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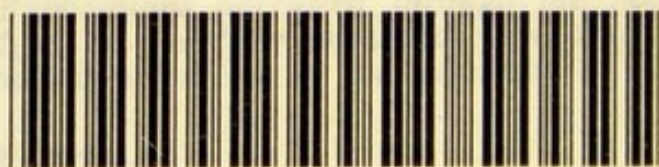
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THE
PUBLIC HEALTH ACT, 1875,

ARRANGED IN
DICTIONARY INDEX FORM,

BEING A
Handy-Book for Ready Reference

FOR THE USE OF
Officers and Members of Sanitary Authorities.

BY
JAMES C. STEVENS,
Wetherby, Yorkshire.

LONDON:
SHAW & SONS, FETTER LANE & CRANE COURT,
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1876.

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PREFACE.

By the Public Health Act, 1875, the Sanitary Acts were intended to be consolidated, so as to render them more intelligible and easier for reference to the practitioner and officials carrying the Acts into operation ; but the length of the present Act renders it difficult for any person to take a clear view of its provisions on certain subjects without the risk of overlooking some clause bearing on the question. The Act is certainly divided into parts, but there are sections in many parts which have reference entirely to sections in other parts.

To prevent the inconvenience and waste of time which must necessarily arise in searching out the several sections affecting any subject, the compiler has arranged the whole of the Public Health Act, 1875, into an Alphabetical Index, and, under each heading, has introduced the several sections referring thereto ; and where the sections refer to more than one subject, a reference has been carried forward to the several headings. The whole of the Sanitary Law on any

subject, so far as the Public Health Act, 1875, is concerned, is thus brought before the reader at a glance, and in some portion of the work the whole of the sections of the Act will be found.

Care has been taken to render the text perfectly correct, so as to admit of quotation from the work.

The Schedules to the Act are printed in full at the end.

JAMES C. STEVENS.

*Wetherby, Yorkshire,
May, 1876.*

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"(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 :

ALTERATION OF AREAS—*continued*.

“(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”: Sect. 270.

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APPEAL—*continued.*

“Any proceeding 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”: Sect. 268.

To quarter sessions.—“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

APPEAL—*continued.*

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 ” : Sect. 269.

Application of penalties—“ 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 the treasurer, and shall by him be carried to the account of the fund applicable by such authority to the general purposes of this Act ” : Sect. 254.

Appointment of medical officer of health by districts united for that purpose—*see* Union of Districts.

Of arbitrator—*see* Arbitration.

Of receiver in default of payment of principal and interest—*see* Receiver.

Apportionment by rural authority of expenses of works executed for the common benefit of two or more contributory places—*see* Expenses of Rural Authority.

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Approaches to markets—*see* Markets.

Approval—*see* Common Lodging-houses.

Of plan of proposed building—*see* Commencement of Work.

Aqueducts vest in local authority—*see* Wells.

Arbitration.—"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" : Sect. 179.

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 was 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

ARBITRATION—*continued.*

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 misdemeanor :

ARBITRATION—*continued.*

“(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 costs 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”: Sect 180.

In settlement of disputes between local authority and owner or occupier—*see* Owner.

In settlement of dispute as to levelling, sewerage, paving, lighting, &c., streets—*see* Highways.

To settle dispute as to compensation to owner for alteration in line of building—*see* Line of Building.

Claims under £20 may be referred to court of summary jurisdiction—*see* Compensation.

With reference to disputes between universities and urban authority—*see* Cambridge.

In case works, &c. (not prohibited by sect. 327), proposed to be done by local authority, interfere with any rights, &c.—*see* Local Authority.

On difference between local authority and persons authorized to navigate on canals, rivers, &c., as to whether sewers, &c., replaced by such persons are as effectual as those removed—*see* Rivers.

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Area of cellar dwellings—*see* Cellar Dwellings.

“**Artizans and Labourers’ Dwellings Act**” means 31 & 32 Vict. c. 130 (Artizans and Labourers’ Dwellings Act, 1868): Sect. 4.

All powers, rights, duties, capacities, liabilities and obligations thereunder vested in urban authority : Sect. 10.

Ashes—*see* Bye-laws Receptacles.

Ash-pit, erecting house without—*see* Privy.

May be provided by local authority in default of owner or occupier—*see* Privy.

To be properly constructed and kept—*see* Drain.

Cleansing of, by local authority—*see* Removal of House Refuse.

Foul—*see* Nuisance.

See Bye-laws.

Asses—*see* Horses.

Assessment of district rate—*see* District Rates.

Assistant Officers may be appointed—*see* Officers of Urban Authority.

See Officers of Rural Authority.

Clerk to union may be appointed clerk to rural authority—*see* Officer of Rural Authority.

Attorney-General, consent of, must be obtained before proceedings for pollution of watercourse—*see* Watercourse.

Consent of, where necessary in case of summary proceedings—*see* Summary Proceedings.

Audit.—"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": Sect. 324.

Of highway accounts of urban authority—*see* Highway Rates.

Of Accounts.—Urban authority. Council of Borough.—
"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

AUDIT OF ACCOUNTS—*continued.*

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": Sect. 246.

Urban authority, not council of borough.—"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

AUDIT OF ACCOUNTS—*continued.*

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 deficiency 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

AUDIT OF ACCOUNTS—*continued.*

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” : Sect. 247.

Rural authority.—“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 pay-

AUDIT OF ACCOUNTS—*continued.*

ing 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”: Sect. 248.

Officers' accounts.—“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”: Sect. 250.

Auditors of borough accounts—*see* Audit of Accounts.

Auditor of poor law accounts to audit accounts of urban authority and rural authority—*see* Audit of Accounts.

