical officers, medical practitioners, and registrars.*

The following are the measures which sanitary authorities should take in reference to small-pox:—

1. It is of great importance that all persons suffering from small-pox, and so lodged that the isolation of them from healthy persons cannot be secured without their removal, should be removed to some special hospital or place for the reception of the sick. The 124th section of the Public Health Act, 1875, in the cases there mentioned, gives power to a justice to order such removal; and resort should be had to this provision wherever such a measure seems necessary to prevent the spread of the disease. The 91st section of the same Act, including within the term "nuisance" such overcrowding of a house or any part of a house as is dangerous or injurious to





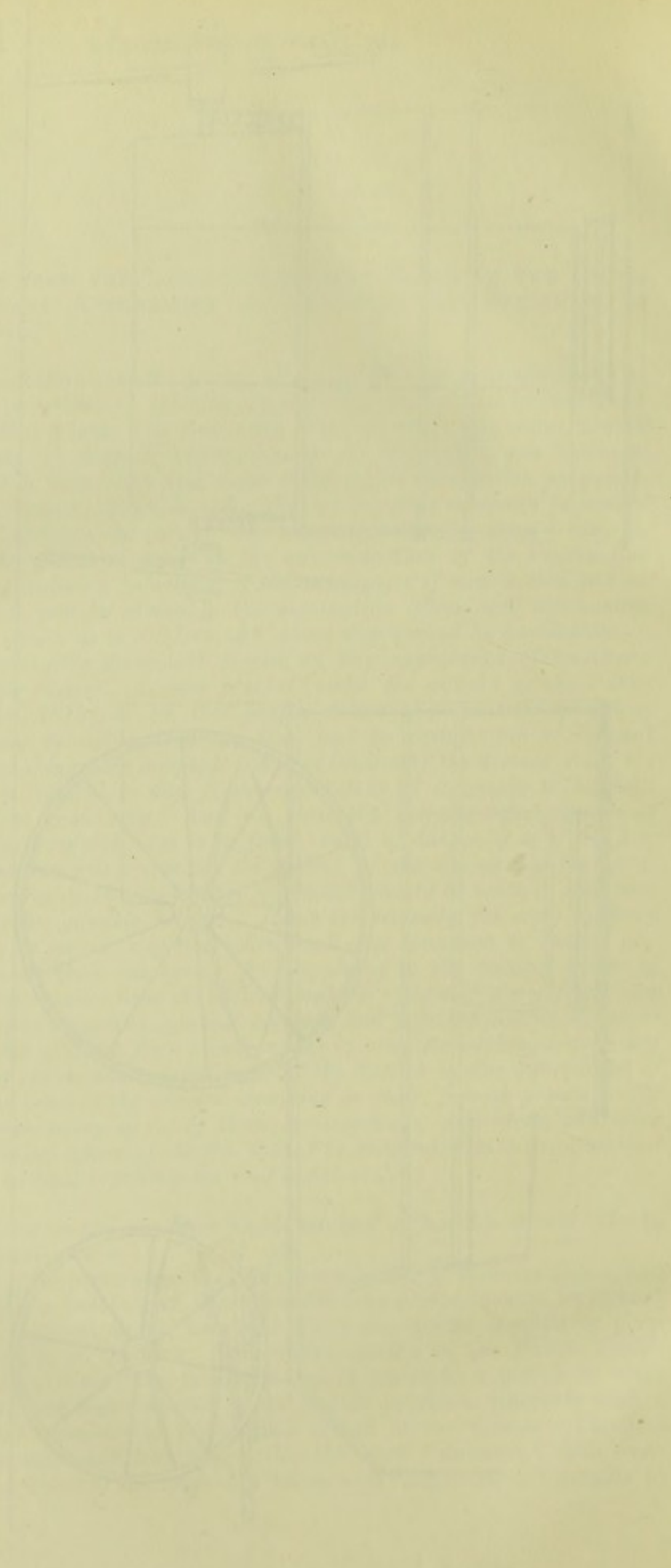
Henry Angus  
Coach Works  
Newcastle

*Ambulance in use at the Hospital for Infectious Diseases at  
Newcastle - upon - Tyne.*



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the health of the inmates, should also receive the special attention of the sanitary authority whenever any infectious disease is or threatens to become prevalent in the district ; and the powers given in the 142nd section should, if necessary, be exercised with regard to the bodies of persons who die of small-pox.

2. If it be doubtful whether suitable accommodation will be found in the existing hospitals for the cases of small-pox in the district which ought to be removed from their homes, the authority, who (under section 131 of the Public Health Act) have power to provide any requisite accommodation for such cases should, if they have not already exercised their powers in this behalf, exercise such powers without delay, and to the full extent required. It must be remembered that there are many cases where removal is necessary, although there is no need of poor law relief. For these cases provision cannot be made in workhouse hospitals ; and the sanitary authority are therefore bound to provide the necessary hospital accommodation for their reception.

3. It is equally necessary that all houses or rooms and things infected with small-pox should be disinfected under skilled direction, and with as little delay as possible after the death, removal, or convalescence of the patient, and for this provision is made in section 120 of the Public Health Act. To secure the disinfection of houses or rooms being properly performed, it will be desirable that it should, in as many cases as possible, be done by the servants of the sanitary authority, and to the satisfaction of the medical officer of health ; and, in order that articles and things may be readily but sufficiently disinfected, it will be necessary that a place with the necessary apparatus and attendance for disinfection should be ready for use. (Public Health Act, section 122.) If these public means of disinfecting infected articles and things have not already been provided, this should at once be done. Often it will be better, instead of disinfecting infected articles (such as bedding and clothing), to destroy them ; and the sanitary authority have power, under section 121 of the Public Health Act, to do this, and to make compensation for the articles destroyed.

4. As infectious diseases may be spread by the use of public carriages for the conveyance of the sick and of convalescents, the sanitary authority should (under section 123 of the Public Health Act) provide suitable means of conveyance to and from hospital of persons suffering or recovering from small-pox.

5. Public notice should be given of the penalties to which persons are liable on account of the exposure of small-pox patients, the use without proper precautions of public carriages for the conveyance of persons suffering from small-pox, the letting of infected houses or rooms, or the sale or sending about of infected things ; and proceedings should be taken by the sanitary authority in every case in which these provisions are disobeyed. (See Public Health Act, sections 126—129).

GEORGE BUCHANAN,  
Medical Officer.

Local Government Board,  
*April, 1881.*



CIRCULAR ISSUED BY THE LOCAL GOVERNMENT BOARD, POINTING OUT  
THE PRECAUTIONS TO BE TAKEN AGAINST THE SPREAD OF SCAR-  
LATINA.

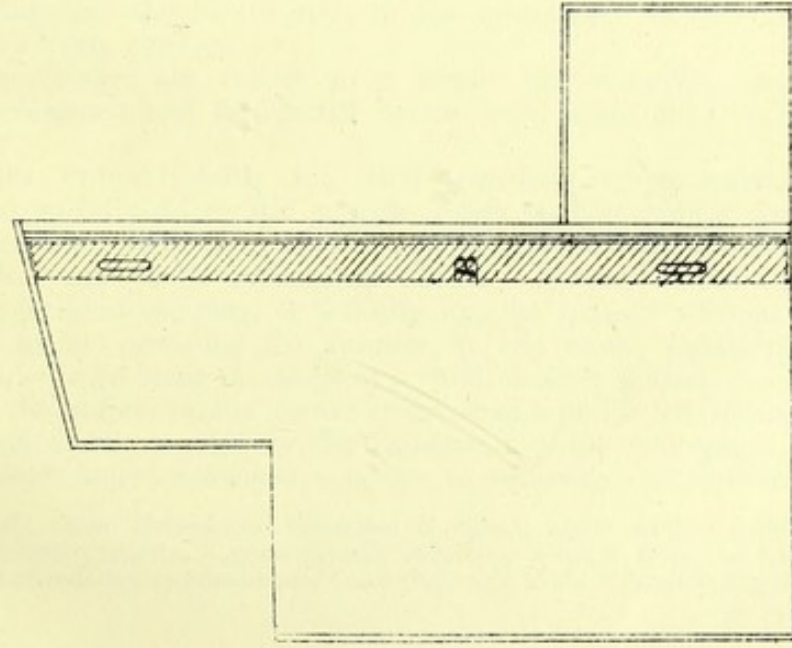
IN every case where scarlatina prevails or threatens to prevail in a district (as, indeed, wherever there is prevalence or threatening of any other epidemic disease), it is of more than common importance that, both by private action and by action of sanitary authorities, everything practicable should be done to ensure freshness of atmosphere and dryness of soil and entire absence of dirt throughout the district, especially in and about houses and to guard against overcrowding of inhabitants, and to provide that impure water be not drunk. It is of course particularly necessary that such district inspections as are ordered by section 92 of the Public Health Act, 1875, should be frequently and carefully made by the sanitary authority, and that whatever proceedings are required to procure the abatement of nuisances should be pressed forward with all practicable despatch.

Sanitary authorities and the public ought also to bear well in mind the contagiousness of scarlatina, and the precautions which that property of the disease renders necessary. Each patient who has scarlatina, whether in a severe or in a slight degree, makes round him an atmosphere in which other persons, if they have not previously had the disease, are very likely to become infected with it. Also, where death occurs, the body of the patient, while unburied, continues a centre of infection. The property of infectiousness probably attaches, more or less, to all matters which pass from the body of the patient during his disease and convalescence; but doubtless it belongs especially to those matters which come from the throat and nose, and from the skin of the patient; the former in foul fluid and solid discharge, and tainting the breath of the patient; the latter, particularly represented in the flakes and grains of dry skin which, after the first few days of the disease, begin to be shed in the so-called peeling or desquamation. During the illness of the patient, infectious particles of these sorts are plentifully diffused in the air round about him, abound in his clothes and bedding, and may attach more or less to all objects in the room. If left to themselves, they preserve their infectiousness for very long periods of time; so that, for instance, handkerchiefs which had been used to the patient's mouth and nose, and bedding and clothing which contain the bran-like dust from his skin, and in various degrees all things which have been in use in the room, and the dress of persons who have attended there, may, for an indefinite time, be sources of danger. And it is by reason of particles of this kind still hanging about the persons of convalescents, or remaining attached to their clothes, that the contagion of the disease is so persistent.

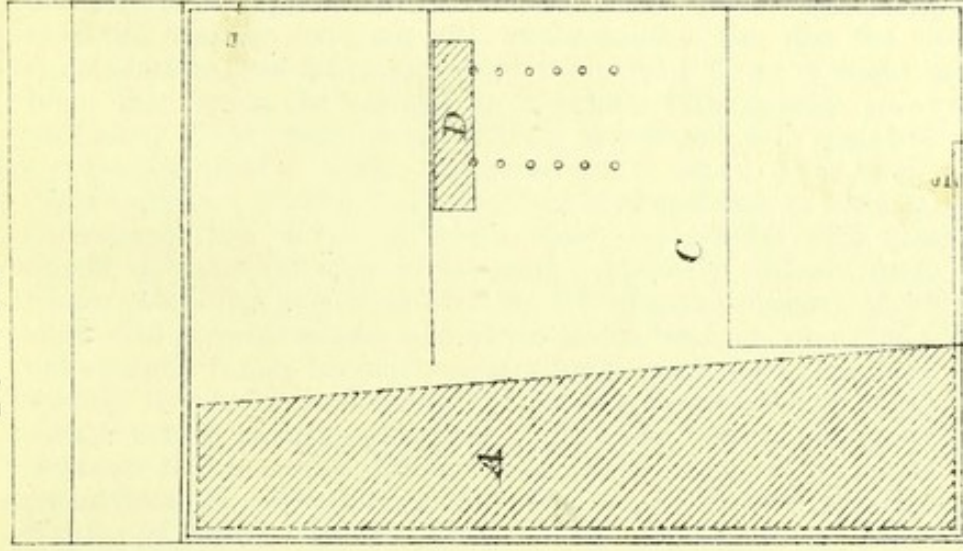
In taking precautions against the spread of scarlatina, the above points have to be applied, as far as practicable, as follows. Every person who sickens with the disease should at once be removed from among the healthy; and if circumstances do not permit of this being done in his own home, he ought to be treated in hospital. The room to be used as a sick-room should be divested of every unnecessary thing to which dust or fluff is likely to



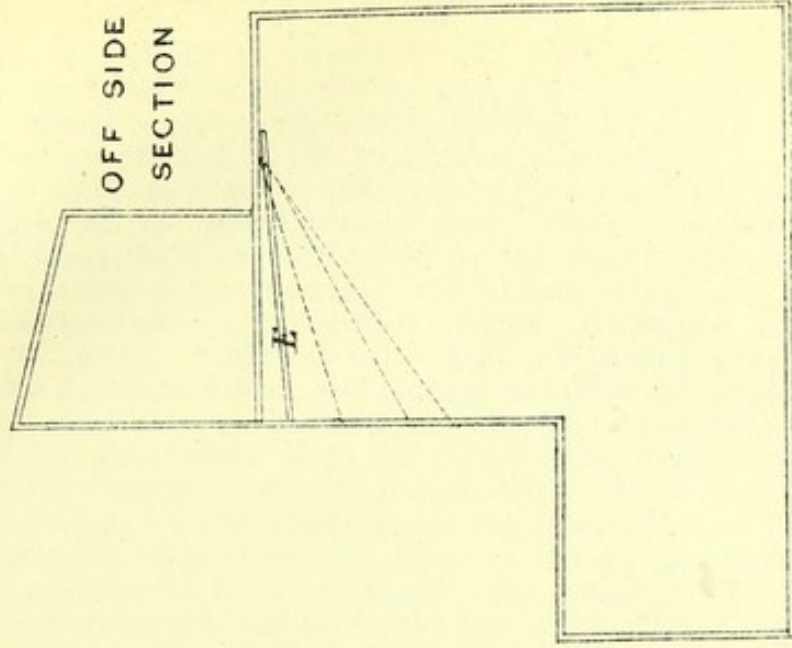
NEAR SIDE SECTION.



BOTTOM PLAN



OFF SIDE SECTION



A. Position of Moveable Stretcher when inside.  
B. Side view of Moveable Stretcher.

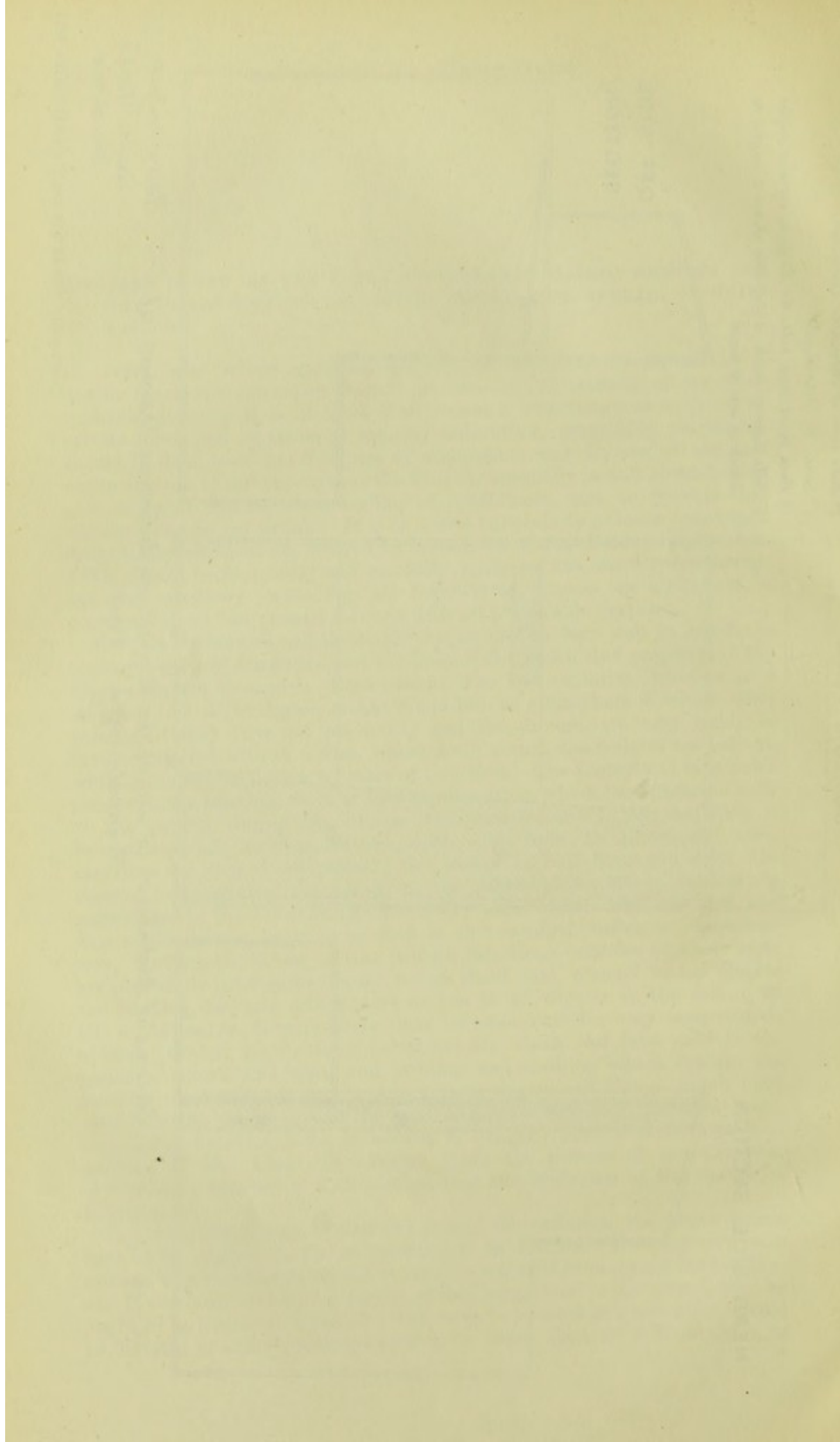
C. Seats for Attendants

D. Back board, with holes for fixing at various angles  
E. Side view of back; dotted line showing angles at which it can be fixed

*Sections of Ambulance in use at the Hospital for Infectious Diseases at  
Newcastle-upon-Tyne.*

*Henry Angus  
Coach Works  
Newcastle.*







attach. The room should be thoroughly well ventilated (as by windows and chimney) directly from and into the open air. Persons in attendance on the sick should be persons who already have had the disease. Between the sick-room and the rest of the house there should be no unnecessary intercourse. In the room and on the person of the patient every practicable disinfection should be effected without delay. Some strong disinfectant fluid should always be in use in the room for the various occasions which arise with reference to the discharges and utensils of the sick, and the hands of the attendants. Handkerchiefs and other like articles, as soon as fouled by the patient, should be well scalded with boiling water, or immersed in the disinfectant fluid; and bedding, and other like articles which cannot be treated thus extemporaneously, should be removed, suitably packed, to the place where they can be otherwise disinfected. It is believed that the dispersion of contagious dust from the patient's skin is impeded by keeping his entire body (including limbs and head and face) constantly anointed with oil or other grease; and some practitioners also believe this treatment to be of advantage to the patient himself. When the patient's convalescence is complete, the final disinfection of his surface should be effected by warm baths (with abundant soap), taken on three or four successive days, till no trace of roughness of the skin remains. Not until this has been done, nor without the greatest care that the clothes are clean and free from infection, should the patient, however slight may have been the attack, be allowed to associate with persons susceptible of scarlatina. This caution is of particular importance with regard to schools: and the neglect of it when children return to school, after they have had slight scarlatina, is often a principal source of epidemic infection in districts. Intercourse from houses in which there is scarlatina with other houses should not be more than is necessary; especially children from infected houses (who often may themselves be breeding the disease) should not be allowed to frequent schools and other assemblages of young people. Not unfrequently it may become necessary for the sanitary authority to consider whether temporary closure of schools, during the prevalence of the disease, should not be recommended.<sup>1</sup> As milk has been found to be in some instances the means of disseminating the infection of scarlatina, special precautions are advisable in the event of the disease appearing in the families of persons dealing in milk.

The bodies of persons dead of scarlatina should be buried with the least possible delay, and should not ever, in the meantime, be kept in rooms inhabited by living persons.

When scarlatina has ended in a house, the sick-room should be thoroughly cleansed and disinfected before being again used by healthy people.

Under the Public Health Act, 1875, penalties are recoverable from persons who wilfully do certain actions which tend to spread dangerous infectious disease: viz. any person who, while suffering from such a disease, enters any public conveyance without notifying to the owner or driver that he is so suffering, or wilfully exposes himself without proper precautions against spreading the disorder, in any street, public place, or conveyance, or, who being in charge of a child or other person so suffering, so exposes the sufferer;—any owner or driver of a public conveyance who does not immediately provide for the disinfection of his conveyance after it has, to his knowledge, conveyed a person so suffering;—any person who,

<sup>1</sup> If a school under Government inspection is closed, under medical authority, on account of a local epidemic, a proportionate reduction is made from the number of meetings and attendances required under the revised code of the Education Department.



without previously disinfecting, gives, lends, sells, transmits, or exposes any bedding, clothing, rags, or other things which have been exposed to infection from such disorder; and lastly, any person who knowingly lets any house, room, or part of a house, in which any person suffering from a dangerous infectious disorder has been, without having disinfected the same to the satisfaction of a medical practitioner, to be testified by a certificate.

Under the same Act large powers are given to sanitary authorities for the purpose of preventing the spread of infectious disorders: viz. to cause any infected house or part of a house to be cleansed and disinfected; to provide a proper place, with all necessary apparatus and attendance, for the disinfection of articles (such as clothing or bedding) which have become infected; to cause any articles brought for the purpose to be disinfected free of charge; and to direct the destruction of infected articles, giving compensation for the same. Powers are also given to provide hospitals, either temporary or permanent, and carriages for the conveyance to them of the sick; and to provide places for the reception of dead bodies.

Where a hospital for the reception of the sick has been provided in or near to a district, a justice, on application, may order any person suffering from a dangerous infectious disorder, and being without proper lodging or accommodation, or lodged in a room occupied by more than one family, to be removed to such hospital at the cost of the local authority; and any person so suffering, who is lodged in any common lodging-house, may be removed to such hospital by order of the local authority. Where a mortuary has been provided, the removal to it of dead bodies, at the cost of the local authority, may, in certain cases, also be ordered.

Chemical disinfectants are of two great classes, and hitherto it is not certain which of the two classes acts best. The one class is well represented by chlorine and certain of its compounds; the other is well represented by carbolic acid. Under the one system, the solution of chloride of lime may be used for minor domestic purposes, and chlorine gas for disinfection of rooms. Under the other system, carbolic acid may be used for minor domestic purposes, and sulphurous acid gases for disinfection of rooms. These systems do not combine well with one another; and in the choice which has to be made between them, it will be convenient that the sanitary authority should declare which of the two systems it adopts, and that all private disinfection in each district should follow such lead of the authority, the detail in each case being advised by the medical attendant. In public disinfection establishments (under section 122 of the Public Health Act, 1875) the most convenient process for the disinfection of wearing apparel, bedding, curtains, and other large household articles, consists in employment of high degrees of heat.

GEORGE BUCHANAN, M.D.,  
Medical Officer.

Local Government Board,  
*August, 1880.*



CIRCULAR ISSUED BY THE LOCAL GOVERNMENT BOARD, POINTING OUT THE  
PRECAUTIONS TO BE TAKEN AGAINST THE INFECTION OF CHOLERA.

1. As Asiatic Cholera is now prevailing in parts of the continent of Europe, and may probably extend (or perhaps has already extended) to places which are in frequent and rapid communication with England, it is not unlikely that, within the next month or two, cases of the disease may be brought into the ports of this country.

2. The order, now about to be issued, of the Local Government Board will give power to local sanitary authorities to deal with any such cases, if they arrive, in a way to protect the population, as far as practicable, against surprise. But as cases of choleraic infection have widely different degrees of severity, it is possible that some such cases, slightly affected, will, notwithstanding the vigilance of local authorities, be landed without particular notice in English sea-board towns, whence then they may advance to other, and perhaps inland, places.

3. Former experiences of cholera in England justifies a belief that the presence of imported cases of the disease at various spots in the country will not be capable of causing much injury to the population, if the places receiving the infection have had the advantage of proper sanitary administration; and, in order that all local populations may make their self-defence as effective as they can, it will be well for them to have regard to the present state of knowledge concerning the mode in which epidemics of cholera (at least in this country) are produced.

4. Cholera in England shows itself so little contagious, in the sense in which small-pox and scarlatina are commonly called contagious, that, if reasonable care be taken where it is present, there is almost no risk that the disease will spread to persons who nurse and otherwise closely attend upon the sick. But cholera has a certain peculiar infectiveness of its own, which, where local conditions assist, can operate with terrible force, and at considerable distances from the sick. It is characteristic of cholera (and as much so of the slightest choleraic diarrhoea, as of the disease in its more developed and alarming forms) that all matters which the patient discharges from his stomach and bowels are infective. Probably, under ordinary circumstances, the patient has no power of infecting other persons except by means of these discharges; nor any power of infecting even by them, except in so far as particles of them are enabled to taint the food, water, or air, which people consume. Thus, when a case of cholera is imported into any place, the disease is not likely to spread, unless in proportion as it finds, locally open to it, certain facilities for spreading by indirect infection. In order rightly to appreciate what these facilities must be, the following considerations have to be borne in mind:—first, that any choleraic discharge, cast without previous thorough disinfection into any cesspool or drain, or other depository or conduit of filth, infects the excremental matters with which it there mingles, and probably, more or less, the effluvia which those matters evolve; secondly, that the infective power of choleraic discharges attaches to whatever bedding, clothing, towels and like things, have been imbued with them, and renders



these things, if not thoroughly disinfected, as capable of spreading the disease in places to which they are sent (for washing or other purposes) as, in like circumstances, the patient himself would be; thirdly, that if, by leakage or soakage from cesspools or drains, or through reckless casting out of slops and washwater, any taint (however small) of the infective material gets access to wells or other sources of drinking-water, it imparts to enormous volumes of water the power of propagating the disease. When due regard is had to these possibilities of indirect infection, there will be no difficulty in understanding that even a single case of cholera, perhaps of the slightest degree, and perhaps quite unsuspected in its neighbourhood, may if local circumstances co-operate, exert a terribly infective power on considerable masses of population.

5. It might be supposed that, under those provisions of the sanitary Acts which relate to precautions against dangerous infections of disease, security could be taken, as regards the infective discharges of cholera, against various kinds of personal conduct which would be dangerous to the public health: above all, that, under those provisions or otherwise, the universal disinfection of such discharges could be enforced. Undoubtedly everything possible in this direction ought to be done, wherever a case of cholera is known to exist: too much importance cannot be attached to the precaution of thoroughly disinfecting, without delay, all discharges from the stomach and bowels of persons suffering under the disease, and of disinfecting or destroying all bedding, clothing, towels, and the like, which such discharges may have imbued: and of course neither choleraic discharges, nor any slops which may contain traces of them, should ever (even when supposed to be disinfected) be cast into any position from which they may get access into drinking-water. But, although the duty of observing those precautions is one which ought never to be neglected, populations cannot prudently stake their lives on the chance that it will be completely fulfilled for them. Apart from all questions of negligence, the degrees of cholera are too many, and the slight and incipient cases far too apt to escape observation, for any such defence against its infection to be more than partial. And therefore the main object for endeavour must be, to secure everywhere such local circumstances that the infective material, though not disinfected, would be unable to spread its influence among the population.

6. The dangers which have to be guarded against as favouring the spread of cholera-infection are particularly two. First, and above all, there is the danger of water-supplies which are in any (even the slightest) degree tainted by house-refuse or other like kinds of filth; as where there is outflow, leakage or filtration, from sewers, house-drains, privies, cesspools, foul ditches or the like, into springs, streams, wells or reservoirs, from which the supply of water is drawn, or into the soil in which the wells are situate: a danger which may exist on a small scale (but perhaps often repeated in the same district) at the pump or dip-well of a private house, or, on a large and even vast scale, in the source of public water-works. And secondly, there is the danger of breathing air which is foul with effluvia from the same sorts of impurity.

7. Information as to the high degree in which those two dangers affect the public health in ordinary times, and as to the special importance which attaches to them at times when any diarrhoeal infection is likely to be introduced, has now for so many years been before the public, that the improved systems of refuse-removal and water-supply by which the dangers are permanently obviated for large populations, and also the minor structural improvements by which separate households are secured against them, ought long ago to have come into universal use.



So far, however, as this wiser course has not been adopted, temporary security must, as far as practicable, be sought in measures of a palliative kind.

(a.) Immediate and searching examination of sources of water-supply should be made in all cases where the source is in any degree open to the suspicion of impurity : and the water both from private and public sources should be examined. Where pollution is discovered, everything practicable should be done to prevent the pollution from continuing, or, if this object cannot be attained, to prevent the water from being drunk.

(b.) Simultaneously, there should be immediate thorough removal of every sort of house-refuse and other filth which has accumulated in neglected places ; future accumulations of the same sort should be prevented ; attention should be given to all defects of house-drains and sinks through which offensive smells are let into houses ; thorough washing and lime-washing of uncleanly premises, especially of such as are densely occupied, should be practised again and again.

(c.) Disinfection should be very freely and very frequently employed in and round about houses, wherever there are receptacles or conduits of filth ; wherever there is filth-sodden porous earth ; wherever anything else, in or under or about the house, tends to make the atmosphere foul.

In the absence of permanent safeguards, no approach to security can be got without incessant cleansings and disinfections, or without extreme and constant vigilance against every possible contamination of drinking-water.

8. In view of any possibility that the infection of cholera may again be present in this country, it is desirable that in each locality the public should ascertain to whom it practically has to look, in case of need, for its collective safety against such dangers as the above. The responsibility is, in a large proportion of cases, mixed. The most critical of all its branches, the responsibility of providing for the unpollutedness of water-supplies, is, in many very important places, in the hands of commercial companies ; and it is to be hoped that these companies, informed, as they must be, of the calamitous influence which some of their number have exerted in previous epidemics of cholera, will remember, if the disease shall again be present here, that each of them, in its daily distribution of water, has hundreds, or even thousands of human lives in its hands. But, except to that extent, the responsibility for local defences against cholera, both as regards water-supply and as regards local cleanliness and refuse-removal, is vested in the local sanitary authorities, urban and rural. These authorities are all, by law, so constituted, as to represent, in their respective areas of jurisdiction, the will of the local rate-paying population ; and each such population has had almost absolute means of deciding for itself whether the district which it inhabits should be wholesomely or unwholesomely kept. It is greatly to be wished that the former of these alternatives had, from long ago, been the desire of every local constituency in the country ; and it may fairly be believed that, in considerable parts of the country, conditions favourable to the spread of cholera are less abundant than at former times of visitation. But it is certain that in very many places the conditions of security are wholly or almost wholly absent ; and it is to be hoped that in all this large class of cases, the authorities, under present circumstances, will do everything which, in the remaining time, can be done, to justify the trust reposed in them by the Legislature for the protection of the public health.

9. It is important for the public very distinctly to remember that pains taken and costs incurred for the purposes to which this memorandum refers cannot, in any event, be regarded as wasted trouble and expense. The local conditions which would enable cholera, if imported, to spread its infection in



this country, are conditions which day by day, in the absence of cholera, create and spread other diseases : diseases, which, as being never absent from the country, are, in the long-run, far more destructive than cholera ; and the sanitary improvements which would justify a sense of security against any apprehended importation of cholera would, to their extent, though cholera should never reappear in England, give amply remunerative results in the prevention of those other diseases.

JOHN SIMON,  
Medical Officer of the Board.

Local Government Board,  
*July 5th, 1873.*



CIRCULAR FROM THE MEDICAL OFFICER OF THE LOCAL GOVERNMENT  
BOARD RELATIVE TO TRICHINOUS DISEASE AND THE COOKING OF  
MEAT.

SOME very serious diseases in man, of which the chief is named Trichiniasis, result from eating the flesh of pigs that have become infested with minute parasitic worms.

It is upon the imported flesh of foreign pigs that suspicion of being thus infested has recently fallen ; but it will be prudent to regard all pigs as liable to parasitic disease, and to remember that the influence of it upon the animal is not nearly so evident as when the disease attacks man.

Inasmuch as the meat infested with these worms cannot be recognized by any popular test, and the worms themselves can only be detected by careful microscopic examination, it becomes important to take precautions against harm to man in the case of meat from all pigs.

The only known means of avoiding disease in man from this dangerous quality of meat from pigs, is by very thorough and efficient cooking. If there is reason for thinking a particular sample of meat to contain the parasites, it ought not, on any account, to be eaten, no matter how it is cooked.

Hams, sausages, and like articles, whether or not they have been smoked or salted, should never be eaten in the raw state.

To be efficient for the required purpose, the cooking of pork, of hams, of bacon, and of other articles should be prolonged for about half as much time again as is customary. The smallest joint should be cooked for not less than an hour ; and whatever be the size of the joint, it should have not less than half an hour's cooking for each pound of meat. No part of a joint that is seen to have an underdone portion in it should be eaten.

In boiling hams and pork, the meat should be put into cold or lukewarm water ; and the period of cooking should be reckoned from the time when the water boils.

In boiling several joints of pork or several hams (as required at institutions and elsewhere), they should not be put together, in bulk, at the same time into the same cooking-vessel. Each joint should be put into a separate vessel, and boiled with a good quantity of water.

Though the caution is not given for the avoidance of the particular diseases here in question, the present is a useful opportunity to mention that it is of much importance to health to see that larders, and places where cooked meat is stored, are kept always clean and free from the chance of foul air entering them. Serious outbreaks of disease are appearing with some probability to be related to neglect of this precaution.

GEORGE BUCHANAN,  
Medical Officer.

Local Government Board,  
*February 28th, 1881.*



MEMORANDUM FROM THE LOCAL GOVERNMENT BOARD RELATIVE TO RETURNS OF DEATHS FROM REGISTRARS, AND RETURNS OF PAUPER SICKNESS FROM DISTRICT MEDICAL OFFICERS.

UNDER the general orders of the Local Government Board of March, 1880, medical officers of health are required to prepare annual reports comprising, amongst other things, tabular statements of the mortality and of the pauper sickness in their districts. Information as to mortality and sickness is required by medical officers of health not only in preparing these statements, but also in discharging the duties of their office, and this memorandum is intended to indicate the arrangements which should be made for furnishing them with such information.

1. The sanitary authority should, under section 28 of the Births and Deaths Registration Act, 1874, require the registrars of births and deaths to supply returns of the deaths registered within their respective districts. These returns should be made weekly as regards all deaths registered as having occurred within the registrar's district during the preceding week; but an immediate notice should be given of all deaths from infectious disease in fresh localities, and of all groups of deaths from such disease, or from diarrhoea, in any localities. The Registrar-General has prepared for the use of registrars a form in which the weekly returns may be conveniently made. A fee of twopence for each return and twopence for each entry is payable by the sanitary authority.

2. The medical officer of health should be regularly supplied with information of the new cases of pauper sickness in his district. This information is valuable to him, not only as an index to the prevalence of non-fatal disease among all classes in the sanitary district, but as giving him occasion to exercise useful and immediate sanitary supervision over localities which are most apt to require such supervision. It is requisite for this object, as well as to enable him to complete the annual returns, that (except where the medical officer of health is himself the poor law medical officer for the whole sanitary area under his superintendence, in which case he will of course possess this information) the guardians should instruct their clerk to copy from the district medical officers' relief lists the new cases which are reported at each meeting of the guardians, and to forward the same promptly and regularly to the medical officer or officers of health within the union. Arrangements should be made for the regular transmission of the copies referred to as early as practicable after each meeting. It is competent to the sanitary authority, whether rural or urban, to pay a reasonable sum to the clerk to the guardians for the supply of this information.

3. The guardians should request the poor law medical officers to give to the medical officer of health (or to the inspector of nuisances, for the information of the medical officer of health) acting within their respective districts, the earliest possible information of cases of dangerous infectious disease under their charge; as it is evident that unless such information is given as soon as the cases occur, the action of the sanitary authority in regard to the prevention of infection may often fail in its effect.



4. Under the Board's general order of the 12th February, 1879, it is incumbent upon all district and workhouse medical officers appointed since the 28th February, 1879, to furnish the medical officer of health with returns of pauper sickness and deaths, as well as to notify the outbreak of dangerous infectious disease. A similar obligation has been imposed by the Board's order of the 14th June, 1879, upon medical officers of district schools appointed after the 24th June, 1879.

JOHN LAMBERT,  
Secretary.

Local Government Board,  
*June, 1882.*



CIRCULAR FROM THE MEDICAL DEPARTMENT OF THE LOCAL GOVERNMENT  
BOARD RELATIVE TO THE COLLECTION AND TRANSMISSION OF SAMPLES  
OF WATER FOR EXAMINATION.

1. IN collecting samples for chemical analysis, the following instructions are to be followed :—

- (a) Winchester quart bottles, stoppered, are to be used : the bottles must be thoroughly clean, and new bottles are to be preferred.
- (b) Two bottles of each sample are to be collected.
- (c) The bottles are to be rinsed out twice on the spot with the water which is to be collected.
- (d) The bottles are to be filled, if possible, by dipping beneath the surface, and to be filled within an inch of the stoppers ; and the stoppers are to be tied over with leather, bladder, or india-rubber, and the strings to be sealed against the bottle.

2. In collecting samples for fermentation-experiments, the prepared vacuum-tubes (which are five inches long and half an inch wide) must be used according to the following directions :—

- (a) If the water is in a cistern or other receptacle, plunge the fine end of the tube deeply in the water, and (with finger and thumb or with nippers) break off, well below the surface, the point of the tube, so as to allow the influx of the water : not withdrawing the end of the tube till the water has ceased to enter it.
- (b) If the water is in a stream, where collecting it as above would be difficult, collect it first in a clean cup, which has been rinsed with boiling water, and into which the stream should then be allowed to flow freely for some minutes ; and next fill the tube from this cup as from any ordinary receptacle.
- (c) If the water is in a well, the tube must be filled from the bucket, immediately after it is raised, and with care previously taken that the bucket (outside and inside) is quite clean.
- (d) In cases which allow the natural sediment of the water to be collected, it will be desirable to fill two tubes from each water ; one, in such a way that it may contain water from near the surface ; the other, in such a way that it may contain the natural sediment from near (but not quite at) the bottom.
- (e) In each case, immediately after the tube is filled, seal the end of it in a flame.

3. In collecting samples, whether for chemical analysis or for fermentation-experiments, the time and place of collection of each sample are always to be noted by the collector ; and each bottle or tube is to bear either a copy of this note, or else some distinguishing name or number by which the sample can afterwards be identified.

4. Samples for examination are, in all cases, to be forwarded to the office without delay, accompanied by the name of the sender.

Medical Department of the Local Government Board,  
*March, 1873.*



## ORDER

*By the Lords of her Majesty's most Honourable Privy Council in accordance with the Contagious Diseases (Animals) Act, 1878.*

THE Lords and others of her Majesty's most Honourable Privy Council, by virtue and in exercise of the powers in them vested under the Contagious Diseases (Animals) Act, 1878, and of every other power enabling them in this behalf, do order, and it is hereby ordered, as follows :

*Preliminary.*

1. This Order may be cited as The Dairies, Cow-Sheds, and Milk-Shops Order of July, 1879.
2. This Order extends to England and Wales and Scotland only.
3. In this Order words have the same meaning as in The Contagious Diseases (Animals) Act, 1878.

*Revocation of former Orders.*

4. The Dairies, Cow-Sheds, and Milk-Shops Order of 1879, and The Dairies, Cow-Sheds, and Milk-Shops Amendment Order of 1879, are hereby from the making of this Order revoked : but nothing herein shall invalidate or make unlawful anything done under those Orders, or either of them, before the making of this Order, or interfere with the institution or prosecution of any proceeding in respect of any offence committed against, or any penalty incurred under, those Orders, or either of them.

*Construction and Water-Supply of New Dairies and Cow-Sheds.*

5.—(1.) It shall not be lawful for any person following the trade of cow-keeper or dairyman to begin to occupy as a dairy or cow-shed any building not so occupied at the making of this Order, unless and until he first makes provision, to the reasonable satisfaction of the local authority, for the lighting, and the ventilation including air-space, and the cleansing, drainage, and water-supply of the same, while occupied as a dairy or cow-shed.

(2.) It shall not be lawful for any such person to begin so to occupy any such building without first giving one month's notice in writing to the local authority of his intention so to do.

*Sanitary state of all Dairies and Cow-Sheds.*

6. It shall not be lawful for any person following the trade of cow-keeper or dairyman to occupy as a dairy or cow-shed any building, whether so occupied at the making of this Order, or not, if and as long as the lighting, and the ventilation including air-space, and the cleansing, drainage, and water-supply, thereof are not such as are necessary or proper—

- (a.) for the health and good condition of the cattle therein ; and
- (b.) for the cleanliness of milk-vessels used therein for containing milk for sale ; and



(c.) for the protection of the milk therein against infection and contamination.

*Cleansing of Dairies, Cow-Sheds, Milk-Stores, Milk-Shops, and Milk-Vessels.*

7. A local authority may, from time to time, make regulations for prescribing and regulating the cleansing of dairies and cow-sheds in the occupation of persons following the trade of cow-keepers or dairymen, and the cleansing of milk-stores, milk-shops, and milk-vessels used for containing milk for sale by such persons.

*Contamination of Milk.*

8. If at any time disease exists among the cattle in a dairy or cow-shed, or other building or place, the milk of a diseased cow therein—

- (a.) shall not be mixed with other milk ; and
- (b.) shall not be sold or used for human food ; and
- (c.) shall not be sold or used for food of swine, or other animals, unless and until it has been boiled.

9. It shall not be lawful for any person following the trade of cow-keeper, or dairyman, or purveyor of milk, or being the occupier of a milk-store or milk-shop—

- (1.) To allow any person suffering from a dangerous infectious disorder, or having recently been in contact with a person so suffering, to milk cows, or to handle vessels used for containing milk for sale, or in any way to take part or assist in the conduct of the trade or business of the cow-keeper or dairyman, purveyor of milk, or occupier of a milk-store, or milk-shop, as far as regards the production, distribution, or storage of milk ; or
- (2.) If himself so suffering, or having recently been in contact as aforesaid, to milk cows, or handle vessels used for containing milk for sale, or in any way take part in the conduct of his trade or business, as far as regards the production, distribution, or storage of milk—

until in each case all danger therefrom of the communication of infection to the milk, or of its contamination has ceased.

10. It shall not be lawful for any person following the trade of cow-keeper or dairyman or purveyor of milk, or being the occupier of a milk-store or milk-shop, to use a milk-store or milk-shop in his occupation, or permit the same to be used, for any purpose incompatible with the proper preservation of the cleanliness of the milk-store or milk-shop, and of the milk-vessels and milk therein, or in any manner likely to cause contamination of the milk therein.

*Keeping of Swine.*

11. It shall not be lawful for any person following the trade of cow-keeper or dairyman or purveyor of milk to keep any swine in any cow-shed or other building used by him for keeping cows, or in any milk-store or other place used by him for keeping milk for sale.

*Registration of Dairymen and others.*

12.—(1.) Every local authority shall keep a register of persons from time to time carrying on in the district of the local authority the trade of cow-keepers, dairymen, or purveyors of milk, and shall from time to time revise and correct the register.

(2.) The local authority shall from time to time give public notice by



advertisement in a newspaper circulating in their district, and, if they think fit by placards, hand-bills, or otherwise, of registration being required, and of the mode of registration.

(3.) It shall not be lawful for any person to carry on in the district of any local authority the trade of cow-keeper, dairyman, or purveyor of milk unless he is registered as such therein.

(4.) A person who carries on the trade of cow-keeper or dairyman for the purpose only of making and selling butter or cheese or both, and who does not carry on the trade of purveyor of milk, shall not, for the purposes of registration, be deemed to be a person carrying on the trade of cow-keeper or dairyman, and need not be registered.

(5.) A person who sells milk of his own cows in small quantities to his workmen or neighbours, for their accommodation, shall not, for the purposes of registration, be deemed, by reason only of such selling, to be a person carrying on the trade of cow-keeper, dairyman, or purveyor of milk, and need not, by reason thereof, be registered.

*Acts of Local Authorities.*

13.—(1.) All orders and regulations made by a local authority under the Dairies, Cow-Sheds, and Milk-Shops Order of 1879, and in force at the making of this Order shall, as far as the same are not varied by or inconsistent with this Order, remain in force until altered or revoked by the local authority.

(2.) Forms of registers and other forms which have been before the making of this Order prepared for use by a local authority under the Dairies, Cow-Sheds, and Milk-Shops Order of 1879 may be used, as far as they are suitable, for the purposes of this Order.

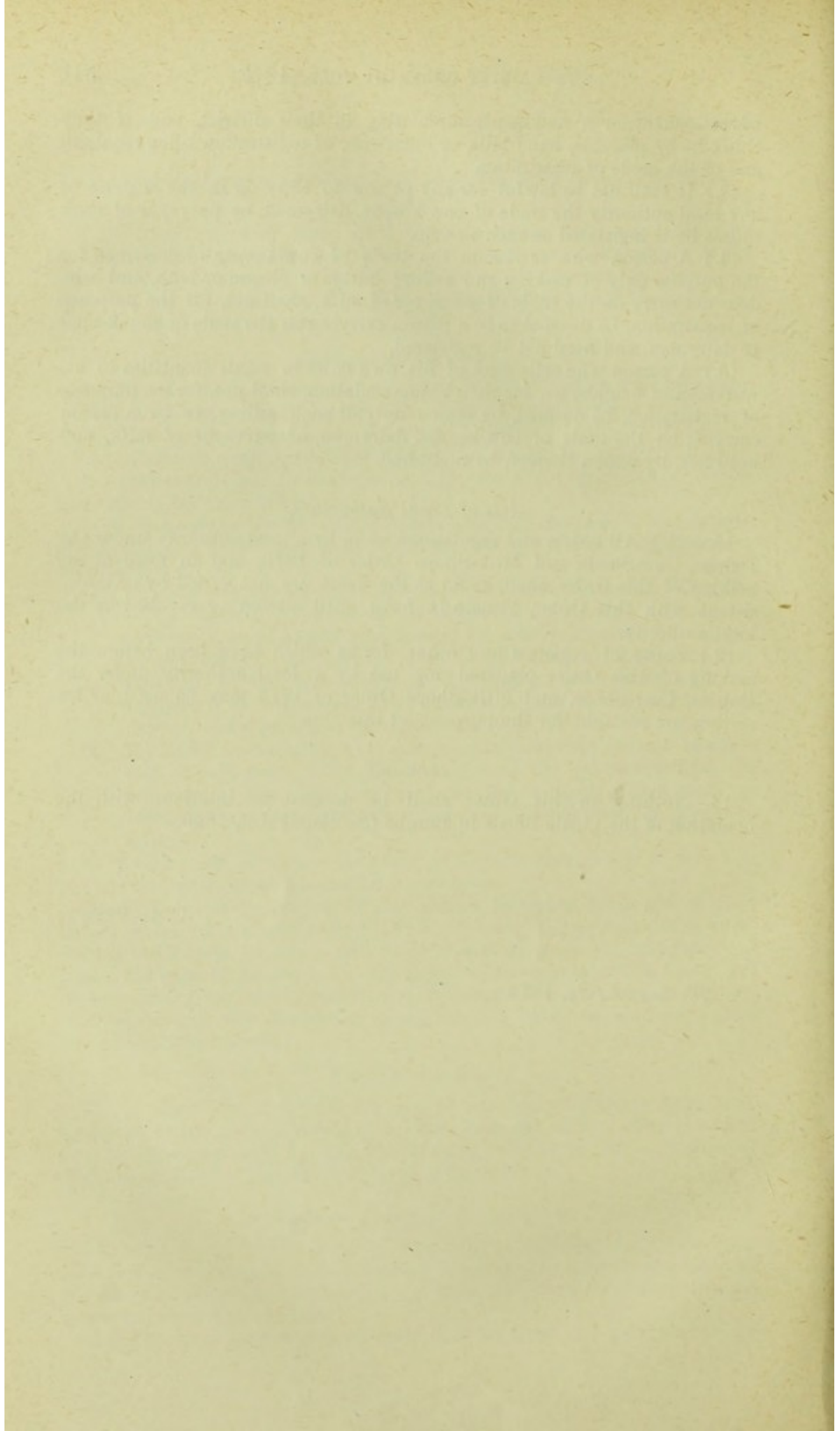
*Scotland.*

14. Nothing in this Order shall be deemed to interfere with the operation of the Cattle Sheds in Burghs (Scotland) Act, 1866.

C. L. PEEL.

*9th day of July, 1879.*







MODEL BYE-LAWS.



WALKER-ELTON



LETTER ADDRESSED BY THE LOCAL GOVERNMENT BOARD  
TO URBAN SANITARY AUTHORITIES.

MODEL BYE-LAWS.

Local Government Board, Whitehall, S.W.,  
25th July, 1877.

SIR,—I am directed by the Local Government Board to forward herewith, for the use of the Urban Sanitary Authority, printed copies of a selection of model forms which the Board have caused to be prepared for the guidance of sanitary authorities in framing bye-laws under the Public Health Act, 1875, and the other statutory provisions which, by the operation of that Act, are rendered applicable to their respective districts.

In the preparation of these forms the Board have not hesitated to seek assistance from advisers whose practical experience rendered their criticism of the proposed clauses of especial value. Thus, through the ready co-operation of the authorities of the City of London, the Board have been enabled to obtain from the officers charged with the superintendence of the markets of that city many useful observations upon the clauses suggested as bye-laws for the regulation of provincial markets. From the varied and extensive information at the disposal of the Commissioners of Police of the Metropolis, the Board have derived much assistance in the compilation of the series relating to hackney carriages and common lodging-houses. The Board have been also favoured with a very comprehensive and elaborate statement of the views of the Royal Institute of British Architects upon the bye-laws for the regulation of new streets and buildings.

Equal care has also been bestowed upon the work of rendering the model series free from objection upon legal grounds. The Board have endeavoured to exclude every provision of doubtful validity, and to confine the clauses strictly within the limits imposed by the statutory enactments by which they are authorized.

In their selection of the subjects, the Board have been chiefly influenced by their experience of the ordinary requirements of sanitary authorities; though the Board hope to be able, as time and opportunity permit, to extend their model code to the whole range of matters to which bye-laws under the Public Health Act relate.

The Board may here explain, with reference to the bye-laws for the regulation of new streets and buildings, the reasons that have induced them to abstain, for the present, from suggesting clauses with regard to certain matters for which sanitary authorities have in many instances proposed to make bye-laws.

It will be seen that the model series contains no bye-laws specifying provisions for the sewerage of new streets, and the reason for this is that the conditions which such bye-laws must satisfy are, to so great an extent, dependent upon the varying circumstances of different localities. The Board do not anticipate that inconvenience will result from the absence of satisfactory bye-laws with respect to sewerage, for it may be doubted whether any



powers, which under such bye-laws may be lawfully assumed by sanitary authorities, will, as regards extent and efficacy, compare with the powers which they derive from the express provisions of the Public Health Act.

Frequent applications have been made to the Board for confirmation of a bye-law prescribing a minimum height for habitable rooms, and it has been sought to justify such a provision as being a bye-law with respect to ventilation, and as being authorized by section 157 (3) of the Public Health Act, 1875. The form of bye-law generally proposed has been regarded as open to objection upon several grounds, and the important question as to whether the requirement of a minimum height for habitable rooms can be enforced by means of a bye-law with respect to ventilation, under the enactment above mentioned, suggests so many serious considerations that the Board have decided to submit a case for the opinion of the law officers of the Crown upon the numerous points which have been raised in connexion with the suggested bye-laws.

The Board now desire to advert to those provisions of the Public Health Act, 1875, to which, as affecting bye-laws generally, the attention of sanitary authorities should be directed.

It is provided by section 182 that "no bye-law made under this Act by a local authority shall be of any effect if repugnant to the laws of England or to the provisions of this Act." From this enactment several important rules may be deduced. A bye-law to be in harmony with the laws of England must be certain and determinate, and likewise reasonable, and hence arises the necessity for the use of certain and definite language in prescribing rules which are destined to have, locally, the binding effect of a statute.

The Board have, from time to time, had occasion to point out to sanitary authorities that the assumption in their bye-laws of the power of suspending the operation of particular provisions in individual cases is open to much objection. Frequently the conditions under which this power may be exercised have been left undetermined in the bye-laws; and the result is to impart a general uncertainty to provisions of which the precise scope should be clearly defined. Again, the Board have been called upon to criticize bye-laws which, while purporting to lay down rules enforceable by penalties, ignore the necessary details and substitute vague conditions which render compliance with the bye-laws dependent upon the approval, by the sanitary authority or their officers, of the mode of proceeding in each case. Such bye-laws also are open to objection on the ground of uncertainty, and they do not fulfil the purpose for which the power of making bye-laws was conferred upon sanitary authorities. The Board think that every person who, by neglect of the rules which a bye-law is intended to prescribe, may be rendered liable to a penalty, is entitled to demand from those who impose such rules a clear statement of the course of action which must be followed or avoided.

Further, a bye-law must be reasonable. The exercise of the power which the Legislature has confided to sanitary authorities must frequently bring them into contact with important interests. Within certain limits, they may regulate the conduct of persons employed in certain specified callings. They may impose restrictions upon the enjoyment of individual rights and privileges. Trade and property may, under certain conditions, be affected by their action. These considerations point to the necessity for prudence and deliberation in the choice of bye-laws, so that the duties and restraints which they create may not interfere oppressively with individual freedom of action.

A bye-law under the Public Health Act, 1875, will also be invalid if it



be repugnant to the provisions of that Act. Parliament has specified a variety of purposes for which bye-laws may be made. For those purposes alone are bye-laws authorized; and, as the Court of Queen's Bench decided in the case of *Reg. v. Wood* (5 E. and B. 49; S. C. *nom. Reg. v. Rose*, 24 L. J., n.s., M. C., 130; 1 Jur., n.s., 802.), sanitary authorities cannot legally assume the power of making bye-laws for carrying out the general objects of the Act. It follows, therefore, that every bye-law must be strictly limited with reference to the terms of the specific enactment from which its force is derived. Any attempt, by the strained construction of any such enactment, to extend the range of a bye-law should especially be avoided. But, while it is of primary importance in framing a bye-law to consider closely the language of the statutory provision which declares its purpose, the exact meaning of that language can never be safely determined without careful comparison of other enactments relating to the same or to kindred topics.

It must always be remembered that bye-laws are designed to supplement, and not to vary or supersede the express provisions of the statute law. In the Public Health Act, 1875, and in the incorporated clauses, the subjects of bye-laws may sometimes appear identical with those of specific enactments. But, in all such cases, a closer examination will show that the subjects are not really identical.

And, however difficult it may be to detect the points of difference in a few exceptional instances, a safe rule may be deduced from the obvious considerations that a bye-law which merely repeats a statutory enactment is, to that extent, surplusage, and that a bye-law which aims at altering or amending such an enactment is rendered invalid by the proviso in section 182 of the Public Health Act, 1875.

In the next place, it should be observed that bye-laws under the Act of 1875 cannot take effect until they have been submitted to and confirmed by the Local Government Board; and, before bye-laws can be confirmed, two preliminary conditions must have been satisfied. Notice of intention to apply for confirmation must be given in one or more of the local newspapers, circulated within the district to which the bye-laws relate, one month at least before the making of the application; and, for one month at least before the application, a copy of the proposed bye-laws must be kept at the office of the sanitary authority, and must be open during office-hours thereat to the inspection of the ratepayers of the district to which the bye-laws relate, without fee or reward. Further, the clerk of the local authority is required, on the application of any ratepayer, to furnish him with a copy of the proposed bye-laws or any part thereof, on payment of sixpence for every hundred words contained in the copy.

It should also be noted that, by the last clause of section 184 of the 38 and 39 Vict. c. 55, it is enacted that a bye-law required to be confirmed by the Local Government Board shall not require confirmation, allowance, or approval by any other authority.

Another important provision in relation to bye-laws is that contained in section 183 of the 38 and 39 Vict. c. 55. That section empowers any local authority, by any bye-laws made by them under the Act, to impose on offenders against the same such reasonable penalties as the local authority think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice of the offence from the local authority.

All such bye-laws imposing any penalty should be so framed as to allow of the recovery of any sum less than the full amount of the penalty; and nothing in the provisions of any Act incorporated with the 38 and 39 Vict.



c. 55 will authorize the imposition or recovery, under any bye-laws made in pursuance of such provisions, of any greater penalty than the penalties specified in section 183.

Among other provisions in the 38 and 39 Vict. c. 55, relating directly or indirectly to bye-laws, attention may be directed to the following :—All bye-laws made by a local authority under the Act, or, for purposes the same as or similar to those of the Act, under any local Act, are to be printed and hung up in the office of the authority, and a copy thereof is to be delivered to any ratepayer of the district to which such bye-laws relate, on his application for the same (section 185). A copy of any bye-laws made under the Act by a local authority (not being the council of a borough), signed and certified by the clerk of such authority to be a true copy, and to have been duly confirmed, will be evidence, until the contrary is proved, in all legal proceedings, of the due making, confirmation, and existence of such bye-laws without further or other proof (section 186).

Any person who destroys, pulls down, injures, or defaces any board on which any bye-law is inscribed will, if the same was put up by authority of the local authority, be liable for every such offence to a penalty not exceeding five pounds (section 306).

Bye-laws made by the council of any borough under the provisions of section 90 of the 5 and 6 Will. 4. c. 76 for the prevention and suppression of certain nuisances, do not require to be sent to a Secretary of State, nor will they be subject to the disallowance in that section mentioned, but all provisions of the Public Health Act, 1875, relating to bye-laws, will apply to the bye-laws so made, as if they were made under that Act (section 187).

Next, it should be observed that section 188 of the 38 and 39 Vict. c. 55 enacts that the provisions of the Act relating to bye-laws shall not apply to any regulations which a local authority is by the Act authorized to make ; nevertheless any local authority may cause any regulations made by them under the Act to be published in such manner as they see fit. Hence it follows that the regulations which an urban authority may make, under section 189, with respect to the duties and conduct of their officers and servants, and the regulations which, under Rule 1 of the first schedule to the Act, every local board may make with respect to the summoning, notice, place, management, and adjournment of their meetings, and generally with respect to the transaction and management of their business under the Act, do not require confirmation by the Local Government Board.

It may be also noted that any bye-law made by any sanitary authority, under the Sanitary Acts, which is inconsistent with any of the provisions of the Public Health Act, 1875, is, so far as it is inconsistent therewith, to be deemed to be repealed (section 315) ; but all bye-laws duly made under any of the Sanitary Acts by the Public Health Act repealed, and not inconsistent with any of the provisions of that Act, are to be deemed to be bye-laws under that Act (section 326).

The Board desire me to add a few remarks in explanation of the method of procedure which they suggest for adoption by sanitary authorities in submitting bye-laws for revision and confirmation. The Board have caused to be printed on foolscap paper, with an ample margin for annotations, the whole of the clauses comprised in the model series of which copies accompany this circular. Every sanitary authority desirous of making new bye-laws or of amending existing bye-laws will, on application to the Board, be supplied with the necessary draft forms. If, in any case, the model clauses require alteration to suit the special circumstances of a particular district, the proposed variations should be clearly shown in manuscript in the margin of the draft. The Board will then be readily able to direct their attention



to these variations, and to state their views upon any points which may arise. When the final revision of the draft has been completed, and the sanitary authority have been informed of the decision of the Board with regard to the allowance or disallowance of the several clauses, a fair copy embodying the contents of the draft as revised, and carefully compared with the original to ensure the correction of possible errors, should be prepared for deposit at the office of the sanitary authority, and for inspection by the ratepayers.

After the necessary notice of the intention of the sanitary authority to apply for confirmation of the bye-laws, and after due consideration of any objections made by persons locally interested, the bye-laws, with the common seal of the sanitary authority properly affixed at a meeting, of which the precise date should be notified at the end of each series, should be transmitted to the Board, together with copies of the newspapers containing the advertisement required by section 184.

In order that delay in the confirmation of bye-laws may be avoided, the Board desire to impress upon sanitary authorities the necessity for careful examination, with the original draft, of the fair copy deposited for inspection, and of the bye-laws finally submitted to the Board. It is also important that the advertisement of the intention of the sanitary authority to apply for confirmation should be so framed as to comply strictly with the provisions of section 184; and, indeed, in all respects the requirements of that enactment should be fully satisfied.

In conclusion, the Board desire me to add that, while throughout the model bye-laws they have, for the sake of convenience, uniformly used the expression "Sanitary Authority," it is expedient that the distinctive title of each urban authority should appear in the bye-laws which they submit for confirmation. The urban authority should either substitute the designation "Town Council," "Improvement Commissioners," or "Local Board," as the case may require; or, if they retain in the bye-laws the expression "Sanitary Authority," they should insert at the commencement of each series an interpretation clause clearly describing the particular body which this expression is intended to denote.

It also appears to be desirable, in the case of bye-laws made by a Town Council, that the word "Borough" should be substituted for the word "District," or that the interpretation clause should be extended to the latter term.

I am, sir,

Your obedient servant,

JOHN LAMBERT,  
Secretary.

*To the Clerk to the Urban Sanitary Authority.*



LETTER ADDRESSED BY THE LOCAL GOVERNMENT BOARD  
TO RURAL SANITARY AUTHORITIES.

MODEL BYE-LAWS.

Local Government Board, Whitehall, S.W.,  
25th July, 1877.

SIR,—I am directed by the Local Government Board to forward herewith, for the use of the Guardians acting as the rural sanitary authority and in the exercise of certain urban powers, printed copies of a selection of model forms which the Board have caused to be prepared for the guidance of sanitary authorities in framing bye-laws under the Public Health Act, 1875.

The prefatory memoranda accompanying the several series of bye-laws will be found to indicate the points of importance to which it is necessary that the attention of the sanitary authority should be directed in connexion with the special subjects to which those series relate.

In the following observations the Board desire to bring under the consideration of the sanitary authority the general principles and rules of procedure which are common to all the bye-laws authorized by the Public Health Act, 1875.

On reference to section 182 it will be seen that all bye-laws made by a local authority, under and for the purposes of the Act, are to be under their common seal. Any such bye-law may be altered or repealed by a subsequent bye-law made pursuant to the provisions of the Act. But no bye-law made under the Act by a local authority will be of any effect if repugnant to the laws of England or to the provisions of the Act.

In the next place, it should be observed that bye-laws under the Act of 1875 cannot take effect until they have been submitted to and confirmed by the Local Government Board. And before bye-laws can be confirmed, two preliminary conditions must have been satisfied. Notice of intention to apply for confirmation must be given in one or more of the local newspapers circulated within the district to which the bye-laws relate, one month at least before the making of the application; and for one month at least before the application, a copy of the proposed bye-laws must be kept at the office of the sanitary authority, and must be open during office-hours thereat to the inspection of the ratepayers of the district to which the bye-laws relate, without fee or reward. Further, the clerk of the local authority is required on the application of any ratepayer to furnish him with a copy of the proposed bye-laws or any part thereof, on payment of sixpence for every hundred words contained in the copy. It should also be noted that by the last clause of section 184 of the 38 and 39 Vict. c. 55, it is enacted that a bye-law required to be confirmed by the Local Government Board shall not require confirmation, allowance, or approval by any other authority.

Another important provision in relation to bye-laws, is that contained in section 183 of the 38 and 39 Vict. c. 55. That section empowers any local authority, by any bye-laws made by them under the Act, to impose on offenders against the same such reasonable penalties as the local authority think fit, not exceeding the sum of five pounds for each offence, and in the



case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice of the offence from the local authority. All such bye-laws imposing any penalty should be so framed as to allow of the recovery of any sum less than the full amount of the penalty ; and nothing in the provisions of any Act incorporated with the 38 and 39 Vict. c. 55, will authorize the imposition or recovery, under any bye-laws made in pursuance of such provisions, of any greater penalty than the penalties specified in section 183. Among other provisions in the 38 and 39 Vict. c. 55, relating directly or indirectly to bye-laws, attention may be directed to the following : All bye-laws made by a local authority under the Act are to be printed and hung up in the office of the authority, and a copy thereof is to be delivered to any ratepayer of the district to which such bye-laws relate, on his application for the same. A copy of any bye-laws made by a rural authority is also to be transmitted to the overseers of every parish to which such bye-laws relate, to be deposited with the public documents of the parish, and to be open to the inspection of any ratepayer of the parish, at all reasonable hours (section 185).

A copy of any bye-laws made under the Act by a local authority (not being the council of a borough) signed and certified by the clerk of such authority to be a true copy, and to have been duly confirmed, will be evidence, until the contrary is proved, in all legal proceedings, of the due making, confirmation, and existence of such bye-laws, without further or other proof (section 186).