May require production of books, documents, &c.—*see* Audit of Accounts.

Award of arbitrator or umpire—*see* Arbitration.

“**Bakehouse Regulation Act**” means 26 & 27 Vict. c. 40 (Bakehouse Regulation Act, 1863): Sect. 4.

All powers, rights, duties, capacities, liabilities and obligations thereunder are vested in urban authority: Sect. 10.

By sect. 11 the same powers vest in rural authorities to the exclusion of any other authority.

Baths—*see* Public Baths.

“**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): Sect. 4.

Where in force within the district of urban authority, all powers, rights, duties, capacities, liabilities, and obligations in relation thereto, vest in authority: Sect. 10.

BATHS AND WASH-HOUSES ACTS—*continued.*

Where not in force may be adopted by urban authority :
Sect. 10.

Blandford, not a borough : Sect. 6.

Blood-boiler—*see* Trade.

Boats, pleasure—*see* Horses.

Bone-boiler—*see* Trade.

"Borough" means any place for the time being subject to the Act of the session 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: Sect. 4.

See Urban District, Oxford, Cambridge, Blandford, Calne, Wenlock, Folkestone, Newport, Property, Alteration of Areas, Improvement Act District.

Borough fund—*see* Expenses of Urban Authority.

Rate—*see* Expenses of Urban Authority.

Borrowing powers.—"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,

BORROWING POWERS—*continued*.

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": Sect. 233.

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

BORROWING POWERS—*continued.*

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”: Sect. 234.

On sewage, plant, &c.—“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 in any way be 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”: Sect. 235.

Of joint boards, &c.—“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

BORROWING POWERS—*continued.*

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": Sect. 244.

Of Local Government Board where local authority make default in performing their duties.—"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 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": Sect. 301.

Boundaries, settlement of disputes as to.—"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": Sect. 278.

May be defined by Local Government Board—*see* Rural Districts.

Bread—*see* Meat.

Bridge.—"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": Sect. 147.

Building newly erected over sewer.—"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": Sect. 26.

Buildings may be provided for deposit of rubbish, &c.—*see* Receptacles.

When taken down for the purpose of being rebuilt, the urban authority may prescribe line of building—*see* Line of Building.

Cannot be brought forward without the consent of urban authority—*see* Line of Buildings.

Erected before this Act came into operation or before the place in which such building is erected became part of an urban district is not liable to come under the bye-laws under sect. 157—*see* Bye-laws.

BUILDINGS—continued.

What is a new building under this Act—*see* Bye-laws.

Ruinous or dangerous—*see* Towns Improvement Clauses Act.

Unfit for human habitation—*see* Default in remedying Nuisance.

Bye-laws.—"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" : Sect. 182.

"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 authorise 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" : Sect. 183.

"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.

BYE-LAWS—*continued.*

"A bye-law required to be confirmed by the Local Government Board shall not require confirmation, allowance, or approval by any other authority" : Sect. 184.

"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" : Sect. 185.

"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" : Sect. 186.

"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" : Sect. 187.

"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 cess-pools 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" : Sect. 44.

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

BYE-LAWS—*continued*.

- “(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” : Sect. 80.

“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” : Sect. 90.

“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” : Sect. 113.

Any local authority may make bye-laws with respect to the management and charges for the use of mortuary provided by them—*see* Mortuaries.

“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 ;

BYE-LAWS—*continued.*

“(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 water-closets, earthclosets, privies, ashpits, and cesspools in connection 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 (*see* Line of Buildings) shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of parliament” : Sect. 157.

See Commencement of Works.

What is a new building under bye-laws.—“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” : Sect. 159.

For regulation of public walks and pleasure-grounds—*see* Pleasure-grounds.

For management, &c., of market, &c.—*see* Markets.

BYE-LAWS—*continued.*

For management, &c., of slaughter-houses — *see* Slaughter-houses.

For regulating cab-stands, terms of hiring, &c.—*see* Towns Police Clauses Act, 1847.

For regulating stands, &c., for horses, &c., and fixing number and names of pleasure-boats, vessels, &c.—*see* Horses.

See Hop-pickers.

“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”: Sect. 315.

Calne not a borough: Sect. 6.

Cambridge not a borough, but an Improvement Act District: Sect. 6.

See Universities.

“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”: Sect. 228.

Canal, not to be drained into—*see* Local Authority.

In what proportion to be rated at—*see* District Rate, Contribution Order.

Navigation of—*see* River.

Carcase—*see* Meat.

Carriage.—"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": Sect. 123.

See Conveyance—Disinfection of.

Carriageway—*see* Sewer.

Case may be stated to superior court by quarter sessions on appeal to them—*see* Appeal.

Cellar newly built under street—*see* Building newly Erected over Sewer.

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

"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": Sect. 71.

Existing.—"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 watercloset, earthcloset, or privy, and an ashpit, furnished with proper doors and coverings, according to the provisions of this Act; and

CELLAR DWELLINGS, EXISTING—*continued.*

“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”: Sect. 72.

“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”: Sect. 73.

“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 :” Sect. 75.

Certificate of auditor as to amount due—*see* Audit of Accounts.

Certiorari, with reference to any payment of money by Authority—*see* Audit of Accounts.

To remove disallowance by Auditor—*see* Audit of Accounts.

Cesspool, to be drained into, in default of other means—*see* House without Sufficient Drainage.

To be properly constructed and kept—*see* Drain.

Cleansing of, by local authority—*see* Removal of House Refuse.

CESSPOOL—*continued.*

Overflow from—*see* Pigs.

Foul—*see* Nuisance.

Change of name of local board—*see* Name of Local Board.

Chimney, structure of—*see* Bye-laws.

Cholera —“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”: Sect 130.

See Regulations as to Epidemic, &c., Diseases.

Cisterns, public, vest in local authority—*see* Wells, Pollution of Wells.

Cleansing of streets, earthclosets, privies, ashpits, and cesspools—*see* Removal of House Refuse, and Bye-laws.

Of footways, pavements—*see* Bye-laws.

Clerk.—“Nothing in this Act shall affect the rights or position of any clerk or treasurer, the tenure of whose office is regulated by sect. 12 of the Public Health Act, 1872”: Sect. 318.

Shall be appointed by urban authority—*see* Officer of Urban Authority.

Of union, shall be clerk to rural authority—*see* Officer of Rural Authority.

To local authority may appear on their behalf in any proceedings—*see* Local Authority.

To local authority may sign notices, &c., for local authority—*see* Notices.

CLERK—*continued.*

To local authority to supply certified copy of entry in register of common lodging houses, gratis—*see* Register.

To local authority to furnish copy of proposed bye-laws on payment—*see* Bye-laws.

To local authority cannot be treasurer—*see* Officer of Local Authority.

Of peace to tax solicitor's costs—*see* Taxation of Costs.

Clocks (public).—"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": Sect. 165.

Closing of polluted well, &c.—*see* Pollution.

Cellar dwellings—*see* Cellar Dwellings.

House after two convictions for overcrowding—*see* Overcrowding.

House unfit for human habitation—*see* Bye-laws.

Collectors may be appointed by urban authority—*see* Officers of Urban Authority.

Must account and make return of defaulters in payment of rates—*see* Officers of Urban Authority.

Collegiate bodies, saving clause.—"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": Sect. 335.

Combination of local authorities for providing hospitals, &c.—*see* Hospitals.

COMBINATION OF LOCAL AUTHORITIES—*continued.*

For prevention of epidemic diseases—"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": Sect. 139.

Commencement of works.—"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": Sect. 158.

Committees.—"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": Sect. 200.

COMMITTEES—*continued.*

“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”: Sect. 201.

“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”: Sect. 202.

“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”: Sect. 203.

COMMITTEES—*continued*.

"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": Sect. 204.

Common fund—General expenses to be paid out of—*see* Expenses of Rural Authority.

Lodging-houses.—"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": Sect. 89.

"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": Sect. 77.

"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": Sect. 78.

"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": Sect. 79.

"The keeper of a common lodging-house shall, to the satisfaction of the local authority, limewash the walls and ceil-

COMMON LODGING-HOUSES—*continued.*

ings 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": Sect. 82.

"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": Sect. 83.

"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": Sect. 84.

"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": Sect. 85.

"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": Sect. 86.

"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": Sect. 87.

"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

COMMON LODGING-HOUSES—*continued.*

whom the conviction for such third offence takes place may, if it 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": Sect. 88.

See Bye-laws, Register, Supply of Water.

Common seal—*see* Local Board.

Must be affixed to contracts over £50 by urban authority—*see* Contracts.

Must be affixed to bye-laws—*see* Bye-laws.

„ to mortgage—*see* Mortgages.

Communication pipes—*see* Waterworks.

Compensation in case of damage by local authority.—

"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": Sect. 308.

See Destruction of Infected Articles.

To person when line of building altered—*see* Line of Building.

To officers.—"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

COMPENSATION—*continued.*

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": Sect. 309.

Complaint in summary proceedings—*see* Summary Proceedings.

Who to make it—*see* Summary Proceedings.

Of nuisance by private individual.—"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": Sect. 105.

Conduits vest in local authority—*see* Wells.

Constable may be authorized by justice to enter premises for examination ; to do all necessary acts for carrying out any order ; to recover expenses—*see* Complaint by Private Individual, Police Officer.

Construction of incorporated Acts — *see* Incorporated Acts.

Of schedules—*see* Schedules.

Of works by local authority—*see* Disposal of Sewage.

For gratuitous supply of water—*see* Wells.

Contract by local authority for use of, purchase of, or leasing of land, buildings, engines, materials, or apparatus—*see* Disposal of Sewage.

To supply sewage—*see* Disposal of Sewage.

To supply water to house without proper supply—*see* Supply of Water.

By water company to supply water—*see* Water Company.

Contracts.—“ Any local authority may enter into any contracts necessary for carrying this Act into execution”: Sect. 173.

By urban authority.—“ 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

CONTRACTS—*continued.*

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” : Sect. 174.

An officer of local authority shall not be concerned in any contract made with the authority, under a penalty of £50
—see Officer of Local Authority.

Nothing in Part 6 of this Act shall alter or affect any lease, contract, or agreement, made, or entered into, between the landlord and tenant of any premises : Sect. 226.

Contribution orders of rural authority.—“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

CONTRIBUTION ORDERS—*continued*.

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 rentcharge, 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

CONTRIBUTION ORDERS—*continued*.

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": Sect. 230.

See Recovery of Contribution Orders from Overseers.

Orders of joint boards.—"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.

CONTRIBUTION ORDERS—*continued.*

“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”: Sect. 284.

Of port sanitary authority—*see* Expenses of Port Sanitary Authority.

Contributory places, what are—*see* Expenses of Rural authority.

Conveyance, disinfection of.—“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”: Sect. 127.

Conviction—Appeal to quarter sessions against—*see* Appeal.

Proceedings in case of two convictions for overcrowding—*see* Overcrowding.

Copy of rate made under this Act may be taken by person interested—*see* Rates.

Of bye-laws (printed) to be supplied to ratepayers—*see* Bye-laws.

Of bye-laws, signed and certified to be evidence—*see* Bye-laws.

Of valuation list or poor rate—*see* Inspection of Valuation List.

Of register of common lodging-houses—*see* Register.