Any person who destroys, pulls down, injures, or defaces any board on which any bye-law is inscribed, will, if the same was put up by authority of the local authority, be liable for every such offence to a penalty not exceeding five pounds (section 306).

It should be noted that any bye-law made by any sanitary authority, under the sanitary Acts, which is inconsistent with any of the provisions of the Public Health Act, 1875, is, so far as it is inconsistent therewith, to be deemed to be repealed (section 315) ; but all bye-laws duly made under any of the sanitary Acts by the Public Health Act repealed, and not inconsistent with any of the provisions of that Act, are to be deemed to be bye-laws under that Act (section 326).

The Board desire me to add a few remarks in explanation of the method of procedure, which they suggest for adoption by sanitary authorities in submitting bye-laws for revision and confirmation.

The Board have caused to be printed on foolscap paper, with an ample margin for annotations, the whole of the clauses comprised in the model series of which copies accompany this circular. Every sanitary authority desirous of making new bye-laws or amending existing bye-laws, will, on application to the Board, be supplied with the necessary draft forms. If, in any case, the model clauses require alteration to suit the special circumstances of a particular district, the proposed variations should be clearly shown in manuscript in the margin of the draft. The Board will then be readily able to direct their attention to these variations, and to state their views upon any points which may arise. When the final revision of the draft has been completed, and the sanitary authority have been informed of the decision of the Board with regard to the allowance or disallowance of the several clauses, a fair copy, embodying the contents of the draft as revised, and carefully compared with the original to ensure the correction of possible errors, should be prepared for deposit at the office of the sanitary authority, and for inspection by the ratepayers.

After the necessary notice of the intention of the sanitary authority to apply for confirmation of the bye-laws, and after due consideration of any objections made by persons locally interested, the bye-laws, with the



common seal of the sanitary authority properly affixed at a meeting, of which the precise date should be notified at the end of each series, should be transmitted to the Board, together with copies of the newspapers containing the advertisement required by section 184.

In order that delay in the confirmation of bye-laws may be avoided, the Board desire to impress upon sanitary authorities the necessity for careful examination, with the original draft, of the fair copy deposited for inspection, and of the bye-laws finally submitted to the Board. It is also important that the advertisement of the intention of the sanitary authority to apply for confirmation should be so framed as to comply strictly with the provisions of section 184 ; and, indeed, in all respects the requirements of that enactment should be fully satisfied.

In conclusion, the Board desire me to add that, while throughout the model bye-laws they have, for the sake of convenience, uniformly used the expression "Sanitary Authority," it is expedient that the distinctive title of each rural authority should appear in the bye-laws which they submit for confirmation. It will probably be found best to insert at the commencement of each series a clause containing appropriate interpretations of the expressions "Sanitary Authority" and "District." As regards the latter term, the authority, in the case of bye-laws made in the exercise of urban powers limited in their operation to certain contributory places, should be careful to show in the interpretation clause the limited meaning to be attached to the word "District."

I am, sir,

Your obedient servant,

JOHN LAMBERT,  
Secretary.

*To the Clerk to the Rural Sanitary Authority.*



## No. I.

THE CLEANSING OF FOOTWAYS AND PAVEMENTS,  
THE REMOVAL OF HOUSE REFUSE,  
AND  
THE CLEANSING OF EARTHCLOSETS, PRIVIES, ASHPITS,  
AND CESSPOOLS.

## MEMORANDUM.

By section 44 of the Public Health Act, 1875 (38 and 39 Vict. c. 55), it is enacted that "where the local authority do not themselves undertake or contract for—

"The cleansing of footways and pavements adjoining any premises ;

"The removal of house refuse from any premises ;

"The cleansing of earthclosets, privies, ashpits, and cesspools belonging to any premises ;

they may make bye-laws imposing the duty of such cleansing or removal, at such intervals as they think fit, on the occupier of any such premises."

On reference to section 42 it will be seen that every local authority may, and when required by order of the Local Government Board shall, themselves, undertake or contract for the removal of house refuse from premises, and the cleansing of earthclosets, privies, ashpits, and cesspools, either for the whole or any part of their district. Moreover, every urban authority, and any rural authority invested by the Local Government Board with the requisite powers may, and when required by order of the Board shall, themselves, undertake or contract for the proper cleansing of streets.

In such cases the necessity for bye-laws under the first part of section 44 ceases.

With regard to the scope of bye-laws under that enactment, it should be observed that the bye-laws must be limited to imposing upon the occupier the duty of cleansing or removal, at such intervals as the sanitary authority may think fit. The mode of cleansing or removal, and the precautions to be observed in connexion with the process are not matters within the range of such bye-laws.

JOHN LAMBERT,  
Secretary.

Local Government Board,  
25th July, 1877.



BYE-LAWS WITH RESPECT TO THE CLEANSING OF FOOTWAYS AND PAVEMENTS, THE REMOVAL OF HOUSE REFUSE, AND THE CLEANSING OF EARTHCLOSETS, PRIVIES, ASHPITS, AND CESSPOOLS.

*The cleansing of footways and pavements adjoining any premises.*

1. THE occupier of any premises fronting, adjoining, or abutting on any street shall, once at least in *every day*, Sundays excepted, cleanse the footways and pavements adjoining such premises.

*The removal of house refuse from any premises.*

2. The occupier of any premises shall, once at least in *every week*, remove the house refuse from such premises.

*The cleansing of earthclosets, privies, ashpits, and cesspools belonging to any premises.*

3. The occupier of any premises shall, once at least in *every three months*, cleanse every earthcloset belonging to such premises and furnished with a fixed receptacle for fœcal matter and with suitable means of apparatus for the frequent and effectual application of dry earth to such matter.

4. The occupier of any premises shall, once at least in *every week*, cleanse every earthcloset belonging to such premises and furnished with a movable receptacle for fœcal matter and with suitable means or apparatus for the frequent and effectual application of dry earth to such matter.

5. The occupier of any premises shall, once at least in *every week*, cleanse every privy belonging to such premises and furnished with a fixed receptacle for fœcal matter.

6. The occupier of any premises shall, once at least in *every week*, cleanse every privy belonging to such premises and furnished with a movable receptacle for fœcal matter.

7. The occupier of any premises shall, once at least in *every week*, cleanse every ashpit belonging to such premises and used only as a receptacle for ashes, dust, and dry refuse.

8. The occupier of any premises shall, once at least in *every week*, cleanse every ashpit belonging to such premises and used in connexion with a privy as a receptacle for fœcal matter, together with ashes, dust, and dry refuse.

9. The occupier of any premises shall, once at least in *every three months*, cleanse every cesspool belonging to such premises.

*Penalties.*

10. Every person who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of \_\_\_\_\_ :

Provided nevertheless, that the Justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this bye-law.



## No. II.

## N U I S A N C E S.

## MEMORANDUM.

By section 44 of the Public Health Act, 1875 (38 and 39 Vict. c. 55), it is provided that—

“An urban authority may . . . make bye-laws for the prevention of nuisances arising from snow, filth, dust, ashes, and rubbish, and for the prevention of the keeping of animals on any premises so as to be injurious to health.”

In connexion with the last clause of the bye-law numbered 12 in the model series, the attention of the sanitary authority should be directed to the provisions of section 50 of the 38 and 39 Vict. c. 55.

That section is in the following terms:

“Notice may be given by any urban authority (by public announcement in the district or otherwise), for the periodical removal of manure or other refuse matter from mews, stables, or other premises; and, where any such notice has been given, any person to whom the manure or other refuse matter belongs, who fails so to remove the same, or permits a further accumulation, and does not continue such periodical removal at such intervals as the urban authority direct, shall be liable without further notice to a penalty not exceeding twenty shillings for each day during which such manure or other refuse matter is permitted to accumulate.”

In cases where the sanitary authority give the notice to which the above-quoted enactment refers, it will not be necessary to incorporate in any bye-laws which they may make for the prevention of nuisances, under section 44, a provision such as that contained in the last clause of the bye-law numbered 12.

JOHN LAMBERT,  
Secretary.

Local Government Board,  
25th July, 1877.



## BYE-LAWS WITH RESPECT TO NUISANCES.

*For the prevention of nuisances arising from snow, filth, dust, ashes, and rubbish, and for the prevention of the keeping of animals on any premises so as to be injurious to health.*

1. THE occupier of any premises fronting, adjoining, or abutting on any street shall, as soon as conveniently may be after the cessation of any fall of snow, remove or cause to be removed from the footways and pavements adjoining such premises all snow fallen or accumulated on such footways and pavements in such a manner and with such precautions as will prevent any due accumulation in any channel or carriage-way or upon any paved crossing.

2. Every person who shall remove any snow from any premises shall deposit the same in such a manner and with such precautions as to prevent any undue accumulation thereof in any channel or carriage-way or upon any paved crossing.

If in the process of such removal any snow be deposited upon any footway or pavement, he shall forthwith remove such snow from such footway or pavement.

3. Every person who, for the purpose of facilitating the removal of any snow from any footway or pavement, shall throw salt upon such snow shall forthwith effectually remove from such footway or pavement the whole of the deposit resulting from the mixture of the salt with the snow.

4. The occupier of any premises who shall remove or cause to be removed any filth, dust, ashes, or rubbish produced upon his premises shall not, in the process of removal, deposit such filth, dust, ashes, or rubbish, or cause or allow such filth, dust, ashes, or rubbish to be deposited upon any footway, pavement, or carriage-way.

For the purpose of such removal, he shall in every case use or cause to be used a suitable vessel or receptacle, cart, or carriage properly constructed and furnished with a sufficient covering so as to prevent the escape of the contents thereof.

If in the process of such removal any person shall slop or spill or cause or allow to fall upon any footway, pavement, or carriage-way any such filth, dust, ashes, or rubbish, he shall forthwith remove such filth, dust, ashes, or rubbish from the place whereon the same may have been slopped or spilled or may have fallen, and shall immediately thereafter thoroughly sweep or otherwise thoroughly cleanse such place.

5. Every person who, for the purpose of depositing any filth, dust, ashes, or rubbish upon any lands or premises, or for the purpose of depositing any dust, ashes, or rubbish in any receptacle provided by the sanitary authority for the temporary deposit and collection of dust, ashes, and rubbish, shall remove such filth, dust, ashes, or rubbish from any premises, or from any cart, carriage, or other means of conveyance across or along any footway, pavement, or carriage-way, shall use a suitable vessel or receptacle properly constructed and furnished with a sufficient covering so as to prevent the



escape of the contents thereof; and shall adopt such other precautions as may be necessary to prevent any such filth, dust, ashes, or rubbish from being slopped or spilled, or from falling in the process of removal upon such footway, pavement, or carriage-way.

If in the process of such removal, any such filth, dust, ashes, or rubbish be slopped or spilled or fall upon such footway, pavement, or carriage-way, he shall forthwith remove such filth, dust, ashes, or rubbish from the place whereon the same may have been slopped or spilled or may have fallen, and shall immediately thereafter thoroughly sweep or otherwise thoroughly cleanse such place.

6. Every person who shall convey any filth, dust, ashes, or rubbish through or along any street shall use a cart, carriage, or other means of conveyance properly constructed and furnished with a sufficient covering so as to prevent the escape of the contents thereof.

If in the process of such conveyance any such filth, dust, ashes, or rubbish be slopped or spilled, or fall upon any carriage-way or elsewhere in such street, he shall forthwith remove such filth, dust, ashes, or rubbish from the place whereon the same may have been slopped or spilled or may have fallen, and shall immediately thereafter thoroughly sweep or otherwise thoroughly cleanse such place.

7. The owner or consignee of any cargo, load, or collection of filth which may have been conveyed, by water or by land, to any place within the district to await removal from such place by such owner or consignee, and may have been deposited to await such removal upon any premises whereon such filth may lawfully be deposited, but in such a situation and in such a manner that such filth may be exposed without adequate means of preventing the emission of stench therefrom at a distance of not more than *yards* from any street or from any building or premises used wholly or partly for human habitation, or as a school, or as a place of public worship or of public resort or public assembly, or from any building or premises in or on which any person may be employed in any manufacture, trade, or business, shall not, without reasonable excuse, cause or suffer such filth to remain after the deposit and before the removal thereof for a longer period than *hours*.

8. Every person who may have undertaken to deliver to the owner or consignee thereof any cargo, load, or collection of filth which may have been conveyed, by water or by land, to any place within the district for the purpose of being delivered by such person to such owner or consignee, and may have been deposited to await such delivery upon any premises whereon such filth may lawfully be deposited, but in such a situation and in such a manner that such filth may be exposed without adequate means of preventing the emission of stench therefrom at a distance of not more than *yards* from any street or from any building or premises used wholly or partly for human habitation, or as a school, or as a place of public worship or of public resort or public assembly, or from any building or premises in or on which any person may be employed in any manufacture, trade, or business, shall not, without reasonable excuse, cause or suffer such filth to remain after the deposit and before the removal thereof for a period of more than *hours*.

9. Every person who, for any purpose of agriculture, shall deposit or cause to be deposited upon any lands or premises within the distance of *yards* from any street, or from any building or premises used, wholly or partly, for human habitation, or as a school, or as a place of public worship, or of public resort or public assembly, or from any building or premises in or on which any person may be employed in any manufacture, trade, or business, any filth which may have been removed from any cesspool, or any



filth which may have been removed from any privy, or from any receptacle used in connexion with any privy, and which may not have been effectually deodorized, shall, with all reasonable despatch, cause such filth to be ploughed or dug into the ground or to be covered with a sufficient layer of earth, ashes, or other suitable substance, or shall adopt such other precautions as may be reasonably necessary to prevent the emission of noxious or offensive effluvia from such filth.

10. The occupier of any premises shall not keep any swine or deposit any swine's dung within the distance of                    *feet* from any dwelling-house, or in such a situation or in such a manner as to pollute any water supplied for use or used or likely to be used by man for drinking or domestic purposes or for manufacturing drinks for the use of man, or any water used or likely to be used in any dairy.

11. The occupier of any premises shall not keep any cattle or deposit the dung of any cattle in such a situation or in such a manner as to pollute any water supplied for use, or used, or likely to be used by man for drinking or domestic purposes or for manufacturing drinks for the use of man, or any water used or likely to be used in any dairy.

12. Every occupier of a building or premises wherein or whereon any horse or other beast of draught or burden or any cattle or swine may be kept shall provide, in connexion with such building or premises, a suitable receptacle for dung, manure, soil, filth, or other offensive or noxious matter which may, from time to time, be produced in the keeping of any such animal in such building or upon such premises.

He shall cause such receptacle to be constructed so that the bottom or floor thereof shall not in any case be lower than the surface of the ground adjoining such receptacle.

He shall also cause such receptacle to be constructed in such a manner and of such materials and to be maintained at all times in such a condition as to prevent any escape of the contents thereof, or any soakage therefrom into the ground or into the wall of any building.

He shall cause such receptacle to be furnished with a suitable cover and, when not required to be open, to be kept properly covered.

He shall likewise provide in connexion with such building or premises a sufficient drain constructed in such a manner and of such materials and maintained at all times in such a condition as effectually to convey all urine or liquid filth or refuse therefrom into a sewer, cesspool, or other proper receptacle.

He shall, once at least in *every week*, remove or cause to be removed from the receptacle provided in accordance with the requirements of this bye-law all dung, manure, soil, filth, or other offensive or noxious matter produced in or upon such building or premises and deposited in such receptacle.

13. Every person who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of                    , and in the case of a continuing offence to a further penalty of                    for each day after written notice of the offence from the sanitary authority :

Provided nevertheless, that the justices or court before whom any complaint may be made or any proceeding may be taken in respect of any such offence may, if they think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this bye-law.



## No. III.

## COMMON LODGING-HOUSES.

## MEMORANDUM.

By section 80 of the Public Health Act, 1875, (38 and 39 Vict. c. 55), it is enacted that "Every local authority shall, from time to time, make bye-laws:—

"(1.) For fixing and, from time to time, varying the number of lodgers who may be received into a common lodging-house, and for the separation of the sexes therein; and

"(2.) For promoting cleanliness and ventilation in such houses; and

"(3.) For the giving of notices and the taking precautions in the case of any infectious disease; and

"(4.) Generally, for the well-ordering of such houses."

The terms of the above quoted enactment indicate, with sufficient clearness, the scope of the bye-laws which the sanitary authority are empowered to make for the regulation of common lodging-houses.

Independently of the bye-laws authorized by section 80, the Public Health Act, 1875, confers upon the sanitary authority powers which, if duly exercised, will enable them to secure compliance with various requirements of essential importance in relation to the public health.

In illustration of the nature and extent of the control which, either by means of bye-laws or by the operation of the express provisions of the Public Health Act, 1875, the sanitary authority may exercise over common lodging-houses, and in anticipation of questions which may arise in connexion with this branch of sanitary administration, it may here be convenient to append a few observations.

By section 89 it is provided that for the purposes of the Act "the expression 'common lodging-house' includes in any case in which only part of a house is used as a common lodging-house the part so used of such house." The Act, however, contains no exact definition of a "common lodging-house;" and in cases where doubts may be suggested as to whether any particular house or part of a house is or is not comprehended in that designation, it will probably be found useful to refer to the opinion of the law officers of the Crown which was communicated to the several local boards by the circular of the General Board of Health, dated the 17th of October, 1853.

From that circular it appears that the law officers, when consulted as to the meaning of the expression "common lodging-house" in the 14 and 15 Vict. c. 28, advised as follows:—

"It may be difficult to give a precise definition of the term 'common lodging-house,' but looking to the preamble and general provisions of the Act, it appears to us to have reference to that class of lodging-houses in which persons of the poorer class are received for short periods, and though strangers to one another are allowed to inhabit one common room. We are of opinion that it does not include hotels, inns, public-houses, or lodgings let to the upper and middle classes."



By that part of the above definition which refers to the persons inhabiting a common lodging-house being "strangers to one another," the law officers in a second opinion explained that their "obvious intention was to distinguish lodgers promiscuously brought together from members of one family or household."

In reply to the question, whether lodging-houses, otherwise coming within the definition but let for a week or longer period, would, from the latter circumstance, be excluded from the operation of the Act, the law officers observed:—"We are of opinion that the period of letting is unimportant in determining whether a lodging-house comes under the Act now in question."

So far as the foregoing definition of a common lodging-house rests upon the basis of the habitation of a common room by lodgers who are strangers to one another in the sense of not being members of one family or household, it may be inferred that this characteristic equally distinguishes the common lodging-houses to which the Public Health Act, 1875, applies. Such an inference receives support from the terms of section 87, which enacts that "in any proceedings under the provisions of this Act relating to common lodging-houses, if the inmates of any house or part of a house allege that they are members of the same family the burden of proving such allegation shall lie on the persons making it."

With regard to the registration of common lodging-houses, in referring generally to the provisions of sections 76—79 and to so much of section 86 as renders liable to penalty any keeper of a common lodging-house who receives any lodger in such house without the same being registered under the Act, the Board would direct especial attention to an enactment in section 78. By that section it is provided that "a house shall not be registered as a common lodging-house until it has been inspected and approved for the purpose by some officer of the local authority."

To the thoroughness of this inspection much importance should be attached. It is essential that in all structural details the fitness of the premises should be carefully ascertained before the house is placed upon the register.

The rules which should guide the inspecting officer in his examination of the premises may be thus briefly indicated:—

The house should (1) possess the conditions of wholesomeness needed for dwelling-houses in general; and (2) it should further have arrangements fitting it for its special purpose of receiving a given number of lodgers.

- (1.) The house should be dry in its foundations and have proper drainage, guttering, and spouting, with properly laid and substantial paving to any area or yard abutting on it. Its drains should have their connexions properly made, and they should be trapped, where necessary, and adequately ventilated. Except the soil pipe from a properly trapped watercloset, there should be no direct communication of the drains with the interior of the house. All waste pipes from sinks, basins, and cisterns should discharge in the open air over gullies outside the house. The soil pipe should always be efficiently ventilated. The closets or privies and the refuse receptacles of the house should be in proper situations, of proper construction and adapted to any scavenging arrangements that may be in force in the district. The house should have a water supply of good quality, and if the water be stored in cisterns they should be conveniently placed and of proper construction to prevent any fouling of water. The walls, roof, and floors of the house should be in good repair. Inside walls should not be papered. The rooms and staircases should



possess the means of complete ventilation; windows being of adequate size, able to be opened to their full extent, or, if sash windows, both at top and bottom. Any room proposed for registration that has not a chimney should be furnished with a special ventilating opening or shaft, but a room not having a window to the outer air, even if it have special means of ventilation, can seldom be proper for registration.

- (2.) The numbers for which the house and each sleeping-room may be registered will depend, partly upon the dimensions of the rooms and their facilities for ventilation and partly upon the amount of accommodation of other kinds. In rooms of ordinary construction to be used for sleeping, where there are the usual means of ventilation by windows and chimneys, about 300 cubic feet will be a proper standard of space to secure to each person; but in many rooms it will be right to appoint a larger space, and this can only be determined on inspection of the particular room. The house should possess kitchen and day-room accommodation apart from its bedrooms, and the sufficiency of this will have to be attended to. Rooms that are partially underground may not be improper for day-rooms, but should not be registered for use as bedrooms. The amount of water supply, closet or privy accommodation, and the provision of refuse receptacles should be proportionate to the numbers for which the house is to be registered. If the water is not supplied from works with constant service, a quantity should be secured for daily use on a scale, per registered inmate, of not less than ten gallons a day where there are waterclosets, or five gallons a day where there are dry closets. For every twenty registered lodgers a separate closet or privy should be required. The washing accommodation should, wherever practicable, be in a special place and not be in the bedrooms; and the basins for personal washing should be fixed and have water-taps and discharge pipes connected with them.

Arrangements for the supply by the sanitary authority of placards such as are mentioned in the bye-laws numbered 23 and 24 in the model series may be suggested as conducive to the well-ordering of common lodging-houses.

JOHN LAMBERT,  
Secretary.

Local Government Board,  
25th July, 1877.



## BYE-LAWS WITH RESPECT TO COMMON LODGING-HOUSES.

*For fixing and from time to time varying the number of lodgers who may be received into a common lodging-house, and for the separation of the sexes therein ; and*

*For promoting cleanliness and ventilation in such houses ; and*

*For the giving of notices and the taking precautions in the case of any infectious disease ; and*

*Generally for the well ordering of such houses.*

1. A KEEPER of a common lodging-house shall not, at any one time, receive, or cause or suffer to be received into such house, or into any room therein, a greater number of lodgers than shall be fixed by the sanitary authority as the maximum number of lodgers authorized to be received into such house, or into such room, and shall be specified in a notice in writing, according to the form hereinafter prescribed, which shall be duly served upon or delivered to such keeper, and shall continue in force until, in pursuance of the provisions of the bye-law in that behalf, the number so fixed and specified shall be varied by the sanitary authority.

*Form of Notice.*

To \_\_\_\_\_ of \_\_\_\_\_

WHEREAS, in pursuance of the statutory provision in that behalf, you have been duly registered by the sanitary authority for the district of \_\_\_\_\_ as the keeper of a common lodging-house, situated at \_\_\_\_\_, in the said district :

Now I \_\_\_\_\_, clerk to the said sanitary authority, do hereby give you notice that, in the exercise of the powers conferred upon them in that behalf, the said sanitary authority have fixed as the maximum number of lodgers authorized to be received at any one time into such house, and into the several rooms therein, the number specified in respect of such house and of each of such rooms in the schedule hereunto appended.

## SCHEDULE.

District of \_\_\_\_\_  
Common lodging-house situated at \_\_\_\_\_  
Name of keeper \_\_\_\_\_

The maximum number of lodgers authorized to be received at any one time into this house is \_\_\_\_\_

The maximum number of lodgers authorized to be received at any one time into each of the several rooms in this house is the number specified in respect of such room in the appropriate column of the following table :—



—	Description or number of room.	Dimensions or cubical contents of room.	Maximum number of lodgers.
<i>Ground storey.</i>			
<i>First storey.</i>			
<i>Second storey.</i>			
<i>Topmost storey.</i>			

For the purposes of this notice every two children under the age of *ten years* may be counted as one lodger.

Witness my hand this                      day of                      18                      .

*Clerk to the Sanitary Authority.*

2. A keeper of a common lodging-house, in any case where the sanitary authority may, from time to time, determine that it is expedient to vary the number fixed by them as the maximum number of lodgers authorized to be received into such house, or into any room therein, and may, from time to time, for the purpose of such variation, cause to be duly served upon or delivered to such keeper a notice in writing according to the form hereinafter prescribed, shall not, at any one time, after any such notice shall have been duly served upon or delivered to him, and after the date specified in such notice, and until, in pursuance of the provisions of this bye-law, the number specified in such notice shall be further varied, receive, or cause or suffer to be received into such house, or into any room therein, a greater number of lodgers than shall be specified in such notice as the maximum number of lodgers authorized to be received into such house, or into such room.

*Form of Notice.*

To                      of  
WHEREAS, in pursuance of the statutory provision in that behalf, you have been duly registered by the sanitary authority for the district of                      as the keeper of a common lodging-house, situated at                      in the said district :



And whereas the said sanitary authority have determined that it is expedient to vary the number heretofore fixed by them as the maximum number of lodgers authorized to be received at any one time into such house and into the several rooms therein :

Now I \_\_\_\_\_, clerk to the said sanitary authority, do hereby give you notice that from and after the \_\_\_\_\_ day of \_\_\_\_\_, the maximum number of lodgers authorized to be received at any one time into such house and into the several rooms therein shall be the number specified in respect of such house and of each of such rooms in the schedule hereunto appended.

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SCHEDULE.

District of \_\_\_\_\_  
 Common lodging-house situated at \_\_\_\_\_  
 Name of keeper \_\_\_\_\_

The maximum number of lodgers authorized to be received at any one time into this house is \_\_\_\_\_

The maximum number of lodgers authorized to be received at any one time into each of the several rooms in this house is the number specified in respect of such room in the appropriate column of the following table :—

—	Description or number of room.	Dimensions or cubical contents of room.	Maximum number of lodgers.
<i>Ground storey.</i>			
<i>First storey.</i>			
<i>Second storey.</i>			
<i>Topmost storey.</i>			

For the purposes of this notice every two children under the age of *ten* years may be counted as one lodger.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_.

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*Clerk to the Sanitary Authority.*



3. A keeper of a common lodging-house shall not, except in such cases as are hereinafter specified, cause or suffer any person of the male sex above the age of *ten years* to use or occupy any room which may be used or occupied as a sleeping apartment by persons of the female sex.

Such keeper shall not, except in such cases as are hereinafter specified, cause or suffer any person of the female sex to use or occupy any room which may be used or occupied as a sleeping apartment by persons of the male sex above the age of *ten years* :

Provided that this bye-law shall not be taken to prohibit the use and occupation by a husband and wife of any room which may not be used or occupied by any other person of either sex above the age of *ten years*, or which may be used, in accordance with the provisions of the bye-law in that behalf, as a sleeping apartment for two or more married couples.

4. Every keeper of a common lodging-house shall cause every room therein which may be appointed for use and occupation as a sleeping apartment by two or more married couples to be so furnished or fitted that every bed, when in use and occupation, shall be effectually screened from the view of any occupant of any other bed, by means of a partition of wood or other solid material, which shall be constructed and fixed or placed so as to allow adequate means of access to the bed which such partition is intended to screen, and so as to extend upwards throughout the whole length and breadth of such bed to a sufficient height, above such bed, and downwards to a distance of not more than *six inches* above the level of the floor.

5. Every keeper of a common lodging-house shall cause every yard, area, forecourt, or other open space within the curtilage of the premises to be maintained at all times in good order, and to be thoroughly cleansed, from time to time, as often as may be reasonably necessary for the purpose of keeping such yard, area, forecourt, or other open space in a clean and wholesome condition.

6. Every keeper of a common lodging-house shall cause the floor of every room or passage and every stair in such house to be thoroughly swept once at least in every day, before the hour of *ten* in the forenoon, and to be thoroughly washed once at least in every week.

7. Every keeper of a common lodging-house shall cause every window, every fixture or fitting of wood, stone, or metal, and every painted surface in such house to be thoroughly cleansed, from time to time, as often as shall be requisite.

8. Every keeper of a common lodging-house shall cause all bed-clothes and bedding, and every bedstead used in such house, to be thoroughly cleansed, from time to time, as often as shall be requisite for the purpose of keeping such bed-clothes, bedding, and bedstead, in a clean and wholesome condition.

9. Every keeper of a common lodging-house shall, for the use of the lodgers received into such house, cause to be provided a sufficient number of basins or other receptacles for water, of adequate capacity and suitably placed, and a sufficient supply of water and a sufficient number of towels for use in connexion with such basins or other receptacles. He shall cause such basins or receptacles to be kept clean and in good order, and the supply of towels to be renewed, from time to time, as often as may be requisite.

10. Every keeper of a common lodging-house shall cause all solid or liquid filth or refuse to be removed once at least in every day before the hour of *ten* in the forenoon from every room in such house, and shall once at least in every day cause every vessel, utensil, or other receptacle for such filth or refuse to be thoroughly cleansed.

11. Every keeper of a common lodging-house shall cause the seat, floor,



and walls of every watercloset, earthcloset, or privy belonging to such house to be thoroughly cleansed, from time to time, as often as may be necessary for the purpose of keeping such seat, floor, and walls, in a clean and wholesome condition.

12. Every keeper of a common lodging-house shall cause every part of the structure of every watercloset belonging to such house to be maintained at all times in good order, and every part of the apparatus of such watercloset and every drain or means of drainage with which such watercloset may communicate to be maintained at all times in good order and efficient action.

13. Every keeper of a common lodging-house shall cause every earthcloset or privy belonging to such house, and every receptacle for filth provided or used in or in connexion with such earthcloset or privy to be maintained at all times in good order and in a wholesome condition.

He shall cause all such means or apparatus as may be provided or used in or in connexion with such earthcloset or privy and such receptacle, for the frequent and effectual application of dry earth or other deodorizing substance to any filth deposited in such receptacle, to be maintained at all times in good order and efficient action.

He shall cause a sufficient supply of such dry earth or other deodorizing substance to be, from time to time, provided for use in such earthcloset, privy, or receptacle for filth, and shall cause such dry earth or other deodorizing substance to be frequently and effectually applied to such filth, or he shall cause such dry earth or other deodorizing substance as may, from time to time, be supplied to such house, in pursuance of the statutory provision in that behalf, by the sanitary authority or by any person with whom they may contract for the purpose to be frequently and effectually applied to such filth.

14. Every keeper of a common lodging-house shall cause every ashpit belonging to such house to be maintained at all times in good order and in wholesome condition.

He shall not cause or suffer any filth or wet refuse to be thrown into any ashpit constructed and adapted for use only as a receptacle for ashes, dust, and dry refuse.

15. Every keeper of a common lodging-house shall cause all such means of ventilation as may be provided in or in connexion with any room or passage in such house and in or in connexion with any watercloset, earthcloset, or privy belonging to such house to be maintained at all times in good order and efficient action.

16. Every keeper of a common lodging-house shall, except in such cases as are hereinafter specified, cause every window in every room in such house which may be appointed for use and occupation as a sleeping apartment to be opened and to be kept fully open for *one hour* at least in the forenoon, and for *one hour* at least in the afternoon of every day :

Provided that such keeper shall not be required, in pursuance of this bye-law, to cause any such window to be opened or to be kept open at any time when the state of the weather is such as to render it necessary that the window should be closed, or when any bed in such room may be occupied by any lodger in consequence of sickness or of other sufficient cause.

17. Every keeper of a common lodging-house shall cause the bed-clothes of every bed in such house to be removed from such bed as soon as conveniently may be after such bed shall have been vacated by any lodger, and shall cause all such bed-clothes and the bed from which such bed-clothes may have been removed to be freely exposed to the air for



*one hour* at least in the forenoon, or for *one hour* at least in the afternoon of every day.

18. Every keeper of a common lodging-house, immediately after he shall have been informed or shall have ascertained that any lodger in such house is ill of any infectious disease, shall adopt all such precautions as may be necessary to prevent the spread of such infectious disease.

Such keeper shall not, at any time, while such lodger is suffering from such infectious disease, cause or allow any other person, except the wife or any other relative of such lodger, or except a person voluntarily in attendance on such lodger, to use or occupy the same room as such lodger.

Where, in pursuance of the statutory provision in that behalf, the sanitary authority may order the removal of such lodger to a hospital or other place for the reception of the sick, such keeper, on being informed of such order, shall forthwith take all such steps as may be requisite on his part to secure the safe and prompt removal of such lodger in compliance with the order of the sanitary authority, and shall, in and about such removal, adopt all such precautions as, in accordance with any instructions which he may receive from the medical officer of health, may be most suitable for the circumstances of the case.

Where, in consequence of the illness of such lodger, there may be reasonable grounds for apprehending the spread of infection through the admission of lodgers to any room or rooms in such house or through the admission to such room or rooms of the maximum number of lodgers authorized to be received therein, such keeper, after being furnished with the necessary instructions from the medical officer of health, and until the grounds for apprehending the spread of infection shall have been removed, shall cease to receive any lodger in such room or rooms, or shall receive therein such number of lodgers, being less than the maximum number, as the exigencies of the case may require.

Such keeper shall, immediately after the death, removal, or recovery of any lodger who may have been ill of any infectious disease, give written notice thereof to the medical officer of health, and shall, as soon as conveniently may be, cause every part of the room which may have been occupied by such lodger to be thoroughly cleansed and disinfected, and shall also cause every article in such room which may be liable to retain infection to be in like manner cleansed and disinfected unless the sanitary authority shall have ordered the same to be destroyed.

He shall comply with all instructions of the medical officer of health as to the proper cleansing and disinfection of the room and articles.

When the same shall have been thoroughly cleansed and disinfected in accordance with such instructions, he shall give written notice thereof to the medical officer of health; and, until two days from the giving of such notice shall have elapsed, and unless and until by such cleansing and disinfection the necessary precautions for preventing the spread of disease shall have been duly taken, such keeper shall not cause or suffer any other lodger to be received into the room which, in the case hereinbefore specified, may have been exposed to infection.

19. A keeper of a common lodging-house shall not, at any time, cause or suffer any room which may be appointed for use as a kitchen or scullery to be used or occupied as a sleeping apartment.

20. A keeper of a common lodging-house shall not cause or suffer any bed in any room which may be used as a sleeping apartment by persons of the male sex above the age of *ten years*, to be occupied at any one time by more than one such person.



21. A keeper of a common lodging-house shall not cause or suffer any lodger to occupy any bed in such house at any time within the period of *eight* hours after such bed shall have been vacated by the last preceding occupant thereof.

22. Every keeper of a common lodging-house shall cause every room in such house, which may be appointed for use and occupation as a sleeping apartment, to be furnished with such number of beds and bedsteads, and with such a supply of bed-clothes and of necessary utensils as may be sufficient for the requirements of the number of lodgers received into such room.

23. Every keeper of a common lodging-house, on receiving from the sanitary authority a notice or placard wherein shall be stated the description or number of the room to which such notice or placard may apply, and the maximum number of lodgers authorized to be received at any one time in such room, shall put up or affix and continue such notice or placard in a suitable and conspicuous position in such room, and in such a manner that the words and figures in such notice or placard may be clearly and distinctly visible and legible.

He shall not, at any time, wilfully conceal, deface, alter, or obliterate any letter or figure in such notice or placard, or wilfully or carelessly injure or destroy such notice or placard.

24. Every keeper of a common lodging-house, on receiving from the sanitary authority, for the purpose of exhibition in such house, or in any room therein, a copy or copies of any bye-law or bye-laws for the time being in force with respect to common lodging-houses, shall put up or affix and continue such copy or copies in a suitable and conspicuous position in such house, or in such room, and in such a manner that the contents of such copy or copies may be clearly and distinctly visible and legible.

He shall not, at any time, wilfully conceal, deface, alter, or obliterate any part of the contents of such copy or copies, or wilfully or carelessly injure or destroy such copy or copies.

25. Every keeper of a common lodging-house who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of \_\_\_\_\_, and in the case of a continuing offence to a further penalty of \_\_\_\_\_ for each day after written notice of the offence from the sanitary authority :

Provided nevertheless, that the justices or court before whom any complaint may be made, or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this bye-law.



## No. IV.

## NEW STREETS AND BUILDINGS.

## MEMORANDUM.

SECTION 157 of the Public Health Act, 1875 (38 and 39 Vict. c. 55), provides that "every urban authority may make bye-laws with respect to the following matters; (that is to say,)

- "(1.) With respect to the level, width, and construction of new streets, and the provisions for the sewerage thereof;
- "(2.) With respect to the structure of walls, foundations, roofs, and chimneys of new buildings, for securing stability and the prevention of fires, and for purposes of health;
- "(3.) With respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings;
- "(4.) With respect to the drainage of buildings, to waterclosets, earth-closets, privies, ashpits, and cesspools in connexion with buildings, and to the closing of buildings or parts of buildings unfit for human habitation, and to prohibition of their use for such habitation:

"And they may further provide for the observance of such bye-laws by enacting therein such provisions as they think necessary as to the giving of notices, as to the deposit of plans and sections by persons intending to lay out streets or to construct buildings, as to inspection by the urban authority, and as to the power of such authority (subject to the provisions of this Act) to remove, alter, or pull down any work begun or done in contravention of such bye-laws:

"Provided that no bye-law made under this section shall affect any building erected in any place (which at the time of the passing of this Act is included in an urban sanitary district) before the Local Government Acts came into force in such place, or any building erected in any place (which at the time of the passing of this Act is not included in an urban sanitary district) before such place becomes constituted or included in an urban district, or by virtue of any order of the Local Government Board subject to this enactment.

"The provisions of this section . . . shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament."

In connexion with the subject of bye-laws with respect to new streets and buildings the two following sections (158, 159) are important.

Sections 158 and 159 are in these terms:—

(Section 158.) "Where a notice, plan, or description of any work is required by any bye-law made by an urban authority to be laid before that authority, the urban authority shall, within one month after the same has been delivered or sent to their surveyor or clerk, signify in writing their approval or disapproval of the intended work to the person proposing to execute the same; and if the work is



commenced after such notice of disapproval, or before the expiration of such month without such approval, and is in any respect not in conformity with any bye-law of the urban authority, the urban authority may cause so much of the work as has been executed to be pulled down or removed.

“Where an urban authority incur expenses in or about the removal of any work executed contrary to any bye-law, such authority may recover in a summary manner the amount of such expenses either from the person executing the works removed, or from the person causing the works to be executed, at their discretion.

“Where an urban authority may, under this section, pull down or remove any work begun or executed in contravention of any bye-law, or where the beginning or the execution of the work is an offence in respect whereof the offender is liable in respect of any bye-law to a penalty, the existence of the work during its continuance in such a form and state as to be in contravention of the bye-law shall be deemed to be a continuing offence, but a penalty shall not be incurred in respect thereof after the expiration of one year from the day when the offence was committed or the bye-law was broken.”

(Section 159.) “For the purposes of this Act, the re-erecting of any building pulled down to or below the ground floor, or of any frame building of which only the framework is left down to the ground floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, shall be considered the erection of a new building.”

In connexion with the bye-laws authorized by section 157 (3 and 4), and with the interpretation of the important proviso in that section, the attention of the sanitary authority may be usefully directed to the cases of *Tucker v. Rees* (7 Jur., n.s. 629), and *Burgess v. Peacock* (16 C. B., n.s. 624; 10 L. T., n.s. 617).

JOHN LAMBERT,  
Secretary.

Local Government Board,  
25th July, 1877.



## BYE-LAWS WITH RESPECT TO NEW STREETS AND BUILDINGS.

*Interpretation of terms.*

1. In the construction of the bye-laws relating to new streets and buildings the following words and expressions shall have the meanings hereinafter respectively assigned to them, unless such meanings be repugnant to or inconsistent with the context or subject-matter in which such words or expressions occur; that is to say,—

“Base” applied to a wall means the under side of the course immediately above the footings :

“Topmost storey” means the uppermost storey in a building, whether constructed wholly or partly in the roof or not, and whether used or constructed or adapted for human habitation or not :

“Party wall” means :—

(a.) A wall forming part of a building and being used or constructed to be used in any part of the height or length of such wall for separation of adjoining buildings belonging to different owners or occupied or constructed or adapted to be occupied by different persons ; or

(b.) A wall forming part of a building and standing, in any part of the length of such wall, to a greater extent than the projection of the footings on one side on grounds of different owners :

“External wall” means an outer wall of a building not being a party wall, even though adjoining to a wall of another building :

“Public building” means a building used or constructed or adapted to be used, either ordinarily or occasionally, as a church, chapel, or other place of public worship, or as a hospital, workhouse, college, school (not being merely a dwelling-house so used), theatre, public hall, public concert-room, public ball-room, public lecture-room, or public exhibition-room, or as a public place of assembly for persons admitted thereto, by tickets or otherwise, or used or constructed or adapted to be used, either ordinarily or occasionally, for any other public purpose :

“Building of the warehouse class” means a warehouse, factory, manufactory, brewery or distillery :

“Domestic building” means a dwelling-house or an office building, or other out building appurtenant to a dwelling-house, whether attached thereto or not, or a shop, or any other building not being a public building, or of the warehouse class :

“Dwelling-house” means a building used or constructed or adapted to be used wholly or principally for human habitation :

“Width” applied to a new street, means the whole extent of space intended to be used, or laid out so as to admit of being used as a public way, exclusive of any steps or projections therein, and measured at right angles to the course or direction or intended course or direction of such street.

*Exempted buildings.*

2. The following buildings shall be exempt from the operation of the bye-laws relating to new streets and buildings :—



(a.) Any building in Her Majesty's possession, or employed or intended to be employed for Her Majesty's use or service :

(b.) Any county or borough lunatic asylum, any sessions house, or any other public building belonging to or wholly and permanently occupied by the justices of the peace of the county, city, or borough in which such asylum, sessions house, or other public building may be situated or may be erected :

(c.) Any gaol, house of correction, bridewell, penitentiary, or other prison, and any building occupied or intended to be occupied by any prison officer for the use of such prison and contiguous thereto :

(d.) Any building (not being a dwelling-house) belonging to any person or body of persons authorized by virtue of an Act of Parliament to navigate on or use any river, canal, dock, harbour, or basin, or to demand any tolls or dues in respect of the navigation of such river or canal, or the use of such dock, harbour, or basin, and used or intended to be used exclusively under the provisions of such Act of Parliament for the purposes of such river, canal, dock, harbour, or basin :

(e.) Any building (not being a dwelling-house) erected or intended to be erected in connexion with any mine, and used or intended to be used exclusively for the working of such mine :

(f.) Any building erected or intended to be erected under the Improvement of Land Act, 1864, or other Acts for the improvement of land administered by the Enclosure Commissioners for England and Wales :

(g.) Any building which may not be exempt by the operation of any of the preceding clauses of this bye-law, and which may be erected or may be intended to be erected in accordance with such plan and in such manner as may be approved or directed in pursuance of any statutory provision in that behalf by one of Her Majesty's Principal Secretaries of State :

(h.) Any building erected and used, or intended to be erected and used, exclusively for the purpose of a plant-house, orchard-house, summer-house, poultry-house, or aviary which shall be wholly detached, and at a distance of *ten feet* at the least from any other building, and which shall not be heated otherwise than by hot water, and in which the fireplaces (if any) shall be detached with no flues of any kind within such plant-house, orchard-house, summer-house, poultry-house, or aviary :

(i.) Any building which shall not exceed in height *thirty feet* as measured from the footings of the walls, and shall not exceed in extent *one hundred and twenty-five thousand cubic feet*, and shall not be a public building, and shall not be constructed or adapted to be used either wholly or partly for human habitation, or as a place of habitual employment for any person in any manufacture, trade, or business, and shall be distant at least *eight feet* from the nearest street, and at least *thirty feet* from the nearest building and from the boundary of any adjoining lands or premises :

(j.) Any building which shall exceed in height *thirty feet* as measured from the footings of the walls, shall exceed in extent *one hundred and twenty-five thousand cubic feet*, and shall not be a public building, and shall not be constructed or adapted to be used either wholly or partly for human habitation, or as a place of habitual employment for any person in any manufacture, trade, or business, and shall be distant at least *thirty feet* from the nearest street, and at least *sixty feet* from the nearest building and from the boundary of any adjoining lands or premises :

(k.) Any building erected or intended to be erected for use solely as a temporary hospital for the reception and treatment of persons suffering from any dangerous infectious disorder.



*With respect to the level of new streets.*

3. Every person who shall lay out a new street shall lay out such street at such level as will afford the easiest practicable gradients throughout the entire length of such street for the purpose of securing easy and convenient means of communication with any other street or intended street with which such new street may be connected or may be intended to be connected, and as will allow of compliance with the provisions of any statute or bye-law in force within the district for the regulation of new streets and buildings.

*With respect to the width and construction of new streets.*

4. Every person who shall lay out a new street which shall be intended for use as a carriage-road shall so lay out such street that the width thereof shall be *thirty-six feet* at the least.

5. Every person who shall construct a new street which shall exceed *one hundred feet* in length shall construct such street for use as a carriage-road, and shall, as regards such street, comply with the requirements of every bye-law relating to a new street intended for use as a carriage-road.

6. Every person who shall lay out a new street which shall be intended for use otherwise than as a carriage-road, and shall not exceed in length *one hundred feet*, shall so lay out such street that the width thereof shall be *twenty-four feet* at the least:

Provided always, that this bye-law shall not apply in any case where a new street shall not be intended to form the principal approach or means of access to any building, but shall be intended for use solely as a separate means of access to any premises for the purpose of removing therefrom the contents of the receptacle of any privy, or of any ashpit, or of any cesspool without carrying such contents through any dwelling-house or public building or any building in which any person may be or may be intended to be employed in any manufacture, trade, or business.

7. Every person who shall construct a new street for use as a carriage-road shall comply with the following requirements:—

(a.) He shall construct the carriage-way of such street so that the width thereof shall be *twenty-four feet* at the least.

(b.) He shall construct the surface of the carriage-way of such street, so as to curve or fall from the centre or crown of such carriage-way to the channels at the sides thereof; the height of the crown of such carriage-way above the level of the side channels being calculated at the rate of not less than *three-eighths of an inch* and not more than *three-fourths of an inch* for every foot of the width of such carriage-way.

(c.) He shall construct on each side of such street a footway of a width not less than *one-sixth* of the entire width of such street.

(d.) He shall construct each footway in such street so as to slope or fall towards the kerb or outer edge at the rate of *one half of an inch* in every foot of width, if the footway be not paved, flagged, or asphalted; and at the rate of not less than *a quarter of an inch* and not more than *one half of an inch* in every foot of width, if the footway be paved, flagged, or asphalted.

(e.) He shall construct each footway in such street so that the height of the kerb or outer edge of such footway above the channel of the carriage-way (except in the case of crossings paved or otherwise formed for the use of foot passengers) shall be not less than *three inches* at the highest part of such channel and not more than *seven inches* at the lowest part of such channel.

8. Every person who shall construct a new street shall provide at one end, at least, of such street an entrance of a width equal to the width of such street, and open from the ground upwards.



*With respect to the structure of walls, foundations, roofs, and chimneys of new buildings for securing stability and the prevention of fires, and for purposes of health.*

9. A person who shall erect a new building shall not construct any foundation of such building upon any site which shall have been filled up with any material impregnated with fœcal matter or impregnated with any animal or vegetable matter, or upon which any such matter may have been deposited, unless and until such matter shall have been properly removed, by excavation or otherwise, from such site.

10. Every person who shall erect a new domestic building shall cause the whole ground surface or site of such building to be properly asphalted or covered with a layer of good cement concrete, rammed solid at least *six inches* thick.

11. Every person who shall erect a new building shall cause such building to be enclosed with walls constructed of good bricks, stone, or other hard and incombustible materials, properly bonded and solidly put together :—

(a.) With good mortar compounded of good lime and clean sharp sand, or other suitable material ; or

(b.) With good cement ; or

(c.) With good cement mixed with clean sharp sand.

12. Every person who shall erect a new building shall construct every cross wall, which, in pursuance of the bye-law in that behalf, may, as a return wall, be deemed a means of determining the length of any external wall or party wall of such building, of good bricks, stone, or other hard and incombustible materials properly bonded and solidly put together :—

(a.) With good mortar compounded of good lime and clean sharp sand, or other suitable material ; or

(b.) With good cement ; or

(c.) With good cement mixed with clean sharp sand.

13. A person who shall erect a new building shall not construct any wall of such building so that any part of such wall, not being a projection intended solely for the purposes of architectural ornament, or a properly constructed corbel, shall overhang any part beneath it.

14. Every person who shall erect a new building shall cause every wall of such building which may be built at an angle with another wall to be properly bonded therewith.

15. Every person who shall erect a new building shall construct every wall of such building so as to rest upon proper footings.

He shall cause the projection at the widest part of the footings of every wall, on each side of such wall, to be at least equal to *one half* of the thickness of such wall at its base, unless an adjoining wall interferes, in which case the projection may be omitted where that wall adjoins.

He shall also cause the diminution of the footings to be in regular offsets, or in one offset at the top of the footings, and he shall cause the height from the bottom of the footings to the base of the wall to be at least equal to *two-thirds* of the thickness of the wall at its base.

16. Every person who shall erect a new building shall cause the footings of every wall of such building to rest on the solid ground, or upon a sufficient thickness of good concrete, or upon some solid and sufficient sub-structure, as a foundation.

17. Every person who shall erect a new building shall cause every wall of such building to have a proper damp course of sheet lead, asphalte, or slates laid in cement, or of other durable material impervious to moisture



beneath the level of the lowest timbers, and at a height of not less than *six inches* above the surface of the ground adjoining such wall.

18. For the purposes of the bye-laws with respect to the structure of walls of new buildings, the measurement of height of storeys and of height and length of walls shall be determined by the following rules :—

(i.) The height of storeys shall be measured as follows :—

(a.) The height of a topmost storey shall be measured from the level of the upper surface of the floor up to the level of the under side of the tie of the roof or other covering, or if there is no tie then up to the level of half the vertical height of the rafters or other support of the roof:

(b.) The height of every storey, other than a topmost storey, shall be measured from the level of the upper surface of the floor of the storey up to the level of the upper surface of the floor of the storey next above it.

(ii.) The height of a wall shall be measured from the top of the footings to the highest part of the wall, or in the case of a gable, to half the height of the gable.

(iii.) Walls shall be deemed to be divided into distinct lengths by return walls. The length of a wall shall be measured from the centre of one return wall to the centre of another, provided that the return walls are external walls, party walls, or cross walls, of the thickness prescribed by the bye-laws, and are bonded into the walls so deemed to be divided.

A wall shall not, for the purpose of this rule, be deemed a cross wall unless it is carried up to the top of the topmost storey, and unless in each storey the aggregate extent of the vertical faces or elevations of all the recesses and that of all the openings therein, taken together, shall not exceed *one half* of the whole extent of the vertical face or elevation of the wall in such storey.

19. Every person who shall erect a new domestic building shall construct every external wall and every party wall of such building in accordance with the following rules, and in every case the thickness prescribed shall be the minimum thickness of which any such wall may be constructed, and the several rules shall apply only to walls built of good bricks, not less than *nine inches* long, or of suitable stone, or other blocks of hard and incombustible substance, the beds or courses being horizontal.

Height up to 25 feet. (a.) Where the wall does not exceed *twenty-five feet* in height its thickness shall be as follows :—

If the wall does not exceed *thirty feet* in length, and does not comprise more than two storeys, it shall be *nine inches* thick for its whole height :

If the wall exceeds *thirty feet* in length, or comprises more than two storeys, it shall be *thirteen and a half inches* thick below the topmost storey, and *nine inches* thick for the rest of its height.

Height up to 30 feet. (b.) Where the wall exceeds *twenty-five feet* but does not exceed *thirty feet* in height it shall be *thirteen and a half inches* thick below the topmost storey, and *nine inches* thick for the rest of its height.

Height up to 40 feet. (c.) Where the wall exceeds *thirty feet* but does not exceed *forty feet* in height its thickness shall be as follows :—

If the wall does not exceed *thirty-five feet* in length it shall be *thirteen and a half inches* thick below the topmost storey, and *nine inches* thick for the rest of its height :

If the wall exceeds *thirty-five feet* in length it shall be *eighteen inches* thick for the height of one storey, then *thirteen and a half inches* thick for the rest of its height below the topmost storey, and *nine inches* thick for the rest of its height.



Height up to 50 feet. (d.) Where the wall exceeds *forty feet* but does not exceed *fifty feet* in height its thickness shall be as follows:—

If the wall does not exceed *thirty feet* in length it shall be *eighteen inches* thick for the height of one storey, then *thirteen and a half inches* thick for the rest of its height below the topmost storey, and *nine inches* thick for the rest of its height:

If the wall exceeds *thirty feet* but does not exceed *forty-five feet* in length, it shall be *eighteen inches* thick for the height of two storeys, then *thirteen and a half inches* thick for the rest of its height:

If the wall exceeds *forty-five feet* in length, it shall be *twenty-two inches* thick for the height of one storey, then *eighteen inches* thick for the height of the next storey, and then *thirteen and a half inches* thick for the rest of its height.

Height up to 60 feet. (e.) Where the wall exceeds *fifty feet* but does not exceed *sixty feet* in height its thickness shall be as follows:—

If the wall does not exceed *forty-five feet* in length it shall be *eighteen inches* thick for the height of two storeys and *thirteen and a half inches* thick for the rest of its height:

If the wall exceeds *forty-five feet* in length it shall be *twenty-two inches* thick for the height of one storey, then *eighteen inches* thick for the height of the next two storeys, and then *thirteen and a half inches* thick for the rest of its height.

Height up to 70 feet. (f.) Where the wall exceeds *sixty feet* but does not exceed *seventy feet* in height its thickness shall be as follows:—

If the wall does not exceed *forty-five feet* in length it shall be *twenty-two inches* thick for the height of one storey, then *eighteen inches* thick for the height of the next two storeys, and then *thirteen and a half inches* thick for the rest of its height:

If the wall exceeds *forty-five feet* in length it shall be increased in thickness in each of the storeys below the uppermost two storeys by *four and a half inches* (subject to the provision herein-after contained respecting distribution in piers).

Height up to 80 feet. (g.) Where the wall exceeds *seventy feet* but does not exceed *eighty feet* in height its thickness shall be as follows:—

If the wall does not exceed *forty-five feet* in length it shall be *twenty-two inches* thick for the height of one storey, then *eighteen inches* thick for the height of the next three storeys, and *thirteen and a half inches* thick for the rest of its height:

If the wall exceeds *forty-five feet* in length it shall be increased in thickness in each of the storeys below the uppermost two storeys by *four and a half inches* (subject to the provision herein-after contained respecting distribution in piers).

Height up to 90 feet. (h.) Where the wall exceeds *eighty feet* but does not exceed *ninety feet* in height its thickness shall be as follows:—

If the wall does not exceed *forty-five feet* in length it shall be *twenty-six inches* thick for the height of one storey, then *twenty-two inches* thick for the height of the next storey, then *eighteen inches* thick for the height of the next three storeys, and then *thirteen and a half inches* thick for the rest of its height:

If the wall exceeds *forty-five feet* in length it shall be increased in thickness in each of the storeys below the uppermost two storeys by *four and a half inches* (subject to the provision herein-after contained respecting distribution in piers).

Height up to 100 feet. (i.) Where the wall exceeds *ninety feet* but does not exceed *one hundred feet* in height its thickness shall be as follows:—



If the wall does not exceed *forty-five feet* in length it shall be *twenty-six inches* thick for the height of one storey, then *twenty-two inches* thick for the height of the next two storeys, then *eighteen inches* thick for the height of the next three storeys, and then *thirteen and a half inches* thick for the rest of its height :

If the wall exceeds *forty-five feet* in length it shall be increased in thickness in each of the storeys below the uppermost two storeys, by *four and a half inches* (subject to the provision herein-after contained respecting distribution in piers).

(j.) If any storey exceeds in height *sixteen* times the thickness prescribed for its walls, the thickness of each external wall and of each party wall throughout that storey shall be increased to *one sixteenth* part of the height of the storey, and the thickness of each external wall and of each party wall below that storey shall be proportionately increased (subject to the provision herein-after contained respecting distribution in piers).

(k.) Every external wall and every party wall of any storey which exceeds *ten feet* in height shall be not less than *thirteen and a half inches* in thickness.

(l.) Where by any of the foregoing rules relating to the thickness of external walls and party walls of domestic buildings an increase of thickness is required in the case of a wall exceeding *sixty feet* in height and *forty-five feet* in length, or in the case of a storey exceeding in height *sixteen* times the thickness prescribed for its walls, or in the case of a wall below that storey, the increased thickness may be confined to piers properly distributed, of which the collective widths amount to *one fourth* part of the length of the wall. The width of the piers may nevertheless be reduced if the projection is proportionately increased, the horizontal sectional area not being diminished ; but the projection of any such pier shall in no case exceed *one third* of its width.

20. Every person who shall erect a new public building or a new building of the warehouse class shall construct every external wall and every party wall of such building in accordance with the following rules ; and in every case the thickness prescribed shall be the minimum thickness of which any such wall may be constructed, and the several rules shall apply only to walls built of good bricks, not less than *nine inches* long, or of suitable stone or other blocks of hard and incombustible substance, the beds or courses being horizontal.

Height up to 25 feet. (a.) Where the wall does not exceed *twenty-five feet* in height (whatever is its length) it shall be *thirteen and a half inches* thick at its base.

Height up to 30 feet. (b.) Where the wall exceeds *twenty-five feet* but does not exceed *thirty feet* in height it shall be at its base of the thickness following :—

If the wall does not exceed *forty-five feet* in length it shall be *thirteen and a half inches* thick at its base :

If the wall exceeds *forty-five feet* in length it shall be *eighteen inches* thick at its base.

Height up to 40 feet. (c.) Where the wall exceeds *thirty feet* but does not exceed *forty feet* in height it shall be at its base of the thickness following :—

If the wall does not exceed *thirty-five feet* in length it shall be *thirteen and a half inches* thick at its base :

If the wall exceeds *thirty-five feet* but does not exceed *forty-five feet* in length it shall be *eighteen inches* thick at its base :



If the wall exceeds *forty-five feet* in length it shall be *twenty-two inches* thick at its base.

Height up to 50 feet. (d.) Where the wall exceeds *forty feet* but does not exceed *fifty feet* in height it shall be at its base of the thickness following:—

If the wall does not exceed *thirty feet* in length it shall be *eighteen inches* thick at its base:

If the wall exceeds *thirty feet* but does not exceed *forty-five feet* in length it shall be *twenty-two inches* thick at its base:

If the wall exceeds *forty-five feet* in length it shall be *twenty-six inches* thick at its base:

Height up to 60 feet. (e.) Where the wall exceeds *fifty feet* but does not exceed *sixty feet* in height it shall be at its base of the thickness following:—

If the wall does not exceed *forty-five feet* in length it shall be *twenty-two inches* thick at its base:

If the wall exceeds *forty-five feet* in length it shall be *twenty-six inches* thick at its base.

Height up to 70 feet. (f.) Where the wall exceeds *sixty feet* but does not exceed *seventy feet* in height it shall be at its base of the thickness following:—

If the wall does not exceed *forty-five feet* in length it shall be *twenty-two inches* thick at its base:

If the wall exceeds *forty-five feet* in length it shall be increased in thickness from the base up to within *sixteen feet* from the top of the wall by *four and a half inches* (subject to the provision herein-after contained respecting distribution in piers).

Height up to 80 feet. (g.) Where the wall exceeds *seventy feet* but does not exceed *eighty feet* in height it shall be at its base of the thickness following:—

If the wall does not exceed *forty-five feet* in length it shall be *twenty-two inches* thick at its base:

If the wall exceeds *forty-five feet* in length it shall be increased in thickness from the base up to within *sixteen feet* from the top of the wall by *four and a half inches* (subject to the provision herein-after contained respecting distribution in piers).

Height up to 90 feet. (h.) Where the wall exceeds *eighty feet* but does not exceed *ninety feet* in height it shall be at its base of the thickness following:—

If the wall does not exceed *forty-five feet* in length it shall be *twenty-six inches* thick at its base:

If the wall exceeds *forty-five feet* in length it shall be increased in thickness from the base up to within *sixteen feet* from the top of the wall by *four and a half inches* (subject to the provision herein-after contained respecting distribution in piers).

Height up to 100 feet. (i.) Where the wall exceeds *ninety feet* but does not exceed *one hundred feet* in height it shall be at its base of the thickness following:—

If the wall does not exceed *forty-five feet* in length it shall be *twenty-six inches* thick at its base:

If the wall exceeds *forty-five feet* in length it shall be increased in thickness from the base up to within *sixteen feet* from the top of the wall by *four and a half inches* (subject to the provision herein-after contained respecting distribution in piers).

(j.) The thickness of the wall at the top, and for *sixteen feet* below the top, shall be *thirteen and a half inches*, and the intermediate parts of the wall between the base and *sixteen feet* below the top shall be built solid throughout the space between straight lines drawn on each side of the wall and joining the thickness at the base



to the thickness at *sixteen feet* below the top. Nevertheless, in walls not exceeding *thirty feet* in height the walls of the topmost storey may be *nine inches* thick, provided the height of that storey does not exceed *ten feet*.

(k.) If any storey exceeds in height *fourteen* times the thickness prescribed for its walls the thickness of each external wall and of each party wall throughout that storey shall be increased to *one fourteenth* part of the height of the storey, and the thickness of each external wall and of each party wall below that storey shall be proportionately increased (subject to the provision herein-after contained respecting distribution in piers).

(l.) Every external wall and every party wall of any storey which exceeds *ten feet* in height shall be not less than *thirteen and a half inches* in thickness.

(m.) Where by any of the foregoing rules relating to the thickness of external walls and party walls of public buildings or buildings of the warehouse class an increase of thickness is required in the case of a wall exceeding *sixty feet* in height and *forty-five feet* in length, or in the case of a storey exceeding in height *fourteen* times the thickness prescribed for its walls, or in the case of a wall below that storey, the increased thickness may be confined to piers properly distributed, of which the collective widths amount to *one fourth* part of the length of the wall. The width of the piers may nevertheless be reduced if the projection is proportionately increased, the horizontal sectional area not being diminished; but the projection of any such pier shall in no case exceed *one third* of its width.

21. Every person who shall erect a new building shall construct, in accordance with the following rules, every cross wall which, in pursuance of the bye-law in that behalf, may, as a return wall, be deemed a means of determining the length of any external wall or party wall of such building; and in every case the thickness prescribed shall be the minimum thickness of which any such wall may be constructed; and the several rules shall apply only to walls built of good bricks, not less than *nine inches* long, or of suitable stone or other blocks of hard and incombustible substance, the beds or courses being horizontal:—

The thickness of every such cross wall shall be at least *two thirds* of the thickness prescribed by the bye-law in that behalf for an external wall or party wall of the same height and length and belonging to the same class of building as that to which such cross wall belongs, but shall in no case be less than *nine inches*:—

But if such cross wall supports a superincumbent external wall the whole of such cross wall shall be of the thickness prescribed by the bye-law in that behalf for an external wall or a party wall of the same height and length and belonging to the same class of building as that to which such cross wall belongs.

22. Every person who shall erect a new building and shall construct any external wall, party wall, or cross wall of such building of any material other than good bricks, not less than *nine inches* long, or suitable stone or other blocks of hard and incombustible substance, the beds or courses being horizontal, shall comply with the following rules with respect to the thickness of such wall:—

(a.) Where a wall is built of stone or of clunches of bricks, or other burnt or vitrified material, the beds or courses not being horizontal, its thickness shall be *one third* greater than that prescribed by the bye-law in



that behalf for a wall built of bricks, but in other respects of the same description, height, and length, and belonging to the same class of building:

(b.) A wall built of other suitable material shall be deemed to be of sufficient thickness if constructed of the thickness prescribed by the bye-law in that behalf for a wall built of bricks, but in other respects of the same description, height, and length, and belonging to the same class of building.

23. Every person who shall erect a new building and shall leave in any storey or storeys of such building an extent of opening in any external wall which shall be greater than *one half* of the whole extent of the vertical face or elevation of the wall or walls of the storey or storeys in which the opening is left shall construct—

(a.) Sufficient piers of brickwork or other sufficient supports of incombustible material so disposed as to carry the superstructure; and

(b.) A sufficient pier or piers or other sufficient supports of that description at the corner or angle of any street on which the building abuts; or

(c.) Such a pier or other support in each wall within *three feet* of the corner or angle of the street.

24. Every person who shall erect a new building of the warehouse class shall cause every loophole frame of wood, that is to say, every framework of wood surrounding any door or window opening in any storey of such building for the reception or delivery of goods, to be fixed at a distance of not less than *one inch and a half* from the face of any external wall.