Of proposed bye-laws to be deposited at the office of local authority, and copy given to ratepayers on payment—*see* Bye-laws.

Of accounts of urban authority to be deposited in the office of such authority for inspection of persons interested—*see* Audit of Accounts.

Corn—*see* Meat.

Coroner—*see* Post-mortem Examination.

Corporate bodies—Saving clauses as to—*see* Collegiate Bodies.

Cost of maintenance in hospital—Recovery of—*see* Maintenance of Persons, &c.

Costs and expenses.—“ 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 rackrent 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 :

COSTS AND EXPENSES—*continued.*

"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" : Sect. 104.

Costs of reference of questions, under £20—*see* Court of Summary Jurisdiction.

Of reference—*see* Arbitration.

Of inquiries—*see* Local Government Board.

Of obtaining provisional order—*see* Provisional Order.

Of proceedings in connection with the default of local authority to perform duties—*see* Expenses of Performing Duties of Defaulting Local Authority.

Council of boroughs.—"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" : Sect. 198.

Bye-laws made by them are subject to the regulations of this Act—*see* Bye-laws.

Expenses of—*see* Expenses of Urban Authority.

Audit of accounts of—*see* Audit of Accounts.

County bridge—*see* Roads (Turnpike).

Courts.—"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 debt within the cognizance of such courts" : Sect. 261.

"**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 : Sect. 4.

See Quarter Sessions.

“**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 Act, or any Acts therein referred to: Sect. 4.

May settle disputes between local authority and owner and occupier—*see* Owner.

See Waterworks.

May settle dispute between local authority and consumer of water—*see* Meter.

May make an order closing polluted well, &c.—*see* Pollution.

May order closing of house upon two convictions for overcrowding—*see* Overcrowding.

May determine disputes under £20.

“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”: Sect. 181.

Officer of local authority failing to account or deliver up books, &c., when required may be summoned before this court and sent to gaol—*see* Officer of Local Authority.

May on two convictions within three months direct the closing temporarily or permanently of cellar dwelling—*see* Cellar Dwellings.

See Default in Remedying Nuisance.

May empower constable or other person to carry out their order, &c.—*see* Complaint by Private Individual.

Where proceedings in, inadequate—*see* Superior Court.

See Nuisance arising from Trades.

May determine dispute as to charges by medical officer or medical practitioner for extra services on board ships—*see* Medical Officer of Health.

May appoint receiver on application by creditors if authority makes default in payment of principal and interest—*see* Receiver.

Appeal to quarter sessions against decisions of—*see* Appeal.

COURT OF SUMMARY JURISDICTION—*continued.*

May make an order authorizing local authority to enter upon lands for the purpose of taking surveys, levels, &c.—*see* Entry on Lands.

May ascertain the compensation in case of damage by local authority when under £20—*see* Compensation.

“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” : Sect. 251.

Cowley—*see* Oxford.

Cumulative powers of Act.—“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” : Sect. 341.

Damage by local authority—*see* Compensation.

Damaging property of local authority.—“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” : Sect. 307.

Dangerous buildings—*see* Towns Improvement Clauses Act.

Date of Act, 11th August, 1875.

Death of arbitrator or umpire—*see* Arbitration.

Debts.—“ Debts, liabilities, and obligations incurred by any authority whose powers, rights, duties, liabilities, capacities, and obligations are under this Act exerciseable 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”: Sect. 12.

Declaration of arbitrator or umpire—*see* Arbitration.

Deduction by occupier from rent of money paid by him for owner—*see* Costs and Expenses.

Of three-fourths of private improvement rate by occupier from rent—*see* Private Improvement Rate.

From amount of rate, when premises properly drained before sewer made—*see* Rates.

Default in remedying nuisance.—“ 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”: Sect. 95.

“ 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”: Sect. 96.

DEFAULT IN REMEDYING NUISANCE—*continued.*

“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”: Sect. 97.

“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”: Sect. 98.

See Appeal against order of Court—Entry of Local Authority on Premises.

“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”: Sect. 101.

In payment of principal or interest—*see* Receiver.

Of owner or occupier to make drain—*see* House without Sufficient Drainage.

Default of local authority in carrying out this Act.—

“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 provision of this Act which it is their duty to enforce, the Local Government Board, if satisfied, after due

DEFAULT OF LOCAL AUTHORITY—*continued*.

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": Sect. 299.

See Expenses of Performing Duties of Defaulting Local Authority.

Definition of—*see* Cellar Dwellings.

Of new building under this Act—*see* Bye-laws.

Delegation of powers by port sanitary authority—*see* Port Sanitary Authority.

By rural authorities—*see* Committees.

Delivery of appointment to arbitrators—*see* Arbitration.**Deposit, injurious to health**—*see* Nuisance.

Of plans for paving, levelling, sewerage, &c., of streets—*see* Highways.

Of plans and construction of buildings—*see* Bye-laws.

Of proposed bye-laws—*see* Bye-laws.

Deputy medical officer of health—*see* Medical Officer of Health.**Destroying or effacing board for bye-laws, notices, &c.**—
see Obstructing Execution of Act.

Destruction of infected articles.—"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" : Sect. 121.

Dimensions of cellar dwellings—*see* Cellar Dwellings.

Disallowance by auditor—*see* Audit of Accounts.

Disinfecting, means of.—"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" : Sect. 122.

Conveyance—*see* Conveyance, Disinfection of.

Disposal of sewage.—"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" : Sect. 27.

"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" : Sect. 30.

Out of district.—"A local authority shall, three months at least before commencing the construction or extension of any

DISPOSAL OF SEWAGE—*continued.*

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”: Sect. 32.

“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 hereinafter mentioned, unless such objection is withdrawn”: Sect. 33.

“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”: Sect. 34.

Disqualification—*see* Members.

District.—Proceedings for abating nuisance arising out of district—*see* Nuisance.

Fund.—“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

DISTRICT FUND—*continued.*

defraying such of the expenses chargeable thereon under this Act as they may think proper" : Sect. 209.

See Expenses of Urban Authority.

District medical officer may, with the approval of Local Government Board, have extra remuneration for services rendered to medical officer of health of united districts—*see* Union of Districts.

District rate—*see* Expenses of Urban Authority.

"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" : Sect. 210.

Assessment of.—"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) :—

DISTRICT RATE—*continued.*

“(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 rentcharge, 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.

DISTRICT RATE—*continued*.

“(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”: Sect. 211.

See Inspection of Valuation List, Highway Rates.

Ditch.—Where any watercourse or open ditch lying near to or forming the boundary between the district of any local

DITCH—*continued*.

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": Sect. 48.

Foul—*see* Nuisance.

Division of district or street into parts by urban authority
—*see* District Rate.

Documents may be called for by arbitrator or umpire—*see* Arbitration.

May be called for by auditor—*see* Audit of Accounts.

"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: Sect. 4.

May be made to enter sewers—*see* Owner, House not to be Erected, &c., without Drain.

On premises out of district may, on terms, communicate with sewers of local authority—*see* Owner.

Material and size, level and fall of, and may be made to enter cesspool—*see* House without Sufficient Drainage; House not to be Erected, &c., without Drain.

Though sufficient for house but not adapted to sewerage system, may be closed by local authority—*see* House with Sufficient Drain but not adapted to Sewerage System.

"Every local authority shall provide that all drains, water-closets, earthclosets, privies, ashpits, and cesspools within

DRAIN—*continued.*

their district be constructed and kept so as not to be a nuisance or injurious to health": Sect. 40.

See Cellar Dwellings.

Drainage of buildings, &c.—*see* Bye-laws.

Drivers of horses, &c.—*see* Horses.

Dry earth or other deodorizing matter may be supplied by local authority—*see* Earthclosets.

Duchy of Lancaster.—"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": Sect. 178.

Dung, accumulation of—removal of—*see* Removal of accumulation of Manure, &c.

Dust—*see* Bye-laws, Receptacles.

Earthcloset—Erecting house without—*see* Privy.

May be provided by local authority in default of owner or occupier—*see* Privy.

"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

EARTHCLOSET—*continued*.

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 deodorizing 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 fœcal matter constructed to the satisfaction of the local authority”: Sect. 37.

May be provided by urban authority for public accommodation: Sect. 39.

To be properly constructed and kept—*see* Drain.

Cleansing of, local authority—*see* Removal of House Refuse.

See Bye-laws.

Election of improvement commissioners, &c.—“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 Sched. 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”: Sect. 312.

Of local boards—*see* Members.

Endemic disease—*see* Cholera, Regulations as to Epidemic Diseases.

England, with exception of metropolis, is divided into districts called respectively—

- (1). Urban sanitary districts, and
- (2). Rural sanitary districts,

which are referred to in the Act 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.

Entry of local authority on premises.—"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": Sect. 102.

"Any person who refuses to obey any 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": Sect. 103.

See Execution of Regulations, &c.

On land for purposes of this Act.—"Whenever it becomes necessary for a local authority, or any of their officers, to enter, examine, or lay open any lands or premises

ENTRY OF LAND—*continued*.

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”: Sect. 305.

Enquiry by inspector of Local Government Board—*see* Disposal of Sewage.

Epidemic disease—*see* Cholera, Regulations as to Epidemic &c., Diseases.

Erection of house without the approval of urban authority—*see* Commencement of Works.

Of new building under this Act, definition of—*see* Bye-laws.

Of house without drains—*see* House not to be Erected, &c., without Drains.

Establishment of offensive trades without written consent of urban authority—*see* Trades.

Estimate of expenses to be made by urban authority before making a rate—*see* Rates.

Evidence of bye-laws—*see* Bye-Laws.
Rates—*see* Rates.

EVIDENCE—*continued.*

Contribution order—*see* Recovery of Contribution Order.

Of name, &c., of authority.—“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”: Sect. 260.

Examination of drains, &c., on complaint of nuisance.—

“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.”

Exchange of lands—*see* Purchase of Lands.

Excusal of rate on plea of poverty—*see* Rates.

Execution of regulations and orders of Local Government

Board to prevent spread of epidemic, endemic, or infectious disease.—“The local authority of any district within which

EXECUTION OF REGULATIONS AND ORDERS—*continued*.

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": Sect. 136.

"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": Sect. 137.

Of works in adjoining district.—"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": Sect. 285.

Exemption from rates—*see* Incumbent, Highways, District Rates.

Expenses of election of local board—*see* Members.

Of work executed by local authority where owner or occupier in default—*see* House without Sufficient Drainage.

Of closing drain where sufficient for house, but not adapted to sewerage system and making other drains—*see* House with Sufficient Drain, &c.

Of removing accumulation of manure—*see* Removal of accumulation of Manure, Nuisance.

Of connecting drains with existing sewers, greater than making new sewer, local authority may make new sewer—*see* House without Sufficient Drainage.

EXPENSES—*continued.*

Of supply of water to house without proper supply—*see* Supply of Water.

Of rural authority in obtaining an order for closing polluted well, &c., are special expenses—*see* Pollution.

Of making complaint, giving notice, obtaining order of court, &c.—*see* Costs and Expenses.

Of cleansing and disinfecting house, by local authority—*see* House, Cleansing and Disinfecting.

Of conveying persons suffering under any infectious disorder to hospital, &c.—*see* Carriage.