Subject to the foregoing provision, every person who shall erect a new building shall cause all woodwork in any external wall of such building (except any bressummer, or any storey post under a bressummer, and any frame of a door or window of a shop) to be set back in reveals *four inches* at least from the outer face of such wall.

25. Every person who shall erect a new building shall cause such part of any external wall of such building as is within a distance of *fifteen feet* from any other building to be carried up so as to form a parapet *one foot* at least above the highest part of any roof or gutter which adjoins such part of such external wall, and he shall cause the thickness of the parapet so carried up to be at least *nine inches* throughout.

26. Every person who shall erect a new building shall cause every party wall of such building to be carried up *nine inches*, at the least in thickness:

(i.) Above the roof, flat, or gutter of the highest building adjoining thereto to such height as will give, in the case of a building of the warehouse class or of a public building, a distance of at least *three feet*, and in the case of any other building a distance of at least *fifteen inches*, measured at right angles to the slope of the roof, or above the highest part of any flat or gutter, as the case may be:

(ii.) Above any turret, dormer, lantern-light, or other erection of combustible materials fixed on the roof or flat of any building within *four feet* from the party wall, and so as to extend at least *twelve inches* higher and wider on each side than such erection:

(iii.) To a height of *twelve inches* at the least above such part of any roof as is opposite to and within *four feet* from the party wall.

In every case where the eaves of the roof project beyond the face of the building, he shall cause every party wall of such building to be properly corbelled out, in brickwork or stonework, to the full extent of such projection, and to be carried up above the projecting eaves, *nine inches* at the least in thickness to such height as will give, in the case of a building of the warehouse class or of a public building, a distance of at least *three feet*,



and in the case of any other building a distance of at least *fifteen inches* measured at right angles to the slope of the roof.

27. Every person who shall erect a new building shall cause every wall of such building, when carried up above any roof, flat, or gutter, so as to form a parapet, to be properly coped or otherwise protected, in order to prevent water from running down the sides of such parapet, or soaking into any wall.

28. A person who shall erect a new building shall not construct any party wall of such building so that any opening shall be made or left in such wall.

29. A person who shall erect a new building shall not make any recess in any external wall or party wall of such building,—

(a.) Unless the back of such recess be at the least *nine inches* thick;

(b.) Unless a sufficient arch be turned in every storey over every such recess;

(c.) Unless in each storey the aggregate extent of recesses having backs of less thickness than the thickness prescribed by any bye-law in that behalf for the wall in which such recesses are made do not exceed *one half* of the extent of the vertical superficies of such wall;

(d.) Unless the side of any such recess nearest to the inner face of any return external wall is distant at the least *thirteen and a half inches* therefrom.

30. A person who shall erect a new building shall not make in any wall of such building any chase which shall be wider than *fourteen inches* or more than *four and a half inches* deep from the face of such wall, or shall leave less than *nine inches* in thickness at the back or opposite side thereof, or which shall be within *thirteen and a half inches* from any other chase, or within *seven feet* from any other chase on the same side of such wall, or within *thirteen and a half inches* from any return wall.

31. A person who shall erect a new building shall not place in any party wall of such building any bond timber, or any plate, block, brick, or plug of wood.

32. A person who shall erect a new building shall not place the end of any bressummer, beam, or joist in any party wall of such building, unless the end of such bressummer, beam, or joist be at least *four and a half inches* distant from the centre line of such party wall.

33. Every person who shall erect a new building shall cause every girder to be borne by a sufficient template of stone, iron, terra-cotta, or vitrified stoneware of the full breadth of the girder.

34. Every person who shall erect a new building shall cause every bressummer to have a bearing in the direction of its length of *four inches* at least at each end, on a sufficient pier of brick or stone, or on a storey post of timber or iron fixed on a solid foundation, in addition to its bearing on any party wall; and

He shall also, if necessary, cause such bressummer to have such other storey posts, iron columns, stanchions, or piers of brick or stone on a solid foundation under the same as may be sufficient to carry the superstructure.

35. Every person who shall erect a new building shall cause the open space inside any partition wall of such building, or between the joists in any wall of such building, to be stopped with brickwork, concrete, pugging, or other incombustible material, at every floor and ceiling.

36. Every person who shall erect a new building shall, except in such case as is herein-after provided, cause every chimney of such building to be built on solid foundations and with footings similar to the footings of the



wall against which such chimney is built, and to be properly bonded into such wall :

Provided, nevertheless, that such person may cause any chimney of such building to be built on sufficient corbels of brick, stone, or other hard and incombustible materials, if the work so corbelled out does not project from the wall more than the thickness of the wall measured immediately below the corbel.

37. Every person who shall erect a new building shall cause the inside of every flue of such building to be properly rendered or pargeted as such flue is carried up, unless the whole flue shall be lined with fireproof piping of stoneware at least *one inch* thick, and unless the spandril angles shall be filled in solid with brickwork or other incombustible material.

Such person shall also cause the back or outside of such flue, which shall not be constructed so as to form part of the outer face of an external wall, to be properly rendered in every case where the brickwork of which such back or outside may be constructed is less than *nine inches* thick.

38. Every person who shall erect a new building shall cause every flue in such building which may be intended for use in connexion with any furnace, cockle, steam boiler, or close-fire, constructed for any purpose of trade, business, or manufacture, or which may be intended for use in connexion with any cooking range or cooking apparatus of such building when occupied as a hotel, tavern, or eating-house, to be surrounded with brickwork at least *nine inches* thick for a distance of *ten feet* at the least in height from the floor on which such furnace, cockle, steam boiler, close-fire, cooking range, or cooking apparatus may be constructed or placed.

39. Every person who shall erect a new building shall cause a sufficient arch of brick or stone or a sufficient bar of wrought iron to be built over the opening of every chimney of such building to support the breast of such chimney ; and if the breast projects more than *four and a half inches* from the face of the wall, and the jamb on either side is of less width than *thirteen and a half inches*, he shall cause the abutments to be tied in by a bar or bars of wrought iron of sufficient strength, *eighteen inches* longer than the opening, turned up and down at the ends, and built into the jambs on each side.

40. Every person who shall erect a new building shall cause the jambs of every chimney of such building to be at least *nine inches* wide on each side of the opening of such chimney.

41. Every person who shall erect a new building shall cause the breast of every chimney of such building and the brickwork or stonework surrounding every smoke flue and every copper flue of such building to be at least *four and a half inches* in thickness.

42. Every person who shall erect a new building shall cause the back of any chimney opening in a party wall of any room which may be constructed for occupation as a kitchen to be at least *nine inches* thick to the height of at least *six feet* above such chimney opening, and he shall cause such thickness to be continued at the back of the flue.

Such person shall cause the back of every other chimney opening in such building, from the hearth up to the height of *twelve inches* above such opening, to be at least *four and a half inches* thick if such opening be in an external wall, and *nine inches* thick if such opening be elsewhere than in an external wall.

43. Every person who shall erect a new building shall cause the upper side of every flue of such building, when the course of such flue makes with the horizon an angle of less than *forty-five* degrees, to be at least *nine inches* in thickness.



44. Every person who shall erect a new building shall construct every arch, upon which any flue may be carried, so that such arch shall be effectually supported by means of a bar or bars of wrought iron of adequate strength.

He shall cause every such bar, to the extent of *four and a half inches*, to be securely built or pinned into the wall at each end thereof.

He shall provide, for every *nine inches* of the width of the soffit of such arch, one, at the least, of such bars as a means of support for such arch.

45. Every person who shall erect a new building shall cause every chimney shaft or smoke flue of such building to be carried up in brickwork or stonework all round at least *four and a half inches* thick to a height of not less than *three feet* above the roof, flat, or gutter adjoining thereto, measured at the highest point in the line of junction with such roof, flat, or gutter.

46. A person who shall erect a new building shall not cause the brickwork or stonework of any chimney shaft of such building, other than a chimney shaft of the furnace of any steam engine, brewery, distillery, or manufactory, to be built higher above the roof, flat, or gutter adjoining such chimney shaft, measured from the highest point in the line of junction with such roof, flat, or gutter, than a height equal to *six* times the least width of such chimney shaft at the level of such highest point, unless such chimney shaft shall be built with and bonded to another chimney shaft not in the same line with such first-mentioned chimney shaft, or shall be otherwise made secure.

47. A person who shall erect a new building shall not place any iron holdfast or other metal fastening nearer than *two inches* to the inside of any flue or chimney opening in such building.

48. A person who shall erect a new building shall not place any timber or woodwork :—

(a.) In any wall or chimney breast of such building nearer than *nine inches* to the inside of any flue or chimney opening :

(b.) Under any chimney opening of such building within *fifteen inches* from the upper surface of the hearth thereof.

A person who shall erect a new building shall not drive any wooden plug into any wall or chimney breast of such building nearer than *six inches* to the inside of any flue or chimney opening.

49. Every person who shall erect a new building shall cause the face of the brickwork or stonework about any flue or chimney opening of such building, where such face is at a distance of less than *two inches* from any timber or woodwork, and where the substance of such brickwork or stonework is less than *nine inches* thick, to be properly rendered.

50. A person who shall erect a new building shall not construct any chimney or flue of such building so as to make or leave in such chimney or flue any opening for the insertion of any ventilating valve, or for any other purpose, unless such opening be at least *nine inches* distant from any timber or other combustible substance.

51. A person who shall erect a new building shall not fix in such building any pipe for the purpose of conveying smoke or other products of combustion, unless such pipe be so fixed at the distance of *nine inches* at the least from any combustible substance.

52. Every person who shall erect a new building shall cause the flat and roof of such building, and every turret, dormer, lantern-light, skylight, or other erection placed on the flat or roof of such building to be externally covered with slates, tiles, metal, or other incombustible materials, except as regards any door, door frame, window or window frame of any such turret, dormer, lantern-light, skylight, or other erection.



He shall also cause every gutter, shoot, or trough in connexion with the roof of such building to be constructed of incombustible materials.

*With respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings.*

53. Every person who shall erect a new domestic building shall provide in front of such building an open space, which shall be free from any erection thereon above the level of the ground, except any portico, porch, step, or other like projection from such building, or any gate, fence, or wall, not exceeding *seven feet* in height, and which, measured to the boundary of any lands or premises immediately opposite, or to the opposite side of any street which such building may front, shall, throughout the whole line of frontage of such building, extend to a distance of *twenty-four feet* at the least; such distance being measured in every case at right angles to the external face of any wall of such building which shall front or abut on such open space.

A person who shall make any alteration in or addition to such building shall not, by such alteration or addition, diminish the extent of open space provided in pursuance of this bye-law in connexion with such building.

54. Every person who shall erect a new domestic building shall provide in the rear of such building an open space exclusively belonging to such building, and of an aggregate extent of not less than *one hundred and fifty square feet*, and free from any erection thereon above the level of the ground, except a watercloset, earthcloset, or privy, and an ashpit.

He shall cause such open space to extend, laterally, throughout the entire width of such building, and he shall cause the distance across such open space from every part of such building, to the boundary of any lands or premises immediately opposite or adjoining the site of such building, to be not less in any case than *ten feet*.

If the height of such building be *fifteen feet* he shall cause such distance to be *fifteen feet* at the least.

If the height of such building be *twenty-five feet* he shall cause such distance to be *twenty feet* at the least. If the height of such building be *thirty-five feet* or exceed *thirty-five feet* he shall cause such distance to be *twenty-five feet* at the least.

A person who shall make any alteration in or addition to such building shall not, by such alteration or addition, diminish the aggregate extent of open space provided in pursuance of this bye-law in connexion with such building, or in any other respect fail to comply with any provision of this bye-law.

For the purposes of this bye-law the height of such building shall be measured upwards from the level of the ground over which such open space shall extend to the level of half the vertical height of the roof or to the top of the parapet, whichever may be the higher.

55. Every person who shall erect a new domestic building shall construct in the wall of each storey of such building which shall immediately front or abut on such open spaces as, in pursuance of the bye-laws in that behalf, shall be provided in connexion with such building, a sufficient number of suitable windows, in such a manner and in such a position that each of such windows shall afford effectual means of ventilation by direct communication with the external air.

56. Every person who shall erect a new domestic building shall so construct every room which shall be situated in the lowest storey of such building, and shall be provided with a boarded floor, that there shall be, for the purpose of ventilation, between the under side of every joist on



which such floor may be laid, and the upper surface of the asphalte or concrete with which, in pursuance of the bye-law in that behalf, the ground surface or site of such building may be covered, a clear space of *three inches* at the least in every part, and he shall cause such space to be thoroughly ventilated by means of suitable and sufficient air-bricks, or by some other effectual method.

57. Every person who shall erect a new building shall construct in every habitable room of such building one window, at the least, opening directly into the external air, and he shall cause the total area of such window, or, if there be more than one, of the several windows, clear of the sash frames, to be equal at the least to *one-tenth* of the floor area of such room.

Such person shall also construct every such window so that *one half*, at the least, may be opened, and so that the opening may extend in every case to the top of the window.

58. Every person who shall erect a new domestic building shall cause every habitable room of such building which is without a fireplace, and a flue properly constructed and properly connected with such fireplace, to be provided with special and adequate means of ventilation by a sufficient aperture or air shaft which shall provide an unobstructed sectional area of *one hundred square inches* at the least.

59. Every person who shall erect a new public building shall cause such building to be provided with adequate means of ventilation.

*With respect to the drainage of buildings.*

60. Every person who shall erect a new building shall cause the subsoil of the site of such building to be effectually drained by means of suitable earthenware field pipes properly laid to a suitable outfall, whenever the dampness of the site renders such a precaution necessary.

He shall not lay any such pipe in such a manner or in such a position as to communicate directly with any sewer or cesspool, or with any drain constructed or adapted to be used for conveying sewage, but shall provide a suitable trap, with a ventilating opening, at a point in the line of the subsoil drain as near as may be practicable to such trap.

61. Every person who shall erect a new building shall construct the lowest storey of such building at such level as will allow of the construction of a drain sufficient for the effectual drainage of such building, and of the provision of the requisite communication with any sewer into which such drain may lawfully empty, at a point in the upper half diameter of such sewer, or with any other means of drainage with which such drain may lawfully communicate.

62. Every person who shall erect a new building shall, in the construction of every drain of such building, other than a drain constructed in pursuance of the bye-law in that behalf for the drainage of the subsoil of the site of such building, use good sound pipes formed of glazed stoneware, or of other equally suitable material.

He shall cause every such drain to be of adequate size, and, if constructed or adapted to be used for conveying sewage, to have an internal diameter not less than *four inches*, and to be laid in a bed of good concrete, with a proper fall, and with watertight, socketed, or other suitable joints.

He shall not construct any such drain so as to pass under any building, except in any case where any other mode of construction may be impracticable, and in that case he shall cause such drain to be so laid in the ground that there shall be a distance equal at the least to the full diameter thereof between the top of such drain at its highest point and the surface of the ground under such building.



He shall also cause such drain to be laid in a direct line for the whole distance beneath such building, and to be completely imbedded in and covered with good and solid concrete, at least *six inches* thick, all round.

He shall likewise cause adequate means of ventilation to be provided in connexion with such drain at each end of such portion thereof as is beneath such building.

He shall cause every inlet to any drain, not being an inlet provided in pursuance of the bye-law in that behalf as an opening for the ventilation of such drain, to be properly trapped.

63. Every person who shall erect a new building shall provide, within the curtilage thereof, in every main drain or other drain of such building which may directly communicate with any sewer or other means of drainage into which such drain may lawfully empty, a suitable trap at a point as distant as may be practicable from such building and as near as may be practicable to the point at which such drain may be connected with such sewer or other means of drainage.

64. A person who shall erect a new building shall not construct the several drains of such building in such a manner as to form in such drains any right-angled junction, either vertical or horizontal. He shall cause every branch drain or tributary drain to join another drain obliquely in the direction of the flow of such drain.

65. Every person who shall erect a new building shall, for the purpose of securing efficient ventilation of the drains of such building, comply with the following requirements:—

(i.) He shall provide at least two untrapped openings to the drains, and, in the provision of such openings, he shall adopt such of the two arrangements herein-after specified as the circumstances of the case may render the more suitable and effectual.

(a.) One opening, being at or near the level of the surface of the ground adjoining such opening, shall communicate with the drains by means of a suitable pipe, shaft, or disconnecting chamber, and shall be situated as near as may be practicable to the trap which, in pursuance of the bye-law in that behalf, shall be provided between the main drain or other drain of the building, and the sewer or other means of drainage with which such drain may lawfully communicate. Such opening shall also in every case be situated on that side of the trap which is the nearer to the building.

The second opening shall be obtained by carrying up from a point in the drains, as far distant as may be practicable from the point at which the first-mentioned opening shall be situated, a pipe or shaft, vertically, to such a height and in such a manner as effectually to prevent any escape of foul air from such pipe or shaft into any building in the vicinity thereof, and in no case to a less height than *ten feet*.

(b.) In every case where the foregoing arrangement of the openings to the drains may be impracticable, there shall be substituted the arrangement herein-after prescribed.

One opening shall be obtained by carrying up from a point, as near as may be practicable to the trap, which, in pursuance of the bye-law in that behalf, shall be provided between the main drain or other drain of the building and the sewer or other means of drainage with which such drain may lawfully communicate, a pipe or shaft, vertically, to such a height and in such a manner as effectually to prevent any escape of foul air from such pipe or shaft into any building in the vicinity thereof, and in no case to a less height than *ten feet*. Such opening shall also in every case be situated on that side of the trap which is the nearer to the building.

The second opening, being at a point in the drains as far distant as may



be practicable from the point at which such last-mentioned pipe or shaft shall be carried up, shall be at or near the level of the surface of the ground adjoining such opening, and shall communicate with the drains by means of a suitable pipe or shaft.

(ii.) He shall cause every opening provided in accordance with either of the arrangements herein-before specified to be furnished with a suitable grating or other suitable cover for the purpose of preventing any obstruction in or injury to any pipe or drain by the introduction of any substance through any such opening. He shall, in every case, cause such grating or cover to be so constructed and fitted as to secure the free passage of air through such grating or cover by means of a sufficient number of apertures, of which the aggregate extent shall be not less than the sectional area of the pipe or drain to which such grating or cover may be fitted.

(iii.) Every pipe or shaft which may be used in connexion with either of the arrangements herein-before specified shall be of a sectional area not less than that of the drain with which such pipe or shaft may communicate, and not less in any case than the sectional area of a pipe or shaft of the diameter of *four inches*.

(iv.) No bend or angle shall (except where unavoidable) be formed in any pipe or shaft used in connexion with either of the arrangements herein-before specified.

(v.) Provided always, that for the purpose of either of the arrangements herein-before specified the soil pipe of any watercloset, in every case where the situation, sectional area, height, and mode of construction of such soil pipe shall be in accordance with the requirements applicable to the pipe or shaft to be carried up from the drains, may be deemed to provide the necessary opening for ventilation which would otherwise be obtained by means of such last-mentioned pipe or shaft.

66. A person who shall erect a new building shall not construct any drain of such building in such a manner as to allow any inlet to such drain (except such inlet as may be necessary from the apparatus of any water-closet) to be made within such building.

He shall cause the soil pipe from every watercloset in such building to be at least *four inches* in diameter, and to be fixed outside such building, and to be continued upwards without diminution of its diameter, and (except where unavoidable) without any bend or angle being formed in such soil pipe to such a height and in such a position as to afford, by means of the open end of such soil pipe, a safe outlet for sewer air.

He shall so construct such soil pipe that there shall not be any trap between such soil pipe and the drains, or any trap (other than such as may necessarily form part of the apparatus of any watercloset) in any part of such soil pipe.

He shall also cause the waste pipe from every bath, sink (not being a slop sink constructed or adapted to be used for receiving any solid or liquid filth), or lavatory, the overflow pipe from any cistern and from every safe under any bath or watercloset, and every pipe in such building for carrying off waste water to be taken through an external wall of such building, and to discharge in the open air over a channel leading to a trapped gully grating at least *eighteen inches* distant.

He shall, as regards the mode of construction of the waste pipe from any slop sink constructed or adapted to be used for receiving within such building any solid or liquid filth, comply in all respects with such of the provisions of this bye-law as are applicable to the soil pipe from a water-closet.



*With respect to waterclosets, earthclosets, privies, ashpits, and cesspools, in connexion with buildings.*

67. Every person who shall construct a watercloset or earthcloset in a building shall construct such watercloset or earthcloset in such a position that one of its sides at the least shall be an external wall.

68. Every person who shall construct a watercloset or earthcloset in connexion with a building, whether the situation of such watercloset or earthcloset be or be not within such building, shall construct in one of the walls of such watercloset or earthcloset a window of not less dimensions than *two feet by one foot*, exclusive of the frame, and opening directly into the external air.

He shall, in addition to such window, cause such watercloset or earthcloset to be provided with adequate means of constant ventilation by at least one air-brick built in an external wall of such watercloset or earthcloset, or by an air shaft, or by some other effectual method or appliance.

69. Every person who shall construct a watercloset in connexion with a building shall furnish such watercloset with a separate cistern, service box, or flushing box of adequate capacity, which shall be so constructed, fitted, and placed, as to admit of the supply of water for use in such watercloset without any direct connexion between any service pipe upon the premises and any part of the apparatus of such watercloset, other than such cistern, service box, or flushing box.

He shall furnish such watercloset with a suitable apparatus for the effectual application of water to any pan, basin, or other receptacle with which such apparatus may be connected and used, and for the effectual flushing and cleansing of such pan, basin, or other receptacle, and for the prompt and effectual removal therefrom of any solid or liquid filth which may from time to time be deposited therein.

He shall furnish such watercloset with a pan, basin, or other suitable receptacle of non-absorbent material, and of such shape, of such capacity, and of such mode of construction as to receive and contain a sufficient quantity of water, and to allow all filth which may from time to time be deposited in such pan, basin, or receptacle to fall free of the sides thereof, and directly into the water received and contained in such pan, basin, or receptacle.

He shall not construct or fix under such pan, basin, or receptacle, any "container" or other similar fitting.

He shall not construct or fix in or in connexion with the watercloset apparatus any trap of the kind known as a "D trap."

70. Every person who shall construct an earthcloset in connexion with a building shall furnish such earthcloset with a reservoir or receptacle, of suitable construction and of adequate capacity, for dry earth or other deodorizing substance, and he shall construct and fix such reservoir or receptacle in such a manner and in such a position as to admit of ready access to such reservoir or receptacle for the purpose of depositing therein the necessary supply of dry earth or other deodorizing substance.

He shall construct or fix in connexion with such reservoir or receptacle suitable means or apparatus for the frequent and effectual application of a sufficient quantity of dry earth or other deodorizing substance to any filth which may from time to time be deposited in any pan, pit, or other receptacle for filth constructed, fitted, or used in or in connexion with such earthcloset.

71. Every person who shall construct an earthcloset in connexion with a building, and shall provide in or in connexion with such earthcloset a



fixed receptacle for filth, shall construct or fix such receptacle in such a manner and in such a position as to admit of the frequent and effectual application of a sufficient quantity of dry earth or other deodorizing substance to any filth which may from time to time be deposited in such receptacle, and in such a manner and in such a position as to admit of ready access to such receptacle for the purpose of removing the contents thereof.

He shall not construct such receptacle of a capacity greater than may be sufficient to contain such filth and dry earth or other deodorizing substance as may be deposited therein during a period not exceeding , or in any case of a capacity exceeding *cubic feet*.

He shall construct such receptacle of such material or materials, and in such a manner, as to prevent any absorption by any part of such receptacle of any filth deposited therein, or any escape, by leakage or otherwise, of any part of the contents of such receptacle.

He shall construct or fix such receptacle so that the bottom or floor thereof shall be at least *inches* above the level of the surface of the ground immediately adjoining the earthcloset, and so that the contents of such receptacle may not at any time be exposed to any rainfall or to the drainage of any waste water or liquid refuse from any adjoining premises.

72. Every person who shall construct an earthcloset in connexion with a building, and shall provide in or in connexion with such earthcloset a movable receptacle for filth, shall construct such earthcloset so that the position and mode of fitting of such receptacle may admit of the frequent and effectual application of a sufficient quantity of dry earth or other deodorizing substance to any filth which may from time to time be deposited in such receptacle, and may also admit of ready access to that part of the earthcloset in which such receptacle may be placed or fitted, and of the convenient removal of such receptacle or of the contents thereof.

He shall also construct such earthcloset so that the contents of such receptacle may not at any time be exposed to any rainfall or to the drainage of any waste water or liquid refuse from any adjoining premises.

73. Every person who shall construct a privy in connexion with a building shall construct such privy at a distance of *six feet* at the least from a dwelling-house or public building, or any building in which any person may be or may be intended to be employed in any manufacture, trade, or business.

74. A person who shall construct a privy in connexion with a building shall not construct such privy within the distance of *feet* from any water supplied for use, or used or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, or otherwise in such a position as to endanger the pollution of any such water.

75. Every person who shall construct a privy in connexion with a building shall construct such privy in such a manner and in such a position as to afford ready means of access to such privy, for the purpose of cleansing such privy and of removing filth therefrom, and in such a manner and in such a position as to admit of all filth being removed from such privy, and from the premises to which such privy may belong, without being carried through any dwelling-house or public building, or any building in which any person may be, or may be intended to be employed in any manufacture, trade or business.

76. Every person who shall construct a privy in connexion with a building shall provide such privy with a sufficient opening for ventilation, as near to the top as practicable, and communicating directly with the external air.

He shall cause the floor of such privy to be flagged or paved with hard



tiles or other non-absorbent material, and he shall construct such floor so that it shall be in every part thereof at a height of not less than *six inches* above the level of the surface of the ground adjoining such privy, and so that such floor shall have a fall or inclination towards the door of such privy of *half an inch* to the *foot*.

77. Every person who shall construct a privy in connexion with a building, and shall construct such privy for use in combination with a movable receptacle for filth, shall construct over the whole area of the space immediately beneath the seat of such privy a flagged or asphalted floor, at a height of not less than *three inches* above the level of the surface of the ground adjoining such privy; and he shall cause the whole extent of each side of such space between the floor and the seat to be constructed of flagging, slate, or good brickwork, at least *nine inches* thick, and rendered in good cement or asphalted.

He shall construct the seat of such privy, the aperture in such seat, and the space beneath such seat, of such dimensions as to admit of a movable receptacle for filth of a capacity not exceeding *two cubic feet* being placed and fitted beneath such seat in such a manner and in such a position as may effectually prevent the deposit, upon the floor or sides of the space beneath such seat or elsewhere than in such receptacle, of any filth which may from time to time fall or be cast through the aperture in such seat.

He shall construct the seat of such privy so that the whole of such seat or a sufficient part thereof, may be readily removed or adjusted in such a manner as to afford adequate access to the space beneath such seat for the purpose of cleansing such space, or of removing therefrom or placing and fitting therein the appropriate receptacle for filth.

78. Every person who shall construct a privy in connexion with a building, and shall construct such privy for use in combination with a fixed receptacle for filth, shall construct or fix in or in connexion with such privy suitable means or apparatus for the frequent and effectual application of ashes, dust, or dry refuse to any filth which may from time to time be deposited in such receptacle.

He shall construct such receptacle so that the contents thereof may not at any time be exposed to any rainfall or the drainage of any waste water or liquid refuse from any adjoining premises.

He shall construct such receptacle of such material or materials and in such a manner as to prevent any absorption by any part of such receptacle of any filth deposited therein or any escape, by leakage or otherwise, of any part of the contents of such receptacle.

He shall construct such privy so that the bottom or floor thereof shall be in every part at least *three inches* above the level of the surface of the ground adjoining such privy.

He shall not in any case construct such receptacle of a capacity exceeding *eight cubic feet*.

He shall construct the seat of such privy so that the whole of such seat, or a sufficient part thereof, may be readily removed or adjusted in such a manner as to afford adequate access to such receptacle for the purpose of removing the contents thereof, and of cleansing such receptacle, or shall otherwise provide in or in connexion with such privy adequate means of access to such receptacle for the purpose aforesaid.

79. A person who shall construct a privy in connexion with a building shall not cause or suffer any part of the space under the seat of such privy, or any part of any receptacle for filth in or in connexion with such privy to communicate with any drain.

80. Every person who shall construct an ashpit in connexion with a



building shall construct such ashpit at a distance of *six feet* at the least from a dwelling-house or public building, or any building in which any person may be, or may be intended to be employed in any manufacture, trade, or business.

81. A person who shall construct an ashpit in connexion with a building shall not construct such ashpit within the distance of *feet* from any water supplied for use, or used or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, or otherwise in such a position as to endanger the pollution of any such water.

82. Every person who shall construct an ashpit in connexion with a building shall construct such ashpit in such a manner and in such a position as to afford ready means of access to such ashpit for the purpose of cleansing such ashpit, and of removing the contents thereof, and, so far as may be practicable, in such a manner and in such a position as to admit of the contents of such ashpit being removed therefrom, and from the premises to which such ashpit may belong, without being carried through any dwelling-house or public building, or any building in which any person may be, or may be intended to be employed in any manufacture, trade, or business.

83. Every person who shall construct an ashpit in connexion with a building shall construct such ashpit of a capacity not exceeding in any case *six cubic feet*, or of such less capacity as may be sufficient to contain all dust, ashes, rubbish, and dry refuse which may accumulate during a period not exceeding *one week* upon the premises to which such ashpit may belong.

84. Every person who shall construct an ashpit in connexion with a building shall construct such ashpit of flagging, or of slate, or of good brickwork, at least *nine inches* thick, and rendered inside with good cement or properly asphalted.

He shall construct such ashpit so that the floor thereof shall be at a height of not less than *three inches* above the surface of the ground adjoining such ashpit, and he shall cause such floor to be properly flagged or asphalted.

He shall cause such ashpit to be properly roofed over and ventilated, and to be furnished with a suitable door in such a position and so constructed and fitted as to admit of the convenient removal of the contents of such ashpit, and to admit of being securely closed and fastened for the effectual prevention of the escape of any of the contents of such ashpit.

85. A person who shall construct an ashpit in connexion with a building shall not cause or suffer any part of such ashpit to communicate with any drain.

86. Every person who shall construct a cesspool in connexion with a building shall construct such cesspool at a distance of *feet* at the least from a dwelling-house or public building, or any building in which any person may be, or may be intended to be employed in any manufacture, trade, or business.

87. A person who shall construct a cesspool in connexion with a building shall not construct such cesspool within the distance of *feet* from any water supplied for use, or used or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, or otherwise in such a position as to endanger the pollution of any such water.

88. Every person who shall construct a cesspool in connexion with a building shall construct such cesspool in such a manner and in such a



position as to afford ready means of access to such cesspool for the purpose of cleansing such cesspool, and of removing the contents thereof, and in such a manner and in such a position as to admit of the contents of such cesspool being removed therefrom, and from the premises to which such cesspool may belong, without being carried through any dwelling-house or public building, or any building in which any person may be, or may be intended to be employed in any manufacture, trade, or business.

He shall not in any case construct such cesspool so that it shall have, by drain or otherwise, any outlet into or means of communication with any sewer.

89. Every person who shall construct a cesspool in connexion with a building shall construct such cesspool of good brickwork in cement properly rendered inside with cement, and with a backing of at least *nine inches* of well puddled clay around and beneath such brickwork.

He shall also cause such cesspool to be arched or otherwise properly covered over, and to be provided with adequate means of ventilation.

*With respect to the closing of buildings or parts of buildings unfit for human habitation, and to prohibition of their use for such habitation.*

90. In every case:—

Where, by a notice in writing in the form hereunto appended, or to the like effect, and signed by the clerk to the sanitary authority, and duly served upon or delivered to the owner of a building or part of a building erected after the                      day of                      in the year one thousand eight hundred and                      the sanitary authority shall certify that it has been represented to them that such building or part of a building is unfit for human habitation, and that, unless on or before such day as shall be specified in such notice, such owner, by a statement in writing under his hand or under the hand of his agent duly authorized in that behalf, and addressed to and duly served upon or delivered to the sanitary authority, shall show sufficient cause why such building or part of a building shall not be declared unfit for human habitation, or unless, on such day and at such time and place as shall be specified in such notice, such owner personally or by his agent duly authorized in that behalf shall attend before the sanitary authority and show sufficient cause why such building or part of a building shall not be declared unfit for human habitation, the sanitary authority will declare such building or part of a building unfit for human habitation, and direct that such building or part of a building shall be closed, and prohibit the use for human habitation of such building or part of a building until the same shall have been rendered fit for human habitation:

And where such owner shall fail to show sufficient cause why such building or part of a building shall not be declared unfit for human habitation, and where, in consequence of such failure, the sanitary authority by their order, which shall be in writing under their seal in the form hereunto appended, or to the like effect, and shall be duly signed by their clerk, and which, or a copy of which shall be affixed in some conspicuous position in or upon such building or part of a building, may declare that such building or part of a building is unfit for human habitation, and may direct that, unless and until such building or part of a building shall have been rendered fit for human habitation, the same shall be closed, and the use thereof for human habitation shall be prohibited:—

A person shall not, after the date specified in such order and before such



building or part of a building shall have been rendered fit for human habitation, knowingly inhabit or continue to inhabit, or knowingly cause or suffer to be inhabited such building or part of a building.

*Form of Notice.*

*District of* \_\_\_\_\_

To \_\_\_\_\_ of \_\_\_\_\_

WHEREAS by a statement in writing under the hand of medical officer of health (*or surveyor*) of the sanitary authority for the district of \_\_\_\_\_, of which statement a copy is contained in the schedule hereunto annexed, it has been certified to the said sanitary authority that a certain building or part of a building situate at \_\_\_\_\_ in the said district is unfit for human habitation ;

And whereas it has been shown to the said sanitary authority that you are the owner of such building or part of a building ;

Now, I \_\_\_\_\_, clerk to the said sanitary authority, do hereby give you notice that, unless on or before the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, by a statement in writing under your hand or under the hand of an agent duly authorized by you in that behalf, and addressed to and duly served upon or delivered to the said sanitary authority, you shall show to the said sanitary authority sufficient cause why such building or part of a building shall not be declared unfit for human habitation ;

Or, unless you shall attend either personally or by an agent duly authorized in that behalf before the said sanitary authority at their office in \_\_\_\_\_ on \_\_\_\_\_ day the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, and shall then and there show to the said sanitary authority sufficient cause why such building or part of a building shall not be declared unfit for human habitation ;

The said sanitary authority, in pursuance of the powers conferred upon them in that behalf, will, by an order in writing under their seal, declare that such building or part of a building is unfit for human habitation, and direct that, unless and until such building or part of a building shall have been rendered fit for human habitation, the same shall be closed, and the use thereof for human habitation shall be prohibited.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ in the year one thousand eight hundred and \_\_\_\_\_

\_\_\_\_\_  
*Clerk to the Sanitary Authority.*



*Schedule.**Copy of Certificate.**Form of Order.**District of* \_\_\_\_\_

To \_\_\_\_\_, of \_\_\_\_\_, and to all whom it may concern :

WHEREAS it has been certified to us, the sanitary authority for the district of \_\_\_\_\_, that a certain building or part of a building situate at \_\_\_\_\_ in the said district is unfit for human habitation ;

And whereas due notice of such certificate has been given to \_\_\_\_\_, the owner of such building or part of a building, and the said \_\_\_\_\_ has failed to show sufficient cause why such building or part of a building shall not be declared unfit for human habitation ;

Now we, the said sanitary authority, in pursuance of the powers conferred upon us in that behalf, do hereby declare that such building or part of a building is unfit for human habitation ; and we do hereby direct that, unless and until such building or part of a building shall have been rendered fit for human habitation, the same shall be closed, and the use thereof for human habitation shall be prohibited.

Given under the common seal of the sanitary authority for the district of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, (L.S.) in the year one thousand eight hundred and \_\_\_\_\_

*Clerk to the Sanitary Authority.*

*As to the giving of notices, deposit of plans and sections by persons intending to lay out streets or to construct buildings ; as to inspection by the sanitary authority ; and as to the power of such authority to remove, alter, or pull down any work begun or done in contravention of the bye-laws.*

91. Every person who shall intend to lay out a street shall give to the sanitary authority notice in writing of such intention, which shall be delivered or sent to their clerk at his or their office, or to their surveyor at his or their office, and shall at the same time deliver or send, or cause to be delivered or sent to their clerk at his or their office, or to their surveyor at his or their office, a plan and sections of such intended street, drawn to a scale of not less than *one inch* to every *forty-four feet*.

Such person shall show on every such plan the names of the owners of the land through or over which such street shall be intended to pass, the intended level and width, the points of the compass, the intended mode of construction, the intended name of such street and its intended position in relation to the streets nearest thereto, the size and number of the intended building lots, and the intended sites, height, class, and nature of the buildings to be erected therein, and the intended height of the division and fence walls thereon, and the name and address of the person intending to lay out such street.



Such person shall sign such plan, or cause the same to be signed by his duly authorized agent.

Such person shall show on every such section the levels of the present surface of the ground above some known datum, the intended level and rate or rates of inclination of the intended street, the level and inclinations of the streets with which it is intended that such street shall be connected, and the intended level of the lowest floors of the intended buildings.

92. Every person who shall intend to erect a building shall give to the sanitary authority notice in writing of such intention, which shall be delivered or sent to their clerk at his or their office, or to their surveyor at his or their office, and shall at the same time deliver or send, or cause to be delivered or sent to their clerk at his or their office, or to their surveyor at his or their office, complete plans and sections of every floor of such intended building, which shall be drawn to a scale of not less than *one inch* to every *eight feet*, and shall show the position, form, and dimensions of the several parts of such building, and of every watercloset, earthcloset, privy, ashpit, cesspool, well, and all other appurtenances.

Such person shall at the same time deliver or send, or cause to be delivered or sent to the clerk to the sanitary authority at his or their office, or to their surveyor at his or their office, a description in writing of the materials of which it is intended that such building shall be constructed, and of the intended mode of drainage and means of water supply.

Such person shall at the same time deliver or send, or cause to be delivered or sent to the clerk to the sanitary authority at his or their office, or to their surveyor at his or their office, a block plan of such building which shall be drawn to a scale of not less than *one inch* to every *forty-four feet*, and shall show the position of the buildings and appurtenances of the properties immediately adjoining, the width and level of the street in front, and of the street, if any, at the rear of such building, the level of the lowest floor of such building, and of any yard or ground belonging thereto.

Such person shall likewise show on such plan the intended lines of drainage of such building, and the intended size, depth, and inclination of each drain; and the details of the arrangement proposed to be adopted for the ventilation of the drains.

93. Every person who shall intend to lay out or construct a street, or to erect a building, or otherwise to execute any work to which any of the bye-laws relating to new streets and buildings may apply, shall before beginning to lay out or construct such street, or to erect such building, or to execute such work, deliver or send, or caused to be delivered or sent to the surveyor of the sanitary authority at his or their office notice in writing, in which shall be specified the date on which such person will begin to lay out or construct such street, or to erect such building, or to execute such work.

Such person shall also, before proceeding to cover up any sewer or drain, or any foundation of a building, deliver or send, or cause to be delivered or sent to the surveyor of the sanitary authority at his or their office notice in writing, in which shall be specified the date on which such person will proceed to cover up such sewer, drain, or foundation.

If such person neglect or refuse to deliver or send any such notice, or to cause any such notice to be delivered or sent to such surveyor, and if such surveyor, on inspecting any work in connexion with such street or building, or such other work as aforesaid, finds that such work is so far advanced that he cannot ascertain whether anything required by any bye-law relating to new streets or buildings has been done contrary to such bye-law, or whether anything required by such bye-law to be done has been omitted to be done, and if, within a reasonable time after such survey or inspection, such person



shall, by notice in writing under the hand of such surveyor, be required, within a reasonable time which shall be specified in such notice, to cause so much of such work as prevents such surveyor from ascertaining whether anything has been done or omitted to be done as aforesaid to be cut into, laid open, or pulled down to a sufficient extent to enable such surveyor to ascertain whether anything has been done or omitted to be done as aforesaid, such person shall within the time specified in such notice cause such work to be so cut into, laid open, or pulled down.

94. In every case :—

Where a person who shall lay out or construct a street, or shall erect a building, or shall execute any other work to which the bye-laws relating to new streets and buildings may apply, shall, at any reasonable time during the progress or after the completion of the laying out or construction of such street, or the erection of such building, or the execution of such work, receive from the surveyor of the sanitary authority notice in writing specifying any matters in respect of which the laying out or construction of such street, the erection of such building, or the execution of such work may be in contravention of any bye-law relating to new streets or buildings, and requiring such person within a reasonable time, which shall be specified in such notice, to cause anything done contrary to any such bye-law to be amended, or to do anything which by any such bye-law may be required to be done but which has been omitted to be done :—

Such person shall, within the time specified in such notice, comply with the several requirements thereof so far as such requirements relate to matters in respect of which the laying out or construction of such street, the erection of such building, or the execution of such work may be in contravention of any such bye-law.

Such person, within a reasonable time after the completion of any work which may have been executed in accordance with any such requirement, shall deliver or send, or cause to be delivered or sent to the surveyor of the sanitary authority at his or their office notice in writing of the completion of such work, and shall, at all reasonable times within a period of

days after such notice shall have been so delivered or sent, afford such surveyor free access to such work for the purpose of inspection.

95. Every person who shall lay out or construct a street, or shall erect a building, or shall execute any other work to which any of the bye-laws relating to new streets and buildings shall apply, shall, at all reasonable times, during the laying out or construction of such street, or the erection of such building, or the execution of such work, afford the surveyor of the sanitary authority free access to such street, building, or work for the purpose of inspection.

96. Every person who shall lay out or construct a street shall, within a reasonable time after the completion of the laying out or construction of such street, deliver or send, or cause to be delivered or sent to the surveyor of the sanitary authority, at his or their office, notice in writing of the completion of the laying out or construction of such street, and shall, at all reasonable times, within a period of days after such notice shall have been so delivered or sent, afford such surveyor free access to such street for the purpose of inspection.

97. Every person who shall erect a building shall, within a reasonable time after the completion of the erection of such building, deliver or send, or cause to be delivered or sent to the surveyor of the sanitary authority, at his or their office, notice in writing of the completion of the erection of such building, and shall, at all reasonable times, within a period of



days after such notice shall have been so delivered or sent, and before such building shall be occupied, afford such survey or free access to every part of such building for the purpose of inspection.

98. Every person who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of \_\_\_\_\_, and in the case of a continuing offence to a further penalty of \_\_\_\_\_ for each day after written notice of the offence from the sanitary authority :

Provided, nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this bye-law.

99. If any work to which any of the bye-laws relating to new streets and buildings may apply be begun or done in contravention of any such bye-law, the person by whom such work shall be so begun or done, by a notice in writing, which shall be signed by the clerk to the sanitary authority, and shall be duly served upon or delivered to such person, shall be required on or before such day as shall be specified in such notice by a statement in writing under his hand or under the hand of an agent duly authorized in that behalf, and addressed to and duly served upon the sanitary authority, to show sufficient cause why such work shall not be removed, altered, or pulled down ; or shall be required on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorized in that behalf before the sanitary authority and show sufficient cause why such work shall not be removed, altered, or pulled down.

If such person shall fail to show sufficient cause why such work shall not be removed, altered, or pulled down, the sanitary authority shall be empowered, subject to any statutory provision in that behalf, to remove, alter, or pull down such work.



## No. V.

## MARKETS.

## MEMORANDUM.

By section 167 of the Public Health Act, 1875 (38 and 39 Vict. c. 55), it is enacted that an urban authority may, with respect to any market belonging to them, make bye-laws for any of the purposes mentioned in section 42 of the Markets and Fairs Clauses Act, 1847, so far as those purposes relate to markets. Printed copies of any bye-laws so made shall be conspicuously exhibited in the market.

Section 42 of the Markets and Fairs Clauses Act, 1847 (10 Vict. c. 14), is in the following terms:—

The undertakers [urban sanitary authority] may from time to time make such bye-laws as they think fit for all or any of the following purposes; (that is to say),

- (1.) For regulating the use of the market-place, . . . . and the buildings, stalls, pens, and standings therein, and for preventing nuisances or obstructions therein, or in the immediate approaches thereto:
- (2.) For fixing the days and the hours during each day on which the market . . . . shall be held:
- (3.) For inspection of the slaughter-houses, and for keeping the same in a cleanly and proper state, and for removing filth and refuse at least once in every twenty-four hours, and for requiring that they be provided with a sufficient supply of water, and preventing the exercise of cruelty therein:
- (4.) For regulating the carriers resorting to the market, . . . . and fixing the rates for carrying articles carried therefrom within the limits of the special Act:
- (5.) For regulating the use of the weighing machines provided by the undertakers [urban sanitary authority], and for preventing the use of false or defective weights, scales or measures:
- (6.) For preventing the sale or exposure for sale of unwholesome provisions in the market.

Of the above-mentioned purposes the Board think that to those enumerated in the first, second, and fourth paragraphs of section 42 of the 10 Vict. c. 14, bye-laws may be generally rendered applicable. They anticipate that some difficulty will be experienced in any attempt to make bye-laws with regard to the purposes specified in the third, fifth, and sixth paragraphs. The slaughter-houses as to which bye-laws are authorized by the third paragraph are apparently the slaughter-houses to which sections 17—20 of the 10 Vict. c. 14 relate. Those sections, however, have not been incorporated with the Public Health Act, 1875, and where, under section 169 of that Act, the sanitary authority exercise their power of providing slaughter-houses, any bye-laws which may be required should be made under the last-mentioned enactment.



On reference to the clauses (21 to 30) of the 10 Vict. c. 14, with respect to weighing goods and carts, it will be seen that the statute itself provides very fully for the regulation of the use of the weighing machines.

The Board are disposed to think that the practical advantage which may be anticipated from the endeavour to supplement these provisions by bye-laws under the fifth paragraph of section 42 will hardly compensate for the possible complications which may arise out of any conflict between the regulations prescribed by the bye-laws, and those imposed by the express terms of the statute.

Again, for the prevention of the use of false or defective weights, scales, or measures, there appears to be ample provision both in the 10 Vict. c. 14, and in other statutes. By section 21 of the 10 Vict. c. 14 the sanitary authority are required to keep in the weighing-houses or places proper weights, scales, and measures, according to the standard weights and measures for the time being, for weighing the commodities sold in the market-place. The sanitary authority are also required by section 24 to keep machines and weights for the purpose of weighing carts in which goods are brought for sale. The use of all these machines, weights, scales, and measures, will be under the control of persons appointed by the sanitary authority. Buyers may insist upon articles offered for sale being weighed or measured by the weights and scales, or measures, of the sanitary authority, and generally it appears that the 10 Vict. c. 14 provides adequate security against the fraudulent practices which bye-laws under the fifth paragraph of section 42 might be intended to check.

The sixth paragraph authorizes bye-laws for preventing the sale or exposure for sale of unwholesome provisions in the market. Having regard, however, to section 15 of the 10 Vict. c. 14, incorporated with the 38 and 39 Vict. c. 55, by section 167, and to the stringent provisions of sections 116—119 of the latter statute, the Board think that bye-laws upon this subject will be unnecessary.

It should be observed that section 167 of the 38 and 39 Vict. c. 55, provides that all tolls leviable by an urban authority shall be approved by the Local Government Board. Their approval, however, is not required in the case of stallages and rents.

JOHN LAMBERT,  
Secretary.

Local Government Board,  
25th July, 1877.



### BYE-LAWS WITH RESPECT TO A MARKET.

*For regulating the use of the market-place and the buildings, stalls, pens, and standings therein, and for preventing nuisances or obstructions therein, or in the immediate approaches thereto.*

1. A person resorting to the market-place for the sale of any cattle, goods, provisions, marketable commodities or articles shall not, for the purpose of sale or of exposure for sale, place or cause to be placed such cattle, goods, provisions, marketable commodities or articles in any part or parts of the market-place other than such as shall have been appropriated for the reception, deposit, or exposure for sale of the same, and shall be defined or described in a notice printed, painted, or marked in legible letters of such a colour as to be clearly distinguishable from the colour of the ground whereon such letters are printed, painted, or marked, and affixed or set up and continued in some suitable and conspicuous position at or near to such part or parts.

2. A person resorting to the market-place for the sale of any cattle, goods, provisions, marketable commodities or articles shall not, for the purpose of sale or of exposure for sale, bring the same or cause the same to be brought into such market-place before the hour of \_\_\_\_\_ in the forenoon of any day appointed for the holding of any market.

3. A person resorting to the market-place for the sale of any goods, provisions, marketable commodities, or articles shall not allow such goods, provisions, marketable commodities or articles, or any part thereof, to remain in the market-place after the hour of \_\_\_\_\_ in the afternoon of any day appointed for the holding of any market.

4. Every tenant or occupier, or servant of a tenant or occupier of any building, stall, or standing in the market-place shall, before the hour of \_\_\_\_\_ in the afternoon of every day during which such building, stall, or standing may have been used for the sale or exposure for sale of any goods, provisions, marketable commodities, or articles, extinguish or cause to be extinguished every fire or light in, upon, or in connexion with such building, stall, or standing.

5. A tenant or occupier, or a servant of a tenant or occupier of any building, stall, or standing in the market-place used for the sale, or exposure or preparation for sale of any carcass or meat intended for the food of man, shall not cleave such carcass or meat elsewhere than upon a cleaving block, or chopping board, or otherwise than when properly attached to or suspended from the hooks provided for the purpose in, upon, or in connexion with such building, stall, or standing.

6. A person who shall use any pen for the reception of any cattle brought into the market-place for the purpose of sale, or of exposure for sale shall not place or allow to be placed in such pen a greater number of cattle than shall be compatible with the allowance in respect of the several animals



placed in such pen of an extent of superficial space<sup>1</sup> to be determined in accordance with the following regulations:

	<i>ft.</i>	<i>in.</i>	<i>ft.</i>	<i>in.</i>
For every horse:—				
a space not less than	„	by	„	
For every ox or cow:—				
a space not less than	„	by	„	
For every mule or ass:—				
a space not less than	„	by	„	
For every calf:—				
a space not less than	„	by	„	
For every ram, ewe, wether,				
lamb, goat, kid, or pig:—				
a space not less than	„	by	„	

7. A tenant or occupier of any building, stall, or standing in the market-place shall not cause or allow any goods, provisions, marketable commodities or articles to be deposited or exposed for sale in or upon such building, stall, or standing, so that such goods, provisions, marketable commodities or articles, or any part thereof, shall project beyond the line of such building or stall, or beyond the limits assigned to such standing, so as to obstruct the passage of any person or vehicle or of any cattle, goods, provisions, marketable commodities or articles in or through the market-place or any part thereof.

8. A tenant or occupier of any building, stall, or standing in the market-place, or a person resorting to such market-place for the sale of any goods, provisions, marketable commodities or articles, shall not for any longer time or in any other manner than shall be reasonably necessary for the conveyance of such goods, provisions, marketable commodities or articles, to or from such building, stall, or standing, or any part of such market-place, deposit, or cause, or allow to be deposited in any avenue or passage adjoining such building, stall or standing, or elsewhere in such market-place, or in any of the immediate approaches thereto, any hamper, crate, basket, box, barrel, or other receptacle for any goods brought into such market-place for the purpose of sale or of exposure for sale.

9. Every tenant or occupier of any building, stall, or standing in the market-place, shall cause such building, stall, or standing to be properly cleansed immediately before the reception, deposit, or exposure for sale therein or thereon and immediately after the removal therefrom of any goods, provisions, marketable commodities or articles.

10. Every tenant or occupier of any building, stall, or standing in the market-place shall, from time to time, as often as occasion may require, during any day on which such building, stall, or standing may be used for the reception, deposit or exposure for sale therein or thereon of any goods, provisions, marketable commodities or articles, cause all filth, garbage, and refuse which may be produced or may accumulate in the course of the trade or business carried on by such tenant or occupier to be placed in such receptacle (if any) as may be provided by the sanitary authority, or otherwise in a receptacle of suitable construction and of adequate dimensions to be provided by such tenant or occupier, in, upon, or in close connexion with such building, stall, or standing.

<sup>1</sup> The following requirements have been suggested as generally suitable:—

For every horse, 8 feet by 2 feet. For every ox or cow, 8 feet by 2 feet.

For every mule or ass, 5 feet by 15 inches. For every calf, 5 feet by 15 inches.

For every sheep, goat, or pig (of medium size), 4 feet (superficial).



He shall, from time to time, as often as may be necessary, cause the contents of such receptacle to be promptly removed, in such a manner and with such precautions as not to create a nuisance in the process of removal, to such place of deposit as shall, from time to time, be appointed by the sanitary authority, and shall be defined or described in a notice printed, painted, or marked in legible letters of such a colour as to be clearly distinguishable from the colour of the ground whereon such letters are printed, painted, or marked, and affixed or set up and continued in some suitable and conspicuous position at or near to such place of deposit.

11. A person resorting to the market-place and being in charge of any waggon, cart, truck, barrow, or other vehicle or of any beast of burden shall not cause or allow such vehicle or beast to stand in any avenue or passage in such market-place, or in any of the immediate approaches thereto, for any longer time than shall be reasonably necessary for the loading, or unloading of any goods, provisions, marketable commodities or articles.

12. Every person resorting to the market-place for the sale of any goods, provisions, marketable commodities, or articles, or in charge of any waggon, cart, truck, barrow, or other vehicle, or of any beast of burden used for the conveyance of any goods, provisions, marketable commodities or articles to or from such market-place shall, from time to time as often as occasion may require, and in such a manner as to prevent nuisance or obstruction, remove or cause to be removed from every avenue or passage in such market-place, or from the footway or roadway of any of the immediate approaches thereto, all vegetable or animal refuse, filth, litter, or rubbish which may have fallen or may have been thrown or deposited therein or thereon during the loading or unloading or the conveyance to or from such market-place of such goods, provisions, marketable commodities or articles.

13. Every tenant or occupier of any building, stall, or standing in the market-place shall cause every avenue or passage in connexion with such building, stall, or standing, whether used by him alone or in conjunction with any other person, to be properly swept and cleansed once at least during each day appointed for the holding of any market.

14. A person resorting to the market-place for the sale of any cattle, goods, provisions, marketable commodities or articles, shall not cause or allow such cattle, goods, provisions, marketable commodities or articles to be brought or conveyed to or from such market-place, or any building, stall, or standing therein, or to stand, be placed, or exposed for sale in such a manner as to obstruct the passage of any person or vehicle, or of any other cattle, goods, provisions, marketable commodities or articles in or through such market-place or any part thereof or any of the immediate approaches thereto.

*For fixing the days and the hours during each day on which the market shall be held.*

15. A market(*a*)  
shall be held on(*b*) in every(*c*)  
throughout the year(*d*)

(*a*) Here specify the class or description of wares for which the market is intended.

(*b*) Here insert the day of the week.

(*c*) Here insert "week," "fortnight," "month," "quarter," as the case may require.

(*d*) If the markets are not held periodically throughout the year, substitute the names of the months during which they are held.



On every day appointed for the holding of a market such market shall be held between the hours of \_\_\_\_\_ in the forenoon and \_\_\_\_\_ in the afternoon :

Provided that when any day herein-before appointed for the holding of a market shall be a day duly appointed for a solemn fast, or public thanksgiving, such market shall be held on the lawful day next following such first-mentioned day.

*For regulating the carriers resorting to the market, and fixing the rates for carrying articles carried therefrom within the limits of the district.*

16. A carrier resorting to the market-place shall not, at any time, while plying for hire and not actually hired, occupy a station in any part or parts of the market-place other than such as shall be appropriated as a stand or stands for carriers and shall be defined or described in a notice printed, painted, or marked in legible letters of such a colour as to be clearly distinguishable from the colour of the ground whereon such letters are printed, painted, or marked, and affixed, or set up, and continued in some suitable and conspicuous position at or near to the part or parts so appropriated.

17. A carrier resorting to the market-place shall not, while plying for hire, canvass for hire by calling out or otherwise to the annoyance of any person.

18. Every carrier resorting to the market-place shall at all times, while plying for hire, conduct himself with civility and propriety towards every person hiring or seeking to hire such carrier, and shall comply with every reasonable requirement of any person hiring such carrier.

19. Every carrier resorting to the market-place shall be entitled to demand and receive from every person hiring such carrier, a sum to be determined in accordance with the following table as the rate or charge for the carriage of any goods, provisions, marketable commodities or articles, from such market-place to any place or places within the limits of the district :—

*Table of rates for the carriage of goods, provisions, marketable commodities, or articles from the market-place.*

Distance.	Weight.	Rate.	
		s.	d.
To any place within the distance of _____ from the limits of the market-place.	For a weight not exceeding _____ lbs.	„	„
	For every additional _____ lbs.	„	„
To any place beyond the distance of _____ and within the limits of the market-place.	For a weight not exceeding _____ lbs.	„	„
	For every additional _____ lbs.	„	„
For every additional _____ of distance beyond such last-mentioned distance.	For a weight not exceeding _____ lbs.	„	„
	For every additional _____ lbs.	„	„

#### *Penalties.*

20. Every person who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of \_\_\_\_\_ :

Provided nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.



## No. VI.

## SLAUGHTER-HOUSES.

## MEMORANDUM.

SECTION 169 of the Public Health Act, 1875 (38 and 39 Vict. c. 55), enacts that "for the purpose of enabling any urban authority to regulate slaughter-houses within their district, the provisions of the Towns Improvement Clauses Act, 1847, with respect to slaughter-houses, shall be incorporated with this Act."

Of the incorporated provisions of the 10 and 11 Vict. c. 34, sec. 128 is in the following terms:—

"The commissioners [urban sanitary authority] shall, from time to time, by bye-laws . . . make regulations for the licensing, registering, and inspection of the . . . slaughter-houses . . . and preventing cruelty therein, and for keeping the same in a cleanly and proper state, and for removing filth at least once in every twenty-four hours, and requiring them to be provided with a sufficient supply of water; and they may impose pecuniary penalties on persons breaking such bye-laws; provided that no such penalty exceed for any one offence the sum of five pounds, and in the case of a continuing nuisance the sum of ten shillings for every day during which such nuisance shall be continued after the conviction for the first offence."

By the next section (129), it is provided that the "justices before whom any person is convicted of killing or dressing any cattle contrary to the provisions of this or the special Act [*i.e.*, the 38 and 39 Vict. c. 55], or of the non-observance of any of the bye-laws or regulations made by virtue of this or the special Act, in addition to the penalty imposed on such person under the authority of this or the special Act, may suspend, for any period not exceeding two months, the licence granted to such person under this or the special Act, or in case such person be the owner or proprietor of any registered slaughter-house . . . may forbid, for any period not exceeding two months, the slaughtering of cattle therein; and such justices, upon the conviction of any person for a second or other subsequent like offence, may, in addition to the penalty imposed under the authority of this or the special Act, declare the licence granted under this or the special Act revoked, or if such person be the owner or proprietor of any registered slaughter-house, may forbid absolutely the slaughtering of cattle therein; and whenever the licence of any such person is revoked as aforesaid, or whenever the slaughtering of cattle in any registered slaughter-house . . . is absolutely forbidden as aforesaid, the commissioners may refuse to grant any licence whatever to the person whose licence has been so revoked, or on account of whose default the slaughtering of cattle in any registered slaughter-house has been forbidden."

Further by section 130 it is enacted that "every person who during the period for which any such licence is suspended, or after the same is revoked as aforesaid, slaughters cattle in the slaughter-house . . . to which such licence relates, or otherwise uses such slaughter-house . . . or allows



the same to be used as a slaughter-house . . . , and every person who during the period that the slaughtering of cattle in any such registered slaughter-house . . . is forbidden as aforesaid, or after such slaughtering has been absolutely forbidden therein, slaughters any cattle in any such registered slaughter-house, shall be liable to a penalty not exceeding five pounds for such offence, and a further penalty of five pounds for every day on which any such offence is committed after the conviction for the first offence."

In connexion with these provisions, and those relating to the licensing and registration of slaughter-houses, in sections 125—127, the attention of the sanitary authority should be directed to the judgment of the Court of Exchequer Chamber in the case of *Anthony v. the Brecon Markets Company* (26 L.T., n.s., 982.)

With reference to that judgment, a few observations may here be introduced in illustration of the nature and extent of the powers of the sanitary authority with regard to slaughter-houses.

It will be seen that the provisions of the Towns Improvement Clauses Act, 1847, incorporated with the Public Health Act, 1875 by section 169, recognize two classes of slaughter-houses, viz., slaughter-houses in use and occupation at the time of the passing of the "special Act," and slaughter-houses not in use and occupation at that time. To the former class the requirements as to registration in section 127 are specially applicable. To the latter class the provisions as to licensing in sections 125—126 have direct reference.

Both classes may apparently be regulated by bye-laws under section 128.

In framing a model series of bye-laws under that enactment, the Board have considered that the statutory terms do not warrant the extension of the scope of the bye-laws to regulations directly affecting the structure of the premises.

But as regards premises for which under section 126 the licence of the sanitary authority will be required, the Board have been advised that, in the exercise of the discretionary power of licensing which has been conferred upon the sanitary authority, the following rules as to site and structure should influence their decision upon each application for a licence :

1. The premises to be erected or to be used and occupied as a slaughter-house should not be within 100 feet of any dwelling-house ; and the site should be such as to admit of free ventilation by direct communication with the external air on two sides at least of the slaughter-house.

2. Lairs for cattle in connexion with the slaughter-house should not be within 100 feet of a dwelling-house.

3. The slaughter-house should not in any part be below the surface of the adjoining ground.

4. The approach to the slaughter-house should not be on an incline of more than one in four, and should not be through any dwelling-house or shop.

5. No room or loft should be constructed over the slaughter-house.

6. The slaughter-house should be provided with an adequate tank or other proper receptacle for water, so placed that the bottom shall not be less than six feet above the level of the floor of the slaughter-house.

7. The slaughter-house shall be provided with means of thorough ventilation.

8. The slaughter-house should be well paved with asphalt or concrete, and laid with proper slope and channel towards a gully, which should be



properly trapped and covered with a grating, the bars of which should be not more than three-eighths of an inch apart.

Provision for the effectual drainage of the slaughter-house should also be made.

9. The surface of the walls in the interior of the slaughter-house should be covered with hard, smooth, impervious material, to a sufficient height.

10. No water-closet, privy, or cesspool should be constructed within the slaughter-house.

There should be no direct communication between the slaughter-house and any stable, water-closet, privy, or cesspool.

11. Every lair for cattle in connexion with the slaughter-house should be properly paved, drained, and ventilated.

No habitable room should be constructed over any lair.

JOHN LAMBERT,  
Secretary.

Local Government Board,  
25th July, 1877.



BYE-LAWS WITH RESPECT TO SLAUGHTER-HOUSES.

*For the licensing, registering, and inspection of slaughter-houses, for preventing cruelty therein, for keeping the same in a cleanly and proper state, for removing filth at least once in every twenty-four hours, and requiring such slaughter-houses to be provided with a sufficient supply of water.*

1. Every person who shall apply to the sanitary authority for a licence for the erection of any premises to be used and occupied as a slaughter-house shall furnish in the form hereunto appended a true statement of the particulars therein required to be specified.

*Form of application for a Licence to erect premises for use and occupation as a slaughter-house.*

To the sanitary authority for the district of

I, \_\_\_\_\_, of \_\_\_\_\_, do hereby apply to you for a licence, in pursuance of the statutory provisions in that behalf, for the erection of certain premises to be used and occupied as a slaughter-house; and I do hereby declare that to the best of my knowledge and belief the schedule hereunto annexed contains a true statement of the several particulars therein set forth with respect to the said premises.

*Schedule.*

1. Boundaries, area, and description of the proposed site of the premises to be erected for use and occupation as a slaughter-house.

2. Description of the premises to be erected on such site:

(a.) Nature, position, form, superficial area and cubical contents of the several buildings therein comprised.

(b.) Extent of paved area in such buildings, and materials to be employed in the paving of such area.

(c.) Mode of construction of the internal surface of the walls of such buildings, and materials to be employed in such construction.

(d.) Means of water supply,—position, form, materials, mode of construction and capacity of the several cisterns, tanks, or other receptacles for water to be constructed for permanent use in or upon the premises.



(e.) Means of drainage,—position, size, materials, and mode of construction of the several drains.

(f.) Means of lighting and ventilation.

(g.) Means of access for cattle from the nearest street or public thoroughfare.

(h.) Number, position, and dimensions of the several stalls, pens, or lairs to be provided on the premises.

(i.) Number of animals for which accommodation will be provided in such stalls, pens, or lairs, distinguishing—

1. Oxen.
2. Calves.
3. Sheep or lambs.
4. Swine.

Witness my hand this

day of

18

(Signature of Applicant.)

(Address of Applicant.)

2. Every person who shall apply to the sanitary authority for a licence for the use and occupation of any premises as a slaughter-house shall furnish in the form hereunto appended a true statement of the particulars therein required to be specified.