Of maintenance of persons in hospital may be recovered—*see* Maintenance of Persons, &c.

Of raising, sinking, or altering the position of gas or water pipes, mains, plugs, &c., to be paid by urban authority—*see* Gas Pipes.

Of pulling down or removing works, commenced without the approval of the urban authority—*see* Commencement of Works.

Mode of recovery of—*see* Court of Summary Jurisdiction.

Recovery of.—“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.

EXPENSES—*continued.*

“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”: Sect. 257.

Of urban authority.—“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 the passing 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

EXPENSES—*continued.*

charged on and defrayed out of the borough fund and borough rate, and out of the rate or rates leviable as aforesaid": Sect. 207.

"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": Sect. 208.

Of rural authority.—"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

EXPENSES—*continued*.

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 contributed 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": Sect. 229.

Of joint boards.—"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": Sect. 283.

Connected with the appointment of a medical officer of health for united districts—*see* Union of Districts.

EXPENSES—*continued*.

Of port sanitary authority.—“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 complying 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 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”: Sect. 290.

Of performing duties of defaulting local authority and recovery thereof.—“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

EXPENSES—*continued.*

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 nonpayment 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": Sect. 300.

Meaning of "expenses" in sects. 300, 301, 302—*see* Recovery of Principal and Interest.

Exposure of infected persons, things, &c.—"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.

EXPOSURE, ETC.—*continued.*

“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”: Sect. 126.

Extra charges by medical officer or medical practitioner for services on board ships—*see* Medical Officer of Health.

Extracts from valuation list or poor rate—*see* Inspection of Valuation List.

From rate made under this Act may be taken by person interested—*see* Rates.

Factory.—“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”: Sect. 38.

Overcrowding—*see* Nuisance.

Not kept clean—*see* Nuisance.

Failure of arbitrator to make award—*see* Arbitration.

Of local authority to remove house refuse, &c.—“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

FAILURE—*continued*.

default continues after the expiration of the said period":
Sect. 43.

Of one party to appoint arbitrator after notice in writing—*see*
Arbitration.

Of officer to account or to deliver up books, &c., when required
—*see* Officer of Local Authority.

To disinfect conveyance—*see* Conveyance, Disinfection of.

False evidence—*see* Perjury.

Statements as to infectious disease, made by person letting a
house—*see* House, Letting Infected.

Fellmonger—*see* Trades.

Fever, notice of—*see* Common Lodging-houses.

Filth—*see* Bye-laws.

Accumulation of; removal of—*see* Removal of Accumulation
of Manure.

Fires—*see* Towns Police Clauses Act, 1847.

Fireplace not consuming smoke used in any manufactur-
ing process—*see* Nuisances.

Fire-plugs.—"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 pur-
poses aforesaid as they may deem expedient": Sect. 66.

Fish, inspection of—*see* Meat.

Flesh, inspection of—*see* Meat.

Flour, inspection of—*see* Meat.

Folkestone, not a borough, but 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": Sect. 6.

See Expenses of Urban Authority.

Forfeiture of office by officer of authority being concerned in contract made with guardians—*see* Officer of Local Authority.

Form of mortgage—*see* Schedule 4 and Mortgage.

Of transfer of mortgage—*see* Schedule 4 and Mortgage.

Proceedings not to be quashed for want of form—*see* Proceedings.

Of notices, orders, &c.—*see* Notices.

Foul and offensive ditch between two districts—*see* Ditch.

Fouling water—*see* Waterworks, Gasworks.

Foundations, structure of—*see* Bye-laws.

Fruit—*see* Meat.

Furnaces not consuming smoke arising from any manufacturing process—*see* Nuisances.

Game—*see* Meat.

Gas, supply of—*see* Lighting.

Company—*see* Lighting.

„ may sell works to urban authority—*see* Lighting.

Pipes, removal of.—“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

GAS PIPES—*continued*.

“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” : Sect. 153.

Gas and Waterworks Facilities Acts, 1870—*see* Lighting.

Gasworks, fouling water from.—“ 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” : Sect. 68.

May be purchased by urban authority—*see* Lighting.

General expenses—*see* Expenses of Rural Authority.

Payable out of poor rate—*see* Contribution Order.

Government departments, saving clause—*see* Collegiate Bodies.

Grandpont district—*see* Oxford.

Guardians means any persons or body of persons by whom the relief of the poor is administered in any union : Sect. 4.

See Rural Authority, Rural Sanitary District.

Ex-officio—residing in part of union situated in an urban district, shall not act or vote as a member of rural authority, unless he owns or occupies property sufficient to qualify him as an elective guardian of union situated in the rural district : Sect. 9.

Elective, representing a parish situated within an urban district, shall not act or vote as a member of the rural authority : Sect. 9.

See Parish.

Acting as rural authority are subject to all statutes, orders, and legal provisions applicable to them as boards of guardians, and the rural authority is declared to be the same body as the guardians of the union or parish for or within which such authority act ; Sect. 9.

See Property.

Gutter, foul—*see* Nuisance.

Hackney carriages—*see* Towns Police Clauses Act, 1847.

Highways.—"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 : Sect. 144.

HIGHWAYS—continued.

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”: Sect. 149.

Improving same.—“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”: Sect. 154.

Levelling, sewerage, paving, lighting, &c.—“Where any street within any urban district (not being a highway repairable by the inhabitants at large) or the carriageway, 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

HIGHWAYS—*continued.*

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”: Sect. 150.

Street not being a highway.—“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”: Sect. 152.

Highway Act—*see* Highways.

Rates.—"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": Sect. 145.

"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 or 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 :

HIGHWAY RATES—*continued.*

“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 Sched. 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”: Sect. 216.