*Form of application for a Licence for the use and occupation of premises as a slaughter-house.*

To the sanitary authority for the district of

I, \_\_\_\_\_, of \_\_\_\_\_, do hereby apply to you for a licence, in pursuance of the statutory provisions in that behalf, for the use and occupation as a slaughter-house of the premises herein-after described; and I do hereby declare that to the best of my knowledge and belief the schedule hereunto annexed contains a true statement of the several particulars therein set forth with respect to the said premises.

*Schedule.*

1. Situation and boundaries of the premises to be used and occupied as a slaughter-house.

2. Christian name, surname, and address of the owner of the premises.

3. Nature and conditions of applicant's tenure of the premises:

(a.) For what term; and whether by lease or otherwise.



(b.) Whether applicant is sole owner, lessee, or tenant; or whether applicant is jointly interested with any other person or persons, and if so, with whom.

4. Description of the premises :

(a.) Nature, position, form, superficial area, and cubical contents of the several buildings therein comprised.

(b.) Extent of paved area in such buildings, and materials employed in the paving of such area.

(c.) Mode of construction of the internal surface of the walls of such buildings and materials employed in such construction.

(d.) Means of water supply,—position, form, materials, mode of construction and capacity of the several cisterns, tanks, or receptacles for water, constructed for permanent use in or upon the premises.

(e.) Means of drainage,—position, size, materials, and mode of construction of the several drains.

(f.) Means of lighting and ventilation.

(g.) Means of access for cattle from the nearest street or public thoroughfare.

(h.) Number, position, and dimensions of the several stalls, pens, or lairs provided on the premises.

(i.) Number of animals for which accommodation will be provided in such stalls, pens, or lairs, distinguishing—

1. Oxen.
2. Calves.
3. Sheep or lambs.
4. Swine.

Witness my hand this

day of

18 .

(*Signature of Applicant.*)

(*Address of Applicant.*)

3. Every person to whom the sanitary authority may have resolved that a licence be granted to erect premises for use and occupation as a slaughter-house shall be entitled to receive from the sanitary authority a licence in the form hereunto appended, or to the like effect.



*Form of Licence to erect premises for use and occupation as a slaughter-house.*

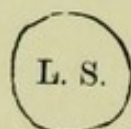
No. of }  
 Licence } ———  
 Reference to }  
 Folio in Register } ———  
 District of

Whereas application has been made to us, the sanitary authority for the district of \_\_\_\_\_, by \_\_\_\_\_, of \_\_\_\_\_, for a licence to erect on a site within the said district certain premises for use and occupation as a slaughter-house:

Now, we, the said sanitary authority, in pursuance of the powers conferred upon us by the statutory provisions in that behalf, do hereby license the said \_\_\_\_\_, of \_\_\_\_\_, to erect for use and occupation as a slaughter-house upon the site defined or described in the schedule hereunto annexed the premises whereof the description is set forth in the said schedule.

*Schedule.*

Boundaries, area, and description of the proposed site of the premises to be erected for use and occupation as a slaughter-house.	Description of the premises to be erected for use and occupation as a slaughter-house.



Given under the common seal of the sanitary authority for the district of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, in the year one thousand eight hundred and \_\_\_\_\_.

*Clerk to the Sanitary Authority.*

4. Every person to whom the sanitary authority may have resolved that a licence be granted for the use and occupation of any premises as a slaughter-house shall be entitled to receive from the sanitary authority a licence in the form hereunto appended, or to the like effect.

*Form of Licence for the use and occupation of premises as a slaughter-house.*

No. of }  
 Licence } ———  
 Reference to }  
 Folio of Register } ———  
 District of

Whereas application has been made to us, the sanitary authority for the district of \_\_\_\_\_, by \_\_\_\_\_, of \_\_\_\_\_, for a licence for the use and occupation of certain premises as a slaughter-house:

Now, we the said sanitary authority, in pursuance of the powers conferred



upon us by the statutory provisions in that behalf, do hereby license the said \_\_\_\_\_, of \_\_\_\_\_, to use and occupy as a slaughter-house the premises whereof the situation and description are set forth in the schedule hereunto annexed.

*Schedule.*

Situation of the premises to be used and occupied as a slaughter-house.	Description of the premises to be used and occupied as a slaughter-house.

L. S.

Given under the common seal of the sanitary authority for the district of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, in the year one thousand eight hundred and \_\_\_\_\_

*Clerk to the Sanitary Authority.*

5. Every person who may have obtained from the sanitary authority, in accordance with the provisions of the bye-law in that behalf, a licence to erect any premises for use and occupation as a slaughter-house, or a licence for the use and occupation of any premises as a slaughter-house, shall register such premises at the office of the sanitary authority.

He shall, for such purpose, apply, by notice in writing addressed to the clerk to the sanitary authority, to register such premises; and thereupon it shall be the duty of the clerk to the sanitary authority, within a reasonable time after the receipt of such notice in writing, to enter in a book to be provided by the sanitary authority in the form hereunto appended the particulars therein required to be specified.

*Form of Register of Slaughter-houses.*

[illegible]



6. Every occupier of a slaughter-house shall, at all reasonable times, afford free access to every part of the premises to the medical officer of health, the inspector of nuisances, or the surveyor of the sanitary authority, or to any committee specially appointed by the sanitary authority in that behalf, for the purpose of inspecting such premises.

7. Every occupier of a slaughter-house shall cause every animal brought to such slaughter-house for the purpose of being slaughtered, and confined in any pound, stall, pen, or lair upon the premises previously to being slaughtered, to be provided during such confinement with a sufficient quantity of wholesome water.

8. Every occupier of a slaughter-house and every servant of such occupier and every other person employed upon the premises in the slaughtering of cattle shall, before proceeding to slaughter any bull, ox, cow, heifer, or steer, cause the head of such animal to be securely fastened so as to enable such animal to be felled with as little pain or suffering as practicable, and shall in the process of slaughtering any animal use such instruments and appliances and adopt such method of slaughtering and otherwise take such precautions as may be requisite to secure the infliction of as little pain or suffering as practicable.

9. Every occupier of a slaughter-house shall cause the means of ventilation provided in or in connexion with such slaughter-house to be kept at all times in proper order and efficient action; and so that the ventilation shall be by direct communication with the external air.

10. Every occupier of a slaughter-house shall cause the drainage provided in or in connexion with such slaughter-house to be kept at all times in proper order and efficient action.

11. Every occupier of a slaughter-house shall cause every part of the internal surface of the walls and every part of the floor or pavement of such slaughter-house to be kept at all times in good order and repair, so as to prevent the absorption therein of any blood or liquid refuse or filth which may be spilled or splashed thereon, or any offensive or noxious matter which may be deposited thereon or brought in contact therewith.

He shall cause every part of the internal surface above the floor or pavement of such slaughter-house to be thoroughly washed with hot limewash at least four times in every year; that is to say, at least once during the periods between the *first* and *tenth* of *March*, the *first* and *tenth* of *June*, the *first* and *tenth* of *September*, and the *first* and *tenth* of *December* respectively.

He shall cause every part of the floor or pavement of such slaughter-house, and every part of the internal surface of every wall on which any blood or liquid refuse or filth may have been spilled or splashed, or with which any offensive or noxious matter may have been brought in contact during the process of slaughtering or dressing in such slaughter-house, to be thoroughly washed and cleansed within three hours after the completion of such slaughtering or dressing.

12. An occupier of a slaughter-house shall not at any time keep any dog or cause or suffer any dog to be kept in such slaughter-house.

He shall not at any time keep, or cause or suffer to be kept in such slaughter-house any animal of which the flesh may be used for the food of man, unless such animal be so kept in preparation for the slaughtering thereof upon the premises.

He shall not at any time keep any cattle, or cause or suffer any cattle to be kept in such slaughter-house for a longer period than may be necessary for the purpose of preparing such cattle, whether by fasting or otherwise, for the process of slaughtering.

If, at any time, he keep, or suffer to be kept in such slaughter-house any



cattle for the purpose of preparation, whether by fasting or otherwise, for the process of slaughtering, he shall not cause or suffer such cattle to be confined elsewhere than in the pounds, stalls, pens, or lairs provided on the premises.

13. Every occupier of a slaughter-house shall cause the hide or skin, fat, and offal of every animal slaughtered on the premises to be removed therefrom within twenty-four hours after the completion of the slaughtering of such animal.

14. Every occupier of a slaughter-house shall cause the means of water supply provided in or in connexion with such slaughter-house to be kept, at all times, in proper order and efficient action, and shall provide for use on the premises a sufficient supply of water for the purpose of thoroughly washing and cleansing the floor or pavement, every part of the internal surface of every wall of such slaughter-house, and every vessel or receptacle which may be used for the collection and removal from such slaughter-house of any blood manure, garbage, filth, or other refuse products of the slaughtering of any cattle or the dressing of any carcass on the premises.

15. Every occupier of a slaughter-house shall provide a sufficient number of vessels or receptacles, properly constructed of galvanized iron or other non-absorbent material, and furnished with closely fitting covers, for the purpose of receiving and conveying from such slaughter-house all blood, manure, garbage, filth, or other refuse products of the slaughtering of any cattle or the dressing of any carcass on the premises.

He shall forthwith upon the completion of the slaughtering of any cattle or the dressing of any carcass in such slaughter-house cause such blood, manure, garbage, filth, or other refuse products to be collected and deposited in such vessels or receptacles, and shall cause all the contents of such vessels or receptacles to be removed from the premises at least once in every twenty-four hours.

He shall cause every such vessel or receptacle to be thoroughly cleansed immediately after such vessel or receptacle shall have been used for such collection and removal, and shall cause every such vessel or receptacle when not in actual use to be kept thoroughly clean.

16. Every person who shall offend against any of the foregoing bye-laws for the registering and inspection of slaughter-houses, for preventing cruelty therein, for keeping the same in a cleanly and proper state, for removing filth at least once in every twenty-four hours, and for requiring such slaughter-houses to be provided with a sufficient supply of water, shall be liable for every such offence to a penalty of *five* pounds, and in the case of a continuing nuisance to a penalty of *ten* shillings for every day during which such nuisance shall be continued after the conviction for the first offence :

Provided nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this bye-law.



## No. VII.

## HACKNEY CARRIAGES.

## MEMORANDUM.

By section 171 of the Public Health Act, 1875 (38 and 39 Vict. c. 55), it is enacted that the provisions of the Town Police Clauses Act, 1847 (10 and 11 Vict. c. 89), with respect to certain matters, among which are included hackney carriages, shall, for the purpose of regulating such matters in urban districts, be incorporated with the Public Health Act, 1875.

In two important particulars the incorporated provisions are amended by section 171. The expression "within the prescribed distance" which frequently occurs in those provisions, and of which no interpretation was supplied by the Local Government Acts, is now defined as meaning within any urban district. The effect of this amendment is to obviate much uncertainty as to the limits within which the power of the sanitary authority to regulate hackney carriages could be exercised.

An amendment has also been introduced with the view of limiting the duration of the licences of drivers of hackney carriages. In this respect the licences of drivers will be held under the same conditions as those formerly applicable to the licences of proprietors only, that is to say, a driver's licence will be in force for one year only from the date of the licence, or until the next general licensing meeting, where a day for such meeting is appointed.

In connexion with the subject of bye-laws the provisions of sections 38 and 68 of the 10 and 11 Vict. c. 89 may be specially considered.

Of these sections the former supplies the definition of a "hackney carriage," and is in the following terms:—

"Every wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street within the prescribed distance [i.e. within any urban district (38 and 39 Vict. c. 55, sect. 171)], and every carriage standing upon any street within the prescribed distance, having thereon any numbered plate required by this or the special Act to be fixed upon a hackney carriage, or having thereon any plate resembling or intended to resemble any such plate as aforesaid, shall be deemed to be a hackney carriage within the meaning of this Act; and in all proceedings at law or otherwise the term 'hackney carriage' shall be sufficient to describe any such carriage; provided always, that no stage coach used for the purpose of standing or plying for passengers to be carried for hire at separate fares, and duly licensed for that purpose, and having thereon the proper numbered plates required by law to be placed on such stage coaches, shall be deemed to be a hackney carriage within the meaning of this Act."

A doubt having arisen as to whether, since the passing of the 32 Vict. c. 14, the proviso in section 38 of the 10 and 11 Vict. c. 89, still operates so as to exclude from the class of hackney carriages the stage coaches therein



described, the Board found it necessary to consult the law officers of the Crown upon the question.

The Board have been advised that, notwithstanding the 32 Vict. c. 14, a stage coach or carriage standing or plying for passengers to be carried for hire at separate fares cannot be deemed a hackney carriage within the meaning of the 10 and 11 Vict. c. 89, sect. 38, and that for the regulation of such stage coaches the sanitary authority are not empowered to make bye-laws for any of the purposes specified in section 68.

By the last-mentioned section it is enacted that the commissioners (urban sanitary authority) may "from time to time (subject to the restrictions of this and the special Act) make bye-laws for all or any of the purposes following; (that is to say)

"For regulating the conduct of the proprietors and drivers of hackney carriages plying within the prescribed distance [i.e. within any urban district (38 and 39 Vict. c. 55, sect. 171)], in their several employments, and determining whether such drivers shall wear any and what badges, and for regulating the hours within which they may exercise their calling:

"For regulating the manner in which the number of each carriage corresponding with the number of its licence shall be displayed:

"For regulating the number of persons to be carried by such hackney carriages, and in what manner such number is to be shown on such carriage (*sic*), and what number of horses or other animals is to draw the same, and the placing of check-strings to the carriages, and the holding of the same by the driver, and how such hackney carriages are to be furnished or provided:

"For fixing the stands of such hackney carriages, and the distance to which they may be compelled to take passengers, not exceeding the prescribed distance:

"For fixing the rates or fares, as well for time as distance, to be paid for such hackney carriages within the prescribed distance, and for securing the due publication of such fares:

"For securing the safe custody and redelivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof."

For all these purposes, with one exception, provision has been made in the model bye-laws. The Board have not thought it necessary to suggest any bye-law for regulating the manner in which the number of persons to be carried by a hackney carriage is to be shown on the carriage. For this purpose section 51 of the 10 and 11 Vict. c. 89 fully provides.

JOHN LAMBERT,  
Secretary.

Local Government Board,  
25th July, 1877.



## BYE-LAWS WITH RESPECT TO HACKNEY CARRIAGES.

*For regulating the conduct of the proprietors and drivers of hackney-carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges, and for regulating the hours within which they may exercise their calling.*

1. Every proprietor or driver of a hackney carriage shall, at all times, when standing, plying, or driving for hire, conduct himself in an orderly manner, and with civility and propriety towards every person seeking to hire, or hiring, or being conveyed in such carriage; and shall comply with every reasonable requirement of any person hiring or being conveyed in such carriage.

2. A driver of an open hackney carriage shall not, at any time when driving for hire, smoke tobacco or any other like substance, without the permission of the person hiring and being conveyed in such carriage.

3. A proprietor or driver of a hackney carriage shall not in any street feed or allow to be fed any horse or other animal harnessed or otherwise attached to such carriage except with food contained in a proper bag, or other receptacle suspended from the head of such horse or animal, or with hay held in and delivered with the hand of the person feeding such horse or other animal.

4. A driver of a hackney carriage drawn by a horse or horses, pony or ponies, mule or mules, ass or asses, when plying for hire and not actually hired, shall not cause such carriage to loiter in any public thoroughfare.

5. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage to the annoyance of such person or of any other person.

6. Every driver of a hackney carriage who shall convey any person to or from any place of public worship, amusement, or resort, or who shall for such purpose be in waiting with such carriage at or near to any such place, shall, as regards the manner of taking up or setting down any passenger, or of waiting for such purpose, comply with the directions of every constable authorized to keep order and prevent obstruction of the streets in the neighbourhood of such place.

7. Every proprietor or driver of a hackney carriage who shall knowingly convey in such carriage the dead body of any person shall, immediately thereafter, notify the fact to the inspector of nuisances.

8. Every driver of a hackney carriage of such a size and construction as to be adapted to the conveyance therein or thereon of a reasonable quantity of luggage shall, when requested by any person hiring or seeking to hire such carriage, convey therein or thereon such quantity of luggage and shall afford all reasonable assistance in loading and unloading any such luggage conveyed in or upon such carriage and belonging to or in the charge of any person hiring or being conveyed in such carriage. Every such driver shall also afford all reasonable assistance in removing such luggage to or from any



door or entrance of any house, station, or place at which he may take up or set down any such person.

9. Every driver of a hackney carriage who shall have been hired by time shall, except in any case where the nature or condition of the road or any other sufficient cause may render such speed impracticable, drive such carriage at such speed as may be required by the person hiring or being conveyed in such carriage, but not exceeding in any case the rate of *four* miles within one hour.

10. Every driver of a hackney carriage drawn by a horse or horses, pony or ponies, mules or mules, ass or asses, when plying for hire and not actually hired, shall station such carriage on some one of the stands appointed or hereafter to be appointed by the sanitary authority.

Such driver shall not station such carriage on any stand which, at the time of his arrival at such stand, may be occupied by the full number of carriages authorized to occupy such stand.

Such driver, on arriving at any such stand not already occupied by the full number of carriages authorized to occupy such stand, shall station such carriage immediately in the rear of the carriage or carriages already occupying such stand, and in such a position that the head or heads of the animal or animals harnessed to such carriage shall be turned in the same direction as the head or heads of the animal or animals harnessed to any carriage stationed on such stand immediately before such last-mentioned carriage.

When a hackney carriage shall be called or driven off any stand, the driver of any carriage stationed on such stand immediately in the rear of the carriage so called or driven off shall cause the carriage so stationed to be drawn forward, so as to fill the place previously occupied by the carriage called or driven off such stand.

The drivers of the several carriages stationed on such stand in the rear of the carriage so drawn forward shall, in succession, cause their carriages to be drawn forward, so that each carriage shall, in succession, fill the place which shall have been previously occupied, immediately in advance of such carriage, by a carriage drawn forward in accordance with the requirements of this bye-law.

11. Every proprietor or driver of a hackney carriage who shall have agreed or shall have been hired to be in attendance with such carriage at an appointed time and place shall, in pursuance of such agreement or hiring, and unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

12. Every driver of a hackney carriage, to which a lamp or lamps shall be affixed in accordance with the requirements of the bye-law in that behalf, shall, at all times when standing, plying, or driving for hire, cause such lamp or lamps to be kept properly trimmed and ready for lighting. Every such driver, while plying for hire, between sunset and sunrise, when the public street lamps are required to be lighted, or at any time during the prevalence of such a fog as may render such light necessary for the safety of other vehicles or of foot passengers, shall cause such lamp or lamps to be properly lighted and to be kept lighted until such carriage shall cease to ply for hire or until the cessation of the cause which may have rendered such light necessary.

13. Every proprietor or driver of a hackney carriage shall, immediately after the termination of any hiring, carefully search such carriage with a view to the discovery of any property which may have been accidentally left therein by any person who may have hired or may have been conveyed in such carriage.

14. A proprietor or driver of a hackney carriage drawn by a horse or



horses, pony or ponies, mule or mules, ass or asses, goat or goats, shall not, at any time while standing, plying, or driving for hire, drive or allow to be driven, or harness or allow to be harnessed for the purpose of drawing such carriage, any such animal whilst in such a condition as to expose any person conveyed or being in such carriage, or any person traversing any street to risk of injury.

15. Every driver of a hackney carriage drawn by a horse or horses, pony or ponies, mule or mules, ass or asses, goat or goats, shall, at all times while standing, plying, or driving for hire, cause every part of the harness of the animal or animals drawing such carriage to be kept in perfect order, and duly fastened and adjusted, so that such animal or animals shall be properly and securely attached to such carriage, and shall be under the due control of such driver.

16. Every driver of a hackney carriage shall, at all times when standing, plying, or driving for hire, wear attached to his outer clothing in such position and manner as to be at all times plainly and distinctly visible, a badge consisting of a metal plate which shall be provided by the sanitary authority and shall be delivered to such driver either together with the licence granted to him by the sanitary authority or afterwards and on which shall be engraved, impressed, painted, or marked in legible figures a number corresponding with the number of the licence granted to such driver, and also the words, “

17. A driver of a hackney carriage shall not stand or ply for hire before the hour of      a.m. or after the hour of      p.m.

*For regulating the manner in which the number of each carriage, corresponding with the number of its licence, shall be displayed.*

18. Every proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of such carriage to be painted or marked on each of two plates in figures of not less than two inches in height, of proportionate breadth, and of such a colour, or in such a manner, as to be clearly distinguishable from the colour or nature of the ground whereon such figures are painted or marked.

He shall cause such plates to be fixed on the outside and inside respectively of such carriage, in such a position and manner that the number thereon shall be at times distinctly and plainly visible and legible. He shall not wilfully or negligently cause or suffer any such plate or the number on any such plate to be in any manner or by any means concealed from public view, or to be inverted at any time while such carriage may stand, ply, or be driven for hire.

*For regulating the number of persons to be carried by such hackney carriages, and what number of horses or other animals is to draw the same, and the placing of check-strings to the carriages, and the holding of the same by the driver, and how such hackney carriages are to be furnished or provided.*

19. Every proprietor or driver of a hackney carriage shall comply with such of the following provisions for regulating the number of persons to be carried by hackney carriages as shall be applicable to such carriage :

No greater number of persons shall be conveyed in any carriage than will admit of the provision of adequate sitting accommodation to the extent at least of *sixteen* inches from side to side and *fifteen* inches from front to back



of every seat in respect of each person conveyed in or upon such carriage, and also of adequate accommodation to enable every such person to sit with ease.

No greater number than *five* persons, exclusive of the driver, shall be conveyed in or upon any carriage drawn by one horse, or by two ponies or mules.

No greater number than *three* persons, exclusive of the driver, shall be conveyed in or upon any carriage drawn by one pony or mule or by two asses.

No greater number than *one* person, exclusive of the driver, shall be conveyed in or upon any carriage drawn by one ass.

For the purpose of the foregoing rules two children under the age of ten years may be regarded as one person.

No greater number than *two* children shall be conveyed in or upon any carriage drawn by a goat or goats.

20. Every proprietor of a closed hackney carriage or of a hackney carriage so constructed as to be capable at any time of being closed shall, in order to enable any person in such carriage to communicate with the driver, provide and place a proper check-string in such a position as to pass through the front of such carriage into the interior, and so as to be readily accessible to any person in such carriage.

Such proprietor shall cause such check-string to be kept at all times ready and fit for use, and shall renew the same from time to time as often as occasion shall require.

Every driver of a closed hackney carriage, while conveying any person in such carriage, and every driver of a hackney carriage so constructed as to be capable of being closed, while conveying any person in such carriage at any time when the same shall be closed, shall hold such check-string in his hand, or shall attach the same to his arm, or to some part of his outer clothing, in such a manner as to secure to every person in such carriage adequate means of prompt communication with such driver.

21. Every proprietor of a hackney carriage shall cause the seats of such carriage to be properly cushioned or covered, and the floor of such carriage to be provided with a proper carpet, mat, or other suitable covering, or during wet weather with clean straw. He shall cause such carriage to be so furnished and fitted in all other respects as to secure cleanliness, and due provision for the safety and convenience of every person conveyed in such carriage. If such carriage be of such a size and construction as to be adapted to the conveyance therein or thereon of a reasonable quantity of luggage, he shall provide adequate means of securing such luggage while conveyed in or upon such carriage. If such carriage be a closed carriage, or be so constructed as to be capable at any time of being closed, he shall cause the roof or covering of such carriage to be made and kept water-tight. He shall provide such carriage with proper window glasses set in suitable frames, and shall renew such glasses and frames from time to time as often as occasion may require; and he shall furnish each window with a leathern strap or other suitable means of wholly or partially raising or lowering such window.

22. Every proprietor of a four-wheeled hackney carriage drawn by a horse or horses, pony or ponies, shall provide such carriage with a sufficient drag-chain and slipper or other sufficient brake.

23. Every proprietor of a hackney carriage drawn by a horse or horses, pony or ponies, mule or mules, ass or asses, shall furnish such carriage with such number of sufficient lamps, not being more than two, and so constructed



and so affixed on the outside of such carriage as to afford when lighted adequate means of signalling the approach or position of such carriage.

*For fixing the stands of such hackney carriages, and the distance to which they may be compelled to take passengers.*

24. The several places specified in the following list shall be the authorized stands for such number of hackney carriages, drawn by horses, ponies, mules, or asses, as shall in each case be specified in such list :<sup>1</sup>—

In addition to or in substitution for the places specified in the foregoing list, such places, as may from time to time be appointed by the sanitary authority, and may be indicated in each case by a notice board affixed in some conspicuous position at or near to such place and marked with the words "Stand for                      hackney carriages," shall be the stands authorized for such number of hackney carriages as shall in each case be specified in such notice board.

25. For the purposes of the bye-laws relating to hackney carriages, the distance to which a hackney carriage drawn by a horse or horses, pony or ponies, mule or mules, may be compelled to take passengers shall be                      miles within the boundary of the district :

The distance to which a hackney carriage drawn by an ass or asses may be compelled to take passengers shall be                      miles within the boundary of the district :

The distance to which a hackney carriage drawn by a goat or goats may be compelled to take passengers shall be                      miles within the boundary of the district :

And the distance to which a hackney carriage drawn or propelled by hand may be compelled to take passengers shall be                      miles within the boundary of the district.

*For fixing the rates or fares, as well for time as distance, to be paid for such hackney carriages within the district, and for securing the due publication of such fares.*

26. Every proprietor or driver of a hackney carriage plying for hire shall be entitled to demand and take for the hire of such carriage the rate or fare prescribed by the following table, and in every case, except where the carriage is drawn or propelled by hand, the hiring shall be by distance unless the hirer express at the commencement of the hiring his desire to engage by time in which case the same shall be determined by time.

In the case of a carriage drawn or propelled by hand the hiring shall be taken to be by time only.

<sup>1</sup> Here append a list of stands and a statement of the number of hackney carriages authorized to occupy each of such stands.



*Fares for Time.*

Periods of time.	Description of carriage.					
	Carriage drawn by two horses.	Carriage drawn by one horse, or by two ponies or mules.	Carriage drawn by one pony or mule, or by two asses.	Carriage drawn by one ass.	Carriage drawn by two goats, or one goat.	Carriage drawn or propelled by hand.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
If the time does not exceed one hour: For the whole time . . .						
If the time exceeds one hour: For each quarter of an hour of the whole time. For any period of less than 15 minutes which is over and above any number of periods of 15 minutes completed .						

*Fares for Distance.*

Distance.	Description of carriage.				
	Carriage drawn by two horses.	Carriage drawn by one horse, or by two ponies or mules.	Carriage drawn by one pony or mule, or by two asses.	Carriage drawn by one ass.	Carriage drawn by two goats, or one goat.
	s. d.	s. d.	s. d.	s. d.	s. d.
If the distance does not exceed one mile: For the whole distance . . . . .					
If the distance exceeds one mile: For each mile of the whole distance . For any part of a mile over and above any number of miles completed .					

27. Every proprietor of a hackney carriage plying for hire and drawn by a horse or horses, pony or ponies, mule or mules, ass or asses, shall cause a statement of the fares authorized by any bye-law in that behalf to be demanded and received in respect of the hiring of such carriage to be printed or painted on a suitable plate in legible letters and figures of such a colour as to be clearly distinguishable from the colour of the ground whereon such letters and figures are printed or painted.



He shall cause such plate to be fixed, in the case of a four-wheeled carriage, on the inside, and, in the case of a two-wheeled carriage, on the inside of the splash-board of such carriage or otherwise in such a position and manner that the letters and figures on such plate shall be at all times distinctly and plainly visible and legible to any person being conveyed in such carriage.

Such proprietor shall, from time to time, as often as occasion may require, renew such plate or the letters and figures on such plate, and he shall not nor shall any driver of such carriage wilfully or negligently cause or suffer such plate to be inverted or detached or the letters or figures on such plate to be in any manner or by any means concealed from the view of any person being conveyed in such carriage at any time while such carriage may ply or be used for hire.

*For securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.*

28. Every proprietor or driver of a hackney carriage wherein any property shall be accidentally left by any person who may have hired or may have been conveyed in such carriage shall, if such property be found by such proprietor or driver, within twenty-four hours after such finding, carry the same, if not sooner claimed by or on behalf of the owner thereof, in the state in which the same shall have been found to the office of the sanitary authority and shall there deposit and leave such property in the custody of the officer in charge of such office.

In the event of the re-delivery of such property to any person who shall satisfactorily prove that the same belongs to him, the proprietor or driver, by whom such property may have been found and carried to the office of the sanitary authority and there deposited, shall be entitled to demand and receive from the person to whom such property shall have been re-delivered an amount to be determined in accordance with the following regulations:

If the estimated value of the property be less than *five pounds*, or if the property be of such a character that the value thereof cannot readily be estimated, such proprietor or driver shall be entitled to demand and receive from such person an amount equal to the amount payable to such proprietor or driver as a fare for the hiring of his carriage for such time as may have been occupied by him in carrying the property from the place at which the same may have been found in his carriage to the office of the sanitary authority:

If the estimated value of the property be more than *five pounds*, such proprietor or driver shall be entitled to demand and receive from such person an amount equal to *a shilling* in the pound on the estimated value of the property: Provided that in no case shall such proprietor or driver be entitled to demand or receive a greater amount than *pounds*.

#### *Penalties.*

29. Every proprietor or driver of a hackney carriage who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of \_\_\_\_\_, and in the case of a continuing offence to a further penalty of \_\_\_\_\_ for each day after written notice of the offence from the sanitary authority:

Provided nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.



## No. VIII.

## PUBLIC BATHING.

## MEMORANDUM.

For the purpose of regulating public bathing in urban districts, section 69 of the Town Police Clauses Act, 1847, (10 and 11 Vict. c. 89), is incorporated with the Public Health Act, 1875 (38 and 39 Vict. c. 55), by section 171 of that Act.

Section 69 of the Town Police Clauses Act, 1847 (10 and 11 Vict. c. 89), is in the following terms :—

“Where any part of the sea-shore or strand of any river used as a public bathing-place is within the limits of the special Act, the Commissioners [urban sanitary authority] may make bye-laws for the following purposes ; (that is to say,)

“For fixing the stands of bathing machines on the sea-shore or strand, and the limits within which persons of each sex shall be set down for bathing, and within which persons shall bathe ;

“For preventing any indecent exposure of the persons of the bathers ;

“For regulating the manner in which the bathing machines shall be used, and the charges to be made for the same ;

“For regulating the distance at which boats and vessels let to hire for the purpose of sailing or rowing for pleasure shall be kept from persons bathing within the prescribed limits.”

It will be seen that the marginal note to section 69 of the 10 and 11 Vict. c. 89 summarizes the provision of that section as relating to bathing machines ; and, after careful consideration of those provisions, the Board think that their intended scope is correctly defined in the marginal note. The Board are of opinion that the statute requires that the bye-laws should be confined to the regulation of public bathing in connexion with the use of bathing machines. As to the conditions under which bathing from the shore or strand without the use of a machine may become an indictable offence, the Board refer to the decisions in the cases of *Reg. v. Reed* and others (12 Cox, C.C. 1), and *Rex v. Crunden* (2 Camp. 89).

It should be added that, in adapting the model clauses to the case of any particular district, it will be necessary to make a slight alteration in the general heading and in the ninth bye-law so as to limit the application of the bye-laws either to the sea-shore or to the strand of a river, according to the situation of the public bathing-place.

JOHN LAMBERT,  
Secretary.

Local Government Board,  
25th July, 1877.



BYE-LAWS WITH RESPECT TO PUBLIC BATHING.

*For fixing the stands of bathing machines on the sea-shore or strand, and the limits within which persons of each sex shall be set down for bathing; and within which persons shall bathe*

1. The several places described or defined in the list hereunto appended shall be the stands appointed for such number of bathing machines of such class, description, or construction, and appropriated for the use of persons of such sex as shall in respect of each of such stands be specified in such list.

*List of stands for bathing machines.*

Description or limits of stand.	Bathing machines to be placed on stand.		
	1. Number.	2. Class, description, or construction.	5. Sex to which appropriated.
(a)	(a)	(a)	(a)

In addition to, or in substitution for any of the places so appointed as stands for bathing machines, such place or places as may, from time to time hereafter, be appointed by the sanitary authority, and may be described or defined in a notice or notices painted, printed, or marked in legible letters and figures of such a colour or in such a manner as to be clearly distinguishable from the colour of the ground whereon such letters and figures are painted, printed, or marked, and affixed or set up and continued in some convenient and conspicuous position in or near to the place or places so appointed, shall be the stand or stands for such number of bathing machines of such class, description, or construction, and appropriated for the use of persons of such sex as shall be specified in such notice or notices.

2. A proprietor or attendant of a bathing machine, stationed on any stand or part of a stand appointed for machines for the use of persons of the female sex, shall not cause or allow any such person, who may have hired, or may use such machine for the purpose of bathing to be set down for such purpose at any place less distant than *yards* from any place at

(a) Here insert the necessary particulars as to each stand.



which any person of the male sex above the age of      years may be set down for such purpose.

3. A proprietor or attendant of a bathing machine stationed on any stand or part of a stand appointed for machines for the use of persons of the male sex, shall not cause or allow any such person above the age of      years, who may have hired, or may use such machine for the purpose of bathing, to be set down for such purpose at any place less distant than      yards from any place at which any person of the female sex may be set down for such purpose.

4. A person of the female sex shall not, while bathing, approach within      yards of any place at which any person of the male sex, above the age of      years, may be set down for the purpose of bathing, or at which any such person may bathe.

5. A person of the male sex above the age of      years shall not, while bathing, approach within      yards of any place at which any person of the female sex may be set down for the purpose of bathing, or at which any such person may bathe.

*For preventing any indecent exposure of the persons of the bathers.*

6. Every proprietor or attendant of a bathing machine so constructed as to be capable of being drawn or moved to or from the station occupied by such machine on any stand, by means of a horse or windlass, or other animal or mechanical power, shall at all times, when such machine may be hired or used by any person for the purpose of bathing, cause such machine to be drawn or moved into such a depth of water, or otherwise into such a position as will prevent any indecent exposure of any such person, when set down from such machine for the purpose of bathing, or when bathing from such machine.

7. Every person of the male sex above the age of      years who may hire or use any bathing machine for the purpose of bathing, or may be set down from such machine for such purpose, shall at all times, while bathing, wear suitable drawers or other sufficient dress or covering to prevent indecent exposure of the person.

8. Every person of the female sex who may hire or use any bathing machine for the purpose of bathing, or may be set down from such machine for such purpose, shall, at all times, while bathing, wear a suitable gown or other sufficient dress or covering to prevent indecent exposure of the person.

*For regulating the manner in which the bathing machines shall be used, and the charges to be made for the same.*

9. Every proprietor or attendant of a bathing machine stationed on any stand, and so constructed as to be capable of being drawn or moved to or from the station occupied by such machine on such stand by means of a horse or windlass, or other animal or mechanical power shall, at all times, when such machine shall require to be so drawn or moved, cause the same to be drawn or moved with reasonable expedition, and in such a manner as to avoid any improper obstruction of the shore or strand, or any undue interference with the proper use of any other machine stationed on any part of such shore or strand.

10. A proprietor or attendant of a bathing machine stationed on any stand shall not, without reasonable excuse, at any reasonable time when such machine is not hired, or in use for the purpose of bathing, neglect or refuse, upon the application of any person hiring or seeking to hire such machine for the purpose of bathing, to cause or allow such machine to be so



hired, and to be drawn or moved from its station on such stand to any suitable place whereat any such person may be set down for the purpose of bathing.

11. Every proprietor or attendant of a bathing machine so constructed as to be capable of being drawn or moved by hand to or from the station occupied by such machine on any stand shall, whenever such machine may be hired or used to set down any person for the purpose of bathing from such machine, cause such machine, from time to time, as the state of the tide or other occasion may require, to be drawn or moved to such a position at such a distance from the water as to provide adequately for the safety and convenience of the person hiring or using such machine.

12. Every proprietor or attendant of a bathing machine stationed on any stand shall be entitled to demand and receive for the use of such machine when hired to set down any person for the purpose of bathing a sum not exceeding in each case the charge herein-after prescribed :—

*s. d.*

For every machine used by any person of the male sex above the age of      years :—

For a time not exceeding half an hour . . . . . „

For every additional half-hour or portion thereof . . . . . „

For every machine used by any person of the female sex above the age of      years :—

For a time not exceeding half an hour . . . . . „

For every additional half-hour or portion thereof . . . . . „

For every machine used by any person of the female sex above the age of      years who shall, while bathing, require the services of an attendant of such machine :—

For a time not exceeding half an hour . . . . . „

For every additional half-hour or portion thereof . . . . . „

For every machine used by one child under the age of      years, and accompanied by an adult person not being an attendant of such machine :—

For a time not exceeding half an hour . . . . . „

For every additional half-hour or portion thereof . . . . . „

For every machine used by one child under the age of      years for whom, while bathing, the services of an attendant of such machine shall be required :—

For a time not exceeding half an hour . . . . . „

For every additional half-hour or portion thereof . . . . . „

For every machine used by two or more children under the age of      years, and accompanied by an adult person not being an attendant of such machine :—

For every such child for a time not exceeding half an hour . . . . . „

For every additional half-hour or portion thereof . . . . . „

For every machine used by two or more children for whom, while bathing, the services of an attendant of such machine shall be required :—

For every such child, for a time not exceeding half an hour . . . . . „

For every additional half-hour or portion thereof . . . . . „

The several amounts herein-before prescribed shall include charges for the provision by the proprietor, and the reasonable use by the bather, of the several articles specified in the following regulations :—

1. For every person of the male sex above the age of      years :—



- (a.) Two clean towels ;
- (b.) One clean pair of suitable drawers or other clean and sufficient covering to prevent indecent exposure of the person.
- 2. For every person of the female sex above the age of      years :—
- (a.) Two clean towels ;
- (b.) One clean gown or other clean and sufficient dress or covering to prevent indecent exposure of the person.
- 3. For every child under the age of      years :—
- (a.) Two clean towels.

*For regulating the distance at which boats and vessels let to hire for the purpose of sailing or rowing for pleasure shall be kept from persons bathing within the prescribed limits.*

13. Every person in charge of any boat or vessel let to hire for the purpose of sailing or rowing for pleasure, shall, at all times when so sailing or rowing, cause such boat or vessel to be kept at a distance not less than      yards from every person bathing within the limits within which, in accordance with the bye-law in that behalf, such person may be set down for the purpose of bathing or may bathe :

Provided always, that this bye-law shall not apply in any case, in which, in consequence of actual or threatened danger to life, or of any other sufficient reason, the person in charge of such boat or vessel shall not cause such boat or vessel to be kept at the distance herein-before specified from any person bathing within the aforesaid limits.

#### *Penalties.*

14. Every person who shall offend against any of the foregoing bye-laws, shall be liable for every such offence to a penalty of      :

Provided nevertheless, that the justices or court before whom any complaint may be made, or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.

#### *Saving for rights of Crown.*

15. Nothing in or done under any of the provisions of the foregoing bye-laws shall, in any respect, prejudice, or injuriously affect the rights and interests of the Crown in the foreshore below high-water mark.



## No. IX.

## PUBLIC BATHS AND WASH-HOUSES AND OPEN BATHING PLACES.

*Duties of the Officers and Servants.*

## MEMORANDUM.

By section 10 of the Public Health Act, 1875 (38 and 39 Vict. c. 55), it is provided that where the Baths and Wash-houses Acts are in force within the district of an urban authority, such authority shall have all powers, rights, duties, capacities, liabilities, and obligations in relation to such Acts exercisable by or attaching to the Council, Incorporated Commissioners, Local Board, Improvement Commissioners, and other Commissioners or persons acting in the execution of the said Acts. It is also provided that where the Baths and Wash-houses Acts are not in force within the district of any urban authority, such authority may adopt such Acts.

By section 34 of the 9 and 10 Vict. c. 74 (An Act to Encourage the Establishment of Public Baths and Wash-houses) it is enacted that "the bye-laws which the Council and Commissioners, respectively [i.e. the urban sanitary authority], may from time to time make, alter, repeal, and enforce, shall include such bye-laws for the management, use, and regulation of the public baths and wash-houses and open bathing places, and of the persons resorting thereto respectively, and for determining from time to time the charges for the use of such baths and wash-houses and open bathing places respectively, as the Council and Commissioners respectively [urban sanitary authority] shall think fit, and they respectively may appoint any penalty not exceeding five pounds for any and every breach, whether by their officers or servants or by other persons, of any bye-law made by them respectively, and such bye-laws shall make sufficient provision for the several purposes respectively expressed in the Schedule A. to this Act."

It is also provided by section 34, that no bye-law made under the authority of the Act shall be of any legal force until the same shall have received the approval of one of her Majesty's Principal Secretaries of State. For such approval that of the Local Government Board is now substituted by the operation of the Local Government Board Act, 1871 (34 and 35 Vict. c. 70).

Schedule A. to the 9 and 10 Vict. c. 74 is in the following terms:—

"BYE-LAWS to be made in all cases.

"For securing that the baths and wash-houses and open bathing places shall be under the due management and control of the officers, servants, or others appointed or employed in that behalf by the Council or Commissioners" [urban sanitary authority].

"For securing adequate privacy to persons using the baths and wash-houses and open bathing places, and security against accidents to persons using the open bathing places :

"For securing that men and boys above eight years old shall bathe separately from women and girls and children under eight years old :



"For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour, and nuisances :

"For determining the duties of the officers, servants, and others appointed by the Council or Commissioners" [urban sanitary authority].

*"In parishes. For regulating the procedure of the Commissioners."*

By section 35 of the 9 and 10 Vict. c. 74 it is enacted that "a printed copy or sufficient abstract of the bye-laws relating to the use of the baths and open bathing places respectively shall be put up in every bath-room and open bathing place respectively ; and a printed copy or sufficient abstract of the bye-laws relating to the use of the wash-houses shall be put up in some convenient place near every washing tub or trough, or every pair of washing tubs or troughs, in every wash-house."

A previous section (23) enacts that the provisions of the Companies Clauses Consolidation Act, 1845, "with respect to the making of bye-laws, subject to the provision herein-after contained, and the provisions of the same Act with respect to the recovery of damages not specially provided for, and penalties, so far as such provisions may respectively be applicable to the purposes of this Act [9 and 10 Vict. c. 74], shall be respectively incorporated with this Act." . . . . .

"Every person who shall feel aggrieved by any bye-law . . . of . . . the Council or Commissioners [urban sanitary authority] shall have the like power of appeal to the General Quarter Sessions as under the provisions of the Companies Clauses Consolidation Act, 1845, incorporated with this Act, he might have if feeling aggrieved by any determination of any justice with respect to any penalty." (9 and 10 Vict. c. 74, sect. 30.)

With respect to the making of bye-laws the Companies Clauses Consolidation Act, 1845 (8 Vict. c. 16), contains the following provisions :—

"It shall be lawful for the company from time to time to make such bye-laws as they think fit for the purpose of regulating the conduct of the officers and servants of the company, and for providing for the due management of the affairs of the company in all respects whatsoever . . . , and from time to time to alter or repeal any such bye-laws, and make others, provided such bye-laws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect, or to the provisions of this or the special Act ; and such bye-laws shall be reduced into writing, and shall have affixed thereto the common seal of the company ; and a copy of such bye-laws shall be given to every officer and servant of the company affected thereby" (section 124).

"All the bye-laws to be made by the company shall be so framed as to allow the justice (*sic*) before whom any penalty imposed thereby may be sought to be recovered, to order a part only of such penalty to be paid if such justice (*sic*) shall think fit" (section 126).

"The production of a written or printed copy of the bye-laws of the company having the common seal of the company affixed thereto, shall be sufficient evidence of such bye-laws in all cases of prosecution under the same" (section 127).

It will be observed that Schedule A. to the 9 and 10 Vict. c. 74 authorizes bye-laws for securing adequate privacy to persons using the wash-houses and open bathing places and security against accidents to persons using the open bathing places. Bye-laws for these purposes are not included in the model series.

In the case of public wash-houses, the Board think that such privacy as may be reasonably necessary may most effectually be secured by the structural arrangement of the premises.

In the case of an open bathing place, it is of course desirable that either



by its situation or by the erection of a suitable hoarding, fence, or partition, the bathers should, as far as possible, be screened from the view of persons occupying premises in the vicinity or passing along any neighbouring thoroughfare. Perhaps, also, the sanitary authority may find it possible to provide separate dressing-boxes for the bathers. Such means of securing privacy may, wherever practicable, be very properly adopted. But the small sum which the schedule to the 10 and 11 Vict. c. 61 has fixed as the price of admission to an open bathing place, will hardly justify expenditure in elaborate structural conveniences, and in most cases the Board assume that bye-laws such as those which they have suggested for securing privacy to persons using the public baths could not easily be rendered applicable to an open bathing place.

Nor have the Board been able to suggest a bye-law generally applicable for the purpose of providing security against accidents to persons using an open bathing place. Security against accident must very often depend upon the judicious choice of a situation for the bathing place. The provision of suitable means of rescue from danger is an obvious precaution which should not be overlooked, and among the bye-laws which the Board have framed for determining the duties of the superintendent of an open bathing place, is one which requires the superintendent to keep ready and fit for use any life-saving apparatus which may be committed to his charge.

But the rules which may in each case be imposed for the protection of bathers will derive their chief value from a careful consideration of the nature and special requirements of the locality ; and the subject is therefore one which lies beyond the range of model bye-laws intended for general use.

JOHN LAMBERT,  
Secretary.

Local Government Board,  
25th July, 1877.



BYE-LAWS FOR THE MANAGEMENT, USE, AND REGULATION OF THE PUBLIC BATHS.

*For securing that the baths shall be under the due management and control of the officers, servants, or others appointed or employed in that behalf by the sanitary authority :*

*For securing adequate privacy to persons using the baths :*

*For securing that men and boys above eight years old shall bathe separately from women and girls and children under eight years old :*

*For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour, and nuisances.*

1. EVERY person resorting to the public baths shall, before being admitted to any bath or bath-room, obtain, by payment, from the authorized money-taker a ticket whereon shall be stated, in addition to such other particulars as the sanitary authority may from time to time direct, the class or description of bath to which such person shall be entitled to be admitted.

Such person before being admitted to use such bath shall, upon the application of any person appointed or acting as an attendant of such bath, deliver such ticket to such attendant.

2. A person resorting to the public baths shall not, by forcible or improper means, seek admission to any bath-room or compartment which shall be occupied by any person using a separate bath.

3. A person resorting to the public baths shall not, by forcible or improper means, seek admission to any swimming bath at any time when such swimming bath or the dressing-rooms, closets, boxes, or compartments attached thereto shall be occupied by the full number of persons authorized to use, at one and the same time, such swimming bath or dressing-rooms, closets, boxes, or compartments.

4. A person resorting to the public baths shall not, by forcible or improper means, seek admission to any bath before any person who, by priority of payment, shall be entitled to prior admission to such bath.

5. A person resorting to the public baths shall not knowingly use any bath of a higher class or description than that of the bath for which he shall have obtained a ticket of admission.

6. Every person resorting to the public baths shall, while waiting on the premises for admission to any bath or bath-room, remain only in such portion of the premises as shall be set apart as a waiting-room for intending bathers.

7. A person resorting to the public baths shall not, after using any bath or quitting any bath-room, loiter or remain, without reasonable excuse, in any passage leading to or from any bath or bath-room.

8. A person resorting to the public baths shall not, at any time after being admitted to any swimming bath or while occupying any dressing-room, closet, box, or compartment attached thereto, enter or seek admission to any other dressing-room, closet, box, or compartment, when occupied by any person, without the consent of such person, or otherwise knowingly intrude upon or interfere with the privacy of any other person using such swimming bath or occupying any dressing-room, closet, box, or compartment attached thereto.

9. A person resorting to the public baths shall not, at any time, after being admitted to or while occupying any bath-room or compartment containing a separate bath, enter or seek admission from such bath-room or compartment



to any adjoining bath-room or compartment when occupied by any person, without the consent of such person, or otherwise knowingly intrude upon, or interfere with the privacy of any person occupying any adjoining bath-room or compartment.

10. A man or boy above eight years old resorting to the public baths shall not enter or use any bath which shall be appointed or appropriated for the use of any woman, or girl, or child under eight years old.

11. A woman, or girl, or child under eight years old resorting to the public baths shall not enter or use any bath which shall be appointed or appropriated for the use of any man or boy above eight years old.

12. Every person resorting to the public baths shall, at all times, exercise reasonable and proper care in the use of any bath or bath-room, dressing-room, closet, box, or compartment.

13. A person resorting to the public baths shall not, at any time, carelessly or negligently break, or injure, or improperly interfere with the due and efficient action of any lock, cock, valve, pipe, work, or engine or machinery in connexion with any bath, or carelessly or negligently injure any furniture, fittings, or conveniences of any bath, bath-room, dressing-room, closet, box, or compartment.

14. A person resorting to the public baths shall not, at any time, carelessly or negligently injure or destroy any towel, or other linen, or other article supplied for his use.

15. A person resorting to the public baths shall not, at any time, while being upon the premises, by any disorderly or improper conduct disturb or interrupt any other person in the proper use of any bath, bath-room, dressing-room, closet, box, or compartment, or any officer, servant, or person appointed or employed by the sanitary authority in the proper execution of his duty.

16. A person resorting to the public baths shall not cause or allow any dog belonging to such person, or under his control, to enter or remain in any bath, bath-room, dressing-room, closet, box, or compartment, or in any passage leading to or from any bath or bath-room.

17. A person resorting to the public baths shall not, at any time, while being upon the premises use any indecent and offensive language, or behave in an indecent and offensive manner.

18. A person resorting to the public baths shall not, at any time, while being in any swimming bath use any soap or other substance or preparation whereby the water in such swimming bath may be rendered turbid or unfit for the proper use of bathers.

19. A person resorting to the public baths shall not wilfully and improperly foul or pollute the water in any separate bath or in any swimming bath, or wilfully and improperly soil or defile any towel, bathing drawers, or bathing dress supplied for his use, or any bath-room, dressing-room, closet, box, or compartment, or any furniture or article therein.

20. A person resorting to the public baths shall not, at any time, while suffering from any cutaneous, infectious, or contagious disease enter or use any swimming bath or any separate bath.

#### *Penalties.*

21. Every person resorting to the public baths who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of :

Provided nevertheless, that the justices before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.



BYE-LAWS FOR THE MANAGEMENT, USE, AND REGULATION OF THE  
PUBLIC WASH-HOUSES.

*For securing that the wash-houses shall be under the due management and control of the officers, servants, or others appointed or employed in that behalf by the sanitary authority :*

*For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour, and nuisances.*

1. A PERSON resorting to the public wash-houses shall not use any washing tub or trough, or any copper or boiler for washing, or any conveniences for drying any clothes or other articles, until such person shall have obtained from the authorized money-taker a ticket whereon shall be stated, in addition to such other particulars as the sanitary authority may from time to time direct, the class of washing tub or trough, copper or boiler, or conveniences for drying which such person may be admitted to use.

2. Every person resorting to the public wash-houses who shall have been admitted to use any washing tub or trough, copper or boiler, or conveniences for drying shall, before quitting the public wash-houses, produce, upon the application of any attendant of such wash-houses, the ticket of admission which may have been issued to such person by the authorized money-taker, and such person shall allow such attendant to enter in such ticket and duly sign an exact statement of the time at which such person shall have ceased to use such washing tub or trough, copper or boiler, or conveniences for drying.

Such person shall, before quitting the public wash-houses, deliver to the authorized money-taker the ticket duly signed by the attendant, and shall, upon the application of such money-taker, pay to him the sum prescribed as the authorized charge for the use during the time specified in such ticket of the washing tub or trough, copper or boiler, or conveniences for drying which such person may have been admitted to use.

3. Every person resorting to the public wash-houses shall, while waiting for admission to use any washing tub or trough, or any copper or boiler, or any conveniences for drying, remain only in such portion of the premises as shall be set apart as a waiting-room for intending washers.

4. A person resorting to the public wash-houses shall not knowingly use any washing tub or trough, or any copper or boiler, or any conveniences for drying of a higher class than that of the washing tub or trough, copper or boiler, or conveniences for drying for which such person shall have obtained a ticket of admission.

5. A person resorting to the public wash-houses shall not, by forcible or improper means, use any washing tub or trough, or any copper or boiler, or any conveniences for drying, before any person who, having previously obtained the necessary ticket from the authorized money-taker, shall be entitled to prior admission to the use and shall not have ceased to require the use of such washing tub or trough, copper or boiler, or conveniences for drying.

6. Every person resorting to the public wash-houses shall at all times exercise reasonable and proper care in the use of any washing tub or trough, or any copper or boiler, or any conveniences for drying.

7. A person resorting to the public wash-houses shall not at any time carelessly or negligently break or injure, or improperly interfere with the



due and efficient action of any lock, cock, valve, pipe, work, or engine or machinery constructed, provided, or used for or in connexion with the supply of water to any washing tub or trough, or any copper or boiler, or carelessly or negligently injure any furniture, fittings, or conveniences of the public wash-houses.

8. A person resorting to the public wash-houses shall not wilfully or improperly remove or displace, or wilfully, carelessly, or negligently soil or dirty, or carelessly or negligently injure or destroy any clothes or other articles brought to be washed by any other person resorting to the public wash-houses.

9. A person resorting to the public wash-houses shall not, at any time, while being upon the premises, by any disorderly or improper conduct disturb or interrupt any other person in the proper use of any washing tub or trough, or any copper or boiler or any conveniences for drying, or any officer, servant, or person employed by the sanitary authority in the proper execution of his duty.

10. A person resorting to the public wash-houses shall not, at any time, while using, or before or after using any washing tub or trough, copper or boiler, or any conveniences for drying, deposit any clothes or other articles or any receptacle for clothes or other articles, or cause or allow such clothes, articles, or receptacle to be deposited or to remain in such manner or position as to obstruct any passage through, or means of entrance to, or egress from the public wash-houses, or in such manner or position as to disturb or interrupt any other person in the proper use of any washing tub or trough, copper or boiler, or any conveniences for drying.

11. A person resorting to the public wash-houses shall not, at any time, while being upon the premises use any indecent and offensive language, or behave in an indecent and offensive manner.

12. A person resorting to the public wash-houses shall not cause or allow any dog belonging to or under the control of such person to enter or remain in any part of the premises.

#### *Penalties.*

13. Every person resorting to the public wash-houses who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of :

Provided nevertheless, that the justices before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.



BYE-LAWS FOR THE MANAGEMENT, USE, AND REGULATION OF AN OPEN  
BATHING PLACE.

*For securing that the open bathing place shall be under the due management and control of the officers, servants, or others appointed or employed in that behalf by the sanitary authority.*

*For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour, and nuisances.*

1. EVERY person resorting to the open bathing place shall, before being admitted to such bathing place, pay to the officer, servant, or person appointed or employed by the sanitary authority for the management and control of such bathing place the sum prescribed as the charge for the use by such person of such bathing place.

2. A person resorting to the open bathing place shall not enter or quit such bathing place otherwise than through the door, gate, wicket, passage, or opening appointed by the sanitary authority as the authorized means of entrance to or egress from such bathing place.

3. A person resorting to the open bathing place shall not, wilfully or improperly, remove or displace, or carelessly or negligently injure or destroy any wearing apparel or other articles belonging to, or in the possession of, or in use by any other person using such bathing place.

4. A person resorting to the open bathing place shall not carelessly or negligently injure or destroy any building, erection, fence, wall, stile, or gate, or any furniture, fittings, or conveniences constructed, provided, or used in, upon, or in connexion with such open bathing place.

5. A person resorting to the open bathing place shall not, by any disorderly or improper conduct, disturb or interrupt any other person in the proper use of such bathing place, or any officer, servant, or person appointed or employed by the sanitary authority in the proper execution of his duty.

6. A person resorting to the open bathing place shall not, at any time, while using such bathing place use any indecent and offensive language or behave in an indecent and offensive manner.

7. A person resorting to the open bathing place shall not cause or allow any dog belonging to such person or under his control to enter or remain in or upon any part of such bathing place.

8. A person resorting to the open bathing place shall not wilfully or improperly soil or defile any building, erection, fence, wall, stile, or gate, or any furniture, fittings, or conveniences constructed, provided, or used in, upon, or in connexion with such bathing place, or any path, passage, or means of access to the water from such bathing place.

*Penalties.*

9. Every person resorting to the open bathing place who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of :

Provided nevertheless, that the justices before whom any complaint may be made or any proceedings may be taken in respect of any such offence may if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.



BYE-LAWS FOR DETERMINING THE DUTIES OF THE OFFICERS AND SERVANTS  
OF THE PUBLIC BATHS AND WASH-HOUSES AND OPEN BATHING PLACE.

PUBLIC BATHS AND WASH-HOUSES.

*Duties of the Superintendent.*

THE following shall be the duties of the superintendent of the public baths and wash-houses:—

1. He shall cause the public baths to be opened on every weekday at the hour of \_\_\_\_\_ in the forenoon and to be closed at the hour of \_\_\_\_\_ in the afternoon.

2. He shall cause the public baths to be opened on every Sunday at the hour of \_\_\_\_\_ in the forenoon and to be closed at the hour of \_\_\_\_\_ in the forenoon.

3. He shall cause the public wash-houses to be opened on every weekday at the hour of \_\_\_\_\_ in the forenoon and to be closed at the hour of \_\_\_\_\_ in the afternoon.

4. He shall, on every day before the hour appointed respectively for the opening of the public baths and wash-houses, visit and inspect every part of the premises and ascertain and take care that all baths, bath-rooms, dressing-rooms, closets, boxes, or compartments, washing tubs or troughs, coppers or boilers, furniture, fittings, and conveniences of the public baths and wash-houses are clean and in good order and ready for the use of persons resorting to such baths and wash-houses.

5. He shall, on every day after the hour appointed respectively for the closing of the public baths and wash-houses, visit and inspect every part of the premises and ascertain and take care that all fires are properly banked up or extinguished as the case may require, and that all lights are properly extinguished, that every separate bath, washing tub or trough, copper or boiler is properly emptied and cleansed, that the water for the supply of every such bath, washing tub or trough, copper or boiler has been properly turned off; and generally that due precautions have been taken to prevent waste or misuse of water.

6. He shall not, except in case of necessity, purchase or procure any articles for use in the public baths and wash-houses, or order any alterations or repairs of any part of the premises, or of the furniture, fittings, conveniences, or articles belonging thereto, or pay any moneys on account of the public baths and wash-houses without the directions of the sanitary authority, or apply any articles belonging to the public baths and wash-houses to purposes other than those authorized or appointed by the sanitary authority.

7. He shall accurately keep, in the form hereinafter prescribed, a daily account of the number and classes of the baths supplied, of the number of persons of each sex and of children not above eight years old resorting to the public baths, and also of the sums received in respect of the use of such baths by such persons and children.

He shall, on the last day of every week, prepare and enter in the book containing such daily account a summary, in the form hereinafter prescribed, of the several particulars shown in such account in respect of each day of such week.



## FORMS OF ACCOUNT.

*Public Baths for the District of**The Superintendent's Daily Account.*

\_\_\_\_\_ day the

\_\_\_\_\_ day of

18 .

Class or description of baths.	No. of baths supplied.	No. of bathers.			Receipts.
		Males.	Females.	Children not above 8 years old.	
£   s.   d.					
BATHS FOR THE LA- BOURING CLASSES.					
For male persons above 8 years old :					
Cold baths . . .					
Cold shower baths . . . .					
Warm baths . .					
Warm shower baths . . . .					
Vapour baths .					
For female persons above 8 years old :					
Cold baths . . .					
Cold shower baths . . . .					
Warm baths . .					
Warm shower baths . . . .					
Vapour baths .					
For children not above 8 years old bathing together :					
Cold baths . . .					
Cold shower baths . . . .					
Warm baths . .					
Warm shower baths . . . .					
Vapour baths .					
BATHS OF ANY HIGHER CLASS. *					
Total . . . .					

\* Here insert the description of the several baths comprised in this class.



*Weekly Summary.*

For the week ending                      the                      day of

18                      .

Class or description of baths.	No. of baths supplied.	No. of bathers.			Receipts.
		Males.	Females.	Children not above 8 years old.	
					£   s.   d.
<b>BATHS FOR THE LABOURING CLASSES.</b>					
For male persons above 8 years old :					
Cold baths . . .					
Cold shower baths . . .					
Warm baths . . .					
Warm shower baths . . .					
Vapour baths .					
For female persons above 8 years old :					
Cold baths . . .					
Cold shower baths . . .					
Warm baths . . .					
Warm shower baths . . .					
Vapour baths .					
For children not above 8 years old, bathing together :					
Cold baths . . .					
Cold shower baths . . .					
Warm baths . . .					
Warm shower baths . . .					
Vapour baths .					
<b>BATHS OF ANY HIGHER CLASS.</b>					
*					
<b>Total . . . . .</b>					

\* Here insert the description of the several baths comprised in this class.



8. He shall accurately keep, in the form hereinafter prescribed, a daily account of the number of persons resorting to the public wash-houses, of the time and manner of use by such persons of the conveniences for washing and drying clothes and other articles, and also of the sums received from such persons in respect of the use of such conveniences.

He shall, on the last day of every week, prepare and enter in the book containing such daily account a summary, in the form hereinafter prescribed, of the several particulars shown in such account in respect of each day of such week.

## FORMS OF ACCOUNT.

*Public Wash-houses for the District of*  
*The Superintendent's Daily Account.*

\_\_\_\_\_ day the \_\_\_\_\_ day of 18 \_\_\_\_ .

Class and description of conveniences, and particulars of time and manner of use.	Number of persons by whom used.	Receipts.
		£      s.      d.
<b>WASH-HOUSES FOR THE LABOURING CLASSES.</b>		
One washing tub or trough used with a copper or boiler; or		
One pair of washing tubs or troughs . .		
(a) With the use of the conveniences for drying:		
For one hour only in the day . . . . .		
For two hours together in the day . . . . .		
For two hours, not together, or for more than two hours in the day. . . .		
(b) Without the use of the con- veniences for drying:		
For one hour only in the day . . . . .		
For two hours together in the day. . . . .		
For two hours, not together, or for more than two hours in the day . . . .		
Conveniences for drying clothes or other articles used alone . . . . .		
<b>WASH-HOUSES OF ANY HIGHER CLASS.</b>		
* . . . . .		
. . . . .		
. . . . .		
. . . . .		
. . . . .		
. . . . .		
Total . . . . .		

\* Here insert the class and description of conveniences, and the particulars of the time and manner of use.



*Weekly Summary.*

For the week ending

the

day of

18

Class and description of conveniences, and particulars of time and manner of use.	Number of persons by whom used.	Receipts.
		£      s.      d.
<p align="center"><b>WASH-HOUSES FOR THE LABOURING CLASSES.</b></p> <p>One washing tub or trough used with a copper or boiler ; or One pair of washing tubs or troughs . (a) With the use of the conveniences for drying :     For one hour only in the         day . . . . .     For two hours together in         the day . . . . .     For two hours, not together,         or for more than two         hours in the day . . . .</p> <p>(b) Without the use of the con-     veniences for drying :     For one hour only in the         day . . . . .     For two hours together in         the day . . . . .     For two hours, not together,         or for more than two         hours in the day . . . .</p> <p>Conveniences for drying clothes or other articles used alone . . . . .</p> <p align="center"><b>WASH-HOUSES OF ANY HIGHER CLASS.</b></p> <p align="center">*</p>		
Total . . . . .		

9. He shall accurately keep, in the form hereinafter prescribed, a day book, in which he shall enter, from day to day, under the proper dates, the amount of the invoices of all articles supplied for use in or in connexion with the

\* Here insert the class and description of conveniences, and the particulars of the time and manner of use.











*Quarterly Summary.*

For the Quarter ending

18

Week.	*												Week.
Received.	1st . . .												1st.
	2nd . . .												2nd.
	3rd . . .												3rd.
	4th . . .												4th.
	5th . . .												5th.
	6th . . .												6th.
	7th . . .												7th.
	8th . . .												8th.
	9th . . .												9th.
	10th . . .												10th.
	11th . . .												11th.
	12th . . .												12th.
	13th . . .												13th.
Totals . .													Totals.
Used or consumed in the public baths.	1st . . .												1st.
	2nd . . .												2nd.
	3rd . . .												3rd.
	4th . . .												4th.
	5th . . .												5th.
	6th . . .												6th.
	7th . . .												7th.
	8th . . .												8th.
	9th . . .												9th.
	10th . . .												10th.
	11th . . .												11th.
	12th . . .												12th.
	13th . . .												13th.
Totals . .													Totals.
Used or consumed in the public wash-houses.	1st . . .												1st.
	2nd . . .												2nd.
	3rd . . .												3rd.
	4th . . .												4th.
	5th . . .												5th.
	6th . . .												6th.
	7th . . .												7th.
	8th . . .												8th.
	9th . . .												9th.
	10th . . .												10th.
	11th . . .												11th.
	12th . . .												12th.
	13th . . .												13th.
Totals . .													Totals.

\* The names of the several articles are to be placed in the appropriate Spaces at the head of the several columns.



11. He shall accurately keep, in the form hereinafter prescribed, an account of receipts and payments, in which he shall enter, from day to day, under the proper dates, the amount and other particulars of all moneys received or paid by him on account of the public baths and wash-houses.

He shall balance this account once in every week.

## FORM OF ACCOUNT.

Public Baths and Wash-houses for the District of

*The Superintendent's Account of Receipts and Payments.*

For the week ending \_\_\_\_\_ day the \_\_\_\_\_ day of \_\_\_\_\_

18

[illegible]

Balanced this

day of

18

(Signed)

Superintendent.

12. He shall, at the end of every day during which the public baths or wash-houses may have been open, receive from the several money-takers the sums paid to them by persons resorting to such baths or wash-houses.



He shall also receive from the several attendants the tickets delivered to them by the persons resorting to the public baths, and from the several money-takers the tickets delivered to them by persons resorting to the public wash-houses.

He shall examine and compare such tickets with the entries in the daily accounts of the several money-takers, and also with the counterfoils in the books from which such tickets may have been detached and issued by the several money-takers, and shall ascertain that the total amount of the sums received by him from each money-taker corresponds with the total amount of the sums entered in his daily account and specified in the several tickets issued during the day by such money-taker.

He shall certify the fact of such examination and comparison having been duly made by inserting his initials in the appropriate column of the daily account of each money-taker, and also by inserting his initials and a memorandum of the date on the counterfoil of the last of the tickets which may have been detached and issued during the day by each money-taker.

13. He shall, once at least in every week, pay over all moneys received by him on account of the public baths and wash-houses to the treasurer of the sanitary authority.

14. He shall submit to the sanitary authority, at every ordinary meeting, an estimate of such articles as may be required for use in the public baths and wash-houses, and shall receive and execute the directions of the sanitary authority thereon.

15. He shall, as soon as conveniently may be after receiving any articles purchased or procured for use in the public baths and wash-houses, and before placing such articles in store, or before issuing such articles for use in the public baths and wash-houses, examine and compare such articles with the bills of parcels or invoices severally relating thereto, and, after having proved the accuracy of such bills or invoices, shall authenticate the same with his signature, and submit them to the sanitary authority at their next ordinary meeting.

16. He shall receive and take charge of all articles purchased or procured for use in the public baths and wash-houses or confided to his care by the sanitary authority, and shall, from time to time, as occasion may require, issue such articles to the several officers, servants, or persons appointed or employed by the sanitary authority.

17. He shall, as often as he may ascertain the existence of any defect in any part of the public baths and wash-houses or in any furniture, fittings, conveniences, or articles provided for use in or in connexion with such baths and wash-houses, report such defect, in writing, to the sanitary authority at their next ordinary meeting.

18. He shall take care that the bye-laws for the management, use, and regulation of the public baths and wash-houses, and of the persons resorting thereto respectively, and for determining the duties of the officers, servants, and others appointed by the sanitary authority, are duly observed.

19. He shall, from time to time, as often as he may ascertain that any breach of any of such bye-laws has been committed, report the facts of the case in writing to the sanitary authority.

20. He shall keep a book in which he shall punctually and accurately enter all his written reports to the sanitary authority.

21. He shall submit to the sanitary authority at every ordinary meeting all books and accounts which he may be directed or required to keep, together with all bills, receipts, vouchers or documents relating to such books and accounts, or otherwise to the management of the public baths and wash-houses.



22. He shall, upon the application of any member of the sanitary authority, allow such member to inspect any book or account which he may be directed or required to keep, or any bill, receipt, voucher or document relating to any such book or account or otherwise to the management of the public baths and wash-houses.

23. For every offence against any of the foregoing bye-laws for determining his duties, the superintendent of the public baths and wash-houses shall be liable to a penalty of :

Provided nevertheless, that the justices before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.

#### *Duties of the Matron.*

The following shall be the duties of the matron of the public baths and wash-houses :—

1. She shall, from time to time during every day on which the public baths or wash-houses may be open, visit and inspect every part of the public wash-houses and every part of the public baths appointed or appropriated for the use of women, and girls, and children under eight years old, and ascertain and take care that the several washing tubs or troughs, coppers or boilers, and conveniences for drying are properly and with all reasonable expedition prepared and made ready, from time to time as often as occasion may require, for the use of persons resorting to the public wash-houses, and that the several baths, bath-rooms, dressing-rooms, closets, boxes, or compartments appointed or appropriated for the use of women and girls and children under eight years old, are properly and with all reasonable expedition prepared and made ready, from time to time as often as occasion may require, for the use of such women, girls, and children, and that the supply of clean towels is at all times sufficient for the requirements of such women, girls, and children.

2. She shall, from time to time during every day on which the public baths may be open, cause all towels and other linen and articles, which may have been used by persons resorting to the public baths, to be collected from the several receptacles appointed for such towels, linen, or articles, or from the several attendants of such baths, and shall at the same time cause each of such attendants to be supplied with a sufficient number of clean towels, linen, or other articles.

3. She shall, on every day after the hour appointed for the closing of the public baths, cause every bath appointed or appropriated for the use of women, and girls, and children under eight years old, to be properly emptied and cleansed ; and every bath-room, dressing-room, closet, box, or compartment, and every passage, stair, and floor in such part of the public baths as may be appointed or appropriated for the use of women, and girls, and children under eight years old, to be properly cleansed, and all furniture, fittings, and conveniences of such part of the public baths to be properly cleansed and arranged.

4. She shall, on every day after the hour appointed for the closing of the public wash-houses, cause every washing tub or trough, and copper or boiler to be properly emptied and cleansed ; and every passage, floor, or stair of such wash-houses to be properly cleansed, and all furniture, fittings, and conveniences of such wash-houses to be properly cleansed and arranged.

5. She shall duly superintend and give the necessary directions concerning the washing and drying of the towels, linen, and other articles provided for the use of persons resorting to the public baths.



6. She shall, from time to time, receive and take charge of all articles purchased or procured for use in the public baths and wash-houses, and delivered to her care by the superintendent.

7. She shall, from time to time, furnish the superintendent with an estimate in writing of such articles as may be required for use in the public baths and wash-houses.

8. She shall, from time to time, as often as she may ascertain the existence of any defect in any bath, bath-room, dressing-room, closet, box, or compartment appointed or appropriated for the use of women, and girls, and children under eight years old, or in any furniture, fittings, or conveniences provided in or in connexion with such bath, bath-room, dressing-room, closet, box, or compartment, or in any washing tub or trough, copper or boiler, or conveniences for drying, or in any furniture, fittings, or conveniences provided in connexion with such washing tub or trough, copper or boiler, or conveniences for drying, forthwith report such defect to the superintendent.

9. She shall, from time to time, as often as she may ascertain that any breach of the bye-laws for the management, use, and regulation of the public baths and wash-houses and of the persons resorting thereto respectively, and for determining the duties of the officers, servants, and others appointed or employed by the sanitary authority, has been committed, report the facts of the case to the superintendent.

10. For every offence against any of the foregoing bye-laws for determining her duties, the matron of the public baths and wash-houses shall be liable to a penalty of :

Provided nevertheless, that the justices before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.

#### *Duties of the Money-taker of the Public Baths.*

The following shall be the duties of the money-taker of the public baths :—

1. He shall attend punctually at the public baths on every weekday at the hour of            in the forenoon, and on every Sunday at the hour of            in the forenoon.

2. He shall, on receiving from any person resorting to the public baths the sum prescribed as the authorized charge for admission to use any bath, detach from a book to be provided by the sanitary authority, and deliver to such person, a ticket whereon shall be stated, in addition to such other particulars as the sanitary authority may from time to time direct, the class or description of bath to which such person may be entitled to be admitted.

3. He shall accurately keep, in the form herein-after prescribed, a daily account of the number of tickets of admission issued in respect of each of the several classes of baths, and of the sums received by him in respect of the sale of such tickets, and also in respect of the sale of soap to persons resorting to the public baths.



## FORM OF ACCOUNT.

*Public Baths for the District of  
The Money-taker's Daily Account.*

day the                      day of                      18                      .

Class or description of baths.	Number of tickets sold.	Receipts.	Initials of Superin- tendent.
BATHS FOR THE LABOURING CLASSES.		£ s. d.	
For male persons above 8 years old:—			
Cold baths . . . . .			
Cold shower baths . . . .			
Warm baths . . . . .			
Warm shower baths . . . .			
Vapour baths . . . . .			
For female persons above 8 years old:—			
Cold baths . . . . .			
Cold shower baths. . . . .			
Warm baths . . . . .			
Warm shower baths . . . .			
Vapour baths . . . . .			
For children not above 8 years old bathing together:—			
Cold baths . . . . .			
Cold shower baths. . . . .			
Warm baths . . . . .			
Warm shower baths . . . .			
Vapour baths . . . . .			
BATHS OF ANY HIGHER CLASS.			
*			

\* Here insert the description of the several baths comprised in this class.

*Soap Sales Account.*

Number of tablets or quantity of soap sold.	Price per tablet or per .	Receipts.
	<i>s.</i> <i>d.</i>	£ <i>s.</i> <i>d.</i>



4. He shall preserve the counterfoils of the several tickets of admission which he may issue during each day to persons resorting to the public baths, and shall, on each day, as soon as conveniently may be after the hour appointed for the closing of the public baths, deliver to the superintendent the book or books containing such counterfoils and the book containing the daily account of tickets issued and sums received, and shall, at the same time, pay over to the superintendent all moneys which may have been received during such day in respect of the sale of such tickets, and in respect of the sale of soap to persons resorting to the public baths.

5. For every offence against any of the foregoing bye-laws for determining his duties, the money-taker of the public baths shall be liable to a penalty of :

Provided nevertheless, that the justices before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.

*Duties of the Money-taker of the Public Wash-houses.*

The following shall be the duties of the money-taker of the public wash-houses :—

1. He shall punctually attend at the public wash-houses on every week-day at the hour of in the forenoon.

2. He shall, on the application of any person resorting to the public wash-houses for admission to use any washing tub or trough, copper or boiler, or conveniences for drying, ascertain and enter the name of such person in a ticket, whereon shall be stated, in addition to such other particulars as the sanitary authority may from time to time direct, the class or description of washing tub or trough, copper or boiler, or conveniences for drying which such person may be admitted to use.

He shall also accurately enter in such ticket the exact time at which the same may be issued, or at which such person may be admitted to use such washing tub or trough, copper or boiler, or conveniences for drying.

He shall likewise enter in the counterfoil of such ticket the name of such person, and the exact time at which such ticket may be issued or at which such person may be admitted to use such washing tub or trough, copper or boiler, or conveniences for drying, and shall thereupon detach such ticket from the book provided by the sanitary authority and deliver the same to such person.

3. He shall, before the departure from the public wash-houses of any person to whom any ticket of admission may have been issued, and who may have been admitted to use any washing tub or trough, copper or boiler, or conveniences for drying, require such person to produce such ticket, and shall thereupon compute and ascertain by reference to the entries in such ticket the time occupied by such person in the use of such washing tub or trough, copper or boiler, or conveniences for drying.

He shall then demand and receive from such person the sum prescribed as the authorized charge for the use of such washing tub or trough, copper or boiler, or conveniences for drying.

He shall retain such ticket and shall enter therein the sum received from such person.

He shall make a corresponding entry in the counterfoil and shall also enter therein the time occupied by such person in the use of such washing tub or trough, copper or boiler, or conveniences for drying.

4. He shall preserve, together with the counterfoils, the several tickets of admission which he may issue during each day to persons resorting to the



public wash-houses, and shall, on each day, as soon as conveniently may be after the hour appointed for the closing of the public wash-houses, deliver to the superintendent the book or books containing such counterfoils, together with such tickets, and the book containing the daily account of tickets issued and sums received, and shall, at the same time, pay over to the superintendent all moneys which may have been received during such day in respect of the sale of such tickets.

5. He shall accurately keep, in the form herein-after prescribed, a daily account of the number of tickets of admission issued in respect of each of the several classes of washing tubs or troughs, coppers or boilers, or conveniences for drying, and of the sums received by him in respect of the sale of such tickets.

## FORM OF ACCOUNT.

*Public Wash-houses for the District of*  
*The Money-taker's Daily Account.*

\_\_\_\_\_ day the \_\_\_\_\_ day of 18 .

Class and description of conveniences, and particulars of time and manner of use.	Number of tickets sold.	Receipts.	Initials of Superintendent.
		£   s.   d.	
WASH-HOUSES FOR THE LABOURING CLASSES.			
One washing tub or trough used with a copper or boiler; or			
One pair of washing tubs or troughs—			
(a) With the use of the conveniences for drying:			
For one hour only in the day. . . . .			
For two hours together in the day .			
For two hours, not together, or for more than two hours in the day. . . . .			
(b) Without the use of the conveniences for drying:			
For one hour only in the day. . . . .			
For two hours together in the day .			
For two hours, not together, or for more than two hours in the day. . . . .			
Conveniences for drying clothes or other articles used alone.			
WASH-HOUSES OF ANY HIGHER CLASS.			
*			
Total . . . . .			

\* Here insert the class and description of conveniences, and the particulars of the time and manner of use.



6. For every offence against any of the foregoing bye-laws for determining his duties, the money-taker of the public wash-houses shall be liable to a penalty of :

Provided nevertheless, that the justices before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.

*Duties of a Male Attendant of the Public Baths.*

The following shall be the duties of a male attendant of the public baths:—

1. He shall punctually attend at the public baths on every weekday at the hour of            in the forenoon and on every Sunday at the hour of            in the forenoon.

2. He shall, on every day before the hour appointed for the opening of the public baths, properly prepare and make ready for the use of persons resorting thereto the several baths of which he may be employed as attendant, and the several bath-rooms, dressing-rooms, closets, boxes, or compartments attached to such baths, together with all furniture, fittings, and conveniences provided in or in connexion with any such bath, bath-room, dressing-room, closet, box, or compartment; and shall obtain from the matron a sufficient number of clean towels, linen, and other articles for the requirements of the persons admitted to use the several baths of which he may be employed as attendant.

3. He shall, on every day after the hour appointed for the closing of the public baths, properly empty and cleanse the several baths of which he may be employed as attendant, and properly cleanse the several bath-rooms, dressing-rooms, closets, boxes, or compartments attached to such baths, and properly cleanse and arrange all furniture, fittings, and conveniences provided in or in connexion with any such bath, bath-room, dressing-room, closet, box, or compartment.

He shall, at the same time, properly cleanse every passage or stair leading to or from, or otherwise adjacent to or in connexion with the several baths of which he may be employed as attendant.

4. He shall, on the application of any person resorting to the public baths for admission to use any bath of which he may be employed as attendant, require such person to produce and deliver to him the ticket which such person may have obtained from the authorized money-taker, and shall not allow any person, who shall not produce to him the requisite ticket, to use any such bath.

He shall carefully preserve the several tickets which may, from time to time during each day, be so delivered to him, and shall, on each day as soon as conveniently may be after the hour appointed for the closing of the public baths, deliver such tickets to the superintendent.

5. He shall, forthwith upon the departure from any bath-room or compartment containing a separate bath of any person who may have been admitted to use such bath, properly empty and cleanse such bath, and remove from such bath-room or compartment the towel or towels, linen, or other articles, which may have been used by such person, and may require to be removed, and properly and with all reasonable expedition prepare and make ready such bath and bath-room or compartment for the use of any other person applying for admission thereto.

6. He shall deposit the several towels, and all linen and other articles which, from time to time during the day, may have been used by persons admitted to the baths of which he is employed as attendant, in the receptacle



appointed for such towels, linen, and articles, so that the same may be readily collected and returned to the matron.

7. He shall admit persons to use the several baths of which he may be employed as attendant consecutively in the order indicated by the numbers on the several tickets of admission delivered to him by such persons, and not otherwise, unless with the consent of the several parties.

8. He shall not admit any person to use any bath of which he may be employed as attendant, and which may be of a higher class or description than that of the bath for which such person shall have obtained a ticket of admission.

9. He shall, from time to time, as often as he may ascertain the existence of any defect in any bath of which he may be employed as attendant, or in any bath-room, dressing-room, closet, box, or compartment attached to such bath, or in any furniture, fittings, or conveniences provided in or in connexion with such bath, bath-room, dressing-room, closet, box, or compartment, forthwith report such defect to the superintendent.

10. He shall, from time to time, as often as he may ascertain that any breach of any of the bye-laws for the management, use, and regulation of the public baths, and of the persons resorting thereto, has been committed, forthwith report the facts of the case to the superintendent.

11. For every offence against any of the foregoing bye-laws for determining his duties, every male attendant of the public baths shall be liable to a penalty of :

Provided nevertheless, that the justices before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.

#### *Duties of a Female Attendant of the Public Baths.*

The following shall be the duties of a female attendant of the public baths :—

1. She shall punctually attend at the public baths on every weekday at the hour of                in the forenoon, and on every Sunday at the hour of                in the forenoon.

2. She shall, on every day before the hour appointed for the opening of the public baths, properly prepare, and make ready for the use of any women, girls, and children under eight years old resorting thereto, the several baths of which she may be employed as attendant, and the several bath-rooms, dressing-rooms, closets, boxes, or compartments attached to such baths, together with all furniture, fittings, and conveniences provided in or in connexion with any such bath, bath-room, dressing-room, closet, box, or compartment, and shall obtain from the matron a sufficient number of clean towels for the requirements of the women, girls, and children under eight years old admitted to use the several baths of which she may be employed as attendant.

3. She shall, on every day after the hour appointed for the closing of the public baths, properly empty and cleanse the several baths of which she may be employed as attendant, and properly cleanse the several bath-rooms, dressing-rooms, closets, boxes, or compartments attached to such baths, and properly cleanse and arrange all furniture, fittings, and conveniences provided in or in connexion with any such bath, bath-room, dressing-room, closet, box, or compartment.

She shall, at the same time, properly cleanse every passage or stair leading to or from, or otherwise adjacent to or in connexion with the several baths of which she may be employed as attendant.

4. She shall, on the application of any woman, girl, or child under eight



years old for admission to use any bath of which she may be employed as attendant, require such woman, girl, or child to produce and deliver to her the ticket which such woman, girl, or child may have obtained from the authorized money-taker, and shall not allow any woman, girl, or child, who shall not produce to her the requisite ticket, to use any such bath.

She shall carefully preserve the several tickets which may from time to time during each day be so delivered to her, and shall on each day, as soon as conveniently may be after the hour appointed for the closing of the public baths, deliver such tickets to the superintendent.

5. She shall, forthwith upon the departure from any bath-room or compartment containing a separate bath of any woman, girl, or child under eight years old who may have been admitted to use such bath, properly empty and cleanse such bath, and remove from such bath-room or compartment the towel or towels, linen, and other articles which may have been used by such woman, girl, or child, and may require to be removed, and properly and with all reasonable expedition prepare and make ready such bath and bath-room or compartment for the use of any other woman, girl, or child under eight years old applying for admission thereto.

6. She shall deposit the several towels, and all linen and other articles which, from time to time during the day, may have been used by women, girls, or children under eight years old admitted to the baths of which she may be employed as attendant, in the receptacle appointed for such towels, linen, and articles, so that the same may be readily collected and returned to the matron.

7. She shall admit women, girls, and children under eight years old to use the several baths of which she may be employed as attendant consecutively in the order indicated by the numbers on the several tickets of admission delivered to her by such women, girls, and children, and not otherwise, unless with the consent of the several parties.

8. She shall not admit any woman, girl, or child under eight years old to use any bath of which she may be employed as attendant, and which may be of a higher class or description than that of the bath for which such woman, girl, or child shall have obtained a ticket of admission.

9. She shall, from time to time, as often as she may ascertain the existence of any defect in any bath of which she may be employed as attendant, or in any bath-room, dressing-room, closet, box, or compartment attached to such bath, or in any furniture, fittings, or conveniences provided in or in connexion with such bath, bath-room, dressing-room, closet, box, or compartment, forthwith report such defect to the matron.

10. She shall, from time to time, as often as she may ascertain that any breach of any of the bye-laws for the management, use, and regulation of the public baths, and of the persons resorting thereto, has been committed, forthwith report the facts of the case to the superintendent.

11. For every offence against any of the foregoing bye-laws for determining her duties, every female attendant of the public baths shall be liable to a penalty of :

Provided nevertheless, that the justices before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.

#### *Duties of an Attendant of the Public Wash-houses.*

The following shall be the duties of an attendant of the public wash-houses :—



1. She shall punctually attend at the public wash-houses on every week-day at the hour of            in the forenoon.

2. She shall, on every day before the hour appointed for the opening of the public wash-houses, properly prepare and make ready for the use of persons resorting thereto the several washing tubs or troughs, coppers or boilers, and conveniences for drying of which she may be employed as attendant.

3. She shall, on every day after the hour appointed for the closing of the public washhouses, properly empty and cleanse the several washing tubs or troughs, coppers or boilers, and conveniences for drying of which she may be employed as attendant, and properly cleanse and arrange all furniture, fittings, and conveniences provided in connexion with such washing tubs or troughs, coppers or boilers, and conveniences for drying.

She shall at the same time properly cleanse every part of the floor under or immediately surrounding, and every passage or stair leading to or from such washing tubs or troughs, coppers or boilers, and conveniences for drying.

4. She shall, before the departure from the public wash-houses of any person to whom any ticket of admission may have been issued and who may have been admitted to use any washing tub or trough, copper or boiler, or conveniences for drying, require such person to produce such ticket, and shall thereupon enter in such ticket, and duly sign, an exact statement of the time at which such person shall have ceased to use such washing tub or trough, copper or boiler, or conveniences for drying; and shall then return such ticket to such person for subsequent production to the authorized money-taker.

5. She shall, forthwith after any person who may have been admitted to use any washing tub or trough, copper or boiler, or conveniences for drying of which she may be employed as attendant shall have ceased to use such washing tub or trough, copper or boiler, or conveniences for drying, properly empty and cleanse such washing tub or trough, copper or boiler, and properly and with all reasonable expedition prepare and make ready such washing tub or trough, copper or boiler, or conveniences for drying for the use of any other person applying for admission thereto.

6. She shall not admit any person to use any washing tub or trough, copper or boiler, or conveniences for drying of which she may be employed as attendant, and which may be of a higher class or description than that of the washing tub or trough, copper or boiler, or conveniences for drying for which such person shall have obtained a ticket of admission.

7. She shall, from time to time, as often as she may ascertain the existence of any defect in any washing tub or trough, copper or boiler, or conveniences for drying of which she may be employed as attendant, or in any furniture, fittings, or conveniences provided in connexion with such washing tub or trough, copper or boiler, or conveniences for drying, forthwith report such defect to the matron.

8. She shall, from time to time, as often as she may ascertain that any breach of any of the bye-laws for the management, use, and regulation of the public wash-houses, and of the persons resorting thereto, has been committed, forthwith report the facts of the case to the matron.

9. For every offence against any of the foregoing bye-laws for determining her duties, every attendant of the public wash-houses shall be liable to a penalty of            :

Provided nevertheless, that the justices before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.



*Duties of the Engineer of the Public Baths and Wash-houses.*

The following shall be the duties of the engineer of the public baths and wash-houses :—

1. He shall, on every day before the hour appointed respectively for the opening of the public baths and wash-houses, ascertain that every part of the machinery in connexion with the several baths, washing tubs or troughs, coppers or boilers, and conveniences for drying, is in proper order and ready for use, and that the supply of fuel and other requisites for the efficient working of such machinery is adequate and appropriate for the purpose.

2. He shall accurately keep, in the form herein-after prescribed, an account of fuel and stores, in which he shall enter, from week to week under the proper dates, the description, quantities, and other particulars of all fuel, stores, and other articles received by him for use or consumption in the working and maintenance of the machinery in connexion with the several baths, washing tubs or troughs, coppers or boilers, and conveniences for drying, and also the particulars of the use or consumption of such fuel, stores, and other articles.

He shall, on the last day of every week, prepare and enter in the appropriate column of such account an estimate of the quantities of such fuel, stores, and other articles which may be required during the following week for use or consumption in the working and maintenance of the machinery under his charge.

He shall also, on the last day in every week, submit such account, when duly made up, to the superintendent for examination.

## FORM OF ACCOUNT.

*Public Baths and Wash-houses for the District of  
The Engineer's Account of Fuel and Stores.*

For the week ending the                      day of                      18

[illegible]



3. He shall, during every day on which the public baths or wash-houses may be open, carefully and diligently control and regulate the working of the machinery in connexion with the several baths, washing tubs or troughs, coppers or boilers, and conveniences for drying, so that such baths, washing tubs or troughs, and coppers or boilers, may, from time to time, as often as occasion may require, be duly and promptly furnished with the necessary supplies of water, and that the several conveniences for drying may be maintained in efficient action.

4. He shall, from time to time, as often as occasion may require, by careful and regular cleaning or by the careful and regular use of other appropriate means, maintain in good order and in proper repair and efficiency every part of the machinery in connexion with the several baths, washing tubs or troughs, coppers or boilers, and conveniences for drying.

5. He shall, as often as he may ascertain the existence of any defect in any part of the machinery in connexion with the several baths, washing tubs or troughs, coppers or boilers, and conveniences for drying, forthwith report such defect to the superintendent.

6. He shall, on every day after the hour appointed respectively for the closing of the public baths and wash-houses, and after the machinery in connexion with the several baths, washing tubs or troughs, coppers or boilers, and conveniences for drying shall have ceased working, cause every part of such machinery to be properly disposed, adjusted, or arranged, and all fires to be properly banked up or extinguished, as the case may require, and all lights to be properly extinguished, and the water supply to be properly turned off; and, generally, shall take such steps as may be necessary to provide adequately for the security of such machinery, and to prevent accident or damage.

7. He shall at all times carefully control and regulate the working of the machinery in connexion with the several baths, washing tubs or troughs, coppers or boilers, and conveniences for drying, and the use and application of all fuel and other requisites for the working of such machinery, so as to prevent waste, misuse, or undue consumption of such fuel or other requisites, or waste, misuse, or undue consumption of water or steam.

8. He shall, from time to time, as often as he may ascertain that any breach of the bye-laws for determining the duties of the several stokers or firemen appointed or employed by the sanitary authority has been committed, report the facts of the case to the superintendent.

9. For every offence against any of the foregoing bye-laws for determining his duties, the engineer of the public baths and wash-houses shall be liable to a penalty of :

Provided nevertheless, that the justices before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.

*Duties of a Stoker or Fireman of the Public Baths and Wash-houses.*

The following shall be the duties of a stoker or fireman of the public baths and wash-houses:—

1. He shall punctually attend at the public baths and wash-houses on every weekday at the hour of            in the forenoon; and at the public baths on every Sunday at the hour of            in the forenoon.

2. He shall, on every day before the hour appointed respectively for the opening of the public baths and wash-houses, carefully and diligently prepare and kindle the fires, and otherwise assist, under the direction of the engineer, in preparing and making ready for use the machinery in



connexion with the several baths, washing tubs or troughs, coppers or boilers, and conveniences for drying.

3. He shall, during every day on which the public baths or wash-houses may be open, carefully and diligently, from time to time as often as occasion may require, feed and maintain the fires so as to prevent smoke, and otherwise assist, under the direction of the engineer, in the working of the machinery in connexion with the several baths, washing tubs or troughs, coppers or boilers, and conveniences for drying.

4. He shall, as often as he may ascertain the existence of any defect in any furnace or other part of the machinery in connexion with the several baths, washing tubs or troughs, coppers or boilers, and conveniences for drying, forthwith report such defect to the engineer.

5. He shall, from time to time, as often as occasion may require, assist, under the direction of the engineer, in blowing off and cleaning the several steam boilers, or in using other appropriate means for maintaining in good order and in proper repair and efficiency all such steam boilers and every part of the machinery in connexion with the several baths, washing tubs or troughs, coppers or boilers, and conveniences for drying.

6. He shall, on every day after the hour appointed respectively for the closing of the public baths and wash-houses and after the machinery in connexion with the several baths, washing tubs or troughs, coppers or boilers, and conveniences for drying shall have ceased working, properly cleanse every passage, floor, or stair in or immediately adjoining that part of the premises in which such machinery is contained.

7. He shall, on every day after the hour appointed respectively for the closing of the public baths and wash-houses and after the machinery in connexion with the several baths, washing tubs or troughs, coppers or boilers, and conveniences for drying shall have ceased working, carefully bank up or extinguish, as the case may require, the several fires, and carefully rake out or remove from the several grates and ashpits all cinders, ashes, and refuse, and carefully convey such cinders, ashes, and refuse to the proper receptacle or place of deposit.

He shall also assist, under the direction of the engineer, in properly disposing, adjusting, or arranging the several parts of the machinery under his charge.

8. For every offence against any of the foregoing bye-laws for determining his duties, every stoker or fireman of the public baths and wash-houses shall be liable to a penalty of :

Provided nevertheless, that the justices before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.

#### OPEN BATHING PLACE.

##### *Duties of the Superintendent of the Open Bathing Place.*

The following shall be the duties of the superintendent of the open bathing place :—

1. He shall attend punctually at the open bathing place at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon on every weekday during the months of \_\_\_\_\_ ; and, before admitting any



person to use such bathing place for the purpose of bathing, shall ascertain and take care that such bathing place and the furniture, fittings, and conveniences provided in, upon, or in connexion with such bathing place are in all respects made ready for the use of the persons resorting thereto.

2. He shall, once at least in every week, pay over all moneys which he may have received from persons resorting to the open bathing place to the treasurer of the sanitary authority.

3. He shall not, on any weekday, during the months of \_\_\_\_\_ admit any person to use the open bathing place for the purpose of bathing before the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon, or after the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon.

4. He shall keep a book in which he shall punctually and accurately enter, from day to day under the proper dates, the number of persons admitted on each day to use the open bathing place for the purpose of bathing, and the amount received from such persons in respect of the use of such bathing place.

He shall submit such book to the sanitary authority at every ordinary meeting.

5. He shall cause any life-saving apparatus provided by the sanitary authority or other persons, and committed to his charge for use in, upon, or in connexion with the open bathing place, to be so kept as to be ready and fit for use at all times while any person is using such bathing place for the purpose of bathing.

6. He shall take care that the bye-laws for the management, use, and regulation of the open bathing place, and of the persons resorting thereto, are duly observed.

He shall, from time to time, as often as he may ascertain that any breach of any of such bye-laws has been committed, report the facts of the case in writing to the sanitary authority.

7. He shall keep a book in which he shall duly enter all his written reports to the sanitary authority, and shall submit such book to the sanitary authority at every ordinary meeting.

8. For every offence against any of the foregoing bye-laws for determining his duties, the superintendent of the open bathing place shall be liable to a penalty of \_\_\_\_\_ :

Provided nevertheless, that the justices before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.



## No. X.

## PLEASURE GROUNDS.

## MEMORANDUM.

By section 164 of the Public Health Act, 1875 (38 and 39 Vict. c. 55), it is enacted as follows :

“Any urban authority may purchase or take on lease, lay out, plant, improve, and maintain lands for the purpose of being used as public walks or pleasure grounds, and may support or contribute to the support of public walks or pleasure grounds provided by any person whomsoever.

“Any urban authority may make bye-laws for the regulation of any such public walk or pleasure ground, and may by such bye-laws provide for the removal from such public walk or pleasure ground of any person infringing any such bye-law by any officer of the urban authority or constable.”

It will be seen on reference to the model bye-laws which the Board have framed under the above-cited enactment, that the scope of the series is very comprehensive.

Bearing in mind the diversity of local circumstances, the Board have deemed it advisable to embody in the model clauses a set of regulations, which in many cases may, with advantage, be adopted in their entirety, and in other cases where bye-laws of more limited range will suffice, may, by the selection of appropriate provisions be readily adapted to the requirements of each district.

As regards a few subjects to which bye-laws relating to pleasure grounds sometimes apply, the board have not thought it expedient to suggest any regulations for general use. Thus, for instance, the model series contains no rules with respect to music in pleasure grounds. Though in every case where the urban authority may think it necessary to propose a bye-law with regard to this particular matter it is essential that the requirements of the bye-law should be reasonable and definite, its form and effect must obviously be determined with especial reference to the circumstances of each locality.

JOHN LAMBERT,  
Secretary.

Local Government Board,  
28th May, 1879.



## BYE-LAWS WITH RESPECT TO A PLEASURE GROUND.

1. THE pleasure ground shall be opened at the hour of \_\_\_\_\_ in the forenoon and shall be closed at the hour of \_\_\_\_\_ in the afternoon of every day during the months of \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, and shall be opened at the hour of \_\_\_\_\_ in the forenoon and shall be closed at the hour of \_\_\_\_\_ in the afternoon of every day during the months of \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.

A person, other than an officer of the sanitary authority, or a person or a servant of a person employed by the sanitary authority in or about any work in connexion with the laying out, planting, improvement, or maintenance of the pleasure ground, shall not on any day enter the pleasure ground before the time herein-before appointed for the opening thereof, or enter the pleasure ground or remain therein after the time herein-before appointed for the closing thereof.

2. A person shall not enter or quit the pleasure ground otherwise than through some one of the gates, wickets, passages, or openings appointed by the sanitary authority as the authorized means of entrance to or egress from the pleasure ground.

3. A person shall not wilfully or improperly remove or displace any board, plate, or tablet, or any support, fastening, or fitting of any board, plate, or tablet used or constructed or adapted to be used for the exhibition of any bye-law or notice, and fixed or set up by the sanitary authority in any part of the pleasure ground, or in or on any building or structure therein, or at or near to any one of the appointed means of entrance to or egress from the pleasure ground, or in or on any wall or fence enclosing the pleasure ground.

4. A person shall not carelessly or negligently deface, injure, or destroy any part of any wall or fence in or enclosing the pleasure ground, or any part of any building, barrier, or railing, or of any fixed or movable seat, or of any other structure or erection in the pleasure ground.

5. A person shall not wilfully, carelessly, or negligently remove or displace any barrier, railing, or post, or any fixed or movable seat, or any part of any building, structure, or erection, or any monument, work of art, ornament, or decoration, or any implement, utensil, apparatus, appliance, or article provided for use or used or adapted to be used in the laying out, planting, improvement, or maintenance of the pleasure ground, or in the care, cultivation, or protection of any tree, sapling, shrub, underwood, gorse, furze, fern, herb, or plant in the pleasure ground.

6. A person, other than an officer of the sanitary authority, or a person or a servant of a person employed by the sanitary authority in or about any work in connexion with the laying out, planting, improvement, or maintenance of the pleasure ground, shall not at any time ride, drive, or bring, or cause or suffer to be ridden, driven, or brought into the pleasure ground any beast of draught or burden.

7. A person shall not drive or bring, or cause to be driven or brought into



the pleasure ground any bull, ox, cow, heifer, steer, calf, sheep, lamb, hog, pig, or sow, unless, in pursuance of an agreement with the sanitary authority, or otherwise in the exercise of any lawful right or privilege, such person may be duly authorized to drive or bring any such animal or to cause any such animal to be driven or brought into the pleasure ground for pasturage or for any other lawful purpose.

8. A person, other than an officer of the sanitary authority, or a person or a servant of a person employed by the sanitary authority in or about any work in connexion with the laying out, planting, improvement, or maintenance of the pleasure ground, shall not at any time drive or wheel, or cause or suffer to be driven or wheeled into the pleasure ground any barrow, truck, or machine, or any vehicle other than a wheeled chair drawn or propelled by hand, or a perambulator or a chaise drawn or propelled by hand and used solely for the conveyance of a child or children.

9. A person who shall wheel or bring, or cause to be wheeled or brought into the pleasure ground a wheeled chair drawn or propelled by hand, or a perambulator or a chaise drawn or propelled by hand and used solely for the conveyance of a child or children, shall not at any time wheel or station such chair, perambulator, or chaise, or cause or suffer such chair, perambulator, or chaise to be wheeled or stationed over or upon any part of a flower bed, or over or upon any shrub, underwood, gorse, furze, fern, or plant, or any ground in course of preparation or cultivation as a flower bed, or for the reception or growth of any shrub, underwood, gorse, furze, fern, or plant.

Where, by a notice or notices affixed or set up in some conspicuous position at or near to each of the several entrances to the pleasure ground, the sanitary authority may from time to time prohibit the use by any such wheeled chair, perambulator, or chaise of such part or parts of the pleasure ground as shall be defined or described in such notice or notices, a person shall not, at any time while such notice or notices shall continue so affixed or set up, wheel or station any such chair, perambulator, or chaise, or cause or suffer any such chair, perambulator, or chaise to be wheeled or stationed over or upon such part or parts of the pleasure ground.

10. A person, other than an officer of the sanitary authority, or a person acting in pursuance of their directions in that behalf, shall not affix or post any bill, placard, or notice to or upon any wall or fence in or enclosing the pleasure ground, or to or upon any tree, or to or upon any part of any building, barrier, or railing, or of any fixed or movable seat, or of any other structure or erection in the pleasure ground.

11. A person, other than an officer of the sanitary authority, or a person or a servant of a person employed by the sanitary authority in or about any work in connexion with the laying out, planting, improvement, or maintenance of the pleasure ground, shall not at any time, in any part of the pleasure ground, remove or disturb any part of the soil of any flower bed, or any soil under or about any tree, sapling, shrub, underwood, gorse, furze, fern, or plant, or any soil in course of preparation or cultivation as a flower bed, or for the reception or growth of any shrub, underwood, gorse, furze, fern, or plant.

12. A person, other than an officer of the sanitary authority, or a person or a servant of a person employed by the sanitary authority in or about any work in connexion with the laying out, planting, improvement, or maintenance of the pleasure ground, shall not at any time, in any part of the pleasure ground, walk or run over, or stand, sit, or lie upon any part of any flower bed, or any shrub, underwood, gorse, furze, fern, or plant, or any ground in course of preparation or cultivation as a flower bed, or for the reception or growth of any shrub, underwood, gorse, furze, fern, or plant.



13. A person, other than an officer of the sanitary authority, or a person or a servant of a person employed by the sanitary authority in or about any work in connexion with the laying out, planting, improvement, or maintenance of the pleasure ground, shall not at any time, in any part of the pleasure ground, cut or displace any turf, or uproot or displace any gorse, furze, fern, or plant.

14. A person shall not at any time, in any part of the pleasure ground, pluck any bud, blossom, flower, or leaf of any tree, sapling, shrub, underwood, gorse, furze, fern, or plant.

15. A person shall not wilfully, carelessly, or negligently soil or defile any part of any wall or fence in or enclosing the pleasure ground, or any part of any building, barrier, or railing, or of any fixed or movable seat, or of any monument, work of art, ornament, or decoration, or of any other structure or erection in the pleasure ground, or wilfully, carelessly, or negligently throw or deposit any filth, rubbish, or refuse, or cause or suffer any filth, rubbish, or refuse to fall or to be thrown or deposited upon any part of the pleasure ground.

16. A person shall not wilfully, carelessly, or negligently throw or discharge in the pleasure ground any stone or other missile to the damage or danger of any person.

17. A person shall not climb any wall or fence in or enclosing the pleasure ground, or any tree, or any barrier, railing, or post in the pleasure ground.

18. A person shall not bathe, wade, or wash in any lake, pond, stream, or other ornamental water in the pleasure ground, or wilfully, carelessly, or negligently foul or pollute any such water, or take, injure, or destroy, or attempt to take, injure, or destroy, or wilfully disturb any fish in any such water, or wilfully disturb or worry or ill-treat any fowl in any such water, or elsewhere in the pleasure ground.

19. A person shall not, in any part of the pleasure ground, wilfully displace or disturb, injure or destroy any bird's nest, or wilfully take, injure, or destroy any bird's egg.

20. A person shall not, in any part of the pleasure ground, take, injure, or destroy any bird, or spread or use any net, or set or use any snare or other engine, instrument or means for the taking, injury, or destruction of any bird.

21. A person shall not cause or suffer any dog belonging to him or in his charge to enter or remain in the pleasure ground, unless such dog be and continue to be under proper control, and be effectually restrained from causing annoyance to any person, and from worrying or disturbing any beast, and from entering any ornamental water, and from injuring or destroying, worrying or disturbing any fowl in the pleasure ground.

22. A person shall not, except as is herein-after provided, play or take part in any game of football, quoits, bowls, hockey, cricket, or any other game which, by reason of the rules or manner of playing, or for the prevention of damage, danger, or discomfort to any person in the pleasure ground, may necessitate, at any time during the continuance of the game, the exclusive use by the player or players of any space in the pleasure ground :

Provided that where, by a notice or notices, which shall be affixed or set up in some conspicuous position in the pleasure ground, and at or near to each of the principal entrances thereto, the sanitary authority may from time to time set apart, for the playing of any such game or games as may be specified in such notice or notices, such space or spaces in the pleasure ground as shall be defined or described in such notice or notices, this bye-



law shall not be taken to prohibit any person from playing or taking part in any game or games which may be played in such space or spaces and in accordance with the following regulations :—

(i.) Every person resorting to any such space for the purpose of playing or taking part in any such game shall, in making preparation for the playing of such game and in the manner of playing, use reasonable and proper care to prevent undue interference with the reasonable and proper use of such space by any other person engaged in making preparation for playing or in playing therein, or thereafter resorting to such space for the purpose of making preparation for playing or of playing therein :

(ii.) A person resorting to any such space for the purpose of playing or taking part in any such game shall not begin to play at any time when such space is already occupied by such a number of players and in such a manner as to render any addition to the number of players incompatible with the safe and convenient use of such space by the players already in occupation :

(iii.) Except in any case where the exclusive use of any such space or of any part thereof may have been granted by the sanitary authority for the playing of any match, of which the occasion and character shall be such as to render expedient an extension of the time herein-after specified, a player or company of players shall not, in making preparation for playing and in playing any game, use any part of such space for a longer time than *hours* continuously, if, at the expiration of that time, any other player or company of players, for whose use no other part of such space or no part of any other space set apart for the purpose may be available, shall make known to such first-mentioned player or company of players an intention to use, for the purpose of playing, such part of such space as shall have been previously used by such player or company of players.

23. A person, other than an officer of the sanitary authority, or a person or a servant of a person employed by the sanitary authority in or about any work in connexion with the laying out, planting, improvement, or maintenance of the pleasure ground, shall not, except as is herein-after provided, erect any post, rail, fence, pole, tent, booth, stand, building, or other structure in any part of the pleasure ground :

Provided that the foregoing prohibition shall not apply in any case where, upon an application to the sanitary authority for permission to erect any post, rail, fence, pole, tent, booth, stand, building, or other structure in any part of the pleasure ground, upon such occasion and for such purpose as shall be specified in such application, the sanitary authority may grant, subject to compliance with such conditions as they may prescribe, permission to any person to erect such post, rail, fence, pole, tent, booth, stand, building, or other structure.

24. A person shall not, in any part of the pleasure ground, beat, shake, sweep, brush, or cleanse any carpet, drugget, rug, or mat, or any other fabric retaining dust or dirt.

25. A person shall not, in any part of the pleasure ground, hang, spread, or deposit any linen or other fabric for the purpose of drying or bleaching.

26. A person shall not deliver any public address in any part of the pleasure ground.

27. A person shall not, in any part of the pleasure ground, sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire any commodity or article, unless, in pursuance of an agreement with the sanitary authority, or otherwise in the exercise of any lawful right or privilege, such person may be duly authorized to sell or let to hire in the pleasure ground such commodity or article.

28. A person shall not, in any part of the pleasure ground wilfully



obstruct, disturb, interrupt, or annoy any other person in the proper use of the pleasure ground, or wilfully obstruct, disturb, or interrupt any officer of the sanitary authority in the proper execution of his duty, or any person or servant of any person employed by the sanitary authority in the proper execution of any work in connexion with the laying out, planting, improvement, or maintenance of the pleasure ground.

29. Every person who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of :

Provided nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.

30. Every person who shall infringe any bye-law for the regulation of the pleasure ground may be removed therefrom by any officer of the sanitary authority, or by any constable, in any one of the several cases hereinafter specified ; that is to say,—

(i.) Where the infraction of the bye-law is committed within the view of such officer or constable, and the name and residence of the person infringing the bye-law are unknown to and cannot be readily ascertained by such officer or constable :

(ii.) Where the infraction of the bye-law is committed within the view of such officer or constable, and, from the nature of such infraction, or from any other fact of which such officer or constable may have knowledge, or of which he may be credibly informed, there may be reasonable ground for belief that the continuance in the pleasure ground of the person infringing the bye-law may result in another infraction of a bye-law, or that the removal of such person from the pleasure ground is otherwise necessary as a security for the proper use and regulation thereof.



## No. XI.

## HORSES, PONIES, MULES, OR ASSES STANDING FOR HIRE.

## MEMORANDUM.

By section 172 of the Public Health Act, 1875 (38 and 39 Vict. c. 55), it is enacted as follows :

“ Any urban authority may license the proprietors, drivers, and conductors of horses, ponies, mules, or asses standing for hire within the district in like manner, and with the like incidents and consequences as in the case of proprietors and drivers of hackney carriages, and may make bye-laws for regulating stands and fixing rates of hire, and as to the qualification of such drivers and conductors, and for securing their good and orderly conduct while in charge.”

Having regard to the terms of the above-quoted enactment, the Board think that it may here be convenient to append a few observations upon the manner, incidents, and consequences of the licensing of the proprietors, drivers, and conductors of horses, ponies, mules, or asses standing for hire.

To these matters the statutory provisions affecting the proprietors and drivers of hackney carriages are rendered applicable.

These provisions will be found in the Town Police Clauses Act, 1847 (10 and 11 Vict. c. 89), and, as amended by section 171 of the Public Health Act, 1875, are in force in every urban district.

The sections of the 10 and 11 Vict. c. 89, which, *mutatis mutandis*, may be considered as having reference, either wholly or in part, to the manner, incidents, and consequences of the licensing of the proprietors, drivers, and conductors of horses, ponies, mules, or asses standing for hire are as follows, viz. :—

Sections 37, 39, 40, 41, 42, 43, 44, 45, 46 (as amended by section 171 of the 38 and 39 Vict. c. 55), 47, 48, 49, 50, 53, 54, 55, 58, 59, 60, 61, 62, 63, 64, 65, 66, and 67.

With reference to these enactments it should be noticed that the effect of sections 46 and 47 of the 10 and 11 Vict. c. 89, as applied to the case of a driver or conductor of a horse, pony, mule, or ass standing for hire is to require every such driver or conductor to obtain a licence from the urban authority, and to render liable to penalty any person who acts as a driver or conductor without having obtained such licence or during the time that his licence is suspended, or who lends or parts with his licence except to the proprietor of the horse, pony, mule, or ass. The proprietor will also be liable to a penalty if he employ any person as a driver or conductor who has not obtained a licence or during the time that his licence is suspended.

The 10 and 11 Vict. c. 89, section 50, empowers the urban authority, upon a conviction for the second time for any such offence as is therein mentioned, to suspend or revoke the licence ; and, in accordance with the



provision in the last paragraph of section 171 of the 38 and 39 Vict. c. 55, the licence granted to a driver or conductor will be in force for one year only from the date of the licence, or until the next general licensing meeting where a day for such meeting is appointed.

Although the 38 and 39 Vict. c. 55, section 172, specifies the qualification of drivers and conductors as one of the subjects which may be regulated by bye-laws, the Board have deemed it unnecessary to include in the Model Series any clause with respect to this matter.

It will be within the discretion of the urban authority to grant or refuse a licence; and before deciding upon any application they will doubtless satisfy themselves as to the qualification of the applicant for employment as a driver or conductor. A licence from the urban authority is a qualification which the statutory provisions above noticed recognize as indispensable in the case of every person who acts as a driver or conductor.

JOHN LAMBERT,  
Secretary.

Local Government Board,  
28th May, 1879.



## BYE-LAWS WITH RESPECT TO HORSES, PONIES, MULES, OR ASSES STANDING FOR HIRE.

*Interpretation of terms.*

1. IN the construction of these bye-laws the following words and expressions shall have the meanings hereinafter respectively assigned to them, unless such meanings be repugnant to or inconsistent with the context or subject matter in which such words or expressions occur; that is to say,—

“Proprietor” means the proprietor of a horse, pony, mule, or ass standing for hire :

“Driver” means the driver of a horse pony, mule, or ass standing for hire :

“Conductor” means the conductor of a horse, pony, mule, or ass standing for hire :

“Animal” means a horse, pony, mule, or ass standing for hire.

*For regulating stands.*

2. The several places specified in the following list shall be the authorized stands for such number of animals of such description as shall in each case be specified in such list.<sup>1</sup>

In addition to or in substitution for any place or places specified in the foregoing list, such place or places as may from time to time be appointed by the sanitary authority, and may be indicated in each case by a notice board affixed or set up and continued in some conspicuous position at or near to such place, shall be the stand or stands authorized for such number of animals as shall in each case be specified on such notice board.

3. Every driver or conductor of an animal, when standing for hire and not actually hired, shall station such animal on some one of the stands appointed or hereafter to be appointed by the sanitary authority.

Such driver or conductor shall not station such animal on any stand which, at the time of his arrival at such stand, may be occupied by the full number of animals authorized to occupy such stand.

Such driver or conductor, on arriving at any stand not already occupied by the full number of animals authorized to occupy such stand, shall station such animal upon such stand in such a position that the head of such animal shall be turned in the same direction as the head or heads of the animal or animals then stationed on such stand.

He shall also station such animal in such a manner and in such a position as to prevent any obstruction to the safe and convenient occupation of such stand by any other animal already occupying or thereafter arriving at such stand, or to the safe and convenient access to such animal, or to the safe and convenient departure of such animal from such stand.

<sup>1</sup> Here append a list of stands and a statement of the number of horses, ponies, mules, or asses authorized to occupy each of such stands.







*By Distance.*

Distance.	Description of animal.							
	Horse.		Pony.		Mules.		Ass.	
	With a driver or conductor.	Without a driver or conductor.	With a driver or conductor.	Without a driver or conductor.	With a driver or conductor.	Without a driver or conductor.	With a driver or conductor.	Without a driver or conductor.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
If the distance does not exceed one mile :—								
For the whole distance . . . . .								
If the distance exceeds one mile :—								
For each mile of the whole distance . . . . .								
For any part of a mile which is over and above any number of miles completed . . .								

*For securing the good and orderly conduct of drivers and conductors while in charge.*

5. Every driver or conductor of an animal shall at all times conduct himself in an orderly manner, and with civility and propriety towards every person seeking to hire or hiring or being carried upon such animal ; and shall comply with every reasonable requirement of any person hiring or being carried upon such animal.

6. A driver or conductor of an animal shall not, by calling out or otherwise, importune any person to hire such animal to the annoyance of such person or of any other person.

7. Every driver or conductor of an animal, who shall have agreed or shall have been hired to be in attendance with such animal at an appointed time and place, shall, in pursuance of such agreement or hiring, and unless delayed or prevented by some sufficient cause, punctually attend with such animal at such appointed time and place.

8. A driver or conductor of an animal shall not solicit or allow any person to mount such animal for the purpose of being carried for hire at any time when such driver or conductor may know or have reasonable ground for believing that the condition of such animal is such as to expose its rider, or any person traversing or being in any street or public thoroughfare, to risk of injury.

9. A driver or conductor of an animal shall not allow any person to mount



such animal for the purpose of being carried for hire until such driver or conductor shall have duly fastened or adjusted or otherwise made ready for safe and convenient use the saddle, bridle, and other equipments of such animal, or shall have ascertained, by careful examination, that such saddle, bridle, and other equipments have been duly fastened or adjusted or otherwise made ready for safe and convenient use, and shall in the like manner have ascertained that such equipments are in all respects complete and in good order, so that the rider may be carried with safety and comfort, and so that such animal may be under proper control either by such rider or by such driver or conductor.

10. In every case, where the terms of the hiring of an animal may comprise the engagement of the services of a driver or conductor for the whole or any part of any period of time or of any distance, such driver or conductor throughout such time or distance shall carefully drive or conduct such animal, and shall not, without reasonable excuse, withdraw from close attendance upon such animal, or cause or suffer such animal to proceed at such a pace or in such a manner as to impede or preclude the exercise of due control over such animal, or to occasion risk of injury or discomfort to the rider.

11. In every case, where the terms of the hiring of a horse, pony, or mule may comprise the engagement of the services of a driver or conductor for the whole or any part of any period of time or of any distance, such driver or conductor throughout such time or distance shall not drive or conduct any other animal in addition to such horse, pony, or mule.

12. A driver or conductor shall not at any one time drive or conduct a greater number than *two* asses while employed in carrying persons for hire.

13. A driver or conductor shall not at any one time drive, conduct, or act in charge of a greater number than *two* horses, ponies, or mules, or a greater number than *four* asses, while such animals may be standing for hire, or while such animals, not being employed in carrying persons for hire, may pass through or be in any street or public thoroughfare on the way to or from any stand, or any stable or premises of the proprietor or proprietors, or any place or places at which the hiring of such animals may commence or terminate.

#### *Penalties.*

14. Every driver or conductor who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of :

Provided nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.



## No. XII.

## PLEASURE BOATS AND VESSELS.

## MEMORANDUM.

By section 172 of the Public Health Act, 1875 (38 and 39 Vict. c. 55), it is enacted that "any urban authority may . . . license the proprietors of pleasure boats and vessels, and the boatmen or other persons in charge thereof, and may make bye-laws for regulating the numbering and naming of such boats and vessels and the number of persons to be carried therein, and the mooring-places for the same, and for fixing rates of hire and the qualification of such boatmen or other persons in charge, and for securing their good and orderly conduct while in charge."

In the exercise of the powers thus conferred upon them, it may be assumed that the urban authority will deem it essential to adopt such a system of procedure as may be most conducive to the safety of passengers in pleasure boats and vessels.

Diversity of local circumstances renders it inexpedient to recommend any particular system as suitable for uniform adoption by urban authorities, but, after consultation with the Board of Trade, it appears to the Local Government Board that, in relation to the above-cited enactment, there are several important considerations to which it is desirable that the attention of urban authorities should be specially drawn.

In the first place, it should be observed that the grant or refusal of a licence, under section 172 of the 38 and 39 Vict. c. 55, is a matter entirely within the discretion of the urban authority.

But the possession of a licence will doubtless be regarded as an indication that the urban authority, after careful investigation, have satisfied themselves that the licensed person may properly be allowed to follow his avocation within their district.

It is, however, obviously desirable that the urban authority should guard against any misconstruction of their action in the matter of licensing. The limited powers conferred upon them by section 172 of the Public Health Act, 1875, do not enable the urban authority to control the proprietors and boatmen to such an extent as would justify the authority in assuming, by their licence, to warrant the safety of any boat or the competency of any boatman. They should therefore be careful to regulate their method of procedure so that the true significance of their licence may be clearly apparent, and so that it in no way tends to remove from the licensee the responsibilities which would otherwise fall upon him for wrongful acts or defaults, or for the employment of incompetent persons, or for the use of an unsafe or insufficiently equipped boat or vessel.

It may here be convenient to introduce a few remarks in explanation of the powers of the urban authority with regard to licensing and of the principles which should guide them in the exercise of those powers.

In section 172 of the Public Health Act, 1875, there is no express provision as to the conditions under which a licence may be granted or



refused, or as to its duration or revocation. These are apparently matters as to which the urban authority may adopt such rules as they may deem most expedient. But in order to obviate misconception of the real character of the licence, it is important that in these rules certain requirements should be regarded as indispensable.

In every case where a person applies for a licence as a proprietor of a pleasure boat or vessel, the urban authority may be advised to insist upon the production by the applicant of evidence as to the soundness of the hull of the boat or vessel, as to its stability, as to the completeness and good condition of its equipments, and generally as to its sufficiency for use as a pleasure boat or vessel. He should, at the same time, be required to submit to the authority a declaration in writing to the effect that, to the best of his knowledge and belief, the evidence produced to them is a true statement of the several particulars to which it relates. The applicant should be made clearly to understand that, in accepting this evidence, the urban authority do not assume the responsibility of testing the accuracy of his representations. Moreover, the licence should expressly show that it has been granted upon the following terms, viz. :—

1. That, at the time of licensing, the licensee undertakes that the hull of the boat or vessel is sound, that the boat or vessel is stable, that its equipments are complete and in good condition, and that it is generally sufficient for use as a pleasure boat or vessel ;
2. That he undertakes that in all these respects the boat or vessel shall be maintained in an equal state of efficiency while it plies or is used for hire ;
3. That he undertakes that the boat or vessel shall not carry passengers for hire unless a sufficient number of boatmen or other persons duly licensed by the urban authority to take charge of a pleasure boat or vessel be employed in the navigation and management thereof ;
4. That if the urban authority shall, by notice in writing under the hand of their clerk and addressed to the licensee, signify their intention to revoke the licence, it shall from and after the date specified in the notice cease to be of any effect.

Every licence granted by the urban authority to the proprietor of a pleasure boat or vessel should specify the number which the boat or vessel is to bear, and also its name. As the number and name are mainly requisite as aids to identification, it is desirable that, in cases such as are mentioned in the proviso to the second bye-law of the model series, the name already borne by the boat or vessel should be recognized by the urban authority as sufficient. In such cases the form of licence may be modified to suit the special circumstances, and if the urban authority deem it expedient to keep a register of licensed pleasure boats and vessels, they will probably find it convenient to distinguish by the entries therein the instances in which the modified licence may have been granted.

In every case where a person applies for a licence to act as a boatman or person in charge of a pleasure boat or vessel, the urban authority may be recommended to require the applicant to produce satisfactory evidence of good character and of experience in the navigation and management of similar craft. It will also be proper to distinguish in the licence the class of boat or vessel for which the licensee may be regarded as a qualified boatman. In the case of sailing boats or vessels, it is especially important that the licence should clearly indicate that the qualification of the person licensed entitles him to the responsible charge, or that he is only authorized to act in the capacity of an assistant to the boatman in charge.

In the case of a steamer, no licence which would entitle the holder to take



the responsible charge of the boat or vessel should be granted unless the applicant possess an engineer's certificate from the Board of Trade.

The terms of the licence should in every case show that it is granted subject to the condition that if the urban authority shall, by notice in writing under the hand of their clerk and addressed to the licensee, signify their intention to revoke the licence, it shall from and after the date specified in the notice cease to be of any effect.

JOHN LAMBERT,  
Secretary.

Local Government Board,  
28th May, 1879.



## BYE-LAWS WITH RESPECT TO PLEASURE BOATS AND VESSELS.

*For regulating the numbering and naming of pleasure boats and vessels.*

1. EVERY proprietor of a pleasure boat or vessel shall cause a number corresponding in every particular with the number of the licence granted to him in respect of the boat or vessel to be painted, in black oil colour on a white ground, in a conspicuous position on the exterior of each bow within *inches* of the gunwale, and within *inches* of the stem of the boat or vessel, and in figures of not less than *inches* in height, and of not less than *inches* in breadth.

He shall cause the number so painted to be kept plainly and distinctly visible and legible at all times while the boat or vessel may ply or be used for hire, and, with this view, shall also cause it to be renewed as often as may be necessary.

2. Every proprietor of a pleasure boat or vessel shall, except in such cases as are hereinafter specified, cause a name corresponding in every particular with the name which may have been assigned to the boat or vessel at the time of the granting of the licence in respect thereof, and which may have been specified in such licence as the name of the boat or vessel, to be painted in a conspicuous position in the interior thereof in letters of not less than *inches* in height, and of not less than *inches* in breadth, and of such a colour as to be clearly distinguishable from the colour of the ground whereon such letters are painted.

If the boat or vessel be of more than *tons* burthen, he shall also cause such name to be painted or marked in a conspicuous position on the exterior of the stern, in letters of not less than *inches* in height, and of not less than *inches* in breadth, and of such a colour as to be clearly distinguishable from the colour of the ground whereon such letters are painted or marked.

He shall cause the name so painted or marked to be kept plainly and distinctly visible and legible at all times while the boat or vessel may ply or be used for hire, and, with this view, shall also cause it to be renewed as often as may be necessary :

Provided that the foregoing requirements shall not apply in any case where the name of the boat or vessel is painted or marked thereon in pursuance of any enactment for the time being in force with respect to merchant shipping, or sea fisheries, or to any river or inland navigation, or in pursuance of any bye-law, regulation, rule, order, or ordinance duly made by any competent authority in the exercise of the powers conferred by any such enactment, or by any law or custom in that behalf.

*For regulating the number of persons to be carried in pleasure boats and vessels.*

3. The proprietor or boatman or other person in charge of a pleasure boat or vessel shall not, at any time, cause or suffer to be carried therein a greater number of persons than, consistently with the due observance of







of the ground whereon such letters and figures are painted or marked, and affixed or set up and continued in some convenient and conspicuous position at or near to the place or places so appointed, shall be the mooring place or mooring places for such number of pleasure boats or vessels of such class, description, or construction as shall be specified in such notice or notices.

5. A boatman or another person in charge of a pleasure boat or vessel shall not, except in any case where, by reason of stress of weather, or the state of the tide, or any other sufficient cause, the mooring of the boat or vessel elsewhere may be impracticable or may be attended with danger to life or property, moor such boat or vessel at any mooring place already occupied by the full number of boats or vessels authorized to occupy such mooring place.

6. A boatman or another person in charge of a pleasure boat or vessel occupying any mooring place shall not wilfully or improperly, carelessly or negligently cast off, unloose, or cut any rope, or unshackle or break any chain, or detach, remove, displace, injure, or destroy any other fastening whereby any other boat or vessel may be moored at such mooring place, or otherwise wilfully or improperly, carelessly or negligently render insecure the mooring of such other boat or vessel.

7. Every boatman or other person in charge of a pleasure boat or vessel, on arriving at a mooring place, shall moor the boat or vessel in such a position and in such a manner as to prevent any risk of injury to any other boat or vessel at such mooring place, or any obstruction to the safe and convenient access to such boat or vessel, or to the safe and convenient embarkation or disembarkation of persons therein or therefrom, or to the safe and convenient mooring or unmooring thereof, or to the safe and convenient departure thereof from such mooring place.

*For fixing rates of hire of pleasure boats and vessels.*

8. Every proprietor or boatman or other person in charge of a pleasure boat or vessel which may be hired by any person for the sole and exclusive use of any persons whom the hirer may require or allow to be carried in such boat or vessel shall be entitled to demand and take as a fare for the hire of such boat or vessel a sum not exceeding in any case the rate hereinafter fixed :

For an open pleasure boat or vessel propelled only by oars, and carrying at any one time a number not exceeding                      persons, inclusive of every boatman or other person in charge, and of every boatman or other person employed in the navigation and management of such boat or vessel ;—

*s.   d.*

If the duration of the hiring does not exceed *one hour*—

For the whole time                      .                      .                      .

If the duration of the hiring exceeds *one hour*—

For every 30 *minutes* of the whole time                      .                      .

For any period of less than 30 *minutes* which is  
over and above any number of periods of 30  
*minutes* completed                      .                      .                      .

For an open pleasure boat or vessel propelled by a sail or sails, or by a sail or sails and by oars, and carrying at any one time a number not exceeding                      persons, inclusive of every boatman or other person in charge, and of every boatman or other person employed in the navigation and management of such boat or vessel ;—



s. d.

If the duration of the hiring does not exceed *one hour*—

For the whole time . . . . .

If the duration of the hiring exceeds *one hour*—

For every 30 *minutes* of the whole time . . . . .

For any period of less than 30 *minutes* which is  
over and above any number of periods of 30  
*minutes* completed . . . . .

For an open pleasure boat or vessel propelled by steam, or by steam and a sail or sails, and carrying at any one time a number not exceeding persons, inclusive of every boatman or other person in charge, and of every boatman or other person employed in the navigation and management of such boat or vessel ;—

s. d.

If the duration of the hiring does not exceed *one hour*—

For the whole time . . . . .

If the duration of the hiring exceeds *one hour*—

For every 30 *minutes* of the whole time . . . . .

For any period of less than 30 *minutes* which is  
over and above any number of periods of 30  
*minutes* completed . . . . .

For an open pleasure boat or vessel propelled otherwise than by oars, sails, or steam, and carrying at any one time a number not exceeding persons, inclusive of every boatman or other person in charge, and of every boatman or other person employed in the navigation and management of such boat or vessel ;—

s. d.

If the duration of the hiring does not exceed *one hour*—

For the whole time . . . . .

If the duration of the hiring exceeds *one hour*—

For every 30 *minutes* of the whole time . . . . .

For any period of less than 30 *minutes* which is  
over and above any number of periods of 30  
*minutes* completed . . . . .

For a decked pleasure boat or vessel propelled by a sail or sails, and carrying at any one time a number not exceeding persons, inclusive of every boatman or other person in charge, and of every boatman or other person employed in the navigation and management of such boat or vessel ;—

s. d.