“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”: Sect. 217.

District—*see* Highway Rates.

Hop-pickers.—"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": Sect. 314.

Horses.—"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": Sect. 172.

Hospitals.—"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": Sect. 131.

Hours of admission of local authority on premises—*see* Entry of Local Authority on Premises.

"House" includes schools, also factories, and other buildings, in which more than twenty persons are employed at one time: Sect. 4.

See Common Lodging-house.

Overcrowding—*see* Nuisance.

Unfit for human habitation—*see* Default in Remedying Nuisance.

HOUSE—*continued.*

May be closed by order of court of summary jurisdiction after two convictions for overcrowding—*see* Overcrowding.

Or part thereof, taken down for the purpose of being re-built, urban authority may prescribe the line of building—*see* Line of Building.

May not be brought forward without consent of urban authority—*see* Line of Building.

Unfit for human habitation, closing of—*see* Bye-laws.

Numbering of, and precautions during construction of—*see* Towns Improvement Clauses Act.

In filthy or unwholesome condition.—“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”: Sect. 46.

Without sufficient drain.—“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; 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,

HOUSE—continued.

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, than 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”: Sect. 23.

With sufficient drain, but not adapted to sewerage system.—

“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”: Sect. 24.

Not to be erected, built, or occupied without drains.—“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.

HOUSE—*continued.*

“Any person who causes any houses 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 : Sect. 25.

Without proper supply of water—*see* Supply of Water.

Cleansing or disinfecting.—“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” : Sect. 120—*see* House in Filthy or Unwholesome Condition.

Letting infected house.—“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” : Sect. 128.

“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

HOUSE—*continued.*

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": Sect. 129.

Houses let in lodgings—*see* Bye-laws.

Householders, two, may inform local authority of nuisance—*see* Information, Complaint by Private Individual.

"Improvement Act district" means any area for the time being, subject to the jurisdiction of any improvement commissioners as in the Act defined: Sect. 4.

Becoming a borough.—"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 exerciseable 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 exerciseable 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 exerciseable by attaching to or vested in such local board or improvement commissioners as a burial board under any general Act of parliament": Sect. 310.

"Improvement commissioners" means any commissioners, trustees, or other persons invested by any local Act with powers of town government and rating: Sect. 4.

A body corporate—*see* Local Board.

See Property.

IMPROVEMENT COMMISSIONERS—*continued.*

May, if they think fit, adopt all or any of the rules in Schedule I. to this Act for the regulation of their meetings, &c.—*see* Meetings of Urban Authorities.

Expenses of—*see* Expenses of Urban Authority.

Accounts of—*see* Audit of Accounts.

Election of—*see* Election of Improvement Commissioners.

Improvement of Land Act, 27 & 28 Vict. c. 114.—"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." Sect. 31.

Incapacity of arbitrator or umpire to act—*see* Arbitration.

Incorporated Acts, construction of.—"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": Sect. 316.

Incorporation of portions of.

Towns Improvement Clauses Act, 1847—*see* Towns Improvement Clauses Act.

Market and Fairs Clauses Act, 1847—*see* Markets.

Lands Clauses Consolidation Acts, 1845, 1860, and 1869—*see* Purchase of Lands.

Increase of rateable valuable in rate—*see* Rates.

Incumbent.—"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

INCUMBENT—*continued.*

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": Sect. 151.

Infected articles—*see* Destruction of, Exposure of.

House, room, &c.—*see* House, Letting Infected.

Infectious disease—*see* House in Filthy or Unwholesome Condition, Common Lodging-house, Cholera.

Information as to nuisance.—"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": Sect. 93.

See Complaint by Private Individual.

See Nuisance arising from Trades.

In summary proceedings—*see* Summary Proceedings.

„ „ who to lay it—*see* Summary Proceedings.

Informer obtains half the penalty in summary proceedings except where otherwise provided—*see* Application of Penalties.

Injuring meter.—"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

INJURING METER—*continued*.

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": Sect. 60.

Injurious to health, premises in such a state as to be.

- | | | |
|---|---|---|
| " | " | Pool, ditch, gutter, watercourse, privy, urinal, cesspool, drain or ashpit. |
| " | " | Animal, so kept, as to be. |
| " | " | Accumulation or deposit, which is. |
| " | " | House, overcrowded. |
| " | " | Any factory, workshop, or workplace (not under the operation of a general Act), not kept in a cleanly state, or not ventilated or overcrowded— <i>see</i> Nuisance. |
| " | " | <i>See</i> Nuisance arising from Trades. |

Injury to pavements, stones, fences, trees, &c.—*see* Highways.

To notice board—*see* Obstructing Execution of Act.

Innkeeper letting an infected room to guest—*see* House, Letting Infected.**Inquiries** may be instituted by Local Government Board—*see* Local Government Board.

Inspection of district from time to time.—"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": Sect. 92.

Of estimate of expenses of urban authority—*see* Rates.

Of plans for paving, levelling, sewerage, &c., streets—*see* Highways.

Of premises—*see* Common Lodging-house.

Of rate made under this Act—*see* Rate.

Of register of mortgages—*see* Register of Mortgages.

Inspection of valuation list or rate-book.—"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:" Sect. 212.

Inspector of Local Government Board, powers of, &c.—*see* Local Government Inspectors.

Of nuisances may enter premises to examine drain, &c., after twenty-four hours' notice in writing, or, in case of emergency, without notice, if empowered by local authority, may cause ground to be opened. If drains, &c., in proper condition, shall cause ground to be closed, and damage repaired—*see* Examination of Drains, &c.

Of urban authority, may give notice to remove accumulation of manure, dung, soil, filth, or other offensive, or noxious matter, and, in default, may remove and sell same and recover expenses—*see* Removal of Accumulation, &c.