If the duration of the hiring does not exceed *one hour*—

For the whole time . . . . .

If the duration of the hiring exceeds *one hour*—

For every 30 *minutes* of the whole time . . . . .

For any period of less than 30 *minutes* which is  
over and above any number of periods of 30  
*minutes* completed . . . . .

For a decked pleasure boat or vessel propelled by steam, or by steam and a sail or sails, and carrying at any one time a number not exceeding persons, inclusive of every boatman or other person in charge, and of every boatman or other person employed in the navigation and management of such boat or vessel ;—



s. d.

If the duration of the hiring does not exceed *one hour*—

For the whole time . . . . .

If the duration of the hiring exceeds *one hour*—

For every 30 *minutes* of the whole time . . . . .

For any period of less than 30 *minutes* which is  
over and above any number of periods of 30  
*minutes* completed . . . . .

9. Every proprietor or boatman or other person in charge of a pleasure boat or vessel which may ply and be used to carry persons for hire at separate fares shall be entitled to demand and take as a fare in respect of each of such persons a sum not exceeding in any case the rate hereinafter fixed.

*Fares by time.*

For every person carried in an open pleasure boat or vessel propelled only by oars, and carrying at any one time a number not exceeding persons, inclusive of every boatman or other person in charge, and of every boatman or other person employed in the navigation and management of such boat or vessel ;—

s. d.

For a time not exceeding *one hour* . . . . .

For a time exceeding *one hour* and not exceeding *two hours*

For a time exceeding *two hours*—

For every 30 *minutes* of the whole time . . . . .

For any period of less than 30 *minutes* which is  
over and above any number of periods of 30  
*minutes* completed . . . . .

For every person carried in an open pleasure boat or vessel propelled by a sail or sails, or by a sail or sails and by oars, and carrying at any one time a number not exceeding persons, inclusive of every boatman or other person in charge, and of every boatman or other person employed in the navigation and management of such boat or vessel ;—

s. d.

For a time not exceeding *one hour* . . . . .

For a time exceeding *one hour* and not exceeding *two hours*

For a time exceeding *two hours*—

For every 30 *minutes* of the whole time . . . . .

For any period of less than 30 *minutes* which is  
over and above any number of periods of 30  
*minutes* completed . . . . .

For every person carried in an open pleasure boat or vessel propelled by steam, or by steam and a sail or sails, and carrying at any one time a number not exceeding persons, inclusive of every boatman or other person in charge, and of every boatman or other person employed in the navigation and management of such boat or vessel ;—

s. d.

For a time not exceeding *one hour* . . . . .

For a time exceeding *one hour* and not exceeding *two*  
*hours*—

For every 30 *minutes* of the whole time . . . . .

For any period of less than 30 *minutes* which is  
over and above any number of periods of 30  
*minutes* completed . . . . .



For every person carried in an open pleasure boat or vessel propelled otherwise than by oars, sails, or steam, and carrying at any one time a number not exceeding persons, inclusive of every boatman or other person in charge, and of every boatman or other person employed in the navigation and management of such boat or vessel ;—

s. d.

For a time not exceeding *one hour* . . . . .

For a time exceeding *one hour* and not exceeding *two hours*—

For every 30 *minutes* of the whole time . . . . .

For any period of less than 30 *minutes* which is over and above any number of periods of 30 *minutes* completed . . . . .

For every person carried in a decked pleasure boat or vessel propelled by a sail or sails, and carrying at any one time a number not exceeding persons, inclusive of every boatman or other person in charge, and of every boatman or other person employed in the navigation and management of such boat or vessel ;—

s. d.

For a time not exceeding *one hour* . . . . .

For a time exceeding *one hour* and not exceeding *two hours*—

For every 30 *minutes* of the whole time . . . . .

For any period of less than 30 *minutes* which is over and above any number of periods of 30 *minutes* completed . . . . .

For every person carried in a decked pleasure boat or vessel propelled by steam, or by steam and a sail or sails, and carrying at any one time a number not exceeding persons, inclusive of every boatman or other person in charge, and of every boatman or other person employed in the navigation and management of such boat or vessel ;—

s. d.

For a time not exceeding *one hour* . . . . .

For a time exceeding *one hour* and not exceeding *two hours* . . . . .

For a time exceeding *two hours*—

For every 30 *minutes* of the whole time . . . . .

For any period of less than 30 *minutes* which is over and above any number of periods of 30 *minutes* completed . . . . .

*Fares by distance.*

For every person carried in an open pleasure boat or vessel propelled only by oars, and carrying at any one time a number not exceeding persons, inclusive of every boatman or other person in charge, and of every boatman or other person employed in the navigation and management of such boat or vessel ;—

s. d.

For a distance not exceeding miles from the place of embarkation to the place of disembarkation . . . . .

For a distance exceeding miles and not exceeding miles from the place of embarkation to the place of disembarkation . . . . .

For a distance exceeding miles from the place of embarkation to the place of disembarkation—



s. d.

For every *half mile* of the whole distance . . . . .  
 For any distance of less than *half a mile* which is  
 over and above any number of *half miles* com-  
 pleted . . . . .

For every person carried in an open pleasure boat or vessel propelled by a sail or sails, or by a sail or sails and by oars, and carrying at any one time a number not exceeding . . . persons, inclusive of every boatman or other person in charge, and of every boatman or other person employed in the navigation and management of such boat or vessel ;—

s. d.

For a distance not exceeding . . . *miles* from the place of  
 embarkation to the place of disembarkation . . . . .  
 For a distance exceeding . . . *miles* and not exceeding  
 . . . *miles* from the place of embarkation to the  
 place of disembarkation . . . . .  
 For a distance exceeding . . . *miles* from the place of  
 embarkation to the place of disembarkation—  
 For every *half mile* of the whole distance . . . . .  
 For any distance of less than *half a mile* which is  
 over and above any number of *half miles* com-  
 pleted . . . . .

For every person carried in an open pleasure boat or vessel propelled by steam, or by steam and a sail or sails, and carrying at any one time a number not exceeding . . . persons, inclusive of every boatman or other person in charge, and of every boatman or other person employed in the navigation and management of such boat or vessel ;—

s. d.

For a distance not exceeding . . . *miles* from the place  
 of embarkation to the place of disembarkation . . . . .  
 For a distance exceeding . . . *miles* and not exceeding  
 . . . *miles* from the place of embarkation to the  
 place of disembarkation . . . . .  
 For a distance exceeding . . . *miles* from the place of  
 embarkation to the place of disembarkation—  
 For every *half mile* of the whole distance . . . . .  
 For any distance of less than *half a mile* which is  
 over and above any number of *half miles* com-  
 pleted . . . . .

For every person carried in an open pleasure boat or vessel propelled otherwise than by oars, sails, or steam, and carrying at any one time a number not exceeding . . . persons, inclusive of every boatman or other person in charge, and of every boatman or other person employed in the navigation and management of such boat or vessel ;—

s. d.

For a distance not exceeding . . . *miles* from the place  
 of embarkation to the place of disembarkation . . . . .  
 For a distance exceeding . . . *miles* and not exceeding  
 . . . *miles* from the place of embarkation to the  
 place of disembarkation . . . . .  
 For a distance exceeding . . . *miles* from the place of  
 embarkation to the place of disembarkation—  
 For every *half mile* of the whole distance . . . . .



s. d.

For any distance of less than *half a mile* which is  
over and above any number of *half miles*  
completed . . . . .

For every person carried in a decked pleasure boat or vessel propelled by a sail or sails, and carrying at any one time a number not exceeding persons, inclusive of every boatman or other person in charge, and of every boatman or other person employed in the navigation and management of such boat or vessel ;—

s. d.

For a distance not exceeding *miles* from the place  
of embarkation to the place of disembarkation . . . . .

For a distance exceeding *miles* and not exceeding  
*miles* from the place of embarkation to the place of  
disembarkation . . . . .

For a distance exceeding *miles* from the place of  
embarkation to the place of disembarkation—

For every *half mile* of the whole distance . . . . .

For any distance of less than *half a mile* which is  
over and above any number of *half miles* com-  
pleted . . . . .

For every person carried in a decked pleasure boat or vessel propelled by steam, or by steam and a sail or sails, and carrying at any one time a number not exceeding persons, inclusive of every boatman or other person in charge, and of every boatman or other person employed in the navigation and management of such boat or vessel ;—

s. d.

For a distance not exceeding *miles* from the  
place of embarkation to the place of disembarkation . . . . .

For a distance exceeding *miles* and not exceed-  
ing *miles* from the place of embarkation to  
the place of disembarkation . . . . .

For a distance exceeding *miles* from the place of  
embarkation to the place of disembarkation—

For every *half mile* of the whole distance . . . . .

For any distance of less than *half a mile* which is  
over and above any number of *half miles*  
completed . . . . .

*For fixing the qualification of the boatmen or other persons in charge of  
pleasure boats and vessels.*

10. A boatman or another person who is not duly licensed by the sanitary authority to take charge of a pleasure boat or vessel shall not, for hire, take charge of a pleasure boat or vessel at any time when such boat or vessel may ply or be used for hire.

11. A boatman or another person who may have been licensed by the sanitary authority to take charge of a pleasure boat or vessel propelled only by oars, or propelled otherwise than by oars, sails, or steam, shall not, for hire, at any time when a pleasure boat or vessel propelled by a sail or sails, or by a sail or sails and by oars, or propelled by steam, or by steam and a sail or sails, may be used to carry any person or persons for hire, take charge of such boat or vessel, or act otherwise than as an assistant to and



under the direction and control of the boatman or boatmen or other person or persons who may have been duly licensed by the sanitary authority to take charge of such boat or vessel.

*For securing the good and orderly conduct of the boatmen or other persons in charge of pleasure boats and vessels.*

12. Every boatman or other person in charge of a pleasure boat or vessel shall, at all times while in charge thereof, conduct himself in an orderly manner and with civility and propriety towards every person seeking to hire or hiring or being carried for hire in such boat or vessel.

13. A boatman or another person in charge of a pleasure boat or vessel shall not, at any time while in charge thereof, by calling out or otherwise to the annoyance of any person, importune such person to hire or be carried for hire in such boat or vessel.

14. A boatman or another person in charge of a pleasure boat or vessel shall not at any time suffer any drunken or disorderly person to embark therein for the purpose of being carried for hire on a pleasure excursion.

15. A boatman or another person in charge of a pleasure boat or vessel shall not, except for the purpose of rescuing any person from a position of actual or threatened peril, suffer any person or persons to embark therein for the purpose of being carried for hire at any time when, by reason of the state of the weather, the navigation and management of the boat or vessel, or the embarkation or disembarkation of such person or persons may be attended with danger.

16. A boatman or another person in charge of a pleasure boat or vessel shall not suffer any person or persons to embark therein for the purpose of being carried for hire, unless the boat or vessel is in every part thoroughly sound and in complete repair, and is properly furnished with all gear, tackle, machinery, apparatus, or appliances, and other requisites for the safe navigation and management thereof.

17. A boatman or another person in charge of a pleasure boat or vessel shall not suffer any person or persons to embark therein for the purpose of being carried for hire, unless there shall be employed in the navigation and management of the boat or vessel such number of competent persons as, consistently with the due observance of such precautions as may be rendered necessary by the size, build, or mode of propulsion of the boat or vessel, the number of persons to be carried therein, the state of the weather, wind, or water, the limits, whether of time or distance, within or beyond which the boat or vessel may be intended to be used, or any other circumstance or condition in relation to the intended use of the boat or vessel, may be requisite for the safe navigation and management thereof.

18. A boatman or another person in charge of a pleasure boat or vessel shall not, at any time while in charge thereof, wilfully or negligently cause or suffer any number or name which, in pursuance of any bye-law in force with respect to pleasure boats and vessels, may be painted or marked on the boat or vessel to be in any manner or by any means altered, effaced, covered, or concealed.

19. Every boatman or other person in charge of a pleasure boat or vessel shall, at all times while the boat or vessel may be used to carry any person or persons for hire, exercise proper skill and care in the navigation and management thereof, and take all such precautions as may be necessary to prevent danger or discomfort to such person or persons.

20. A boatman or another person in charge of a pleasure boat or vessel shall not cause or suffer any incompetent person to take charge of the boat



or vessel, or to assist in the navigation or management thereof, at any time when the boat or vessel may be used to carry any person for hire.

*Penalties.*

21. Every person who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of \_\_\_\_\_, and in the case of a continuing offence to a further penalty of \_\_\_\_\_ for each day after written notice of the offence from the sanitary authority :

Provided nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.

*Saving for rights of Crown.*

22. Nothing in or done under any of the provisions of the foregoing bye-laws shall, in any respect, prejudice or injuriously affect the rights and interests of the Crown in the foreshore below high-water mark.



## No. XIII.

## HOUSES LET IN LODGINGS.

## MEMORANDUM.

By section 90 of the Public Health Act, 1875, (38 and 39 Vict. c. 55,) it is enacted as follows:—

“The Local Government Board may, if they think fit, by notice published in the *London Gazette*, declare the following enactment to be in force within the district or any part of the district of any local authority, and from and after the publication of such notice such authority shall be empowered to make bye-laws for the following matters; (that is to say,)

- “(1.) For fixing and from time to time varying the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family, and for the separation of the sexes in a house so let or occupied:
- “(2.) For the registration of houses so let or occupied:
- “(3.) For the inspection of such houses:
- “(4.) For enforcing drainage and the provision of privy accommodation for such houses, and for promoting cleanliness and ventilation in such houses:
- “(5.) For the cleansing and lime-washing at stated times of the premises and for the paving of the courts and courtyards thereof:
- “(6.) For the giving of notices and the taking of precautions in case of any infectious disease.

“This section shall not apply to common lodging-houses within the provisions of this Act relating to common lodging-houses.”

In the absence of any express limitation of their scope, bye-laws such as are authorized by the above-cited enactment would apply to every house or part of a house which, not being a common lodging-house, is let in lodgings or occupied by members of more than one family. But in many districts where the enactment is in force there are to be found houses which, though let in lodgings or occupied by members of more than one family, are of such a character as to render it inexpedient, if not absolutely unnecessary, to bring them within the range of bye-laws having for their primary object the regulation of premises where neglect of sanitary requirements might otherwise ensue. The Board have, therefore, thought it desirable to suggest in the model series of bye-laws a clause providing for the exemption of lodging-houses as to which it may be reasonably inferred that such supervision as elsewhere a local authority alone can efficiently exercise will, in fact, be exercised by the lodgers themselves. In illustration of the view which has induced them to propose this exemption, the Board may refer to the observations of the judges of the Common Pleas Division who decided the case of *Langdon, Appellant, v. Broadbent, Respondent* (42 J. P. 56).

The exemption clause, it will be seen, consists of two sections, of which section (a) relates to unfurnished, and section (b) to furnished lodgings. The clause assumes that all houses below a certain rateable value will, if let in lodgings or occupied by members of more than one family, be within the scope of the bye-laws. In the case of houses of higher rateable value, the clause confers exemption if the rent of each lodger exceeds a certain



minimum. It will, of course, rest with the local authority when framing bye-laws upon the basis of the model series to determine what limits of rateable value and rent the circumstances of their district may render it desirable to prescribe.

It will be observed that the local authority are empowered to make bye-laws for fixing and "from time to time varying" the number of occupants of the houses to which the provisions of section 90 of the 38 and 39 Vict. c. 55 apply. The local authority may also make bye-laws "for the separation of the sexes" in such houses.

In the model clauses the Board have deemed it inexpedient to provide for a variation of the number of occupants. The Board have thought it preferable to suggest a few simple rules whereby the number of occupants of rooms used for sleeping may be determined with reference to a minimum allowance of free air space for each occupant. They have assumed that before registration or at some other convenient opportunity, the surveyor or inspector of nuisances will be instructed by the local authority to ascertain the dimensions of the several rooms in each house, and that when the maximum number of inmates has been fixed by the application of the rules embodied in the model clauses, the local authority will supply the landlord and lodgers with tickets or placards which may be affixed to the walls or doors or in some other suitable position, and which will show precisely how many inmates may be received in each sleeping apartment.

If in any case a local authority who may have adopted the model bye-laws for fixing the number of occupants should afterwards find that it is practicable to enforce an increased allowance of free air space, the Board will gladly facilitate the confirmation of new bye-laws for that purpose.

The omission from the model clauses of provisions for the separation of the sexes is due to the doubt which the Board have entertained as to how far this desirable object can be practically attained in view of the ordinary conditions of life in lodgings of the poorer class. Where, however, the local authority are satisfied that a rule on this subject may be enforced without hardship, as, for instance, in cases where it is found that individual holdings in the lodging-houses of a district generally comprise two or more rooms, the Board will readily co-operate with the authority in framing a bye-law to provide for the separation of the sexes.

In explanation of the model clause with respect to registration, the Board have to point out that, while in the case of common lodging-houses it is expressly provided by section 77 of the 38 and 39 Vict. c. 55, that a person shall not keep such a house or receive a lodger therein unless the house is registered, there is no similar enactment with regard to the lodging-houses to which section 90 has reference.

The Board have, therefore, considered that, in relation to the latter class of houses, the chief practical purpose that a bye-law requiring registration can effect is to aid the local authority by rendering it the duty of the landlord to supply information which may facilitate their subsequent supervision of his premises. Though the landlord who neglects this duty may become liable to a penalty, the local authority will, doubtless, find that the reports of their officers, after inspection, will readily supply the particulars necessary for the accurate keeping and correction of the register.

The Board, in view of the varying circumstances of the districts to which bye-laws under section 90 of the 38 and 39 Vict. c. 55 may be applied, have been unable to suggest for general use any clauses for enforcing drainage. They think that in practice it will be found that the powers which local authorities derive from the statutory provisions on this subject will be sufficient to enable them to enforce drainage without recourse to bye-laws.



Generally, with respect to all the clauses comprised in the accompanying model series, the Board have to observe that the scope of these clauses has been strictly limited to the various matters for which bye-laws are authorized. But it is to be remembered that bye-laws are not the only means by which local authorities may enforce sanitary requirements in the case of such premises as are now under consideration. The bye-laws which a local authority may make under section 90 of the 38 and 39 Vict. c. 55, are merely intended to supplement the numerous enactments which, in that and other statutes, have direct reference to matters of importance in relation to houses of this description.

That these enactments should be brought specially to the knowledge of the persons who, as landlords or lodgers, will be affected by the bye-laws is clearly desirable, and it will doubtless occur to many authorities that the practical value of their bye-laws will be materially enhanced by a carefully selected appendix of statutory provisions.

JOHN LAMBERT,  
Secretary.

Local Government Board,  
31st December, 1880.



BYE-LAWS WITH RESPECT TO HOUSES LET IN LODGINGS, OR OCCUPIED BY MEMBERS OF MORE THAN ONE FAMILY.

*Interpretation of terms.*

1. IN these bye-laws, unless the context otherwise requires, the following words and expressions have the meanings hereinafter respectively assigned to them; that is to say,—

“Lodging-house” means a house or part of a house which is let in lodgings or occupied by members of more than one family :

“Landlord,” in relation to a house or part of a house which is let in lodgings or occupied by members of more than one family, means the person (whatever may be the nature or extent of his interest in the premises) by whom or on whose behalf such house or part of a house is let in lodgings or for occupation by members of more than one family, or who for the time being receives, or is entitled to receive the profits arising from such letting :

“Lodger,” in relation to a house or part of a house which is let in lodgings or occupied by members of more than one family, means a person to whom any room or rooms in such house or part of a house may have been let as a lodging or for his use and occupation.

*Exempted houses.*

2. In any one of the several cases hereinafter specified, a lodging-house shall be exempt from the operation of these bye-laws; that is to say,—

(a.) Where for the purposes of any rate for the relief of the poor the rateable value of the house exceeds \_\_\_\_\_, and the rent or charge payable by each lodger, and exclusive of any charge for the use by such lodger of any furniture, shall be such that the amount accruing due in any term shall be at the rate or in the proportion of not less than \_\_\_\_\_ *per week* :

(b.) Where for the purposes of any rate for the relief of the poor the rateable value of the house exceeds \_\_\_\_\_, and the rent or charge payable by each lodger, and inclusive of any charge for the use by such lodger of any furniture, shall be such that the amount accruing due in any term shall be at the rate or in the proportion of not less than \_\_\_\_\_ *per week* :

*For fixing the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family :*

*For the registration of houses so let or occupied :*

*For the inspection of such houses :*

*For enforcing the provision of privy accommodation for such houses, and for promoting cleanliness and ventilation in such houses :*

*For the cleansing and lime-washing at stated times of the premises, and for the paving of the courts and courtyards thereof :*

*For the giving of notices, and the taking of precautions in case of any infectious disease.*



3. The landlord of a lodging-house shall not knowingly cause or suffer a greater number of persons than will admit of the provision of *three hundred cubic feet* of free air space for each person of an age exceeding *ten years*, and of *one hundred and fifty cubic feet* of free air space for each person of an age not exceeding *ten years* to occupy, at any one time, as a sleeping apartment, a room which is used exclusively for that purpose.

4. The landlord of a lodging-house shall not knowingly cause or suffer a greater number of persons than will admit of the provision of *four hundred cubic feet* of free air space for each person of an age exceeding *ten years*, and of *two hundred cubic feet* of free air space for each person of an age not exceeding *ten years* to occupy, at any one time, as a sleeping apartment, a room which is not used exclusively for that purpose.

5. A lodger in a lodging-house shall not knowingly cause or suffer a greater number of persons than will admit of the provision of *three hundred cubic feet* of free air space for each person of an age exceeding *ten years*, and of *one hundred and fifty cubic feet* of free air space for each person of an age not exceeding *ten years* to occupy, at any one time, as a sleeping apartment, a room which is used exclusively for that purpose, and which has been let to such lodger.

6. A lodger in a lodging-house shall not knowingly cause or suffer a greater number of persons than will admit of the provision of *four hundred cubic feet* of free air space for each person of an age exceeding *ten years*, and of *two hundred cubic feet* of free air space for each person of an age not exceeding *ten years* to occupy, at any one time, as a sleeping apartment, a room which is not used exclusively for that purpose, and which has been let to such lodger.

7. The landlord of a lodging-house, within a period of after he shall have been required by a notice in writing, signed by the clerk to the sanitary authority, and duly served upon or delivered to such landlord, to supply the information necessary for the registration of such house by the sanitary authority, shall, personally or by his agent duly authorized in that behalf, attend at the office of the sanitary authority during office hours, and then and there furnish and sign a true statement of the following particulars with respect to such house; that is to say,—

(a.) The total number of rooms in the house:

(b.) The total number of rooms let in lodgings or occupied by members of more than one family:

(c.) The manner of use of each room:

(d.) The number, age, and sex of the occupants of each room used for sleeping:

(e.) The Christian name and surname of the lessee of each room; and

(f.) The amount of rent or charge payable by each lessee.

8. In every case where the landlord of a lodging-house occupies or resides in any part of the premises, or retains a general possession or control of the premises, such landlord shall, at all times when required by the medical officer of health, the inspector of nuisances, or the surveyor of the sanitary authority, afford any such officer free access to the interior of the premises for the purpose of inspection.

9. In every case where the landlord of a lodging-house does not occupy or reside in any part of the premises or retain a general possession or control of the premises, every lodger who is entitled to have or to exercise the control of the outer door of the premises shall, at all times when required by the medical officer of health, the inspector of nuisances, or the surveyor of the sanitary authority, afford any such officer free access to the interior of the premises for the purpose of inspection.



10. Every lodger in a lodging-house shall, at all times when required by the medical officer of health, the inspector of nuisances, or the surveyor of the sanitary authority, afford any such officer free access for the purpose of inspection to the interior of any room or rooms which may have been let to such lodger.

11. In every case where the medical officer of health, the inspector of nuisances, or the surveyor of the sanitary authority has, for the purpose of inspection, obtained access to the interior of a lodging-house or to the interior of any room or rooms in such house, a person shall not wilfully obstruct any such officer in the inspection of any part of the premises, or, without reasonable excuse, neglect or refuse, when required by any such officer, to render him such assistance as may be reasonably necessary for the purpose of such inspection.

12. The landlord of a lodging-house shall provide privy accommodation for such house by means of a water-closet or water-closets, an earth-closet or earth-closets, or a privy or privies.

He shall provide such accommodation so that the number of water-closets, earth-closets, or privies in relation to the greatest number of persons who, subject to the restrictions imposed by any bye-law in that behalf, may, at any one time, occupy rooms in the house as sleeping apartments, shall be in the proportion of not less than one water-closet, earth-closet, or privy to every *twelve* persons.

13. In every case where, for the purpose of providing privy accommodation for a lodging-house in pursuance of the requirements of any bye-law in that behalf, the construction of a new water-closet is necessary, and where such construction, so far as regards the several details hereinafter specified, is not already the subject of regulation by any statute or bye-law in force within the district, the landlord shall construct such water-closet in accordance with the following rules:—

- (i.) If the water-closet is intended to be within the house, he shall construct such water-closet in such a position that one of its sides at the least shall be an external wall:
- (ii.) He shall construct in one of the walls of the water-closet, whether the situation of such water-closet is or is not within the house, a window of not less dimensions than *two feet* by *one foot*, exclusive of the frame, and opening directly into the external air:

He shall, in addition to such window, cause the water-closet to be provided with adequate means of constant ventilation by at least one air-brick built in an external wall of such water-closet, or by an air-shaft, or by some other effectual method or appliance:

- (iii.) He shall furnish the water-closet with a separate cistern, or flushing box of adequate capacity, which shall be so constructed, fitted, and placed as to admit of the supply of water for use in such water-closet without any direct connexion between any service pipe upon the premises and any part of the apparatus of such water-closet, other than such cistern, or flushing box:

He shall furnish the water-closet with a suitable apparatus for the effectual application of water to any pan, basin, or other receptacle with which such apparatus may be connected and used, and for the effectual flushing and cleansing of such pan, basin, or other receptacle, and for the prompt and effectual removal therefrom of any solid or liquid filth which may from time to time be deposited therein:

He shall furnish the water-closet with a pan, basin, or other suitable receptacle of non-absorbent material, and of such shape, of such capacity, and of such mode of construction as to receive and



contain a sufficient quantity of water, and to allow all filth which may from time to time be deposited in such pan, basin, or receptacle to fall free of the sides thereof, and directly into the water received and contained in such pan, basin, or receptacle :

He shall not construct or fix under such pan, basin, or receptacle any "container" or other similar fitting :

He shall not construct or fix in or in connexion with the water-closet apparatus any trap of the kind known as a "D trap."

14. In every case where, for the purpose of providing privy accommodation for a lodging-house in pursuance of the requirements of any bye-law in that behalf, the construction of a new earth-closet is necessary, and where such construction, so far as regards the several details hereinafter specified, is not already the subject of regulation by any statute or bye-law in force within the district, the landlord shall construct such earth-closet in accordance with the following rules :—

(i.) If the earth-closet is intended to be within the house, he shall construct such earth-closet in such a position that one of its sides at the least shall be an external wall :

(ii.) He shall construct in one of the walls of the earth-closet, whether the situation of such earth-closet is or is not within the house, a window of not less dimensions than *two feet* by *one foot*, exclusive of the frame, and opening directly into the external air :

He shall, in addition to such window, cause the earth-closet to be provided with adequate means of constant ventilation by at least one air-brick built in an external wall of such earth-closet, or by an air-shaft, or by some other effectual method or appliance :

(iii.) He shall furnish the earth-closet with a reservoir or receptacle of suitable construction and of adequate capacity for dry earth or some other deodorizing substance, and he shall construct and fix such reservoir or receptacle in such a manner and in such a position as to admit of ready access to such reservoir or receptacle for the purpose of depositing therein the necessary supply of dry earth or other deodorizing substance :

He shall construct or fix, in connexion with such reservoir or receptacle, suitable means or apparatus for the frequent and effectual application of a sufficient quantity of dry earth or other deodorizing substance to any filth which may from time to time be deposited in any pan, pit, or other receptacle for filth constructed, fitted, or used in or in connexion with such earth-closet.

(iv.) If he provides in or in connexion with the earth-closet a fixed receptacle for filth, he shall construct or fix such receptacle in such a manner and in such a position as to admit of the frequent and effectual application of a sufficient quantity of dry earth or other deodorizing substance to any filth which may from time to time be deposited in such receptacle, and in such a manner and in such a position as to admit of ready access to such receptacle for the purpose of removing the contents thereof. He shall not construct such receptacle of a capacity greater than may be sufficient to contain such filth and dry earth or other deodorizing substance as may be deposited therein during a period not exceeding *three months*, or in any case of a capacity exceeding *forty cubic feet*. He shall construct such receptacle of such material or materials, and in such a manner as to prevent any absorption by any part of such receptacle of any filth deposited therein, or any escape, by leakage or otherwise, of any part of the contents of such receptacle. He shall construct or



fix such receptacle so that the bottom or floor thereof shall be at least *three inches* above the level of the surface of the ground immediately adjoining the earth-closet, and so that the contents of such receptacle may not at any time be exposed to any rainfall, or to the drainage of any waste water or liquid refuse from any adjoining premises :

- (v.) If he provides in or in connexion with the earth-closet a movable receptacle for filth, he shall construct such earth-closet so that the position and mode of fitting of such receptacle may admit of the frequent and effectual application of a sufficient quantity of dry earth or other deodorizing substance to any filth which may from time to time be deposited in such receptacle, and may also admit of ready access to that part of the earth-closet in which such receptacle may be placed or fitted, and of the convenient removal of such receptacle or of the contents thereof. He shall also construct such earth-closet so that the contents of such receptacle may not at any time be exposed to any rainfall, or to the drainage of any waste water or liquid refuse from any adjoining premises.

15. In every case where, for the purpose of providing privy accommodation for a lodging-house in pursuance of the requirements of any bye-law in that behalf, the construction of a new privy is necessary, and where such construction, so far as regards the several details hereinafter specified, is not already the subject of regulation by any statute or bye-law in force within the district, the landlord shall construct such privy in accordance with the following rules :—

- (i.) He shall construct the privy at a distance of *six feet* at the least from a dwelling-house or public building, or any building in which any person may be or may be intended to be employed in any manufacture, trade, or business :
- (ii.) He shall not construct the privy within the distance of *thirty feet* from any well, spring, or stream of water used or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, or otherwise in such a position as to render any such water liable to pollution :
- (iii.) He shall construct the privy in such a manner and in such a position as to afford ready means of access to such privy for the purpose of cleansing such privy and of removing filth therefrom, and in such a manner and in such a position as to admit of all filth being removed from such privy, and from the premises to which such privy may belong, without being carried through any dwelling-house or public building or any building in which any person may be or may be intended to be employed in any manufacture, trade, or business :
- (iv.) He shall provide the privy with a sufficient opening for ventilation, as near to the top as practicable, and communicating directly with the external air :

He shall cause the floor of the privy to be flagged or paved with hard tiles or other non-absorbent material, and he shall construct such floor so that it shall be in every part thereof at a height of not less than *six inches* above the level of the surface of the ground adjoining such privy, and so that such floor shall have a fall or inclination towards the door of such privy of *half an inch* to the foot :

- (v.) If the privy is constructed for use in combination with a fixed receptacle for filth, he shall construct or fix in or in connexion with the privy suitable means or apparatus for the frequent and effectual



application of ashes, dust, or dry refuse to any filth which may from time to time be deposited in such receptacle. He shall construct such receptacle so that the contents thereof may not at any time be exposed to any rainfall, or the drainage of any waste water or liquid refuse from any adjoining premises. He shall construct such receptacle of such material or materials and in such a manner as to prevent any absorption by any part of such receptacle of any filth deposited therein, or any escape, by leakage or otherwise, of any part of the contents of such receptacle. He shall construct such receptacle so that the bottom or floor thereof shall be in every part at least *three inches* above the level of the surface of the ground adjoining the privy. He shall not in any case construct such receptacle of a capacity exceeding *eight cubic feet*. He shall construct the seat of the privy so that the whole of such seat, or a sufficient part thereof, may be readily removed or adjusted in such a manner as to afford adequate access to such receptacle for the purpose of removing the contents thereof, and of cleansing such receptacle, or shall otherwise provide in or in connexion with the privy adequate means of access to such receptacle for the purpose aforesaid :

- (vi.) If the privy is constructed for use in combination with a movable receptacle for filth, he shall construct over the whole area of the space immediately beneath the seat of the privy, a flagged or asphalted floor, at a height of not less than *three inches* above the level of the surface of the ground adjoining the privy ; and he shall cause the whole extent of each side of such space between the floor and the seat to be constructed of flagging, slate, or good brickwork, at least *nine inches* thick, and rendered in good cement or asphalted. He shall construct the seat of the privy, the aperture in such seat, and the space beneath such seat, of such dimensions as to admit of a movable receptacle for filth of a capacity not exceeding *two cubic feet* being placed and fitted beneath such seat in such a manner and in such a position as may effectually prevent the deposit upon the floor or sides of the space beneath such seat, or elsewhere than in such receptacle, of any filth which may from time to time fall or be cast through the aperture in such seat. He shall construct the seat of the privy so that the whole of such seat, or a sufficient part thereof, may be readily removed or adjusted in such a manner as to afford adequate access to the space beneath such seat for the purpose of cleansing such space, or of removing therefrom or placing and fitting therein the appropriate receptacle for filth :
- (vii.) He shall not cause or suffer any part of the space under the seat of the privy, or any part of any receptacle for filth in or in connexion with the privy to communicate with any drain.

16. In every case where a lodger in a lodging-house is entitled to the exclusive use of any court, courtyard, area, or other open space within the curtilage of the premises, such lodger shall cause such court, courtyard, area, or other open space to be thoroughly cleansed from time to time as often as may be requisite for the purpose of keeping the same in a clean and wholesome condition.

17. In every case where two or more lodgers in a lodging-house are entitled to the use in common of any court, courtyard, area, or other open space within the curtilage of the premises, the landlord shall cause such court, courtyard, area, or other open space to be thoroughly cleansed from time to time as often as may be requisite for the purpose of keeping the same in a clean and wholesome condition.



18. The landlord of a lodging-house shall cause every part of the structure of every water-closet belonging to such house to be maintained at all times in good order, and every part of the apparatus of such water-closet, and every drain or means of drainage with which such water-closet may communicate to be maintained at all times in good order and efficient action.

19. The landlord of a lodging-house shall cause every part of the structure of every earth-closet or privy belonging to such house, and every receptacle for filth provided or used in or in connexion with such earth-closet or privy to be maintained at all times in good order.

He shall cause all such means or apparatus as may be provided or used, in or in connexion with such earth-closet or privy and such receptacle, for the frequent and effectual application of dry earth or of any other deodorizing substance to any filth deposited in such receptacle to be maintained at all times in good order.

20. In every case where a lodger in a lodging-house is entitled to the exclusive use of any water-closet, earth-closet, or privy belonging to such house, such lodger shall cause the pan, seat, floor, and walls of such water-closet, and the seat, floor, and walls of such earth-closet or privy to be thoroughly cleansed from time to time as often as may be necessary for the purpose of keeping such pan, seat, floor, and walls in a clean and wholesome condition.

21. In every case where two or more lodgers in a lodging-house are entitled to the use in common of any water-closet, earth-closet, or privy belonging to such house, the landlord shall cause the pan, seat, floor, and walls of such water-closet, and the seat, floor, and walls of such earth-closet or privy to be thoroughly cleansed from time to time as often as may be necessary for the purpose of keeping such pan, seat, floor, and walls in a clean and wholesome condition.

22. In every case where a lodger in a lodging-house is entitled to the exclusive use of any earth-closet or privy belonging to such house, such lodger shall cause every receptacle for filth provided or used in or in connexion with such earth-closet or privy to be maintained at all times in a wholesome condition.

He shall cause a sufficient supply of dry earth or of some other deodorizing substance to be from time to time provided for use in such earth-closet, privy, or receptacle for filth, and shall cause such dry earth or other deodorizing substance to be frequently and effectually applied to such filth, or he shall cause such dry earth or other deodorizing substance as may from time to time be supplied to such house, in pursuance of the statutory provision in that behalf, by the sanitary authority or by any person with whom they may contract for the purpose, to be frequently and effectually applied to such filth.

23. In every case where two or more lodgers in a lodging-house are entitled to the use in common of any earth-closet or privy belonging to such house, the landlord shall cause every receptacle for filth provided or used in or in connexion with such earth-closet or privy to be maintained at all times in a wholesome condition.

He shall cause a sufficient supply of dry earth or of some other deodorizing substance to be from time to time provided for use in such earth-closet, privy, or receptacle for filth, and shall cause such dry earth or other deodorizing substance to be frequently and effectually applied to such filth, or he shall cause such dry earth or other deodorizing substance as may from time to time be supplied to such house, in pursuance of the statutory provision in that behalf, by the sanitary authority or by any person with



whom they may contract for the purpose, to be frequently and effectually applied to such filth.

24. The landlord of a lodging-house shall cause every part of the structure of every ashpit belonging to such house to be maintained at all times in good order.

25. In every case where a lodger in a lodging-house is entitled to the exclusive use of any ashpit belonging to such house, such lodger shall cause such ashpit to be kept at all times in a wholesome condition.

26. In every case where two or more lodgers in a lodging-house are entitled to the use in common of any ashpit belonging to such house, the landlord shall cause such ashpit to be kept at all times in a wholesome condition.

27. A lodger in a lodging-house, or an occupant of any room therein, shall not throw any filth or wet refuse into any ashpit belonging to such house and constructed and adapted for use only as a receptacle for ashes, dust, and dry refuse.

28. Every lodger in a lodging-house shall cause the floor of every room which has been let to him to be thoroughly swept once at least in *every day*, and to be thoroughly washed once at least in *every week*.

29. Every lodger in a lodging-house shall cause every window, every fixture or fitting of wood, stone, or metal, and every painted surface in every room which has been let to him to be thoroughly cleansed from time to time as often as may be requisite.

30. Every lodger in a lodging-house shall cause all solid or liquid filth or refuse to be removed once at least in *every day* from every room which has been let to him, and shall once at least in *every day* cause every vessel, utensil, or other receptacle for such filth or refuse to be thoroughly cleansed.

31. In every case where a lodger in a lodging-house is entitled to the exclusive use of any staircase, landing, or passage in such house, such lodger shall cause every part of such staircase, landing, or passage to be thoroughly cleansed from time to time as often as may be requisite.

32. In every case where two or more lodgers in a lodging-house are entitled to the use in common of any staircase, landing, or passage in such house, the landlord shall cause every part of such staircase, landing, or passage to be thoroughly cleansed from time to time as often as may be requisite.

33. A lodger in a lodging-house shall not cause or suffer any animal to be kept in any room which has been let to such lodger or elsewhere upon the premises in such a manner as to render the condition of such room or premises filthy or unwholesome.

34. In every case where a lodger in a lodging-house is entitled to the exclusive use of any cistern or other receptacle for the storage of water supplied to the premises, such lodger shall cause every part of the interior of such cistern or receptacle to be thoroughly cleansed from time to time as often as may be requisite for the purpose of keeping the same in a clean and wholesome condition.

35. In every case where two or more lodgers in a lodging-house are entitled to the use in common of any cistern or other receptacle for the storage of water supplied to the premises, the landlord shall cause every part of the interior of such cistern or receptacle to be thoroughly cleansed from time to time as often as may be requisite for the purpose of keeping the same in a clean and wholesome condition.

36. The landlord of a lodging-house shall cause all such means of ventilation as may be provided in or in connexion with any room or passage in such house and in or in connexion with any water-closet, earth-closet, or



privy belonging to such house to be maintained at all times in good order.

37. The landlord of a lodging-house shall, in the first week of the month of \_\_\_\_\_ in every year, cause every part of the premises to be cleansed.

He shall, at the same time, except in such cases as are hereinafter specified, cause every area, the interior surface of every ceiling and wall of every water-closet, earth-closet, or privy belonging to the premises, and the interior surface of every ceiling and wall of every room, staircase, and passage in the house to be thoroughly washed with hot lime-wash :

Provided that the foregoing requirement with respect to the lime-washing of the internal surface of the walls of rooms, staircases, and passages shall not apply in any case where the internal surface of any such wall is painted, or where the material of or with which such surface is constructed or covered is such as to render the lime-washing thereof unsuitable or inexpedient, and where such surface is thoroughly cleansed, and the paint or other covering is renewed, if the renewal thereof be necessary for the purpose of keeping the premises in a cleanly and wholesome condition.

38. The landlord of a lodging-house shall cause every court and courtyard thereof to be properly paved with a hard, durable, and impervious pavement, evenly and closely laid upon a sufficient bed of good concrete and sloped to a properly constructed channel leading to a trapped gully grating, which shall be so constructed and placed as effectually to carry off all rain or waste water from such court or courtyard.

He shall cause such pavement, channel, and grating to be kept at all times in good order and in proper repair.

39. Every lodger in a lodging-house shall, except in such cases as are hereinafter specified, cause every window of every room which has been let to him, and which is used as a sleeping apartment, to be opened and to be kept fully open for *one hour* at least in the forenoon, and for *one hour* at least in the afternoon of every day :

Provided that such lodger shall not be required, in pursuance of this bye-law, to cause any such window to be opened or to be kept open at any time when the state of the weather is such as to render it necessary that the window should be closed, or when any bed in any such room may be occupied by any person in consequence of sickness or of some other sufficient cause.

40. The landlord of a lodging-house, immediately after he shall have been informed, or shall have ascertained that any person in such house is ill of an infectious disease, shall give written notice thereof to the medical officer of health of the sanitary authority.

41. In every case where a lodger in a lodging-house has been informed, or has ascertained, or has reasonable grounds for believing that an occupant of any room which has been let to such lodger is ill of an infectious disease, such lodger shall forthwith give written notice thereof to the landlord and to the medical officer of health of the sanitary authority, and verbal or written notice thereof to every other lodger in such house.

42. In every case where, in pursuance of the statutory provision in that behalf, an order of a justice has been obtained for the removal from a lodging-house to a hospital, or other place for the reception of the sick, of a person who is suffering from any dangerous infectious disorder, and is without proper lodging or accommodation, or lodged in a room occupied by more than one family, the landlord of such house and the lodger to whom any room whereof such person may be an occupant has been let shall, on being informed of such order, forthwith take all such steps as may be



requisite on the part of such landlord and of such lodger, respectively, to secure the safe and prompt removal of such person in compliance with such order, and shall, in and about such removal, adopt all such precautions as, in accordance with any instructions which such landlord and such lodger, respectively, may receive from the medical officer of health of the sanitary authority, may be most suitable for the circumstances of the case.

*Penalties.*

43. Every person who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of \_\_\_\_\_, and in the case of a continuing offence to a further penalty of \_\_\_\_\_ for each day after written notice of the offence from the sanitary authority :

Provided nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.



## No. XIV.

## CEMETERIES.

## MEMORANDUM.

By section 2 of the Public Health (Interments) Act, 1879, (42 and 43 Vict. c. 31,) it is enacted that the provisions of the Public Health Act, 1875, as to a mortuary or place for the reception of the dead before interment shall extend to a cemetery or place for the interment of the dead.

The effect of this extension to a cemetery of the powers which, under section 141 of the Public Health Act, 1875, may be exercised by a local authority in relation to a mortuary is to enable the authority to make bye-laws with respect to the management and charges for use of the cemetery.

JOHN LAMBERT,  
Secretary.

Local Government Board,  
16th February, 1881.



## BYE-LAWS WITH RESPECT TO THE MANAGEMENT OF A CEMETERY.

*Interpretation of terms.*

1. IN the construction of these bye-laws the following words have the meanings hereinafter respectively assigned to them, unless such meanings be repugnant to or inconsistent with the context or subject matter in which such words occur ; that is to say,

“Grave” means a burial-place formed in the ground by excavation and without any internal wall of brickwork or stonework or any other artificial lining :

“Vault” includes underground burial-places of every description, except graves to which the word “grave” interpreted as aforesaid applies.

2. Every person who, in any part of the cemetery, causes a vault to be built for use as a burial-place, shall cause the vault to be enclosed with walls constructed of good bricks, stone, or other hard and suitable material, properly bonded and solidly put together :

(a.) With good mortar compounded of good lime and clean sharp sand or other suitable material ; or

(b.) With good cement ; or

(c.) With good cement mixed with clean sharp sand.

3. A person shall not, in any part of the cemetery, except as is hereinafter provided, cause or suffer more than one body to be buried at any one time in a grave in respect of which no exclusive right of burial has been granted by the sanitary authority :

Provided that this bye-law shall not be deemed to prohibit the burial at any one time in any such grave of two or more bodies of persons who were members of the same family.

4. In every case where, in any part of the cemetery, the body of a person whose age at the time of death did not exceed *twelve* years has been buried in a grave in respect of which no exclusive right of burial has been granted by the sanitary authority, a person shall not, at any time within a period of *eight* years after the date of the burial of the body, cause or suffer the grave to be opened for the purpose of burying therein the body of a person who was not a member of the family of which a person whose body has already been buried in the grave was a member.

5. In every case where, in any part of the cemetery, the body of a person whose age at the time of death exceeded *twelve* years has been buried in a grave in respect of which no exclusive right of burial has been granted by the sanitary authority, a person shall not, at any time within a period of *fourteen* years after the date of the burial of the body, cause or suffer the grave to be opened for the purpose of burying therein the body of a person who was not a member of the family of which a person whose body has already been buried in the grave was a member.

6. A person shall not, in any part of the cemetery, cause or suffer the body of a person whose age at the time of death did not exceed *twelve* years to be buried in a grave in such a manner as to require or allow any part of the



coffin containing the body to be placed at a less depth than *three feet* below the level of the surface of the ground adjoining the grave.

7. A person shall not, in any part of the cemetery, cause or suffer the body of a person whose age at the time of death exceeded *twelve* years to be buried in a grave in such a manner as to require or allow any part of the coffin containing the body to be placed at a less depth than *four feet* below the level of the surface of the ground adjoining the grave.

8. A person shall not, in any part of the cemetery, cause a body to be buried in a grave otherwise than in such a manner as to provide by means of a sufficient layer or layers of earth, which shall throughout be closely rammed down and be not less than *one foot* in thickness, for the effectual separation of the coffin containing the body from any coffin already placed in the grave.

9. Every person who, in any part of the cemetery, buries a body in a vault shall, within a period of \_\_\_\_\_ hours after the deposit in the vault of the coffin containing the body, cause the coffin to be wholly and permanently embedded in and covered with a layer or layers of good cement concrete, not less in any part than \_\_\_\_\_ inches in thickness, or to be wholly and permanently enclosed in a separate cell or receptacle which shall be constructed of slate or stone flagging not less than *two inches* in thickness, properly jointed in cement, or of good brickwork in cement, and in such a manner as to prevent, as far as may be practicable, the escape of any noxious gas from the interior of the cell or receptacle.

10. Every person who, in any part of the cemetery, buries a body in a grave in respect of which an exclusive right of burial has been granted by the sanitary authority shall, as soon as conveniently may be after the lapse of such a period as may reasonably suffice for the natural subsidence of the earth with which the grave has been filled up, cause the surface of the grave to be properly covered with fresh turf, or with any gravestone or monument which, in pursuance of any grant by the sanitary authority, may lawfully be erected or placed on the grave, or shall cause the surface of the grave to be planted with shrubs or with other suitable vegetation.

11. A person shall not, in any part of the cemetery, by any violent or indecent behaviour, prevent, interrupt, or delay the decent and solemn burial of any body.

12. Every person who offends against any of the foregoing bye-laws shall be liable for every such offence to a penalty of \_\_\_\_\_, and in the case of a continuing offence to a further penalty of \_\_\_\_\_ for each day after written notice of the offence from the sanitary authority :

Provided nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.



## No. XV.

## MORTUARIES

## MEMORANDUM.

By section 141 of the Public Health Act, 1875 (38 and 39 Vict. c. 55), it is enacted as follows :—

“Any local authority may, and if required by the Local Government Board shall, provide and fit up a proper place for the reception of dead bodies before interment (in this Act called a mortuary), and may make bye-laws with respect to the management, and charges for use of the same ; they may also provide for the decent and economical interment, at charges to be fixed by such bye-laws, of any dead body which may be received into a mortuary.”

The next section (142) is in these terms :—

“Where the body of one who has died of any infectious disease is retained in a room in which persons live or sleep, or any dead body which is in such a state as to endanger the health of the inmates of the same house or room is retained in such house or room, any justice may, on a certificate signed by a legally qualified medical practitioner, order the body to be removed, at the cost of the local authority, to any mortuary provided by such authority, and direct the same to be buried within a time to be limited in such order ; and unless the friends or relations of the deceased undertake to bury the body within the time so limited, and do bury the same, 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.”

With regard to the enactments above cited, it is to be observed that they are intended to meet the requirements of all cases in which a mortuary is used, whether voluntarily or compulsorily. It is, however, chiefly in relation to those cases where the mortuary is used otherwise than in pursuance of an order of a justice under section 142, that it is important to consider to what extent sanitary authorities should avail themselves of their power of making bye-laws, and also by what other means they may provide for the efficient management of the mortuary, and for the removal and reception of the dead with least danger to the living.

It cannot be doubted that, apart from such cases as would come within the operation of section 142, there are many instances in which manifest benefit would result from the use of the mortuary for the reception of the dead during the period preceding burial. In the interests of the public health, it is clearly desirable that those who might otherwise seek permission to remove a corpse to the mortuary should not be deterred by regulations of undue stringency, or by any apparent disregard of care and decency in the internal arrangements or management of the building.

It is quite possible that at some future time, when the voluntary use of mortuaries may have become more general than at present, sanitary authorities may find it expedient to exercise more fully their power of making bye-laws under section 141. Under existing circumstances, however, it appears to the Board that sanitary authorities may be advised to rely upon good administrative arrangements rather than upon bye-laws for the proper



management of their mortuaries. For certain purposes bye-laws will doubtless be necessary in most districts for which mortuaries have been provided. To such purposes the clauses comprised in the accompanying model series of bye-laws have reference.

The first and second of these clauses are designed to secure the removal of the corpse for burial within a specified period. The third and fourth clauses are intended for the prevention of misbehaviour. The fifth clause has been framed with the view of requiring undertakers to convey empty shells from the premises without delay.

With regard to the first and second clauses, it may be well to point out that bye-laws in these terms will not be operative in any case where a corpse has been removed to the mortuary in pursuance of a justice's order under section 142. In such a case, the limitation of the time within which the corpse is to be buried is a matter for which the justice is expressly authorized to give the necessary direction.

In other cases, however, it is important that the sanitary authority should have the power of enforcing the removal of corpses after a sufficient interval. Ordinarily, it may be assumed that there will be no difficulty in securing compliance with the requirements of this bye-law. The person who has obtained permission to use the mortuary for the reception of the corpse will, in the majority of instances, be in a position to provide for its removal within the prescribed time. But it may be well to draw attention to the fact that the provision in section 142, which requires the relieving officer, in default of the friends or relations of the deceased, to bury at the expense of the poor-rate, is confined to cases where the removal of the body to the mortuary has been ordered by a justice and he has directed the burial to take place within a limited time.

With reference to other cases, it is to be observed that, although the 7 and 8 Vict. c. 101, section 31, empowers the Board of Guardians to bury at the cost of the poor-rate, the body of any poor person which may be within their parish or union, there is no obligation upon them to incur this expense unless the body is lying in the workhouse or on premises belonging to the guardians. If, therefore, the body of a poor person has been received in the mortuary, it by no means follows that the guardians or their duly authorized officer could be rendered responsible for the observance of the bye-law prescribing the period within which the body must be removed. It is possible that cases may occur where this responsibility may attach to the guardians or their officer in consequence of the directions which they may have given in pursuance of the enactment above-mentioned, and in all such cases the guardians or their officer, on being informed of the requirements of the bye-laws, would no doubt take steps to ensure compliance with those requirements. Where, however, the cost of burial is only partially defrayed out of the poor-rates, the sanitary authority, in dealing with an application for permission to use the mortuary, may sometimes find it necessary to ascertain that the applicant is, either voluntarily or by obligation, in a position to control the arrangements with regard to the burial, and may therefore, in the event of permission to use the mortuary being granted at his request, be held liable for neglect to comply with the bye-law limiting the time within which the body should be removed. But, upon the whole, it may be reasonably expected that the instances in which the sanitary authority may deem it incumbent upon them to enforce the bye-laws as to the removal of bodies will be extremely rare.

The sanitary authority will probably find that the practical questions requiring consideration in connexion with any mortuary which they may provide will chiefly relate to (1.) the selection of a suitable site and structure, and (2.) the adoption of such administrative arrangements as will best



serve the purpose of inducing persons to avail themselves of the facilities afforded by the mortuary for the safe and decent keeping of the dead during the interval before interment.

Upon these points, the Board have to offer the following suggestions:—

1. *As to site and structure.*

In the choice of a site, care should be taken to ensure that the buildings to be erected thereon shall, as far as practicable, be isolated and unobtrusive. It may, indeed, be desirable to place the buildings on the site in such a position and manner as to admit of their being concealed from public view until the entrance gate to the premises has been passed.

The buildings should be substantial structures of brick or stone. In their external appearance attention should be paid to such architectural features as may serve to convey the impression of due respect for the dead.

Every chamber intended for the reception of corpses should be on the ground or basement floor.

In addition to such chambers, the premises should, if possible, comprise:

(a.) A waiting room for visitors to the mortuary and for the use of mourners assembling there for funeral purposes;

(b.) A caretaker's dwelling-house; and

(c.) A shed or outhouse for the keeping of shells or other necessary appliances.

For these and other structural arrangements provision may be made in the manner indicated in the plan appended to this memorandum.

In the construction of each chamber intended for the reception of the dead, care should be taken to ensure convenience, decency, cleanliness, and coolness.

The chamber should be lofty and the area of its floor sufficient to allow freedom of movement between the slabs or tables on which the dead are to be placed.

There should be a ceiling to the chamber, or, if it be open to the roof, there should be a double roof with a space of 8 inches at least between the outer and inner covering or with the addition of an intervening layer of felt.

Louvres or air-gratings under the eaves will be the best means of ventilation.

The chamber should, if practicable, be lighted by windows on the north side. If it is necessary to place windows on the south, east, or west sides, external louvre blinds should be provided for the windows.

The floor should be paved evenly and closely. The material used may be stone or slate; but a uniform cement floor is preferable.

Water should be laid on so as to be drawn from a tap within the chamber.

Shelves which may be conveniently placed around the interior of the chamber, and tables which may occupy any part of its area should preferably be made of slate slabs. If stone is used it should be smoothed on the upper surface and free edges.

The shelves and tables should be placed so that their upper surfaces may be at a height of  $2\frac{1}{2}$  feet or of not more than 3 feet above the floor.

The ceiling and the internal surface of the walls should be whitewashed. The outside of the roof should also be whitened.

The entrance to the chamber should be direct, without the intervention of any passage.

The number of chambers should be at least two, so that one may be appropriated exclusively for the bodies of persons who have died of infectious disease, and the other for the bodies of persons whose death has been due to other causes. It may be expedient to place these chambers as far apart as may be practicable, so that persons visiting the chamber used



for the reception of the bodies of those who have died of non-infectious disease may have no reason to fear infection.

*[It would also be advisable to have in addition to the various offices above described a room in which post-mortem examinations could be made—properly fitted up—in close proximity to the mortuary chambers, and a room in which the coroner could hold his court.]*

*It is to be hoped the time is not far distant when a medical man skilled in morbid anatomy and forensic medicine will be specially appointed in every district to act with the coroner.—EDITOR.]*

## 2. As to administrative arrangements.

No obstacle or difficulty should be placed in the way of receiving a body at any hour of the day or night. To obviate unnecessary applications for reception at night, it will probably be found sufficient to affix to the entrance gate a notice requesting persons to abstain, except in cases of emergency, from applying for the admission of bodies during certain specified hours of the night.

A caretaker should reside upon the premises, and his duties should comprise the general management of the mortuary, the maintenance of cleanliness, decency, and good order, and the keeping of such books or registers as the regulations of the sanitary authority may prescribe.

It will probably be found expedient to require the caretaker, in the case of each corpse received upon the premises, to ascertain and record the following particulars, namely :

- (a.) Christian name and surname of the deceased ;
- (b.) Sex ;
- (c.) Age ;
- (d.) Cause of death ;
- (e.) Number of house and name of street or other description of the place whence the body has been brought to the mortuary ;
- (f.) Name and address of the person by whose order the body has been brought to the mortuary ; and
- (g.) Date of the removal of the body for burial.

It should, however, be clearly understood by the caretaker, that he would not be justified in refusing to admit a corpse on the ground that these particulars cannot be given at the time when the application for admission is made to him.

A sufficient number of shells of different sizes should be kept at the mortuary in charge of the caretaker, and he should be empowered to lend them to undertakers or other responsible persons for the conveyance of bodies to the mortuary.

The shells when not in use should be kept in a shed or other suitable place.

Each shell should be constructed of strong wood, painted externally. The interior of the shell and the inner surface of its cover should be lined with tinned copper.

Each shell after being used and before being deposited in the shed or other place for storage should be thoroughly cleansed by the caretaker.

No dead body should be received upon the premises unless it is enclosed in a shell or coffin.

JOHN LAMBERT,  
Secretary.

Local Government Board,  
25th July, 1882.



## BYE-LAWS WITH RESPECT TO THE MANAGEMENT OF A MORTUARY.

1. EVERY person who, in pursuance of permission obtained from the sanitary authority, has caused the body of one who has died of an infectious disease to be deposited in the mortuary shall cause the body to be removed therefrom for the purpose of interment within a period of        days from the date of death.

2. Every person who, in pursuance of permission obtained from the sanitary authority, has caused the body of one who has died of a non-infectious disease to be deposited in the mortuary shall cause the body to be removed therefrom for the purpose of interment within a period of        days from the date of death.

3. Every person for the time being employed in depositing a body in the mortuary, or in removing a body therefrom, shall, while so employed, conduct himself in all respects with decency and propriety.

4. Every person who, being a friend or relative of one whose body has been deposited in the mortuary, has been admitted to view the body shall, while on the premises, conduct himself in all respects with decency and propriety.

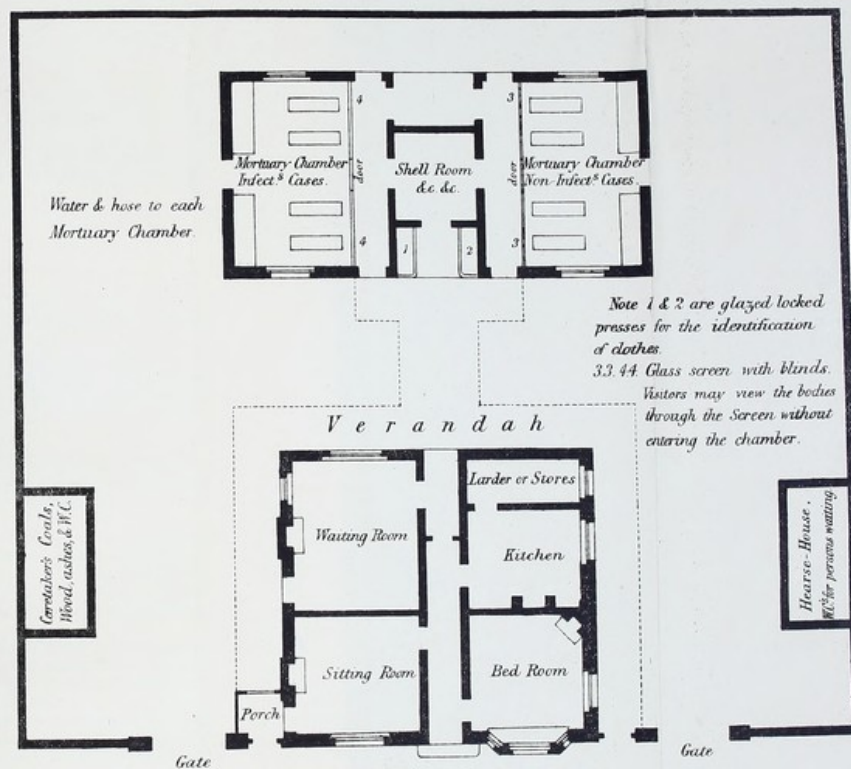
5. Every person who, for the purpose of depositing a body in the mortuary, uses a shell which has not been provided by the sanitary authority shall, in every case where the body is transferred from the shell before being carried from the premises to the place of burial, cause the shell, as soon as conveniently may be after the transfer of the body therefrom, to be removed from the premises.

6. Every person who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of        , and in the case of a continuing offence to a further penalty of        for each day after written notice of the offence from the sanitary authority :

Provided nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.



# MORTUARY FOR TOWN OF 100,000 INHABITANTS.



GROUND FLOOR PLAN  
Sixteenth Scale







## No. XVI.

## OFFENSIVE TRADES.

## MEMORANDUM.

By section 112 of the Public Health Act, 1875 (38 and 39 Vict. c. 55), it is enacted as follows:—

“Any person who, after the passing of this Act, establishes within the district of an urban authority, without their consent in writing, any offensive trade; that is to say, the trade of—

Blood-boiler, or

Bone-boiler, or

Fellmonger, or

Soap-boiler, or

Tallow-melter, or

Tripe-boiler, or

Any other noxious or offensive trade, business,  
or manufacture,

shall be liable to a penalty not exceeding fifty pounds in respect of the establishment thereof, and any person carrying on a business so established shall be liable to a penalty not exceeding forty shillings for every day on which the offence is continued, whether there has or has not been any conviction in respect of the establishment thereof.”

The next section (113) is in these terms:—

“Any urban authority may from time to time make bye-laws with respect to any offensive trades established with their consent either before or after the passing of this Act, in order to prevent or diminish the noxious or injurious effects thereof.”

It will be seen from the last cited enactment that, in order to bring a trade within the operation of the bye-laws which the urban authority are empowered to make, the trade must belong to the class designated “offensive,” and must have been established with the consent of the authority either before or after the passing of the Public Health Act, 1875.

In ordinary cases there will, of course, be little difficulty in determining whether the circumstances and date of the original establishment of any particular trade are such as to render it subject to the control which the urban authority may exercise by means of their bye-laws.

But in relation to a trade other than those expressly mentioned in section 112, that is to say, the trades of a blood-boiler, bone-boiler, fellmonger, soap-boiler, tallow-melter, and tripe-boiler, the question whether the materials and processes are such as to constitute a “noxious or offensive trade, business, or manufacture” is one which will often be found to require careful consideration, and an accurate knowledge of the facts of the case.

When any such question comes before the urban authority they may be



advised to give special heed to the principles which may be deduced from the decisions in *Wanstead Local Board of Health, app., Hill, resp.* (13 C.B. n.s. 479; 32 L.J. n.s. M.C. 135; 9 Jur. n.s. 972), *Passey, app., Oxford Local Board, resp.* (43 J.P. 622), and *Cardell, app., New Quay Local Board, resp.* (39 J.P. 742).

The first and last of these cases arose under section 64 of the Public Health Act, 1848 (11 and 12 Vict. c. 63), an enactment of which the greater part has in substance been reproduced in section 112 of the Public Health Act, 1875. The case of *Passey, app., Oxford Local Board, resp.*, had reference to the last-mentioned enactment.

In *Wanstead Local Board of Health, app., Hill, resp.*, the question submitted for the opinion of the Court of Common Pleas was whether the trade or manufacture of brick-making was a noxious, or offensive business, trade, or manufacture intended to be designated by section 64 of the Public Health Act, 1848. The justices had found that brick-making was not necessarily such a business, trade, or manufacture, and their finding was upheld by the Court of Common Pleas. In the course of the argument, and, according to one report, in giving judgment Lord Chief Justice Erle drew attention to the fact that all the trades mentioned in the 11 and 12 Vict. c. 53, s. 64 specifically dealt with substances which were, or must necessarily become in themselves offensive. To this observation Mr. Justice Willes is reported as having referred in the following terms:—"It may well be held that a brick-yard is not within the meaning of the Act because, as observed by my lord, all the trades specified in the section involve the collection of large quantities of animal matter which, however the operation may be carried on, must by putrefaction be a nuisance to the neighbourhood. But that is not the case with brick-making, and the general words of the section must be controlled by the specific words which precede them."

In *Passey, app., Oxford Local Board, resp.*, it appeared that the appellant had recently established without the consent, and within the district of the Local Board, the business of a bone and rag merchant. On behalf of the respondents, three witnesses, viz. the inspector of Nuisances, the medical officer of health, and a neighbour, gave evidence before the justices in support of the allegation that the trade as carried on by the appellant was noxious and offensive. The first witness deposed that in consequence of complaints he visited the premises in the month of August, and found the effluvia from the bones and rags very offensive. The medical officer of health gave evidence to the effect that on the occasions of his visiting the premises, in the months of August and October, he found a noxious smell which in his judgment made the trade an offensive one. He was also of opinion that the smell when bad was injurious to health. The neighbour deposed that he had many times noticed offensive smells from the premises; that he had twice been made sick by these smells, and that his wife also had been ill from the same cause. Seven witnesses were called on behalf of the appellant, and it was contended by his counsel that the trade was not *ejusdem generis* with the six trades set out in section 112 of the 38 and 39 Vict. c. 55, or analogous thereto. The justices, however, in the result found that the business was as a matter of fact a noxious and offensive one, and that, as a matter of law, it was *ejusdem generis* with the six trades specified in section 112. Upon a case stated for the opinion of the Queen's Bench Division Lord Chief Justice Cockburn, in giving judgment, observed, "The justices in this case found as a matter of fact that it was a noxious trade. I agree that that is not enough, and that it must also be one that is *ejusdem generis* with those specified in the 112th section. I notice that those mentioned seem to include animal matter in some form. Here there is animal matter



in the bones, and the mere exposure of green bones may be very offensive. I think the justices were right in their decision."

In the third case, Cardell, app., New Quay Local Board, resp., the justices had found that the appellant had newly established the trade of a manure merchant and dealer in artificial manures at New Quay, within the district of the Local Board, and without their consent. From the case stated for the opinion of the Queen's Bench Division, it appeared that, upon the hearing of the information, the appellant admitted that he had established since the adoption of the Local Government Act, 1858, by the district of New Quay, and was carrying on within that district the business or trade of an artificial manure merchant. He also admitted that he sold there, but did not manufacture artificial manures; and that he had kept at one time twenty-five tons of a manure called corn manure, composed of dissolved beans and sulphuric acid. The respondents did not offer evidence to show that the trade, as carried on by the appellant, had been either noxious or offensive to residents in the locality of his building. The respondents contended that the trade of an artificial manure dealer, storing quantities of twenty-five tons at a time, was of itself noxious and offensive. On the other hand, it was urged, on behalf of the appellant, that the trade as conducted by him, not being one of those enumerated in the 11 and 12 Vict. c. 63. s. 64, it was incumbent on the respondents to show that the trade was either offensive or noxious before the statute could be made applicable. The appellant also adduced the evidence of the medical officer of health and of another medical man residing and practising in the district. The former said that, on visiting the stores, he did not find them noxious, nor was he offended; that the deposit of manure was not noxious; that the smell might annoy a person, and that he thought that the newly establishing of a manure business in a town might be offensive to many people. The other medical witness testified that he had not discovered that the stores were offensive in the least; that they certainly were not noxious; that all animal matter formerly contained in the manure had been destroyed by the action of the sulphuric acid, and that the earthy substances only remained.

The question of law arising for the opinion of the court was, whether the trade, as conducted by the appellant, was such a trade as was prohibited by the 11 and 12 Vict. c. 63, s. 64, "and this without proof on the part of the respondents of the trade being carried on in such a manner as to be noxious or offensive."

In giving judgment for the appellant, Mr. Justice Mellor observed, "We cannot say that as a matter of law this business is within the section, and is offensive. It is a question of fact for the justices whether, in point of fact, it is offensive. The evidence stated did not support such a finding." Mr. Justice Quain added, "We cannot say that this trade is necessarily offensive. That must depend on the evidence, and here there was none."

From the above-cited cases it seems to follow that, in seeking to establish an analogy between a particular trade and those specified in section 112 of the Public Health Act, 1875, the urban authority should attach much importance to the identity or similarity of the materials used in its processes. If a trade can be shown to involve the collection of large quantities of animal matter, or of substances which, without anything being done to them, must be or by progress of time must necessarily become a nuisance to the neighbourhood, it is probable that the terms of section 112 will be found sufficiently comprehensive to include such a trade.

But in order that a trade may be brought within the operation of that enactment, the urban authority should, in every case, be in a position to



adduce adequate testimony in support of their allegation that the trade is noxious or offensive. That the Court of Summary Jurisdiction may be satisfied that the particular trade is noxious or offensive, and that their finding may be supported by the evidence, it is clearly essential that the urban authority should in every case be able to lay before the Court well-ascertained facts as to the processes of the trade, and to show how their results may be noxious or offensive.

In the present series of model bye-laws it will be seen that the Board have included, in addition to the clauses relating to the trades specified in section 112 of the Public Health Act, 1875, bye-laws for the regulation of the trades of a blood-drier, a leather-dresser, a tanner, a fat-melter or fat-extractor, a glue-maker, a size-maker, and a gut-scraper.

The Board may explain that, in embodying regulations as to these trades in their model series, they have been influenced by the knowledge that the substances used and the nature of the processes are such as, under ordinary circumstances, might be readily shown to be analogous to those of the trades specified in section 112.

But although the Board do not anticipate that there will be any difficulty in bringing these trades within the scope of the last-mentioned enactment, the urban authority will bear in mind that, if in any case they should be compelled to have recourse to proceedings before a Court of Summary Jurisdiction, they should be prepared with proof that the particular trade is being carried on in such a manner as to be noxious or offensive.

The Board may add that the Lords Commissioners of her Majesty's Treasury have authorized the controller of the stationery office to reprint copies of that portion of the report on Effluvia Nuisances by Dr. Ballard, one of the medical inspectors of the Board, which originally formed part of the supplement to their sixth Annual Report, and which contains much valuable information respecting the several trades above referred to.

These copies will be on sale by the agents of her Majesty's Stationery Office, viz. :—

Messrs. Knight and Co., 90, Fleet Street ;

Messrs. Shaw and Sons, Fetter Lane ; and

Messrs. Hadden, Best, and Co., 227, Strand ; at the price of 4s. a copy.

JOHN LAMBERT,  
Secretary.

Local Government Board,  
25th July, 1882.



## BYE-LAWS WITH RESPECT TO THE TRADE OF A BLOOD-BOILER.

1. EVERY blood-boiler shall cause all blood which has been received upon the premises where his trade is carried on, and which is not required for immediate use to be stored in such a manner and in such a situation as to prevent the emission of noxious or injurious effluvia therefrom.

2. Every blood-boiler shall adopt the best practicable means of rendering innocuous all vapour emitted, during the process of boiling, from the contents of any pan or other receptacle upon the premises where his trade is carried on.

He shall, in every case, either cause the vapour to be discharged into the external air in such a manner and at such a height as to admit of the diffusion of the vapour without noxious or injurious effects, or shall cause the vapour to pass directly from the pan or receptacle through a fire, or into a suitable condensing apparatus, or through a suitable condensing apparatus and then through a fire in such a manner as effectually to consume the vapour, or to deprive the same of all noxious or injurious properties.

3. Every blood-boiler shall cause every drain or means of drainage upon or in connexion with the premises where his trade is carried on to be maintained at all times in good order and efficient action.

4. Every blood-boiler shall, at all reasonable times, afford free access to every part of the premises where his trade is carried on to the medical officer of health, the inspector of nuisances, or the surveyor of the sanitary authority, or to any committee specially appointed by the sanitary authority in that behalf, for the purpose of inspecting the premises.

5. Every blood-boiler who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of ;  
and in the case of a continuing offence to a further penalty of

for each day after written notice of the offence from the sanitary authority :

Provided nevertheless that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.



## BYE-LAWS WITH RESPECT TO THE TRADE OF A BLOOD-DRIER.

1. EVERY blood-drier shall cause all blood which has been received upon the premises where his trade is carried on, and which is not required for immediate use to be stored in such a manner and in such a situation as to prevent the emission of noxious or injurious effluvia therefrom.

2. Every blood-drier shall, at the close of every working day, cause every floor or pavement elsewhere than in that part of the premises where the processes of drying and packing are carried on to be thoroughly washed.

3. Every blood-drier shall, at the close of every working day, cause every vessel or utensil and every implement which has been in use during the day upon the premises where his trade is carried on, or which is in a foul or offensive condition to be thoroughly cleansed.

4. Every blood-drier shall cause every part of the internal surface of the walls of any building upon the premises where his trade is carried on to be kept at all times in good order and repair so as to prevent the absorption therein of any liquid filth or refuse, or any noxious or injurious matter which may be splashed thereon.

5. Every blood-drier shall adopt the best practicable means of rendering innocuous all vapour emitted, during the process of drying, from the contents of any pan or other receptacle or from any kiln or drying floor upon the premises where his trade is carried on.

He shall, in every case, either cause the vapour to be discharged into the external air in such a manner and at such a height as to admit of the diffusion of the vapour without noxious or injurious effects, or shall cause the vapour to pass directly from the pan or receptacle, or from the kiln or drying floor through a fire, or into a suitable condensing apparatus, or through a suitable condensing apparatus and then through a fire in such a manner as effectually to consume the vapour, or to deprive the same of all noxious or injurious properties.

6. Every blood-drier shall cause every drain or means of drainage upon or in connexion with the premises where his trade is carried on to be maintained at all times in good order and efficient action.

7. Every blood-drier shall, at all reasonable times, afford free access to every part of the premises where his trade is carried on to the medical officer of health, the inspector of nuisances, or the surveyor of the sanitary authority, or to any committee specially appointed by the sanitary authority in that behalf, for the purpose of inspecting the premises.

8. Every blood-drier who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of \_\_\_\_\_; and in the case of a continuing offence to a further penalty of \_\_\_\_\_ for each day after written notice of the offence from the sanitary authority:

Provided nevertheless that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.



## BYE-LAWS WITH RESPECT TO THE TRADE OF A BONE-BOILER.

1. EVERY bone-boiler shall cause all bones which have been received upon the premises where his trade is carried on, and which are not immediately required for boiling to be stored in such a manner and in such a situation as to prevent the emission of noxious or injurious effluvia therefrom.

2. Every bone-boiler shall, at the close of every working day, cause all grease, refuse, or filth which may have been spilled or splashed, or may have fallen or been deposited upon any floor or pavement upon the premises where his trade is carried on to be removed therefrom by scraping or some other effectual means of cleansing.

3. Every bone-boiler shall adopt the best practicable means of rendering innocuous all vapour emitted, during the process of boiling, from the contents of any pan or tank, and all vapour emitted from any chamber used for the storage of boiled bones upon the premises where his trade is carried on.

He shall, in every case, either cause the vapour to be discharged into the external air in such a manner and at such a height as to admit of the diffusion of the vapour without noxious or injurious effects, or shall cause the vapour to pass directly from the pan, tank, or chamber through a fire, or into a suitable condensing apparatus, or through a suitable condensing apparatus and then through a fire in such a manner as effectually to consume the vapour, or to deprive the same of all noxious or injurious properties.

4. Every bone-boiler shall cause every drain or means of drainage upon or in connexion with the premises where his trade is carried on to be maintained at all times in good order and efficient action.

He shall cause all liquid refuse, before being discharged into any drain, to be cooled in such a manner as to prevent the emission of noxious or injurious effluvia therefrom.

5. Every bone-boiler shall, at all reasonable times, afford free access to every part of the premises where his trade is carried on to the medical officer of health, the inspector of nuisances, or the surveyor of the sanitary authority, or to any committee specially appointed by the sanitary authority in that behalf, for the purpose of inspecting the premises.

6. Every bone-boiler who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of \_\_\_\_\_; and in the case of a continuing offence to a further penalty of \_\_\_\_\_ for each day after written notice of the offence from the sanitary authority:

Provided nevertheless that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.







officer of health, the inspector of nuisances, or the surveyor of the sanitary authority, or to any committee specially appointed by the sanitary authority in that behalf, for the purpose of inspecting the premises.

9. Every fellmonger who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of ;  
and in the case of a continuing offence to a further penalty of

for each day after written notice of the offence from the sanitary authority :

Provided nevertheless that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.



## BYE-LAWS WITH RESPECT TO THE TRADE OF A TANNER.

1. EVERY tanner shall, at the close of every working day, cause every floor or pavement upon the premises where his trade is carried on to be thoroughly swept.

He shall, at the same time, cause all hair, fleshings, and refuse fragments of skin, or other matter detached from any hide or butt to be collected and placed in a suitable part of the premises to await removal therefrom.

He shall cause the hair, fleshings, and refuse fragments which have been so collected and which are not intended to be forthwith subjected to any further trade-process upon the premises to be removed therefrom with all reasonable despatch.

2. Every tanner shall cause every beam, table, bench, knife, hammer, or other implement, or apparatus used upon the premises where his trade is carried on for the purpose of unhairing, fleshing, rounding, scudding, or stocking any hide or butt or in any other process of his trade to be cleansed from time to time as often as may be necessary to prevent any accumulation of filth upon the beam, table, bench, knife, hammer, implement or apparatus.

3. Every tanner shall cause all waste lime which has been taken out of any pit upon the premises where his trade is carried on to be forthwith deposited in suitable vessels or receptacles, or in a properly-constructed cart or carriage which, when filled or loaded, shall be covered in such a manner as to prevent the emission of noxious or injurious effluvia from the contents thereof, and shall, with all reasonable despatch, be removed from the premises.

4. Every tanner shall cause all filth which has been splashed upon any part of the internal surface of any wall of any building upon the premises where his trade is carried on to be removed by scraping or by some other effectual means of cleansing at least twice in *every year*, that is to say, at least once during the periods between the                      and                      day of *March*, and the                      and                      day of *September*, respectively.

He shall at the same time cause every part of the interior above the floor or pavement of the building to be thoroughly washed with hot lime-wash.

5. Every tanner shall cause every part of the internal surface of the walls of any building and every floor or pavement upon the premises where his trade is carried on to be kept at all times in good order and repair, so as to prevent the absorption therein of any liquid filth or refuse, or any noxious or injurious matter which may be splashed or may fall or be deposited thereon.

6. Every tanner shall cause every drain or means of drainage upon or in connexion with the premises where his trade is carried on to be maintained at all times in good order and efficient action.

7. Every tanner shall, at all reasonable times, afford free access to every part of the premises where his trade is carried on to the medical officer of health, the inspector of nuisances, or the surveyor of the sanitary authority, or to any committee specially appointed by the sanitary authority in that behalf, for the purpose of inspecting the premises.

8. Every tanner who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of                      ; and in the case of a continuing offence to a further penalty of                      for each day after written notice of the offence from the sanitary authority:

Provided nevertheless that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.



## BYE-LAWS WITH RESPECT TO THE TRADE OF A LEATHER-DRESSER.

1. EVERY leather-dresser shall, at the close of every working day, cause every floor or pavement upon the premises where his trade is carried on to be thoroughly swept.

He shall, at the same time, cause all fleshings and refuse fragments of skin or other matter detached from any pelt to be collected and placed in a suitable part of the premises to await removal therefrom.

He shall cause the fleshings and refuse fragments which have been so collected and which are not intended to be forthwith subjected to any further trade-process upon the premises to be removed therefrom with all reasonable despatch.

2. Every leather-dresser shall cause every beam or board, and every knife or other implement or apparatus used in the breaking or scraping of any pelt upon the premises where his trade is carried on to be cleansed from time to time as often as may be necessary to prevent any accumulation of filth upon the beam, board, knife, implement or apparatus.

3. Every leather-dresser shall cause every part of the interior and exterior of every tub or other vessel or receptacle used upon the premises where his trade is carried on to hold a solution of the material known as "puer" to be thoroughly cleansed by scrubbing or by some other effectual means once at least in *every week*.

4. Every leather-dresser shall cause all waste lime which has been taken out of any pit upon the premises where his trade is carried on to be forthwith deposited in suitable vessels or receptacles, or in a properly-constructed cart or carriage which, when filled or loaded, shall be covered in such a manner as to prevent the emission of noxious or injurious effluvia from the contents thereof, and shall, with all reasonable despatch, be removed from the premises.

5. Every leather-dresser shall cause all filth which has been splashed upon any part of the internal surface of any wall of any building upon the premises where his trade is carried on to be removed by scraping or by some other effectual means of cleansing at least twice in *every year*, that is to say, at least once during the periods between the                      and                      day of *March*, and the                      and                      day of *September*, respectively.

He shall at the same time cause every part of the interior above the floor or pavement of the building to be thoroughly washed with hot lime-wash.

6. Every leather-dresser shall cause every part of the internal surface of the walls of any building and every floor or pavement upon the premises where his trade is carried on to be kept at all times in good order and repair so as to prevent the absorption therein of any liquid filth or refuse, or any noxious or injurious matter which may be splashed or may fall or be deposited thereon.

7. Every leather-dresser shall cause every drain or means of drainage upon or in connexion with the premises where his trade is carried on to be maintained at all times in good order and efficient action.

8. Every leather-dresser shall, at all reasonable times, afford free access to every part of the premises where his trade is carried on to the medical



officer of health, the inspector of nuisances, or the surveyor of the sanitary authority, or to any committee specially appointed by the sanitary authority in that behalf, for the purpose of inspecting the premises.

9. Every leather-dresser who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of ; and in the case of a continuing offence to a further penalty of for each day after written notice of the offence from the sanitary authority :

Provided nevertheless that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.



## BYE-LAWS WITH RESPECT TO THE TRADE OF A SOAP-BOILER.

1. EVERY soap-boiler shall cause all materials which have been received upon the premises where his trade is carried on, and which are not required for immediate use to be stored in such a manner and in such a situation as to prevent the emission of noxious or injurious effluvia therefrom.

2. Every soap-boiler shall adopt the best practicable means of rendering innocuous all vapour emitted, during the process of melting or boiling any materials, from the contents of any cask, tank, or pan upon the premises where his trade is carried on.

He shall, in every case, cause the vapour to pass directly from the cask, tank, or pan through a fire, or into a suitable condensing apparatus, or through a suitable condensing apparatus and then through a fire in such a manner as effectually to consume the vapour, or to deprive the same of all noxious or injurious properties.

3. Every soap-boiler shall cause every drain or means of drainage upon or in connexion with the premises where his trade is carried on to be maintained at all times in good order and efficient action.

4. Every soap-boiler shall, at all reasonable times, afford free access to every part of the premises where his trade is carried on to the medical officer of health, the inspector of nuisances, or the surveyor of the sanitary authority, or to any committee specially appointed by the sanitary authority in that behalf, for the purpose of inspecting the premises.

5. Every soap-boiler who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of ;  
and in the case of a continuing offence to a further penalty of

for each day after written notice of the offence from the sanitary authority :

Provided nevertheless that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.



BYE-LAWS WITH RESPECT TO THE TRADE OF A TALLOW-MELTER.

1. EVERY tallow-melter shall cause all materials which have been received upon the premises where his trade is carried on, and which are not immediately required for melting to be stored in such a manner and in such a situation as to prevent the emission of noxious or injurious effluvia therefrom.

2. Every tallow-melter shall, at the close of every working day, cause all tallow, grease, refuse or filth which has been spilled or splashed, or has fallen or been deposited upon any floor or pavement upon the premises where his trade is carried on to be removed therefrom by scraping or some other effectual means of cleansing.

3. Every tallow-melter shall cause the internal surface of every wall of any building upon the premises where his trade is carried on to be thoroughly cleansed, and, after being so cleansed, to be thoroughly washed with hot lime-wash twice at least in *every year*, that is to say, at least once during the periods between the                      and                      day of *March*, and the                      and                      day of *September*, respectively.

4. Every tallow-melter shall cause every part of the internal surface of the walls of any building and every floor or pavement upon the premises where his trade is carried on to be kept at all times in good order and repair so as to prevent the absorption therein of any liquid filth, or refuse, or any noxious or injurious matter which may be splashed or may fall or be deposited thereon.

5. Every tallow-melter shall adopt the best practicable means of rendering innocuous all vapour emitted, during the process of melting, from the contents of any pan upon the premises where his trade is carried on.

He shall, in every case, either cause the vapour to be discharged into the external air in such a manner and at such a height as to admit of the diffusion of the vapour without noxious or injurious effects, or shall cause the vapour to pass directly from the pan through a fire, or into a suitable condensing apparatus, or through a suitable condensing apparatus and then through a fire in such a manner as effectually to consume the vapour, or to deprive the same of all noxious or injurious properties.

6. Every tallow-melter shall cause every drain or means of drainage upon or in connexion with the premises where his trade is carried on to be maintained at all times in good order and efficient action.

7. Every tallow-melter shall, at all reasonable times, afford free access to every part of the premises where his trade is carried on to the medical officer of health, the inspector of nuisances, or the surveyor of the sanitary authority, or to any committee specially appointed by the sanitary authority in that behalf, for the purpose of inspecting the premises.

8. Every tallow-melter who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of

; and in the case of a continuing offence to a further penalty of  
for each day after written notice of the offence from

the sanitary authority :

Provided nevertheless that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.



BYE-LAWS WITH RESPECT TO THE TRADE OF A FAT-MELTER OR FAT-EXTRACTOR.

1. EVERY fat-melter or fat-extractor shall cause all materials which have been received upon the premises where his trade is carried on, and which are not immediately required for melting or extracting to be stored in such a manner and in such a situation as to prevent the emission of noxious or injurious effluvia therefrom.

2. Every fat-melter or fat-extractor shall, at the close of every working day, cause all fat, tallow, grease, refuse or filth which has been spilled or splashed, or has fallen or been deposited upon any floor or pavement upon the premises where his trade is carried on to be removed therefrom by scraping or some other effectual means of cleansing.

3. Every fat-melter or fat-extractor shall cause the internal surface of every wall of any building upon the premises where his trade is carried on to be thoroughly cleansed, and, after being so cleansed, to be thoroughly washed with hot lime-wash twice at least in *every year*, that is to say, at least once during the periods between the                      and                      day of *March*, and the                      and                      day of *September*, respectively.

4. Every fat-melter or fat-extractor shall cause every part of the internal surface of the walls of any building and every floor or pavement upon the premises where his trade is carried on to be kept at all times in good order and repair so as to prevent the absorption therein of any liquid filth, or refuse, or any noxious or injurious matter which may be splashed or may fall or be deposited thereon.

5. Every fat-melter or fat-extractor shall adopt the best practicable means of rendering innocuous all vapour emitted, during the process of melting or extracting, or during the process of greaves pressing, from the contents of any pan or press upon the premises where his trade is carried on.

He shall, in every case, either cause the vapour to be discharged into the external air in such a manner and at such a height as to admit of the diffusion of the vapour without noxious or injurious effects, or shall cause the vapour to pass directly from the pan or press through a fire, or into a suitable condensing apparatus, or through a suitable condensing apparatus and then through a fire in such a manner as effectually to consume the vapour, or to deprive the same of all noxious or injurious properties.

6. Every fat-melter or fat-extractor shall cause every drain or means of drainage upon or in connexion with the premises where his trade is carried on to be maintained at all times in good order and efficient action.

7. Every fat-melter or fat-extractor shall, at all reasonable times, afford free access to every part of the premises where his trade is carried on to the medical officer of health, the inspector of nuisances, or the surveyor of the sanitary authority, or to any committee specially appointed by the sanitary authority in that behalf, for the purpose of inspecting the premises.

8. Every fat-melter or fat-extractor who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of                      ; and in the case of a continuing offence to a further penalty of                      for each day after written notice of the offence from the sanitary authority :

Provided nevertheless that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.



## BYE-LAWS WITH RESPECT TO THE TRADE OF A TRIPE-BOILER.

1. EVERY tripe-boiler shall, at the close of every working day, cause every floor or pavement upon the premises where his trade is carried on to be thoroughly washed.

2. Every tripe-boiler shall, at the close of every working day, cause every bench or table used upon the premises where his trade is carried on for the scraping of any tripe to be thoroughly cleansed by scrubbing or by some other effectual means.

3. Every tripe-boiler shall, at the close of every working day, cause all filth which has been splashed upon any part of the internal surface of any wall of any building upon the premises where his trade is carried on to be removed by washing or by some other effectual means.

He shall also cause every part of the interior above the floor or pavement of the building to be thoroughly washed with hot lime-wash four times at least in *every year*, that is to say, at least once during the periods between the                      and                      day of *March*, the and                      day of *June*, the                      and                      day of *September*, and the                      and                      day of *December*, respectively.

4. Every tripe-boiler shall provide a sufficient number of vessels or receptacles, properly constructed of galvanized iron, or of some other non-absorbent material, and furnished with closely-fitting covers, for the purpose of receiving and conveying from the premises where his trade is carried on manure, garbage, inedible offal, filth, or refuse.

He shall, at the close of every working day, cause all manure, garbage, inedible offal, filth, or refuse which has fallen or been deposited upon any part of the premises and which is not intended to be forthwith subjected to any further trade-process upon the premises to be collected in the vessels or receptacles and to be removed from the premises with all reasonable despatch.

He shall cause the several vessels or receptacles, when not in actual use, to be kept thoroughly clean.

5. Every tripe-boiler shall cause every part of the internal surface of the walls of any building, and every floor or pavement upon the premises where his trade is carried on to be kept at all times in good order and repair so as to prevent the absorption therein of any liquid filth or refuse, or any noxious or injurious matter which may be splashed or may fall or be deposited thereon.

6. Every tripe-boiler shall adopt the best practicable means of rendering innocuous all vapour emitted, during the process of boiling, from the contents of any pan upon the premises where his trade is carried on.

He shall, in every case, either cause the vapour to be discharged into the external air in such a manner and at such a height as to admit of the diffusion of the vapour without noxious or injurious effects, or shall cause the vapour to pass directly from the pan through a fire, or into a suitable condensing apparatus, or through a suitable condensing apparatus and then through a fire in such a manner as effectually to consume the vapour, or to deprive the same of all noxious or injurious properties.



7. Every tripe-boiler shall cause every drain or means of drainage upon or in connexion with the premises where his trade is carried on to be maintained at all times in good order and efficient action.

He shall cause all liquid refuse, before being discharged into any drain, to be cooled in such a manner as to prevent the emission of noxious or injurious effluvia therefrom.

8. Every tripe-boiler shall, at all reasonable times, afford free access to every part of the premises where his trade is carried on to the medical officer of health, the inspector of nuisances, or the surveyor of the sanitary authority, or to any committee specially appointed by the sanitary authority in that behalf, for the purpose of inspecting the premises.

9. Every tripe-boiler who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of \_\_\_\_\_; and in the case of a continuing offence to a further penalty of \_\_\_\_\_ for each day after written notice of the offence from the sanitary authority:

Provided nevertheless that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.



## BYE-LAWS WITH RESPECT TO THE TRADE OF A GLUE-MAKER.

1. A GLUE-MAKER shall not cause or suffer any moist materials which, by reason of decomposition, have become useless for the purpose of glue-making to be kept for a longer time than may be necessary in any part of the premises where his trade is carried on.

2. Every glue-maker shall cause all moist materials which have been received upon the premises where his trade is carried on, and which are not required for immediate use to be stored in such a manner and in such a situation as to prevent the emission of noxious or injurious effluvia therefrom.

He shall, where practicable, cause the materials to be dried before being deposited in that part of the premises which has been appropriated for the storage thereof.

In every case, where by reason of the state of the weather or for any other sufficient cause it may be impracticable to dry the materials, he shall cause the several pieces to be subjected to the action of a sufficient quantity of milk of lime, and to be closely stacked.

3. Every glue-maker shall cause all scutch, residue, or refuse which has been removed from any boiling-pan upon the premises where his trade is carried on, and which is not intended to be forthwith subjected to any further trade-process upon the premises to be deposited, immediately after removal from the pan, in a suitable chamber or shed, and in such a manner as to prevent the emission of any noxious or injurious effluvia from the scutch, residue, or refuse so deposited; or to be placed, immediately after removal from the pan, in bags or sacks, casks or barrels, which, when filled, shall be closed and fastened or covered in such a manner as to prevent the emission of noxious or injurious effluvia from the contents thereof.

In every case, where the scutch, residue, or refuse has been deposited in a chamber or shed, he shall cause all the contents thereof to be removed from the premises within *forty-eight hours* after the deposit of the same in the chamber or shed.

4. Every glue-maker shall, at the close of every working day, cause every floor or pavement upon the premises where his trade is carried on to be thoroughly swept.

He shall cause every floor or pavement elsewhere than in that part of the premises where the processes of drying and packing are carried on to be thoroughly washed once at least in *every week*.

5. Every glue-maker shall, at the close of every working day, cause every fragment of glue, or of any material used in glue-making, which has fallen or been deposited upon any part of the premises where his trade is carried on to be collected and placed in a suitable receptacle.

6. Every glue-maker shall cause the interior and exterior of every boiling pan, and of every tank, vat, trough, or other receptacle upon the premises where his trade is carried on to be thoroughly cleansed from time to time as often as may be necessary to prevent any accumulation of filth in or upon the pan, tank, vat, trough, or receptacle.



7. Every glue-maker shall cause all waste lime which has been taken out of any pit upon the premises where his trade is carried on to be forthwith deposited in suitable vessels or receptacles, or in a properly-constructed cart or carriage which, when filled or loaded, shall be covered in such a manner as to prevent the emission of noxious or injurious effluvia from the contents thereof, and shall, with all reasonable despatch, be removed from the premises.

8. Every glue-maker shall cause every floor or pavement upon the premises where his trade is carried on to be kept at all times in good order and repair so as to prevent the absorption therein of any liquid filth or refuse, or any noxious or injurious matter which may fall or be deposited thereon.

He shall cause every part of the internal surface of the walls and the ceiling of any building used for the process of boiling, cooling, cutting, or washing to be thoroughly washed with hot lime-wash during the period between the                      and                      day of *March* in every year.

9. Every glue-maker shall adopt the best practicable means of rendering innocuous all gas or vapour emitted, during the process of boiling, from the contents of any pan upon the premises where his trade is carried on.

He shall, in every case, either cause the gas or vapour to be discharged into the external air in such a manner and at such a height as to admit of the diffusion of the gas or vapour without noxious or injurious effects, or shall cause the gas or vapour to pass directly from the pan through a fire, or into a suitable condensing apparatus, or through a suitable condensing apparatus and then through a fire in such a manner as effectually to consume the gas or vapour, or to deprive the same of all noxious or injurious properties.

10. Every glue-maker shall cause every drain or means of drainage upon or in connexion with the premises where his trade is carried on to be maintained at all times in good order and efficient action.

11. Every glue-maker shall, at all reasonable times, afford free access to every part of the premises where his trade is carried on to the medical officer of health, the inspector of nuisances, or the surveyor of the sanitary authority, or to any committee specially appointed by the sanitary authority in that behalf, for the purpose of inspecting the premises.

12. Every glue-maker who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of                      ; and in the case of a continuing offence to a further penalty of                      for each day after written notice of the offence from the sanitary authority :

Provided nevertheless that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.



## BYE-LAWS WITH RESPECT TO THE TRADE OF A SIZE-MAKER.

1. A SIZE-MAKER shall not cause or suffer any moist materials which, by reason of decomposition, have become useless for the purpose of size-making to be kept for a longer time than may be necessary in any part of the premises where his trade is carried on.

2. Every size-maker shall cause all moist materials which have been received upon the premises where his trade is carried on, and which are not required for immediate use to be stored in such a manner and in such a situation as to prevent the emission of noxious or injurious effluvia therefrom.

He shall, where practicable, cause the materials to be dried before being deposited in that part of the premises which has been appropriated for the storage thereof.

In every case, where by reason of the state of the weather or for any other sufficient cause, it may be impracticable to dry the materials, he shall cause the several pieces to be subjected to the action of a sufficient quantity of milk of lime, and to be closely stacked.

3. Every size-maker shall cause all scutch, residue, or refuse which has been removed from any boiling-pan upon the premises where his trade is carried on, and which is not intended to be forthwith subjected to any further trade-process upon the premises to be deposited, immediately after removal from the pan, in a suitable chamber or shed, and in such a manner as to prevent the emission of any noxious or injurious effluvia from the scutch, residue, or refuse so deposited; or to be placed, immediately after removal from the pan, in bags or sacks, casks or barrels, which, when filled, shall be closed and fastened or covered in such a manner as to prevent the emission of noxious or injurious effluvia from the contents thereof.

In every case, where the scutch, residue, or refuse has been deposited in a chamber or shed, he shall cause all the contents thereof to be removed from the premises within *forty-eight hours* after the deposit of the same in the chamber or shed.

4. Every size-maker shall, at the close of every working day, cause every floor or pavement upon the premises where his trade is carried on to be thoroughly swept.

He shall cause every floor or pavement elsewhere than in that part of the premises where the processes of drying and packing are carried on to be thoroughly washed once at least in *every week*.

5. Every size-maker shall, at the close of every working day, cause every fragment of size, or of any material used in size-making, which has fallen or been deposited upon any part of the premises where his trade is carried on to be collected and placed in a suitable receptacle.

6. Every size-maker shall cause the interior and exterior of every boiling pan, and of every tank, vat, trough, or other receptacle upon the premises where his trade is carried on to be thoroughly cleansed from time to time as often as may be necessary to prevent any accumulation of filth in or upon the pan, tank, vat, trough, or receptacle.











repair so as to prevent the absorption therein of any liquid filth or refuse, or any noxious or injurious matter which may be splashed or may fall or be deposited thereon.

8. Every gut-scraper shall cause every drain or means of drainage upon or in connexion with the premises where his trade is carried on to be maintained at all times in good order and efficient action.

9. Every gut-scraper shall, at all reasonable times, afford free access to every part of the premises where his trade is carried on to the medical officer of health, the inspector of nuisances, or the surveyor of the sanitary authority, or to any committee specially appointed by the sanitary authority in that behalf, for the purpose of inspecting the premises.

10. Every gut-scraper who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of ; and in the case of a continuing offence to a further penalty of for each day after written notice of the offence from the sanitary authority :

Provided nevertheless that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.







## APPENDIX.

*(This contains various recent Circulars and the various Sanitary Acts  
passed during the Session, 1883.)*



## APPENDIX

(This appendix contains the names of the persons who have been  
found guilty of the crime of murder.)



## MEMORANDUM ON THE PREVALENCE OF SMALL-POX IN LONDON.

COPY of MEMORANDUM of DR. BUCHANAN, Medical Officer of the Local Government Board, on the present prevalence of SMALL-POX in LONDON among VACCINATED and UNVACCINATED PERSONS respectively.

The President:—

It is just a twelvemonth since the Registrar-General began systematically to record what he could learn about vaccination in the case of deaths registered in London from small-pox, and it may now be useful to take account of the facts and their meaning. The Registrar-General tells us that he only returns as "vaccinated" and "unvaccinated" such cases of small-pox as are so certified by registered medical practitioners. Experience of the inaccuracy of the statement, excepting when thus certified, had rendered this limitation necessary.

The facts about vaccination in Londoners dying of small-pox are stated in the case of not quite two-thirds of the deaths registered; they are not stated in the case of rather more than a third of the registered deaths. It is to be regretted that the latter proportion is so large. The great bulk of the fatal cases among persons whose vaccination is "not stated," had certainly been attended by medical practitioners. Yet through the qualified attendant having omitted to record the facts about vaccination, room is left for dispute whether the proportion between the cases certified as vaccinated and not vaccinated, would be altogether the same, if the "not stated" cases were taken into account.

I am going, in this memorandum, to regard the deaths among persons whose vaccination is not recorded (the "not-stated" deaths) as having occurred among vaccinated and not vaccinated in the same proportion as the deaths of persons where the fact of vaccination was recorded. Some people will be ready with their opinion, that a disproportionate number of "not-stated" deaths were of persons who had really been vaccinated; though, they would say, medical practitioners chose not to record a fact that told against vaccination. But there is no more reason for charging medical practitioners with reticence on one than on another ground; and it might just as well be suggested that they did not care to record a disobedience to law on the part of their patients, and that therefore it was chiefly in the case of those who died unvaccinated, that they would omit to state the facts about vaccination. Accordingly, I propose to set aside the "not-stated" deaths altogether; being satisfied, as I think any candid mind must be, that a fair approximation to the truth, about the *comparative rates of small-pox deaths in vaccinated and unvaccinated* may be got from an examination of the deaths that are "certified" to have taken place in the one and in the other class respectively. The *absolute* death-rate of the year in the two classes respectively, cannot, of course, be measured unless the "not-stated" class were included in the calculations.

I propose that my consideration of the Registrar-General's groups of figures shall deal in the first place with the small-pox mortality of all ages; next, with the mortality of people under 20; and thirdly, with the deaths of children under five years of age.



Of people living in London at all ages, there died of small-pox during the past fifty-two weeks, 1532; and of these, 325 are certified to have been vaccinated, and 637 not to have been vaccinated; while the facts about vaccination are not stated in the case of 570 of the deaths.

Now, no one thinks of disputing that the population of London at all ages is made up by very unequal numbers of vaccinated persons and of unvaccinated, and the only question is how much larger one class is than the other. Estimates, made originally, I believe, by Dr. Seaton, but at all events stated by the Metropolitan Asylums Board in 1872, and adopted by the Registrar-General in his report upon the year 1871, have given the vaccinated as nineteen times more numerous than the unvaccinated, and the estimate cannot be far wrong. On this showing the present (unrevised census of 1881) 3,810,000 inhabitants of London divide into a vaccinated class numbering 3,620,000, and an unvaccinated class numbering 190,000.

Applying the mortality from small-pox at all ages during the last fifty-two weeks to these populations, we obtain as *the rate of small-pox mortality for the twelvemonth*, among the vaccinated class, 90 per million, and among the unvaccinated class 3350 per million. These rates are for the inhabitants of London at all ages, and, as I have said, they are not absolute rates, but they are rates that admit of comparison one with the other, and as such they are approximately correct.<sup>1</sup>

I now pass to the consideration of the corresponding facts respecting persons under twenty years of age living in London.

The Registrar-General's returns for the past fifty-two weeks show 874 persons under twenty to have died from small-pox. Of these, 94 are known to have been vaccinated, 475 are known not to have been vaccinated, and the facts about vaccination are "not stated" in respect of the remaining 305.

Now, the population of London under twenty was 1,398,048 in 1871, and this is computed to have increased during the past ten years to some 1,640,000. What proportion of these are vaccinated and what unvaccinated? The answer to this question may be derived from the relative proportion of the two classes found in 1863 upon an examination of 53,185 children in various national, charitable, and parochial schools and workhouses of London. There were then 6.4 per cent. of children who had no vaccination scar, or whose vaccination scars were doubtful; and the remaining 93.6 per cent. of children had scars of successful vaccination upon their arms. With the machinery of vaccination officers commencing in 1867, and regularly at work since 1871, it is not to be supposed that this percentage of unvaccinated has become greater, or the percentage of vaccinated less. Dividing the number of persons under the age of twenty now living in London, in accordance with these percentages, we obtain 1,535,000 as being the number of the vaccinated class, and 105,000 as the number of the unvaccinated class.

Applying the mortality from small-pox among persons under twenty years of age during the past fifty-two weeks to these populations, we obtain as *the rate of their small-pox mortality for the twelvemonth*: among the vaccinated class 61 per million; among the unvaccinated class 4520 per million. These rates are for the inhabitants of London under twenty years of age,

<sup>1</sup> If it could be imagined that all the "not stated" deaths were of persons who had never been vaccinated, the respective rates of all-age small-pox mortality would be ninety for the vaccinated, and would become 6350 for the unvaccinated. If, on the other hand, it could be imagined that all the not-stated deaths were of persons who really had been vaccinated, the respective rates of all-age small-pox mortality would become 247 for the vaccinated and 3350 for the unvaccinated. Neither of these presumptions is in any way to be justified, but they may be useful as showing the limits of conceivable error on the score of the "not stated" deaths.



and they again are not absolute rates, but are rates that admit of comparison one with the other, and as such they are altogether to be trusted.<sup>2</sup>

It now remains to tell the results of a like examination of the mortality of children under five years old living in London.

In 1871 the population of London of this age numbered 422,629, and this number (raised in the proportion that the annual number of births in London has increased) would be brought to 510,000 for the present time. How many of these are known to be vaccinated, and of how many is evidence of vaccination wanting? This question can be approximately answered by a little calculation, based on the vaccination officers' returns. At the end of the first twelvemonth or so after birth (when the returns are made up) one in every twelve of the children born in London have died; and of those remaining alive, 91 per cent. are certified to have been vaccinated, the other 9 per cent. having either had small-pox, or having been reported insusceptible of vaccination, or having had their vaccination postponed, or being unaccounted for as to their vaccination. Ninety-one per cent., then, of the London population under five will represent the number of such population living at a given time who get vaccinated in the first year or so after birth, and it amounts to the number 464,000 out of the 510,000. Between this time of London children's lives and their fifth year of life, several hundreds, not far from a thousand, get vaccinated annually at public vaccinating stations, and about an equal number get vaccinated by private vaccinators.

Adding on this account 5000 only, to get an estimate of the vaccinated population of London under five years of age, we obtain the number 469,000 children of that age certified to have been vaccinated; and may take the balance of 41,000 as probably not vaccinated; the latter number including all the above groups of insusceptible, unaccounted-for and the like, along with the children who are under the customary age for vaccination and the unvaccinated children of people who have come up to London from the provinces.

In the fifty-two weeks under review there have been in the London community 19 deaths among children under five certified to have been vaccinated, 244 deaths among children of that age certified not to have been vaccinated, and 138 deaths among such children whose vaccination is "not stated."

Reckoning the two first of these figures as rates on the numbers of London children now living, vaccinated and unvaccinated respectively, we obtain, *as the rate of their death from small-pox* during the past fifty-two weeks,  $40\frac{1}{2}$  per million among the vaccinated class, and 5950 per million among the not-vaccinated class. These rates are for London children under five; and I repeat once more that they are not absolute rates (which would be higher for both classes), but they are rates which admit of being compared the one with the other as showing the relative mortality of the two classes, and as such they may be taken as correct.<sup>3</sup>

The foregoing may be summed up as follows:—

<sup>2</sup> Reckoning experimentally, as in the former note, all the "not stated" deaths under twenty to the one and to the other class; if they are all placed to the account of the unvaccinated, the rates would become 61 among the vaccinated, 7428 among the unvaccinated; or if they were placed to the account of the vaccinated, the rates would become 260 among the vaccinated, 4520 among the unvaccinated.

<sup>3</sup> Repeating the hypothetical calculations of former notes; if all the "not stated" deaths under five are placed to the account of the unvaccinated, the death-rate per million of vaccinated would be  $40\frac{1}{2}$ , and that among unvaccinated would become 9300; whereas if they were all placed to the account of the vaccinated, the death-rate in vaccinated children would become 334, and the rate in unvaccinated 5950.



*Comparative Small-Pox Death Rates among Londoners Vaccinated and Unvaccinated respectively for the fifty-two weeks ended 29th of May, 1881.*

Death Rate of People of subjoined Ages.	Per Million of each Age of the Vaccinated Class.	Per Million of each Age of the Unvaccinated Class.
All ages . . . . .	90	3350
Under 20 years . . . .	61	4520
Under 5 years . . . .	40½	5950

I proceed to consider what lessons are to be learnt from the above.

(a) As no one suggests that the vaccinated and unvaccinated classes live under conditions differing from each other in their influence on small-pox, unless it be this one condition of vaccination, it follows for a first inference that the vaccinated are much less liable to die of small-pox than the unvaccinated.

(b) The second lesson is, that vaccination is not an absolute protection against small-pox. In recording the present illustration of a quite admitted fact, it will be convenient that I should refer to the possibility of difference in the degree of protection afforded by vaccination nowadays as compared with former times.

The College of Surgeons in 1806 addressed circular letters to its members, asking their experience of the protective power of vaccination, and from their replies the following was compiled and communicated by the College of Surgeons to the College of Physicians. Vaccination had then been in use some six years, not more.—It is the Board of Curators who are speaking :—

“To such letters the Board have received 426 answers, and the following are the results of their investigation :

“The number of persons stated in such letters to have been vaccinated is 164,381.

“The number of cases in which small-pox had followed vaccination is fifty-six.

“The Board think it proper to remark, under this head, that in the enumeration of cases in which small-pox has succeeded vaccination, they have included none but those in which the subject was vaccinated by the surgeon reporting the facts.”

We have here the case of surgeons, in all parts of the country, writing at a period when the ordinary rate of small-pox mortality of England was perhaps about the same as that of London during the present epidemic. They are writing their experience of the vaccinations done by them six years before at the longest. The College, in printing this experience of post-vaccinal small-pox, expressly limits it to cases occurring in the practice of the several vaccinators. It does not record what deaths, if any, occurred among the fifty-six small-pox attacks. We cannot nowadays get any return for comparison herewith, but having the figures of the Registrar-General for the past year before me, I see no reason to doubt that a very similar ratio of small-pox attack would have been reported if present medical practitioners could be questioned as to the amount of small-pox among those of their patients whom they had themselves vaccinated during the six years last past.



For (c), the third lesson derivable from the figures above tabulated (and bearing upon the foregoing point) is that the degree of protection, both actual and relative, afforded by vaccination, is greatest to people under five years of age ; less when ages from birth to twenty years are examined ; and still less when people of all ages are taken into the account. Thus the distance of time from the operation appears to be concerned with the degree of its protective powers.

The foregoing lessons from the Registrar-General's returns are nowise new, but they are taught afresh by to-day's experience among our own selves in London ; and they would appear, therefore, to be worth bringing to the notice of people who are trusting to chance for the escape of their children and themselves from the distressing, disfiguring, and fatal disease of small-pox.

Londoners can, by availing themselves of one average vaccination, diminish the chances of their children dying of small-pox in the proportion of 146 to one for the first five years of their life, and the same vaccination serves to lessen, in the proportion of seventy-four to one, the chance of their being killed by the disease before they reach the age of twenty. After that age the vaccination in infancy is further reduced in its protective influence, for the difference in small-pox mortality between the unvaccinated and the vaccinated class through the whole period of life is as one to thirty-seven, a protection incomplete indeed, but obviously important for everybody to possess.

You will observe that I have not said a word on the need for a *second* vaccination of people after the age of infancy, but no question of re-vaccination is concerned in the foregoing general conclusions, nor to any appreciable degree in the tabulated figures. The evidence now appearing as to the diminished potency of vaccination to prevent persons of later age dying of small-pox is entirely in harmony with the abundant evidence which we possess of the great additional immunity from small-pox conferred by a second vaccination upon soldiers, sailors, postmen, persons employed in small-pox hospitals, and upon others ; and, indeed, if we had nothing but the present figures before us, they must be regarded as pointing strongly to a need for repeating vaccination as age advances.

Nor have I yet made any mention of the *thoroughness* of vaccination as affecting the protection against small-pox that the operation can give. It will be enough here to recall that everything passing under the name of "vaccination" is not of the same avail as a protection against small-pox. Facts and figures, derived from experiences other than those which I am now reviewing, prove that, even when vaccinated persons have contracted small-pox, those who are thoroughly well-vaccinated have twentyfold the advantage over those who have been very badly vaccinated, in respect of their chances of recovery. I append a copy of the Paper upon this subject that is in common use by the Board. The recent registration returns, however, and the comments I have made upon them, have been content to place everything that could be spoken of as "vaccination," perfect and imperfect together, in the same category.

You are aware that I am now engaged, with Dr. Stevens's assistance, in some inquiries into the relative protective influence of one and another sort of vaccination during the present small-pox epidemic in London, and I trust that on some early occasion I may be able to lay before you some facts on this subject also.

June 3rd, 1881.

GEORGE BUCHANAN.



LONDON SMALL-POX MORTALITY in WEEKS, since distinction of VACCINATION began.

Week.	Total.	At all Ages.			At Ages 0—5.			At Ages 0—20.		
		Vaccinated.	Not Vaccinated.	Not stated.	Vaccinated.	Not Vaccinated.	Not stated.	Vaccinated.	Not Vaccinated.	Not stated.
1880:										
June 5, week }	8	..	4	4	..	3	1	..	4	2
22nd " "	10	2	1	7	1	..	2	1	1	5
23rd " "	6	..	1	5	..	..	2	..	..	2
24th " "	14	3	6	5	..	3	1	..	5	4
25th " "	13	..	7	6	..	1	..	..	5	3
26th " "	4	2	1	1	..	1	..	..	1	1
27th " "	3	1	1	1	..	..	..	1	..	..
28th " "	3	2	..	1	..	..	..	1	..	..
29th " "	3	1	1	2	..	..	1	..	..	1
30th " "	2	..	1	1	..	..	1	..	..	1
31st " "	6	2	4	..	..	1	..	..	2	..
32nd " "	4	..	4	..	..	2	..	..	4	..
33rd " "	3	2	1	..	..	..	..	..	..	..
34th " "	5	1	2	2	..	1	1	..	2	2
35th " "	5	1	..	4	..	..	..	..	..	1
36th " "	3	2	..	1	..	..	..	2	..	1
37th " "	5	3	1	1	..	..	..	2	1	1
38th " "	2	..	1	1	..	..	1	..	..	1
39th " "	5	1	2	2	..	1	..	..	2	1
40th " "	6	1	2	3	..	1	1	..	1	1
41st " "	7	2	4	1	..	1	..	1	3	1
42nd " "	2	..	2	..	..	1	..	..	2	..
43rd " "	7	1	5	1	..	..	..	..	2	..
44th " "	17	5	5	7	..	2	2	1	5	5
45th " "	10	2	6	2	..	..	1	1	4	1
46th " "	19	2	15	2	..	7	..	..	13	1
47th " "	10	1	4	5	..	1	4	1	3	4
48th " "	12	4	3	5	2	1	2	2	2	2
49th " "	33	7	18	8	1	8	3	2	17	5
50th " "	15	2	7	6	..	4	..	..	6	1
51st " "	17	3	8	6	..	2	1	1	6	3
52nd " "										
1881:										
1st week ..	33	4	18	11	..	10	2	1	14	7
2nd " "	27	6	7	14	..	..	5	..	4	8
3rd " "	42	9	28	5	..	9	..	1	21	4
4th " "	51	9	22	21	..	13	2	4	18	10
5th " "	54	10	28	16	1	12	5	5	19	10
6th " "	52	8	23	21	..	7	7	5	16	14
7th " "	55	11	22	22	..	7	9	1	14	12
8th " "	44	12	16	16	1	8	5	2	13	6
9th " "	52	13	20	19	..	5	8	7	11	14
10th " "	58	20	18	20	..	7	3	5	15	13
11th " "	43	10	17	16	1	5	5	3	11	8
12th " "	49	14	20	15	1	5	6	4	17	9
13th " "	56	14	16	26	..	4	6	6	12	13
14th " "	72	15	27	30	1	14	7	4	22	10
15th " "	77	15	32	30	..	13	7	1	26	19
16th " "	84	17	33	34	..	14	9	3	24	20
17th " "	70	14	21	35	2	7	6	4	12	17
18th " "	88	14	33	41	..	12	6	3	24	20
19th " "	69	11	32	26	2	16	4	4	30	14
20th " "	103	25	48	30	2	19	5	9	34	13
21st " "	92	21	39	32	4	16	7	6	28	15
Totals.....	1,532	325	637	570	19	244	138	94	475	305



## CHOLERA REGULATIONS.

*(General.)*

TO ALL PORT SANITARY AUTHORITIES, except the port sanitary authority for the Port of London ;—

To all urban and rural sanitary authorities whose districts include or abut on any part of a customs port, which part is not within the jurisdiction of any port sanitary authority ;—

To all officers of customs ;—

To all medical officers of health of the sanitary authorities aforesaid ;—

To all masters of ships ;—

And to all others whom it may concern.

Whereas we, the Local Government Board, by an order bearing date the 17th day of July, 1873, made certain rules and regulations with a view to the treatment of persons affected with cholera, and for preventing the spread of the disease ;

And whereas cholera is now prevalent in certain parts of Egypt with which this country has communication, and it is expedient that in place of the rules and regulations made by the said order, other rules and regulations as hereinafter contained should be made :

Now therefore, we, the Local Government Board, do hereby rescind the said order, except in so far as it may apply to any proceedings now pending, and we do, by this our order, and in exercise of the power conferred on us by section 130 of the Public Health Act, 1875, and every other power enabling us in this behalf, make the following rules and regulations, and declare that they shall be enforced and executed by the authorities hereinafter named :—

*Definitions.*

Art 1.—In this order—

The term “ship” includes vessel or boat ;

The term “officer of customs,” includes any person acting under the authority of the commissioners of customs ;

The term “master” includes the officer or person for the time being in charge or command of a ship ;

The term “cholera” includes choleraic diarrhœa ;

The term “sanitary authority” means every port sanitary authority except the port sanitary authority for the Port of London, and every urban or rural sanitary authority whose district includes or abuts on any part of a customs port, which part is not within the jurisdiction of a port sanitary authority ;

The term “medical officer of health” includes any duly qualified medical practitioner appointed by a sanitary authority to act in the execution of this order ;

For the purposes of this order,—

- 1.) So much of a customs port abutting on an urban or rural sanitary district as is nearer to such district than to any other, and is not



included within the jurisdiction of any port sanitary authority, shall be deemed to be within such district ;

- (2.) Every ship shall be deemed infected with cholera, in which there is or has been during the voyage or during the stay of such ship in a port in the course of such voyage, any case of cholera.

*I.—Regulations as to detention by officers of customs.*

Art. 2.—If any officer of customs, on the arrival of any ship, ascertain from the master of such ship or otherwise, or have reason to suspect, that the ship is infected with cholera, he shall detain such ship, and order the master forthwith to moor or anchor the same in such position as such officer of customs shall direct ; and thereupon the master shall forthwith moor or anchor the ship accordingly.

Art. 3.—Whilst such ship shall be so detained, no person shall leave the same.

Art. 4.—The officer of customs detaining any ship as aforesaid shall forthwith give notice thereof, and of the cause of such detention, to the sanitary authority of the place where the ship shall be so detained.

Art. 5.—Such detention by the officer of customs shall cease as soon as the ship shall have been duly visited and examined by the medical officer of health ; or, if the ship shall, upon such examination, be found to be infected with cholera, as soon as the same shall be moored or anchored in pursuance of Art. 10 of this order.

Provided, that if the examination be not commenced within twelve hours after notice given as aforesaid, the ship shall, on the expiration of the said twelve hours, be released from detention.

*II.—Regulations as to Sanitary Authorities.*

Art. 6.—Every port sanitary authority, except as aforesaid, and every other sanitary authority within whose district persons are likely to be landed from any ship coming foreign shall, as speedily as practicable, with the approval of the chief officer of customs of the port, fix some place within the jurisdiction or district of the sanitary authority where any ship may be moored, or anchored, for the purpose of Art. 10 ; and shall make provision for the reception of cholera patients and persons suffering from illness removed under Arts. 13 and 14.

Art. 7.—The sanitary authority, on notice being given to them by an officer of customs, under this order, shall forthwith cause the ship in regard to which such notice shall have been given, to be visited and examined by their medical officer of health for the purpose of ascertaining whether she is infected with cholera.

Art. 8.—The medical officer of health, if he have reason to believe that any ship within the jurisdiction or district of the sanitary authority, whether examined by the officer of customs or not, is infected with cholera, shall, or if she have come from a place infected with cholera, may, visit and examine such ship, for the purpose of ascertaining whether she is so infected ; and the master of such ship shall permit the same to be so visited and examined.

Art. 9.—If the medical officer of health on making such examination as aforesaid (whether under Art. 7 or 8), shall be of opinion that the ship is infected, he shall give a certificate in duplicate in the following form, or to the like effect, and shall deliver one copy to the master, and retain the other or transmit it to the sanitary authority.



*Certificate*

day of 188 .

Sanitary Authority of .

I hereby certify that I have examined the ship  
 of , now lying in the port of [or detained  
 at ] and that I find that she is infected with cholera.

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*Medical Officer of Health* [or medical practitioner  
 appointed by the sanitary authority.]

Art. 10.—The master of every ship so certified to be infected with cholera shall thereupon moor or anchor her at the place fixed for that purpose under Art. 6, and she shall remain there until the requirements of this order have been duly fulfilled.

Art. 11.—No person shall leave any such ship until the examination hereinafter mentioned shall have been made.

Art. 12.—The medical officer of health shall, as soon as possible after any such ship has been certified to be infected with cholera, examine all persons on board of the same, and all persons who shall not be certified by him, as hereafter mentioned, shall be permitted to land immediately on their giving their names and the places of their destination.

Art. 13.—Every person certified by the medical officer of health to be suffering from cholera, shall be dealt with under any regulations that may have been made by the sanitary authority under section 125 of the Public Health Act, 1875; or, where no such regulations shall have been made, shall be removed, if the condition of the patient admit of it, to some hospital or place previously appointed for that purpose by the said authority; and no person so removed shall leave such hospital or place until the medical officer of health shall have certified that such person is free from the said disease.

If any person suffering from cholera cannot be removed, the ship shall remain subject, for the purposes of this order, to the control of the medical officer of health; and the infected person shall not be removed from or leave the ship, except with the consent in writing of the medical officer of health.

Art. 14.—Any person certified by the medical officer of health to be suffering from any illness which such officer suspects may prove to be cholera may either be detained on board the ship for any period not exceeding two days, or be taken to some hospital or other place previously appointed by the sanitary authority, and detained there for a like period, in order that it may be ascertained whether the illness is or is not cholera.

Any such person who, while so detained, shall be certified by the medical officer of health to be suffering from cholera, shall be dealt with as provided by article 13 of this order.

Art. 15.—The medical officer of health shall in the case of every ship certified to be infected, give directions, and take such steps as may appear to him to be necessary, for preventing the spread of infection, and the master of the said ship shall forthwith carry into execution such directions as shall be so given to him.

Art. 16.—In the event of any death from cholera taking place on board of such ship while so detained, the master shall, as directed by the sanitary



authority or the medical officer of health, either cause the dead body to be taken out to sea, and committed to the deep, properly loaded to prevent its rising, or shall deliver it into the charge of the said authority for interment ; and the authority shall thereupon have the same interred.

Art. 17.—The master shall cause any articles that may have been soiled with cholera discharges to be destroyed, and the clothing and bedding and other articles of personal use likely to retain infection which have been used by any person who may have suffered from cholera on board such ship, or who, having left such ship, shall have suffered from cholera during the stay of such ship in any port, to be disinfected or (if necessary) destroyed ; and if the master shall have neglected to do so before the ship arrives in port, he shall forthwith, or upon the direction of the sanitary authority or the medical officer of health, cause the same to be disinfected or destroyed, as the case may require ; and if the said master neglect to comply with such direction within a reasonable time, the authority shall cause the same to be carried into execution.

Art. 18.—The master shall cause the ship to be disinfected, and every article therein, other than those last described, which may probably be infected with cholera, to be disinfected or destroyed, according to the directions of the medical officer of health.

Given under the seal of office of the Local Government Board, this twelfth day of July, in the year one thousand eight hundred and eighty-three.

CHARLES W. DILKE,  
*President.*

HUGH OWEN,  
*Secretary.*

NOTICE.—The Public Health Act, 1875, provides by section 130 that any person wilfully neglecting, or refusing to obey or carry out, or obstructing the execution of any regulation made under that section, shall be liable to a penalty not exceeding *fifty pounds*.

Date of publication in the *London Gazette*,  
July 13th, 1883.



## CHOLERA REGULATIONS.

*Port of London.*

TO THE PORT SANITARY AUTHORITY of the Port of London ;—

To all officers of customs ;—

To the medical officer of health of the said port sanitary authority ;—

To all masters of ships ;—

And to all others whom it may concern.

Whereas we, the Local Government Board, by an order bearing date the 17th day of July, 1873, made certain rules and regulations with a view to the treatment of persons affected with cholera, and for preventing the spread of the disease ;

And whereas we have, by an order of this date, rescinded the said order, except in so far as it may apply to any proceedings now pending :

And whereas cholera is now prevalent in certain parts of Egypt with which this country has communication, and it is expedient that, in place of the rules and regulations made by the said order, other rules and regulations as hereinafter contained should be made with regard to the Port of London :

Now therefore, we, the Local Government Board, do, by this our order, and in exercise of the power conferred on us by section 52 of the Sanitary Act, 1866, and section 130 of the Public Health Act, 1875, and every other power enabling us in this behalf, make the following rules and regulations, and declare that they shall be enforced and executed by the port sanitary authority for the Port of London :—

*Definitions.*

Art. 1.—In this order—

The term “ ship ” includes vessel or boat :

The term “ officer of customs ” includes any persons acting under the authority of the commissioners of customs ;

The term “ master ” includes the officer or person for the time being in charge or command of a ship ;

The term “ cholera ” includes choleraic diarrhœa ;

The term “ sanitary authority ” means the port sanitary authority of the Port of London ;

The term “ medical officer of health ” includes any duly qualified medical practitioner appointed by the sanitary authority to act in the execution of this order :

For the purposes of this order every ship shall be deemed infected with cholera, in which there is, or has been during the voyage, or during the stay of such ship in a port in the course of such voyage, any case of cholera.



I.—*Regulations as to Detention by Officers of Customs.*

Art. 2.—If any officer of customs, on the arrival of any ship in the Port of London, ascertain from the master of such ship or otherwise, or have reason to suspect, that the ship is infected with cholera, he shall detain such ship, and order the master forthwith to moor or anchor the same in such position as such officer of customs shall direct; and thereupon the master shall forthwith moor or anchor the ship accordingly.

Art. 3.—Whilst such ship shall be so detained, no person shall leave the same.

Art. 4.—The officer of customs detaining any ship as aforesaid shall forthwith give notice thereof, and of the cause of such detention, to the sanitary authority.

Art. 5.—Such detention by the officer of customs shall cease as soon as the ship shall have been duly visited and examined by the medical officer of health; or, if the ship shall, upon such examination, be found to be infected with cholera, as soon as the same shall be moored or anchored in pursuance of article 10 of this order.

Provided, that if the examination be not commenced within twelve hours after notice given as aforesaid, the ship shall, on the expiration of the said twelve hours, be released from detention.

II.—*Regulations as to Sanitary Authorities.*

Art. 6.—The sanitary authority shall, as speedily as practicable, with the approval of the chief officer of customs of the port, fix some place within the jurisdiction of the sanitary authority where any ship may be moored, or anchored, for the purpose of article 10; and shall make provision for the reception of cholera patients and persons suffering from illness removed under articles 13 and 14.

Art. 7.—The sanitary authority, on notice being given to them by an officer of customs, under this order, shall forthwith cause the ship in regard to which such notice shall have been given, to be visited and examined by the medical officer of health for the purpose of ascertaining whether she is infected with cholera.

Art. 8.—The medical officer of health, if he have reason to believe that any ship within the jurisdiction of the sanitary authority, whether examined by the officer of customs or not, is infected with cholera, shall, or if she have come from a place infected with cholera, may, visit and examine such ship, for the purpose of ascertaining whether she is so infected; and the master of such ship shall permit the same to be so visited and examined.

Art. 9.—If the medical officer of health, on making such examination as aforesaid (whether under article 7 or 8), shall be of opinion that the ship is infected, he shall give a certificate in duplicate in the following form, or to the like effect, and shall deliver one copy to the master and retain the other, or transmit it to the sanitary authority.

*Certificate.*

day of 188 .

Port Sanitary Authority of the Port of London.

I hereby certify that I have examined the ship \_\_\_\_\_,

of \_\_\_\_\_, now lying in the Port of London [*or detained*],

at \_\_\_\_\_], and that I find that she is infected with cholera.

*Medical Officer of Health* [or medical practitioner  
appointed by the sanitary authority].



Art. 10.—The master of every ship so certified to be infected with cholera shall thereupon moor or anchor her at the place fixed for that purpose under article 6, and she shall remain there until the requirements of this order have been duly fulfilled.

Art. 11.—No person shall leave any such ship until the examination hereinafter mentioned shall have been made.

Art. 12.—The medical officer of health shall, as soon as possible after any such ship has been certified to be infected with cholera, examine all such persons on board of the same, and all persons who shall not be certified by him, as hereafter mentioned, shall be permitted to land immediately on their giving their names and the places of their destinations.

Art. 13.—Every person certified by the medical officer of health to be suffering from cholera, shall be dealt with under any regulations that may have been made by the sanitary authority under section 29 of the Sanitary Act, 1866; or, where no such regulations shall have been made, shall be removed, if the condition of the patient admit of it, to some hospital or place previously appointed for that purpose by the said authority; and no person so removed shall leave such hospital or place until the medical officer of health shall have certified that such person is free from the said disease.

If any person suffering from cholera cannot be removed, the ship shall remain subject, for the purposes of this order, to the control of the medical officer of health; and the infected person shall not be removed from or leave the ship, except with the consent in writing of the medical officer of health.

Art. 14.—Any person certified by the medical officer of health to be suffering from any illness which such officer suspects may prove to be cholera, may either be detained on board the ship for any period not exceeding two days, or taken to some hospital or other place previously appointed by the sanitary authority, and detained there for a like period, in order that it may be ascertained whether the illness is or is not cholera.

Any such person who, while so detained, shall be certified by the medical officer of health to be suffering from cholera, shall be dealt with as provided by article 13 of this order.

Art. 15.—The medical officer of health shall, in the case of every ship certified to be infected, give directions, and take such steps as may appear to him to be necessary, for preventing the spread of infection, and the master of the said ship shall forthwith carry into execution such directions as shall be so given to him.

Art. 16.—In the event of any death from cholera taking place on board of such ship while so detained, the master shall, as directed by the sanitary authority or the medical officer of health, either cause the dead body to be taken out to sea, and committed to the deep, properly loaded to prevent its rising, or shall deliver it into the charge of the said authority for interment; and the authority shall thereupon have the same interred.

Art. 17.—The master shall cause any articles that may have been soiled with cholera discharges to be destroyed, and the clothing and bedding and other articles of personal use likely to retain infection which have been used by any person who may have suffered from cholera on board such ship, or who, having left such ship, shall have suffered from cholera during the stay of such ship in any port, to be disinfected or (if necessary) destroyed: and if the master shall have neglected to do so before the ship arrives in port, he shall forthwith, or upon the direction of the sanitary authority or the medical officer of health, cause the same to be disinfected or destroyed, as the case may require; and if the said master neglect to comply with such direction



within a reasonable time, the authority shall cause the same to be carried into execution.

Art. 18.—The master shall cause the ship to be disinfected, and every article therein, other than those last described, which may probably be infected with cholera, to be disinfected or destroyed, according to the directions of the medical officer of health.

Given under the seal of office of the Local Government Board, this twelfth day of July, in the year one thousand eight hundred and eighty-three.

CHARLES W. DILKE,  
*President.*

HUGH OWEN,  
*Secretary.*

NOTICE.—The Public Health Act, 1872, provides by section 52, which is extended to the metropolis by section 52 of the Sanitary Law Amendment Act, 1874, that any person wilfully neglecting, or refusing to obey or carry out, or obstructing the execution of any regulation made under section 52 of the Sanitary Act, 1866, shall be liable to a penalty not exceeding *fifty pounds*, and section 130 of the Public Health Act, 1875, makes similar provision as to regulations under that section.

Date of publication in the *London Gazette*,  
July 13th, 1883.



CIRCULAR FROM THE LOCAL GOVERNMENT BOARD RELATIVE TO THE  
PREVALENCE OF CHOLERA IN EGYPT.Local Government Board, Whitehall, S.W.,  
*July 13th, 1883.*

SIR,—I am directed by the Local Government Board to state that, in consequence of the prevalence of cholera in certain parts of Egypt with which this country has communication, they have deemed it advisable to revise their order of the 17th of July, 1873, containing regulations with a view to treatment of persons affected with cholera and the prevention of the spread of the disease.

The board have thought it the most convenient course to issue two new orders, one of them addressed to the port sanitary authority for London only, and the other to the remaining port sanitary authorities, and to all urban and rural sanitary authorities whose districts include or abut on any part of a customs port, which part is not within the jurisdiction of any port sanitary authority. Six copies of the latter order are enclosed.

The order is made under section 130 of the Public Health Act, 1875, and will be found to correspond in its main provisions with the regulations hitherto in force. It is designed for the protection of the English shores from cholera habitually, as well as during the present known prevalence of that disease in Egypt.

The present order, like that of 1873, provides that every ship in which there is, or has been during the voyage, or during the stay of the ship in a port during the voyage, any case of cholera, shall be deemed infected. It is with regard to such ships that the measures of precaution prescribed by the order are to be taken.

At the present time, when cholera is still confined to Egypt, and is therefore at a considerable distance from this country, there must necessarily be ample time for the disease to show itself on the voyage, should there be any infected person on board. Hence, the officer of customs will probably be able to ascertain whether any ship arriving in an English port is infected, and he will inform the sanitary authority accordingly. But, if cholera should extend into Europe, occasions may arise when the medical officer of health may think it desirable to make inquiry into the state, as regards cholera, of ships which have come from infected places, although the officer of customs may not have found them to be infected; and it will be seen that in such cases the medical officer of health is authorized to visit and examine the ship, although she may not have been detained by the customs officer. If notice is given by the officer of customs to the sanitary authority that a ship is detained as infected, the order makes it the duty of the authority forthwith to cause the ship to be examined by the medical officer, with a view of ascertaining whether she is in fact infected with cholera; and, if the medical officer, on such examination, or on an examination made under article 8, without previous notice from the officer of customs, finds that the ship is infected, as defined by the order, he is to certify accordingly, as provided in article 9, and to give one copy of the certificate to the master of the ship, and retain the other, or transmit it to the sanitary authority.

Under article 6 of the order, all port sanitary authorities and all other sanitary authorities within whose districts persons are likely to be landed from any ship coming foreign, are required, as speedily as possible, with the approval of the chief officer of customs of the port, to fix some place for the mooring or anchoring of ships that may be certified to be infected,



and as soon as the ship is so certified, she is to be moored in the place fixed for that purpose, and the medical officer of health is then, as soon as possible, to make a medical examination of all persons on board of her, the object being to secure the removal of all sick persons to proper places of isolation, the disinfection of the ship, and the disinfection or destruction of all infected articles in her.

As regards the obligation which article 6 of the order now imposes on the sanitary authorities to whom that article applies, of making provision for the reception of cholera patients and of persons suffering from illness who are removed from any ship under articles 13 and 14, sanitary authorities who have already provided hospital accommodation will so far have fulfilled the requirements of the order; but they should be in a position to effect any extension of their hospital provision that circumstances may render necessary. It will devolve on those sanitary authorities who are not prepared with any means of isolation, to provide such means, in order to meet the case of the possible arrival of cholera in their waters. The sanitary authority should see that the necessary preliminary arrangements are made for carrying out the provisions of the order with regard to medical inspection and disinfection.

The provision in article 12, for taking the names and destinations of persons arriving by an infected ship, but who are not themselves ill, is new. Although such persons are not to be detained after their medical examination, it will be for the sanitary authority to consider whether in some cases it may not be desirable for them to communicate the facts coming to their knowledge to the sanitary authorities of the places of the passengers' next destination.

Article 16 contains a new provision with respect to the disposal of the bodies of persons dying from cholera on board of a ship during detention. As an alternative to the previous requirement that the master should cause the dead body to be taken out to sea and committed to the deep, the new order provides for the delivery of the body into the charge of the sanitary authority for interment; but the choice of the alternative is left to the sanitary authority or the medical officer of health, whose directions in the matter are to be followed by the master. The article requires the authority to have the body interred when it has been delivered to them for that purpose.

The regulations with regard to the disinfection or destruction of clothing or bedding are by article 17 of the new order extended to articles that may have been soiled with cholera discharges, as well as to articles of personal use likely to retain infection; and the soiled articles are expressly required to be destroyed.

It is important to notice the definition in article 1 of the term "medical officer of health," which is to include any duly qualified medical practitioner appointed by a sanitary authority to act in the execution of the order.

Sanitary authorities are legally empowered to appoint such temporary officers as may be necessary for giving effect to this order. As most of the work under the order will require medical knowledge and judgment, these officers will for the most part have to be qualified medical practitioners; but there is much which may be done, particularly in the operations of disinfection, by intelligent inspectors acting under the instructions of the medical officer of health.

I am, sir,

Your obedient servant,

HUGH OWEN,  
*Secretary.*

*To the Clerk to the Sanitary Authority.*



## PRECAUTIONS AGAINST THE INFECTION OF CHOLERA.

1. As there are outbreaks of cholera at several places in Egypt, and it may perhaps extend to places which are in frequent and rapid communication with England, it is possible that cases of the disease may before long be brought into the ports of this country.

2. The order of the Local Government Board, of July 12, 1883, renews the special powers conferred by the Board's order of July 17th, 1873, upon the sanitary authorities of the sea coast, to enable them to deal with any cases of cholera brought into port, so as to prevent as far as possible the spread of the disease into the country. But as cases of choleraic infection have widely different degrees of severity, it is possible that some such cases, slightly affected, will, notwithstanding the vigilance of local authorities, be landed without particular notice in English sea-board towns, whence then they may advance to other, and perhaps inland, places.

3. Former experience of cholera in England justifies a belief that the presence of imported cases of the disease at various spots in the country will not be capable of causing much injury to the population, if the places receiving the infection have had the advantage of proper sanitary administration; and, in order that all local populations may make their self-defence as effective as they can, it will be well for them to have regard to the present state of knowledge concerning the mode in which epidemics of cholera (at least in this country) are produced.

4. Cholera in England shows itself so little contagious, in the sense in which small-pox and scarlatina are commonly called contagious, that, if reasonable care be taken where it is present, there is almost no risk that the disease will spread to persons who nurse and otherwise closely attend upon the sick. But cholera has a certain peculiar infectiveness of its own, which, *where local conditions assist*, can operate with terrible force, and at considerable distances from the sick. It is characteristic of cholera (and as much so of the slight cases where diarrhoea is the only symptom as of the disease in its more developed and alarming forms) that *all matters which the patient discharges from his stomach and bowels are infective*. Probably, under ordinary circumstances, the patient has no power of infecting other persons except by means of these discharges; nor any power of infecting even by them except in so far as particles of them are enabled to taint the food, water, or air, which people consume. Thus, when a case of cholera is imported into any place, the disease is not likely to spread, unless in proportion as its finds, locally open to it, certain facilities for spreading by *indirect infection*.

5. In order rightly to appreciate what these facilities must be, the following considerations have to be borne in mind:—*first*, that any choleraic discharge, cast without previous thorough disinfection into any cesspool or drain, or other depository or conduit of filth, infects the excremental matters with which it there mingles, and probably, more or less, the effluvia which those matters evolve; *secondly*, that the infective power of choleraic discharges attaches to whatever bedding, clothing, towels and like things,



have been imbued with them, and renders these things, if not thoroughly disinfected, as capable of spreading the disease in places to which they are sent (for washing or other purposes) as, in like circumstances, the patient himself would be; *thirdly*, that if, by leakage or soakage from cesspools or drains, or through reckless casting out of slops and washwater, any taint (however small) of the infective material gets access to wells or other sources of drinking-water, it imparts to enormous volumes of water the power of propagating the disease. When due regard is had to these possibilities of indirect infection, there will be no difficulty in understanding that even a single case of cholera, perhaps of the slightest degree, and perhaps quite unsuspected in its neighbourhood, may, *if local circumstances co-operate*, exert a terribly infective power on considerable masses of population.

6. The dangers which have to be guarded against as favouring the spread of cholera infection are particularly two. First, and above all, there is the danger of WATER-SUPPLIES which are in any (even the slightest) degree tainted by house refuse or other like kinds of filth; as where there is outflow, leakage or filtration, from sewers, house-drains, privies, cesspools, foul ditches or the like, into springs, streams, wells or reservoirs, from which the supply of water is drawn, or into the soil in which the wells are situate; a danger which may exist on a small scale (but perhaps often repeated in the same district) at the pump or dip-well of a private house, or, on a large and even vast scale, in the source of public water-works. And secondly, there is the danger of breathing AIR which is foul with effluvia from the same sorts of impurity.

7. Information as to the high degree in which those two dangers affect the public health in ordinary times, and as to the special importance which attaches to them at times when any diarrhoeal infection is likely to be introduced, has now for so many years been before the public, that the improved systems of refuse-removal and water-supply by which those dangers are permanently obviated for large populations, and also the minor structural improvements by which separate households are secured against them, ought long ago to have come into universal use.

8. So far, however, as this wiser course has not been adopted in any sanitary district, security must, as far as practicable, be sought in measures of a temporary and palliative kind.

(a.) Immediate and searching examination of sources of water-supply should be made in all cases where the source is in any degree open to the suspicion of impurity: and the water both from private and public sources should be examined. Where pollution is discovered, everything practicable should be done to prevent the pollution from continuing, or, if this object cannot be attained, to prevent the water from being drunk. Cisterns should be cleaned, and any connexions of waste-pipes with drains should be severed.

(b.) Simultaneously, there should be immediate thorough removal of every sort of house-refuse and other filth which has accumulated in neglected places; future accumulations of the same sort should be prevented; attention should be given to all defects of house-drains and sinks through which offensive smells are let into houses; thorough washing and lime-washing of uncleanly premises, especially of such as are densely occupied, should be practised again and again.

8. It may fairly be believed that, in considerable parts of the country, conditions favourable to the spread of cholera are now less abundant than at any former time; and in this connexion, the gratifying fact deserves to be recorded that during recent years enteric fever, the disease which in its



methods of extension bears the nearest resemblance to cholera, has continuously and notably declined in England. But it is certain that in many places such conditions are present as would, if cholera were introduced, assist in the spread of that disease. It is to be hoped that in all these cases the local sanitary authorities will *at once* do everything that can be done to put their districts into a wholesome state. Measures of cleanliness, taken beforehand, are of far more importance for the protection of a district against cholera than removal or disinfection of filth after the disease has actually made its appearance.

9. It is important for the public very distinctly to remember that pains taken and costs incurred for the purposes to which this memorandum refers cannot in any event be regarded as wasted. The local conditions which would enable cholera, if imported, to spread its infection in this country, are conditions which day by day, in the absence of cholera, create and spread other diseases: diseases, which, as being never absent from the country, are, in the long-run, far more destructive than cholera; and the sanitary improvements which would justify a sense of security against any apprehended importation of cholera would, to their extent, though cholera should never reappear in England, give amply remunerative results in the prevention of those other diseases.

GEORGE BUCHANAN,

*Medical Officer of the Board.*

Local Government Board,

*July 13th, 1883.*



## ARTISANS' DWELLINGS ACTS.

*Circular from the Local Government Board to the various Urban Authorities.*

Local Government Board, Whitehall, S.W.,  
July 21st, 1883.

SIR,—I am directed by the Local Government Board to advert to the memorandum prepared by their medical officer on the precautions to be taken against cholera, copies of which the Board recently forwarded to the sanitary authority.

In that memorandum attention was called to the importance of certain measures being taken with regard to water-supply, the removal of refuse, and the cleansing of dwellings, and particularly of such dwellings as are densely occupied. Measures of the kind referred to in the memorandum can be adopted in both urban and rural sanitary districts, but in connexion with this subject the Board are desirous of bringing under the notice of urban sanitary authorities the special powers conferred upon them with regard to the dwellings of the working classes by the Artisans' Dwellings Acts, 1868 to 1882.

Section 5 of the Act of 1868 requires the medical officer of health, if he finds that any dwelling-house or inhabited building is in a condition dangerous to health so as to be unfit for human habitation, to report the same to the sanitary authority. This report is to be referred to a surveyor or engineer, who is in turn to report on the cause of the evil, and the remedy, and whether the evil can be remedied by structural alterations, or whether the premises ought to be demolished.

The Act provides for the consideration of all such reports by the sanitary authority, for opportunity being given to the owner to state his objections to them, and for the execution of the necessary works or the demolition of the premises, either by the owner or by the sanitary authority. Attention should be directed to section 5 of the Act of 1879, under which the sanitary authority may, in certain circumstances, be required to purchase the premises.

Section 8 of the Act of 1882 further provides that although a building is not in itself unfit for human habitation, yet the medical officer of health is to report upon it if he finds that it is an obstructive building, as defined by the section, i.e. that it is so situate that by reason of its proximity to other buildings, or its contact with them, it stops ventilation, or otherwise conduces to make the other buildings to be in a condition unfit for human habitation, or else prevents proper measures from being carried into effect for remedying the evils complained of in respect of other buildings. The proceedings to be taken in connexion with a report on an obstructive building are analogous to those to be taken in respect of one on a building unfit for human habitation, but if the sanitary authority decide not to allow any objections which may be made by the owner, they must direct that the building shall be pulled down. Provision is made for compensation to the owner.



The Act of 1868 originally only applied to places with a population of 10,000 and upwards, but this limitation was removed by the Act of 1879 and the Acts in question now extend to all urban sanitary districts. The Board would urge that effect should be given to them in all those cases in which the exercise of the important powers which they confer is required.

As regard places with a population of 25,000 and upwards, the Board would also refer to the provisions of the Artisans' and Labourers' Dwellings Improvement Acts, 1875 to 1882, under which schemes can be made for the improvement of unhealthy areas. The Board, in a circular which they issued to the sanitary authorities of these districts on the 10th November last, called attention to the diminished cost with which such schemes can be carried out, owing to the alterations in the law made by the Act of 1882, and they direct me to state that they hope that where the unhealthy areas have not been already dealt with, advantage will be taken of the facilities afforded by these statutes to deal with places which cannot fail to be a cause of danger to the public health.

I am, sir,

Your obedient servant,

HUGH OWEN,

*Secretary.*

*The Clerk to the Urban Sanitary Authority.*



## ARTISANS' DWELLINGS ACTS.

*Circular from the Local Government Board to the various Vestries and District Boards.*

Local Government Board, Whitehall, S.W.,  
July 21st, 1883.

SIR,—I am directed by the Local Government Board to advert to the memorandum prepared by their medical officer on the precautions to be taken against cholera, copies of which the Board recently forwarded to the vestries and district boards in the metropolis.

In that memorandum attention was called to the importance of certain measures being taken with regard to water-supply, the removal of refuse, and the cleansing of dwellings, and particularly of such dwellings as are densely occupied. In connexion with this subject the Board are desirous of referring to the special powers conferred upon the vestries and district boards by the Artisans' Dwellings Acts, 1868 to 1882, under which they are empowered to deal with dwellings of the working classes.

Section 5 of the Act of 1868 requires the medical officer of health, if he finds that any dwelling-house or inhabited building is in a condition dangerous to health so as to be unfit for human habitation, to report the same to the vestry or district board. This report is to be referred to a surveyor or engineer who is in turn to report on the cause of the evil, and the remedy, and whether the evil can be remedied by structural alterations, or whether the premises ought to be demolished.

The Act provides for the consideration of all such reports by the vestry or district board, for opportunity being given to the owner to state his objections to them, and for the execution of the necessary works either by the owner, or by the vestry or district board, and, if needful, for the demolition of the building. Attention should be directed to section 5 of the Act of 1879, under which the vestry or district board may, in certain circumstances, be required to purchase the premises.

Section 8 of the Act of 1882 further provides that, although a building is not in itself unfit for human habitation, yet the medical officer of health is to report upon it if he finds that it is an "obstructive building," as defined by the section, i.e. that it is so situate that by reason of its proximity to other buildings, or its contact with them, it stops ventilation, or otherwise conduces to make the other buildings to be in a condition unfit for human habitation, or else prevents proper measures from being carried into effect for remedying the evils complained of in respect of other buildings. The proceedings to be taken in connexion with a report on an obstructive building are analogous to those to be taken in respect of one on a building unfit for human habitation; but if the vestry or district board decide not to allow the objections which may be made by the owner, they must direct that the building shall be pulled down. Provision is made for compensation to the owner.



The Board would impress upon the vestries and district boards the importance of giving effect to the powers conferred upon them by the statutes in question in all those cases in which the exercise of such powers is required. They would urge them to direct their medical officers of health to make returns without delay of the places which they consider ought to be dealt with under these Acts, and the Board would be obliged by being furnished with copies of such returns.

I am, sir,

Your obedient servant,

HUGH OWEN,

*Secretary.*

*The Vestry Clerk or Clerk to the District Board.*



## MEMORANDUM AS TO RAGS FROM EGYPT.

OF infectious diseases which are known to have been conveyed to persons engaged in the rag trade or in paper-making, small-pox is by far the most frequent; and, among such persons, the danger of infection has principally been to those who have to do with the more dusty operations of these trades. It is not known that, as matter of fact, cholera has been ever introduced into England by rags, but it has appeared to the Local Government Board that, while Egypt is suffering from cholera to its present serious extent, the possibility of the infection of cholera entering England by Egyptian rags deserves consideration. It is found that some thousands of tons of rags are annually imported from Egypt, and that they are habitually dirty; and it has been thought desirable to take exceptional precautions to prevent the introduction of cholera by means of them into English ports.

In the Board's order of 1st August, 1883, the duty of taking all necessary precautions in respect of rags is imposed on the consignee: but the duty of indicating the precautions that are to be taken, and of seeing to the observance of them, devolves on the medical officer of health. The present memorandum is intended for the assistance of that officer.

The medical officer will do well to consider beforehand what place he would be prepared to approve as proper for the first deposit of Egyptian rags, in the event of their having to be landed from a ship in his district. This place may, for example, be a shed by the shore or river-bank, or it may sometimes be the yard of the disinfecting-room, in the same way as for infected articles taken from a house in the district. When the rags have been taken to the place approved, it will become the medical officer's duty there to make such inquiry about them, or such examination of them, as will enable him to say whether or not it is right that they should be disinfected or destroyed.

In many places it will be sufficient for immediate purposes, that the medical officer should be thus far prepared: but some officers, particularly those of the sanitary authorities of ports where rags are frequently imported, will find it advisable to see that all such preparations for disinfection as are applied in their district, in the case of bedding, are in good working order, and that other arrangements can readily be made which may be required to meet the case of infected rags. The medical officer will, on the request of a consignee, and with the sanction of the sanitary authority, be at liberty to undertake for the consignee the duty of disinfection or destruction imposed upon him by the order.

The medical officer will have to be guided by his own inquiries into the time of collection and characters of the rags whether any bale shall undergo disinfection or be destroyed. When it is necessary that the rags should be destroyed, this should be done under proper supervision.

As regards *disinfection*. Bales of rags (which when coming from abroad are commonly press-packed) cannot usually be properly disinfected by the use of any powder, nor by gaseous sulphurous acid or chlorine.

Methods more adapted to the disinfection of such bales are the following:—



1. Exposure to heat in such a way that every article in the bale shall attain a temperature of 250° Fah., and be kept at that temperature for two hours. The arrangement which gives greatest penetration of heat is the use of high-pressure steam, more especially if the pressure be from time to time relaxed and reapplied, so as to displace air. By this means it is possible to avoid so detailed a spreading out of the rags as would be requisite for efficiency with other processes.
2. The bale may be opened out and the whole of its contents be exposed to disinfection by a liquid agent, and this may either be water sustained for a while at boiling heat, or water containing in every four gallons one pint of the common clear solution of chloride of lime. In such chlorinated water the rags should soak for some hours.

In any case it will be for the medical officer of health to be satisfied as to the efficiency of any disinfection that is carried out under his instructions.

GEORGE BUCHANAN,

*Medical Officer.*

Local Government Board,

*August 1st, 1883.*



TO ALL PORT SANITARY AUTHORITIES, except the port sanitary authority for the Port of London ;—

To all urban and rural sanitary authorities whose districts include or abut on any part of a customs port, which part is not within the jurisdiction of any port sanitary authority ;—

To all officers of customs ;—

To all medical officers of health of the sanitary authorities aforesaid ;—

To all masters of ships ;—

And to all others whom it may concern.

Whereas we, the Local Government Board, by an order bearing date the 12th day of July, 1883, made certain rules and regulations with a view to the treatment of persons affected with cholera, and for preventing the spread of the disease ;

And whereas cholera is now prevalent in Egypt, and it is expedient that further rules and regulations should be made with reference to ships having on board bales of rags exported from Egypt and consigned to this country :

Now therefore, we, the Local Government Board, do, by this our order, and in exercise of the power conferred on us by section 130 of the Public Health Act, 1875, and every other power enabling us in this behalf, make the following regulations, and declare that they shall be enforced and executed by the several authorities hereinafter named :—

### *Definitions.*

Art. 1.—In this order—

The term “ship” includes vessel or boat ;

The term “officer of customs” includes any person acting under the authority of the commissioners of customs ;

The term “master” includes the officer or person for the time being in charge or command of a ship ;

The term “sanitary authority” means every port sanitary authority except the port sanitary authority for the Port of London, and every urban or rural sanitary authority whose district includes or abuts on any part of a customs port, which part is not within the jurisdiction of a port sanitary authority :

The term “medical officer of health” includes any duly qualified medical practitioner appointed by a sanitary authority to act in the execution of this order :

For the purposes of this order so much of a customs port abutting on an urban or rural sanitary district as is nearer to such district than to any other, and is not included within the jurisdiction of any port sanitary authority, shall be deemed to be within such district.

Art. 2.—If any officer of customs, on the arrival of any ship, shall ascertain from the master of such ship or otherwise that there are on board such ship rags exported from Egypt which it is intended should be landed within the jurisdiction of any sanitary authority, such officer of customs shall forth-



with give notice thereof to the sanitary authority of the place where the rags are intended to be landed.

Art. 3.—The master of a ship shall not allow any such rags to be landed therefrom until he has been furnished by the consignee of the rags, or some person duly authorized by him and acting on his behalf, with a certificate signed by the medical officer of health to the effect that such consignee or other person has given notice to the sanitary authority that he is prepared immediately on the rags being landed to cause them to be conveyed, with such precautions as the medical officer of health may deem necessary, to some place approved by the medical officer of health, such place being specified in the said notice.

Art. 4.—The consignee or other person giving the notice aforesaid shall, immediately that the rags are landed, cause them to be conveyed, with such precautions as the medical officer of health may deem necessary, to the place specified in the notice ; and the rags shall not be removed therefrom except with the express authority in writing of the medical officer of health.

Art. 5.—The medical officer of health may give the authority referred to in article 4 of this order, either conditionally or unconditionally ; and if such authority is given subject to conditions as to the disinfection or otherwise of the rags, either before or after their removal, or as to their destruction, the consignee of the rags shall cause them to be removed and shall comply with such conditions ; and it shall be the duty of the medical officer of health to satisfy himself that the conditions are fully complied with.

Given under the seal of office of the Local Government Board, this first day of August, in the year one thousand eight hundred and eighty-three.

CHARLES W. DILKE,

*President.*

HUGH OWEN,

*Secretary.*

Notice.—The Public Health Act, 1875, provides by section 130 that any person wilfully neglecting or refusing to obey or carry out, or obstructing the execution of any regulation made under that section, shall be liable to a penalty not exceeding *fifty pounds*.



TO THE PORT SANITARY AUTHORITY of the PORT OF LONDON ;

To all officers of customs ;  
To the medical officer of health of the said port sanitary authority ;  
To all masters of ships ;  
And to all others whom it may concern.

Whereas we, the Local Government Board, by an order bearing date the 12th day of July, 1883, made certain rules and regulations with a view to the treatment of persons affected with cholera, and for preventing the spread of the disease :

And whereas cholera is now prevalent in Egypt, and it is expedient that further rules and regulations should be made with reference to ships having on board bales of rags exported from Egypt and consigned to this country :

Now therefore, we, the Local Government Board, do, by this our order, and in exercise of the power conferred on us by section 52 of the Sanitary Act, 1866, and section 130 of the Public Health Act, 1875, and every other power enabling us in this behalf, make the following regulations, and declare that they shall be enforced and executed by the port sanitary authority for the Port of London :—

*Definitions.*

Art. 1.—In this order

The term “ship” includes vessel or boat :

The term “officer of customs” includes any person acting under the authority of the commissioners of customs :

The term “master” includes the officer or person for the time being in charge or command of a ship :

The term “sanitary authority” means the port sanitary authority of the Port of London :

The term “medical officer of health” includes any duly qualified medical practitioner appointed by the sanitary authority to act in the execution of this order.

Art. 2.—If any officer of customs, on the arrival of any ship in the Port of London, shall ascertain from the master of such ship or otherwise that there are on board such ship rags exported from Egypt which it is intended should be landed within the jurisdiction of the sanitary authority, such officer of customs shall forthwith give notice thereof to the sanitary authority.

Art. 3.—The master of a ship shall not allow any such rags to be landed therefrom until he has been furnished by the consignee of the rags, or some person duly authorized by him and acting on his behalf, with a certificate signed by the medical officer of health to the effect that such consignee or other person has given notice to the sanitary authority that he is prepared immediately on the rags being landed to cause them to be conveyed, with such precautions as the medical officer of health may deem necessary, to some place approved by the medical officer of health, such place being specified in the said notice.



Art. 4.—The consignee or other person giving the notice aforesaid shall, immediately that the rags are landed, cause them to be conveyed with such precautions as the medical officer of health may deem necessary, to the place specified in the notice ; and the rags shall not be removed therefrom except with the express authority in writing of the medical officer of health.

Art. 5.—The medical officer of health may give the authority referred to in article 4 of this order, either conditionally or unconditionally ; and if such authority is given subject to conditions as to the disinfection or otherwise of the rags, either before or after their removal, or as to their destruction, the consignee of the rags shall cause them to be removed, and shall comply with such conditions, and it shall be the duty of the medical officer of health to satisfy himself that the conditions are fully complied with.

Given under the seal of office of the Local Government Board, this first day of August, in the year one thousand eight hundred and eighty-three.

CHARLES W. DILKE,

*President.*

HUGH OWEN,

*Secretary.*

Notice.—The Public Health Act, 1872, provides by section 52, which is extended to the metropolis by section 52 of the Sanitary Law Amendment Act, 1874, that any person wilfully neglecting, or refusing to obey or carry out, or obstructing the execution of any regulation made under section 52 of the Sanitary Act, 1866, shall be liable to a penalty not exceeding *fifty pounds*, and section 130 of the Public Health Act, 1875, makes similar provision as to regulations under that section.



CIRCULAR from the Local Government Board relative to the Diseases Prevention Act:—

*August 25th, 1883.*

SIR,—The Diseases Prevention (Metropolis) Bill having received the royal assent, I am directed by the Local Government Board to bring under the attention of the managers of the metropolitan asylums the provisions of that Act so far as they apply to the managers of the metropolitan district. By section 11 it is provided that the managers shall be, within that district, the local authority under the Diseases Prevention Act of 1855 for such purposes of that Act, and for such powers and duties as may be set forth from time to time by the regulations of the Local Government Board, and that subject to those regulations, the managers may utilize any of their buildings, ambulances, or other property, and may employ their staff in the execution of any of the powers or duties conferred or imposed upon them under that Act or under the Act which has now been passed. The Board may state that if it should become necessary to put in force in the metropolis the Diseases Prevention Act of 1855 by reason of an outbreak of cholera, the Board propose that the managers of the metropolitan asylums should have assigned to them as local authority the duty of providing, by the regulations of the Board, hospital accommodation within certain limits for cholera patients in the whole metropolitan area, irrespective of parochial boundaries, regard being had, on the one hand, to the density of population, and on the other, to the proximity, or otherwise, of the hospital. The Board have received with much pleasure the assurance that the managers will be prepared to undertake this important duty if the Board should find it necessary that such hospital accommodation should be provided. The managers are aware that for the purposes of removal to hospitals, cholera patients cannot be conveyed any great distance, and the Board are advised that it may be laid down as a general principle that a mile may be regarded as the limit of distance which a patient may be removed. It will be important for the managers to consider in the first place to what extent accommodation for cholera patients may be obtained, (a) in the asylums of the metropolitan district, (b) in the general hospitals, and (c) in poor-law infirmaries. The managers, as already stated, are especially authorized to utilize any of their buildings for the execution of the duties which may be imposed upon them under the Diseases Prevention Act, and with a view to facilitating the arrangements for the reception of patients in hospitals, infirmaries, and other similar institutions, section 3 of the recent statute provides that any authority or body of persons having the control or management of any hospital, infirmary, asylum, or workhouse, may from time to time let or sell the same or any part of the same to the managers, and may enter into and carry out contracts for the maintenance, reception, and treatment of persons suffering from cholera within the district of the managers, subject to the proviso that the powers referred to shall not be exercised without the consent of the Board with respect to any asylum under the Metropolitan Poor Act or any workhouse. In those parts of the metropolis where accommodation in institutions such as those alluded to



cannot be obtained, the managers will probably be able to negotiate for the temporary use of buildings, or of small plots of land on which, in cases of emergency, huts could be erected. The Board desire that it should be clearly understood that, in the event of cholera prevailing in any particular district, the sanitary authority of that district would be called upon to make special provision of its own—firstly, of refuges ; and, in the second place, of hospitals. Also, should the moderate provision to which the managers must necessarily restrict themselves be exceeded, it is the intention of the Board to address a communication to each of the vestries and district boards of the metropolis, distinctly stating that they must be held responsible for the provision of such accommodation as may be found necessary. At present it appears to the Board that the efforts of the managers may properly be restricted to the provision at each point which it may be necessary to select for the hospital, having regard to the limit of distance previously referred to, accommodation which shall not, except under special circumstances, exceed fifty beds, and in neighbourhoods where the population is sparse, the number of beds should be considerably less. It will be the desire of the Local Government Board to give any assistance for negotiations that the managers of asylums under the Poor Law and that boards of guardians may enter into to facilitate the removal of persons to make room for patients. The expenses incurred by the managers in execution of the powers and duties of the Diseases Prevention Act of 1855 are provided for by section 4 of the new Act, and are to be charged in the same manner as the expenditure provided from section 31 of the Metropolitan Poor Law Amendment Act of 1867, and by a charge upon the whole of the metropolitan area. Section 6 provides compulsory powers of purchase, and section 7 that a person shall not be deprived of any right or privilege, or be subject to any disability or disqualification by reason of his admission when suffering from infectious disease, into any hospital or hospital-ship provided by the managers.

I am, sir, Your obedient servant,

HUGH OWEN.



## DISEASES PREVENTION ACT, 1855.

(18 and 19 Vict., ch. 116.)

AN Act for the better Prevention of Diseases.

1. This Act may be cited for all purposes as the Diseases Prevention Act, 1855.

2. The local authority for executing this Act shall be the local authority acting in execution of any general Act in force for the time being for the removal of nuisances.

3. The expenses incurred in execution of this Act shall be borne out of the rates or funds administered by such local authority, under the provisions and for the purposes of any such general Act as is referred to in the preceding section.

4. The local authority and their officers shall have power of entry for the purposes of this Act, and for executing or superintending the execution of the regulations and directions of the General Board issued under this Act.

5. Whenever any part of *England* appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious disease, the lords and others of her Majesty's Most Honourable Privy Council, or any three or more of them (the Lord President of the Council or one of her Majesty's principal Secretaries of State being one), may, by order or orders to be by them from time to time made, direct that the provisions herein contained for the prevention of diseases be put in force in *England*, or in such parts thereof as in such order or orders respectively may be expressed, and may from time to time, as to all or any of the parts to which any such order or orders extend, and in like manner, revoke or renew any such orders; and subject to revocation and renewal as aforesaid, every such order shall be in force for six calendar months, or for such shorter period as in such order shall be expressed; and every such order of her Majesty's Privy Council, or of any members thereof, as aforesaid, shall be certified under the hand of the clerk in ordinary of her Majesty's Privy Council, and shall be published in the *London Gazette*; and such publication shall be conclusive evidence of such order, to all intent and purposes.

6. From time to time after the issuing of any such order as aforesaid, and whilst the same continues in force, the General Board of Health may issue directions and regulations, as the said Board think fit,—

For the speedy interment of the dead :

For house to house visitation :

For the dispensing of medicines, guarding against the spread of disease, and affording to persons afflicted by or threatened with such epidemic, endemic, or contagious diseases such medical aid and such accommodation as may be required :

And from time to time in like manner, may revoke, renew, and alter any such directions and regulations as to the said Board appears expedient, to extend to all parts in which the provisions of this Act for the prevention of



disease shall for the time being be put in force under such orders as aforesaid, unless such directions and regulations be expressly confined to some of such parts, and then to such parts as therein are specified ; and (subject to the power of revocation and alteration herein contained) such directions and regulations shall continue in force so long as the said provisions of this Act shall under such order be applicable to the same parts.

7. Every such direction and regulation as aforesaid, when issued, shall be published in the *London Gazette*, and the gazette in which such direction or regulation was published shall be conclusive evidence of the direction or regulation so published, to all intents and purposes.

8. The local authority shall superintend and see to the execution of such directions and regulations, and shall appoint and pay such medical or other officers or persons, and do and provide all such Acts, matters, and things, as may be necessary for mitigating such disease, or for superintending or aiding in the execution of such directions and regulations, or for executing the same, as the case may require.

9. The local authority may from time to time direct any prosecutions or legal proceedings for or in respect of the wilful violation or neglect of any such direction and regulation.

10. Every order of her Majesty's Privy Council, and every direction and regulation of the General Board of Health, under this Act, shall be laid before both Houses of Parliament, forthwith upon the issuing thereof, if Parliament be then sitting, and if not then within fourteen days next after the commencement of the then next session of Parliament.

11. Orders in Council issued in pursuance of this Act for putting in force the provisions for the prevention of disease in the said Nuisances Removal and Diseases Prevention Acts, contained, in *Great Britain*, may extend to parts and arms of the sea lying within the jurisdiction of the Admiralty ; and the Board of Health for *England* may issue under this Act directions and regulations for cleansing, purifying, ventilating, and disinfecting, and providing medical aid and accommodation, and preventing disease in ships and vessels, as well upon arms and parts of the sea aforesaid as upon inland waters.

12. Whenever in compliance with any regulation of the General Board of Health, which they may be empowered to make under this Act, any medical officer appointed under and by virtue of the laws for the time being for the relief of the poor shall perform any medical service on board of any vessel, such medical officer shall be entitled to charge extra for any such service, at the general rate of his allowance for his services for the union or place for which he is appointed, and such charges shall be payable by the captain of the vessel, on behalf of the owners, together with any reasonable expenses for the treatment of the sick ; and if such services shall be rendered by any medical practitioner who is not a union or parish officer, he shall be entitled to charges for any service rendered on board, with extra remuneration on account of distance, at the same rate as those which he is in the habit of receiving from private patients of the class of those attended and treated on shipboard, to be paid as aforesaid ; and in case of dispute in respect of such charges, such dispute may, where the charges do not exceed twenty pounds, be determined summarily, at the place where the dispute arises, as in case of seamen's wages not exceeding fifty pounds, according to the provisions of the law in that behalf for the time being in force ; and any justice before whom complaint is made shall determine summarily as to the amount which is reasonable, according to the accustomed rate of charge within the place for attendance on patients of the like class or condition as those in respect of whom the charge is made.



13. The directions and regulations of the General Board of Health under this enactment shall be under the seal of the said Board, and the hand of the president or two or more members thereof; and any copy of such regulations purporting to bear such seal and signature, whether the said signature and seal be respectively impressed and written, or printed only, shall be evidence in all proceedings in which such regulations may come in question.

14. Whoever wilfully obstructs any person acting under the authority or employed in the execution of this Act, and whosoever wilfully violates any direction or regulation issued by the General Board of Health as aforesaid, shall be liable for every such offence to a penalty not exceeding five pounds, to be appropriated in or towards the defraying the expenses of executing this Act.

15. The provisions of any General Act in force for the removal of nuisances, with regard to the service of notices, the proof of orders or resolutions of the local authority, and the recovery of penalties shall extend and apply to this Act.



## DISEASES PREVENTION (METROPOLIS) ACT, 1883.

(46 and 47 Vict., ch. 35.)

AN Act to make better provision as regards the Metropolis for the isolation and treatment of persons suffering from cholera and other infectious diseases ; and for other purposes.

1. This Act may be cited as the Diseases Prevention (Metropolis) Act, 1883.

2. The managers of the Metropolitan Asylum District (in this Act referred to as "the managers") shall be within that district a local authority under the Diseases Prevention Act, 1855, for such purposes of the said Act, and with such powers and duties as may from time to time be specified by regulations of the Local Government Board.

Subject to such regulations the managers may from time to time utilize any of their buildings, ambulances, and other property, and their staff, for the execution of any powers or duties conferred or imposed on them under the said Act and this Act.

3. Any authority or body of persons having the management and control of any hospital, infirmary, asylum, or workhouse, may from time to time let the same or any part thereof to the managers ; or may enter into and carry into effect contracts with the managers for the reception, treatment, and maintenance therein of persons suffering from cholera within the district of the managers.

Provided that the power conferred by this section shall not, without the consent of the Local Government Board, be exercised with respect to any asylum under the Metropolitan Poor Act, 1867, or any workhouse.

4. All expenses incurred by the managers in the execution of any powers and duties conferred or imposed on them under the Diseases Prevention Act, 1855, and this Act, shall be defrayed in the same manner as the expenses mentioned in section thirty-one of the Metropolitan Poor Act, 1867, are to be defrayed under that section ; and shall be raised and be recoverable in the same manner as expenses under the last-mentioned Act.

The amount expended by any local authority in the metropolis under the Diseases Prevention Act, 1855, other than the managers, in providing any building for the reception of patients or other persons under that Act, shall, to such extent as may be determined by the Local Government Board, together with two-thirds of the salaries or remuneration of any officers or servants employed in any such building under that Act, be repaid to them from the Metropolitan Common Poor Fund by the receiver of that fund, out of any moneys for the time being in his hands, upon the precept of the said Board, to be issued by them after the production of such evidence in support of the expenditure as they may deem satisfactory, and the Board may require contributions for the purpose of raising the sums so repayable.

5. The provision of hospital accommodation under the Sanitary Act, 1866, shall be deemed to be a purpose for which vestries and district boards in the metropolis are authorized to borrow under the Metropolis Management



Act, 1855, and sections one hundred and eighty-three to one hundred and ninety-one (both included) of that Act shall apply and have effect accordingly.

6. Whereas it is necessary, in order to facilitate the conveyance by water to hospital ships, and hospitals on or near the Thames of persons suffering from infectious disease, that the managers should provide wharves or landing-places for that purpose : Be it therefore enacted that it shall be the duty of the managers and they are hereby required to provide on the banks of the said river wharves or landing-places, not exceeding three in number, within the metropolis, and one wharf or landing-place beyond the metropolis, with convenient approaches thereto respectively, for the embarkation and landing of persons removed to or from any hospital ship or hospital belonging to the managers, and for any other purpose in relation thereto. The provision of such wharves or landing-places and approaches shall be deemed to be a purpose of the Metropolitan Poor Act, 1867, and so much of the Lands Clauses Acts as relates to the purchase of lands otherwise than by agreement may be put in force for such purpose in the manner provided by section fifty-three of that Act, but not without such advertisements and notices as are mentioned in section fifty-four of the same Act ; and when such wharves or landing-places and approaches have been provided on sites approved by order of the Local Government Board, the same shall be deemed to be expressly authorized by this Act.

7. The admission of a person suffering from infectious disease into any hospital or hospital ship provided by the managers, or the maintenance of any such person therein, shall not be considered to be parochial relief, alms, or charitable allowance to any person, or to the parent of any person, and no such person or his parent shall by reason thereof be deprived of any right or privilege, or be subject to any disability or disqualification.

8. The Local Government Board shall be deemed to have been empowered to assign to the port sanitary authority of the port of London for the whole of the said port the powers, rights, duties, capacities, liabilities and obligations which they have assigned to them ; and the said Board may, from time to time, assign to the said port sanitary authority for the whole of the said port any powers, rights, duties, capacities, liabilities and obligations of an urban sanitary authority under the Public Health Act, 1875, with such modifications and additions (if any) as may appear to the Board to be required.

The said port sanitary authority may acquire and hold land for the purposes of their constitution without any licence in mortmain.

9. Nothing in this Act shall be deemed or construed to exempt any local authority in the metropolis from the performance of any duties or liabilities assigned to them by regulations of the Local Government Board under the Diseases Prevention Act, 1855.

10. The power of the Local Government Board to issue directions and regulations under the Diseases Prevention Act, 1855, shall extend to issuing directions and regulations with respect to the powers and duties of the managers as a local authority under the Diseases Prevention Act, 1855, and with respect to the adjustment of their functions relatively to those of other local authorities under the said Act and this Act.

11. The Diseases Prevention Act, 1855, shall be deemed to apply to the hamlet of Mottingham, in the county of Kent, and the rural sanitary authority of the Lewisham Union shall (subject to the provisions of this Act) be the local authority for the execution of the said Act in the said parish, and their expenses shall be defrayed in like manner as their general expenses in the execution of the Public Health Act, 1875.



12. In and for the purposes of this Act, words and expressions have the same meanings, unless inconsistent with the context, as they have in the Metropolitan Poor Act, 1867.

“Cholera” includes choleraic diarrhœa.

“Diseases Prevention Act, 1855,” includes any Act or Acts amending the same.

13. This Act shall not continue in force after the first day of September, one thousand eight hundred and eighty-four, except so far as regards any property acquired, act done, or liability incurred under it prior to that date, and except as regards the port sanitary authority of London.



## EPIDEMIC AND OTHER DISEASES PREVENTION ACT, 1883.

(46 and 47 Vict., ch. 59.)

AN Act to make better provision for the prevention of outbreaks of formidable epidemic, endemic, or infectious diseases, and to amend the Public Health Act, England, 1875, and the Public Health Act, Ireland, 1878.

1. This Act may be cited as the Epidemic and other Diseases Prevention Act, 1883.

2. Whenever any part of England or of Ireland appears to be threatened with or affected by any formidable epidemic, endemic, or infectious disease, and the Local Government Board, England, under the provisions of the Public Health Act, England, 1875, or the Local Government Board, Ireland, under the provisions of the Public Health Act, Ireland, 1878, make regulations for all or any of the following purposes, namely :

- (1.) For the speedy interment of the dead.
- (2.) For house to house visitation.
- (3.) For the provision of medical aid and hospital accommodation ; and
- (4.) For the promotion of cleansing, ventilation, and disinfection, and for guarding against the spread of disease.

The purposes named in the said regulations shall be deemed to be purposes for which sanitary authorities may borrow money, and the local authorities in England, and the sanitary authorities in Ireland, charged with the carrying out of such regulations, may borrow, and the Public Works Loan Commissioners in England, and the Board of Public Works in Ireland may lend money to such authorities, as if such purposes were "works" for which loans may be granted under the Public Health Act, England, 1875, and the Public Health Act, Ireland, 1878.

Such loans may be made forthwith and without any preliminary public notice or inquiry, if it appear to the Local Government Board desirable in order to the prompt and effective execution of such regulations.

3. Whereas by the one hundred and fiftieth section of the Public Health Ireland Act, 1878, the Board of Guardians of any union in which regulations for prevention of the spread of formidable epidemic, endemic or infectious diseases made by the Local Government Board are declared to be in force, are the authority appointed to superintend and see to the execution of such regulations, to the exclusion of all other sanitary authorities :

And whereas in the event of the outbreak of any formidable epidemic, such exclusion of the urban sanitary authority in cities and large towns might lead to delay and inconvenience :

Be it enacted that whenever the Local Government Board, Ireland, shall make any such regulations, the Board may direct the urban sanitary authority within any district in which such regulations shall be declared to be in force, to superintend and see to the execution of such regulations, or any of them, either independently or jointly with the Board of Guardians of any union within which or within part of which regulations so issued by the Local Government Board are declared to be in force, and thereupon every urban sanitary authority so directed by the Local Government Board shall have the like powers and authority in every respect as the Board of Guardians of any union within such district.



PUBLIC HEALTH ACT, 1875 (SUPPORT OF SEWERS),  
AMENDMENT ACT, 1883.

(46 and 47 Vict., ch. 37.)

AN Act to amend the Public Health Act, 1875, and to make provision with respect to the support of public sewers and sewage works in mining districts.

1. This Act may be cited as the Public Health Act, 1875 (Support of Sewers), Amendment Act, 1883, and shall be construed as one with the Public Health Act, 1875 (in this Act called the Principal Act), as amended by the Acts for the time being in force amending the same.

2. In this Act,—

The expression “sanitary work” means any existing or future building or work constructed by or vested in or under the control of a local authority under the powers or for the purposes of so much of the Principal Act or of any General or Local Act or Provisional Order as relates to the construction or maintenance of any works of sewerage, drainage, sewage-disposal, lighting or water-supply, and includes any fixtures, pipes, fittings or apparatus connected with any such work, and belonging to or used by the local authority:

The expression “support” includes vertical and lateral support:

The expression “Sanitary Act” means the Act or Provisional Order under the authority of which a sanitary work has been or is constructed or is maintained, whether such Act or Order was passed and confirmed before or after the commencement of this Act:

The expression “person” includes a body corporate.

3. The provisions of the Waterworks Clauses Act, 1847, sections eighteen to twenty-seven (both inclusive), with respect to mines, shall, in relation to any sanitary work of a local authority, be deemed to be incorporated with this Act and with the Sanitary Act under the authority of which such sanitary work has been or is constructed or is maintained, with the following modifications (that is to say):—

- (1) For the purposes of such incorporation the said provisions of the Waterworks Clauses Act, 1847, shall be construed as if the expression “the undertakers” referred to the local authority, and as if the expression “the Special Act” referred to such Sanitary Act and this Act, and as if expressions relating to pipes, conduits or other works referred to the sanitary work:
- (2) The local authority, by or with any notice under the Waterworks Clauses Act, 1847, of willingness to treat for or make compensation, or of intention to prevent or interfere with the working of any mines, may specify and define the nature and extent of support which they require to be left, and any such notice may extend to minerals beyond the distance of forty yards mentioned in the said Act or to such less distance as the local authority think fit:
- (3) As regards sanitary works existing at the passing of this Act the



local authority shall cause the survey and map referred to in section nineteen of the Waterworks Clauses Act, 1847, to be made within twelve months after the passing of this Act :

- (4) The amount of any compensation in respect of support for a sanitary work payable by a local authority under the provisions of the Waterworks Clauses Act, 1847, as incorporated with this Act or the Sanitary Act, together with the costs of and incident to settling the same by arbitration or otherwise, shall be paid, charged, and borne in the same manner, and subject to the same powers and provisions as to borrowing and otherwise, as is provided with respect to the expenses of the construction or maintenance of the sanitary work by the Sanitary Act :
- (5) A local authority may from time to time make agreements with the owners, lessees, or occupiers of or the persons working any mine for compromising any claim made or to be made in respect of anything done or omitted before the passing of this Act in relation to the matters in this Act mentioned or otherwise for carrying into effect the purposes of this Act in relation to the past or future working of mines.

The provisions of this Act shall apply to every sanitary work as defined in this Act, whether the land on, in, over or under which such work is situate is or is not vested in or occupied by the local authority, and is or is not wholly or partially dedicated to the public as a street, highway, or public place.

4. Except as in this Act provided, a local authority shall not by reason only of anything contained in the Sanitary Act under the authority of which a sanitary work has been or is constructed or maintained be deemed to have acquired or to be entitled to or to be bound to acquire or make compensation for any right of support for such sanitary work as against any person owning or working or being lessee or occupier of or entitled to work or otherwise interested in any mine ; and nothing in such Sanitary Act shall be deemed to have subjected or to subject any such person to any liability to the local authority in respect of damage to a sanitary work caused in or consequent upon the working of any mines in a reasonable and proper manner.

5. Nothing in this Act shall be construed to repeal, invalidate or affect any express enactment in a Sanitary or other Act with respect to rights of support for sanitary works, or any agreement made before the passing of this Act with respect to such rights, or to affect any action, arbitration, or other legal proceedings concluded before or pending at the passing of this Act.

Where any right of support has been acquired before the passing of this Act by a local authority in respect of any sanitary work, and no compensation is at the passing of this Act recoverable in respect of such right, nothing in this Act shall be construed to apply to the work in respect of which such right has been acquired, or operate to deprive the local authority of such right or to entitle any person to any compensation in respect thereof, to which such person would not have been entitled if this Act had not been passed.



## THE FACTORY AND WORKSHOP ACT, 1883.

(46 and 47 Vict., ch. 53.)

AN Act to amend the law relating to certain factories and workshops.

1. This Act may be cited as the Factory and Workshop Act, 1883.

*White Lead Factories.*

2. After the 31st day of December, 1883, it shall not be lawful to carry on a white lead factory unless such factory is certified by an inspector to be in conformity with this Act.

3. (1) A white lead factory shall not be certified to be in conformity with this Act unless the scheduled conditions, that is to say, the conditions specified in the schedule to this Act, as amended by any order of a Secretary of State under this section, and including any conditions added by any such order, have been complied with.

- (2) A Secretary of State may at any time, by writing under his hand, revoke, alter, add to or modify all or any of the conditions specified in the schedule to this Act.

4. Within a reasonable time after written application in that behalf, addressed to the chief inspector of factories by the occupier of any white lead factory, such factory shall be inspected by an inspector, and if he finds that the scheduled conditions have been complied with he shall certify to a Secretary of State that the factory is in conformity with this Act; and a copy of the certificate, signed by the inspector, shall be forthwith given to the occupier.

5. If at any time after a white lead factory has been certified to be in conformity with this Act, it appears to an inspector that the factory is not kept in conformity with this Act, he shall forthwith give notice to the occupier, specifying in what respects default is made; and unless the default is within a reasonable time after the notice remedied to the satisfaction of an inspector, a Secretary of State may, if he sees fit, withdraw the certificate until the default is remedied.

6. The occupier of a white lead factory which after the 31st day of December, 1883, is carried on without a certificate under this Act shall, for every day during which it is so carried on, be liable on summary conviction to a fine not exceeding two pounds.

7. (1) There shall be established not later than the 1st day of January, 1884, in every white lead factory, such special rules for the guidance of the persons employed therein as may appear best calculated to enforce the use by them of the requirements provided under this Act, and generally to prevent injury to health in the course of their employment.

- (2) Such special rules when established shall be observed in and about the factory as if they were enacted in this Act.

- (3) If any person who is bound to observe the special rules established



for any white lead factory acts in contravention of or fails to comply with any of such special rules, he shall be liable on summary conviction to a fine not exceeding two pounds; and the occupier of such factory shall also be liable on summary conviction to a fine not exceeding five pounds, unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing the said rules, to prevent such contravention or non-compliance.

8. (1) The occupier of every white lead factory shall frame and transmit to the chief inspector, for approval by a Secretary of State, special rules for such factory within three months after the passing of this Act, or within three months after the opening for work of any white lead factory not opened for work before the passing of this Act.

(2) The proposed special rules, together with a printed notice specifying that any objection to such rules on the ground of anything contained therein or omitted therefrom may be sent by any of the persons employed in the factory to the chief inspector, shall, during not less than two weeks before such rules are transmitted to the chief inspector, be posted up in like manner as is provided in this Act respecting the publication of special rules for the information of persons employed in the factory; and a certificate that such rules and notice have been so posted up shall be sent to the chief inspector, with the rules signed by the person sending the same.

(3) The Secretary of State may approve such rules either with or without any omission, alteration or addition, and on his approval being signified in such manner as he may think fit the special rules as approved shall be established. But no such omission, alteration or addition shall be made without sufficient notice to the occupier to enable him to state his objections, if any, thereto.

9. (1) After special rules are established under this Act in any white lead factory the occupier of such factory may from time to time propose in writing to the chief inspector, for the approval of a Secretary of State, any amendment of such rules or any new special rules, and the provisions of this Act with respect to the original special rules shall apply to all such amendments and new rules in like manner, as near as may be, as they apply to the original rules.

(2) A Secretary of State may at any time propose to the occupier of any white lead factory any new special rules or any amendments to the special rules; and such new rules or amendments shall, as settled after time given for consideration of the objections, if any, of the occupier, be established as from a date to be fixed by a Secretary of State and specified therein.

10. If the occupier of any white lead factory to which this Act applies makes any false statement with respect to the posting up of the special rules and notices, he shall be liable on summary conviction to a fine not exceeding twenty pounds; and if special rules for any white lead factory are not transmitted within the time limited by this Act to the chief inspector, for the approval of a Secretary of State, such secretary may by writing under his hand establish for that factory such special rules as he may see fit, to come into operation as from a date to be fixed by him and specified therein.

11. (1) Printed copies of all special rules for the time being in force in any white lead factory under this Act shall be kept posted up in legible characters in conspicuous places in the factory where they may be conveniently read by the persons employed.

(2) A printed copy of such rules shall be given by the occupier to any person affected thereby on his or her application.

(3) If the occupier of any white lead factory fails to comply with any



provision of this section, he shall be liable on summary conviction to a fine not exceeding ten pounds.

12. Every person who pulls down, injures or defaces any proposed special rules, notice or special rules when posted up in pursuance of the provisions of this Act with respect to special rules, or any notice posted up in pursuance of the special rules, shall be liable on summary conviction to a fine not exceeding five pounds.

*Explanation of certain Provisions of Factory, &c., Act, 1878.*

13. It is hereby declared that—

(a) Section fifty-three of the Factory and Workshop Act, 1878, only authorizes overtime employment of young persons or women to take place in any factory or workshop on forty-eight days in the whole, in any twelve months; and that in reckoning such period of forty-eight days, every day on which any young person or woman has been employed overtime is to be taken into account; and that

(b) Section fifty-six of the said Act only authorizes overtime employment of women to take place in any factory or workshop on ninety-six days in the whole in any twelve months, and that in reckoning such period of ninety-six days, every day on which any woman has been employed overtime is to be taken into account.

14. Notwithstanding anything in section twelve or section fourteen of the Factory and Workshop Act, 1878, the period of employment for a child in an afternoon set in a factory or workshop, where the dinner-time does not begin before two o'clock in the afternoon, may begin at noon; provided that in such case the period of employment in the morning set shall end at noon.

*Bakehouses.*

15. It shall not be lawful to let or suffer to be occupied as a bakehouse, or to occupy as a bakehouse, any room or place which was not so let or occupied before the 1st day of June, 1883, unless the following regulations are complied with:

- (i.) No watercloset, earthcloset, privy or ashpit shall be within or communicate directly with the bakehouse;
- (ii.) Any cistern for supplying water to the bakehouse shall be separate and distinct from any cistern for supplying water to a watercloset;
- (iii.) No drain or pipe for carrying off fæcal or sewage-matter shall have an opening within the bakehouse.

Any person who lets or suffers to be occupied or who occupies any room or place as a bakehouse in contravention of this section shall be liable, on summary conviction, to a fine not exceeding forty shillings, and to a further fine not exceeding five shillings for every day during which any room or place is so occupied after a conviction under this section.

16. Where a court of summary jurisdiction is satisfied on the prosecution of an inspector or a local authority that any room or place used as a bakehouse (whether the same was or was not so used before the passing of this Act) is in such a state as to be on sanitary grounds unfit for use or occupation as a bakehouse, the occupier of the bakehouse shall be liable, on summary conviction, to a fine not exceeding forty shillings, and on a second or any subsequent conviction, not exceeding five pounds.

The court of summary jurisdiction, in addition to or instead of inflicting



such fine, may order means to be adopted by the occupier, within the time named in the order, for the purpose of removing the ground of complaint. The court may, upon application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day that such non-compliance continues.

17. (1) As respects every retail bakehouse, the provisions of this part of this Act and of sections three, thirty-three, thirty-four and thirty-five of the Factory and Workshop Act, 1878 (which relate to cleanliness, ventilation, overcrowding and other sanitary conditions), shall be enforced by the local authority of the district in which the retail bakehouse is situate, and not by an inspector under the Factory and Workshop Act, 1878; and for the purposes of this section the medical officer of health of the local authority shall have and exercise all such powers of entry, inspection, taking legal proceedings and otherwise, as an inspector under the Factory and Workshop Act, 1878.

(2) If any child, young person or woman is employed in any retail bakehouse, and the medical officer of the local authority becomes aware thereof, he shall forthwith give written notice thereof to the factory inspector for the district.

(3) An inspector under the Factory and Workshop Act, 1878, shall not, as respects any retail bakehouse, exercise the powers of entry and inspection conferred by that Act, unless he has notice or reasonable cause to believe that a child, young person or woman is employed therein.

18. This Act shall be construed as one with the Factory and Workshop Act, 1878; and in this Act, unless the context otherwise requires,—

The expression “white lead factory” includes every factory and workshop in which the manufacture of white lead is carried on:

The expression “retail bakehouse” means any bakehouse or place, the bread, biscuits or confectionery baked in which are not sold wholesale, but by retail in some shop or place occupied together with such bakehouse:

The expression “local authority” means, as respects the City of London and the liberties thereof, the Commissioners of Sewers; as respects the parishes and districts mentioned in the Schedules A. and B. annexed to the Metropolis Management Act, 1855, and any parish to which the said Act may be extended by Order in Council in manner in the said Act provided, the vestries and district boards elected under the said Act; and, as respects any urban sanitary district, the urban sanitary authority, and, as respects any rural sanitary district, the rural sanitary authority, within the meaning of the Public Health Act, 1875.

#### APPLICATION OF ACT TO SCOTLAND AND IRELAND.

19. In the application of this Act to Scotland the expression “local authority” means the local authority within the meaning of the Public Health (Scotland) Act, 1867.

20. In the application of this Act to Ireland the expression “local authority” means, as regards any urban sanitary district, the urban sanitary authority, and, as regards any rural sanitary district, the rural sanitary authority, within the meaning of the Public Health (Ireland) Act, 1878.

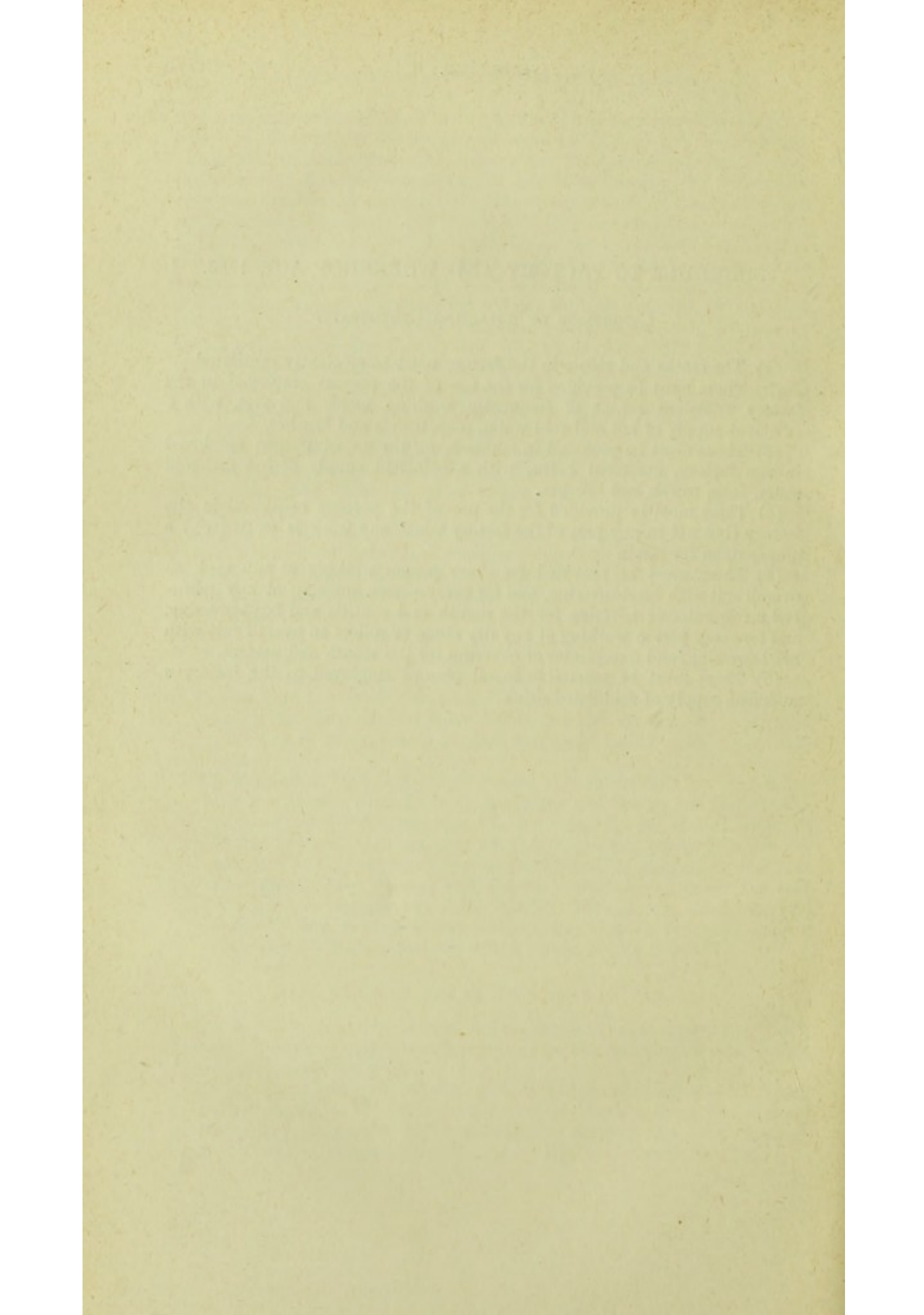


## SCHEDULE TO FACTORY AND WORKSHOP ACT, 1883.

## CONDITIONS OF OBTAINING CERTIFICATE.

- (1) The stacks and stoves in the factory must be efficiently ventilated.
- (2) There must be provided for the use of the persons employed in the factory sufficient means of frequently washing hands and feet, with a sufficient supply of hot and cold water, soap, towels and brushes.
- (3) There must be provided in addition, for the use of women employed in the factory, sufficient baths, with a sufficient supply of hot and cold water, soap, towels and brushes.
- (4) There must be provided for the use of the persons employed in the factory (but not in any part of the factory where any work is carried on) a proper room for meals.
- (5) There must be provided for every person working at any tank an overall suit with head-covering, and for every person working at any white-bed a respirator or covering for the mouth and nostrils and head-covering, and for every person working at any dry stove or rollers an overall suit with head-covering, and a respirator or covering for the mouth and nostrils.
- (6) There must be accessible to all persons employed in the factory a sufficient supply of acidulated drink.







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