May, at all reasonable times, inspect unsound meat, &c.—*see* Meat (Unsound).

Shall be appointed by urban authority—*see* Officer of Urban Authority.

Shall be appointed by rural authority—*see* Officer of Rural Authority.

May be appointed for more than one district—*see* Medical Officer of Health.

May also be surveyor—*see* Officer of Local Authority.

May sign notices for local authority—*see* Notices.

Interest on loan to local authority, reduction of, when loan made before the passing of this Act—*see* Public Works Loan Commissioners.

Ireland, the Act does not extend to: Sect. 2.

Joint boards.—"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

JOINT BOARDS—*continued.*

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”: Sect. 279.

“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”: Sect. 280.

May borrow on security of rates or sewage plant—*see* Borrowing Powers.

Definition of powers, &c., of.—“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

JOINT BOARDS—*continued*.

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": Sect. 281.

Meetings of—*see* Meetings.

See Expenses of Joint Boards.

See Contribution Orders of Joint Boards.

Local authorities may combine for the execution of and maintenance of works—*see* Execution of Works out of District.

Acting as port sanitary authorities—*see* Port Sanitary Authorities.

Jurisdiction of port sanitary authority—*see* Port Sanitary Authority.

Justice may summon local authority to show cause why an order should not be made for cleansing watercourse or ditch between two districts—*see* Ditch.

Shall issue a summons upon complaint of local authority, against a person making default in remedying nuisance or abating such nuisance so that it will recur on the premises—*see* Default in Remedying Nuisance.

May, on refusal to admit local authority on premises, make an order requiring the person having the custody of the premises, and if no such person can be found, may authorize the local authority to enter during the prescribed hours—*see* Entry of Local Authority to Premises.

May condemn and order to be destroyed any unsound meat, &c.—*see* Meat (Unsound).

May issue a search warrant for unsound meat, &c.—*see* Warrant.

May order removal of person suffering under an infectious disorder to hospital—*see* Removal of Person to Hospital.

May, on certificate of medical practitioner, order removal of body to mortuary—*see* Removal of Body, &c.

Urban authority need not obtain allowance of justices to highway rates, or verify their accounts before them—*see* Highway Rates.

Overseers need not obtain allowance of justices to separate rate for special expenses—*see* Contribution Orders of Rural Authority.

JUSTICE—*continued.*

"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": Sect. 258.

Keeper—*see* Common Lodging-house.

Of common lodging-house may be adjudged by the court after three convictions as not eligible to keep a common lodging-house for five years without license of local authority—*see* Common Lodging-houses.

Labouring Classes Lodging-houses Acts, "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)": Sect. 4.

Lake, not to be drained into—*see* Local Authority.

Lamps—*see* Lighting.

Land Clauses Consolidation Act, 1845, 1860, 1869, with certain exceptions, are incorporated with this Act—*see* Purchase of Lands.

Landlord and tenant, agreement between—*see* Contracts.

Division of expenses.—"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": Sect. 320.

“Lands” and **“premises”** include messuages, buildings, lands, easements, and hereditaments of any tenure : Sect. 4.

“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”: Sect. 29.

Letting, by local authority—*see* Letting of Spare Lands.

See Duchy of Lancaster.

Only liable to district rate in the proportion of one-fourth of the net annual value — *see* District Rate, Contribution Orders.

For the use of markets—*see* Markets.

Purchase of, by local authority—*see* Purchase of Lands.

Lapse of local board—*see* Members.

Lease of lands by local authority—*see* Purchase of Lands.

Between landlord and tenant—*see* Contracts.

Of waterworks—*see* Waterworks, Water Company.

Legal proceedings — *see* Local Board, Justice, Superior Court, Court of Summary Jurisdiction, &c.

Letting for hire any infected room or house—*see* House, Letting Infected.

Of spare lands.—“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”: Sect. 177.

Level of streets may be altered if urban authority think fit—*see* Highways.

Liabilities—*see* Debts.

Liability (personal) of local authority and officers.—“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

LIABILITY—*continued.*

person whomsoever acting under the direction of such authority, shall, if the matter or thing were done, or the contract were entered into *bona 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”: Sect. 265.

License to driver of hackney carriage—*see* Towns Police Clauses Act, 1847.

To proprietor of horses, ponies, mules, asses, pleasure boats, and vessels—*see* Horses.

Licensed slaughter-house—*see* Slaughter-houses.

Lighting.—“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 Waterworks Facilities Act, 1870, and any Act amending the same; and in the construction of

LIGHTING—*continued.*

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": Sect. 161.

"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": Sect. 162.

See Watching and Lighting Act.

Lime-wash—*see Common Lodging-house.*

Limit.—"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": Sect. 227.

Line of building—"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": Sect. 155.

LINE OF BUILDING—*continued.*

"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 40s. for every day during which the offence is continued after written notice in this behalf from the urban authority": Sect. 156.

Loan to local authority—see Public Works Loan Commissioners.

Local Act—"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": Sect. 10.

Repeal and alteration of.—"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": Sect. 303.

Saving Clause.—"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

LOCAL ACT—*continued*.

“(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” : Sect. 340.

Local authority means urban sanitary authority and rural sanitary authority : Sect. 4.

See Debts.

Purchase—see Sewers.

May (subject to the provisions of this Act relating to sewage works without their district), exercise all or any of the powers given by sect. 16 (*see Sewers*), without their district, for the purpose of outfall or distribution of sewage.

Is not authorized 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.” Sect. 17.

“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” : Sect. 18.

May enforce drainage of house—*see House without Sufficient Drains*” : Sect. 23.

May close any drain sufficient to drain a house, but not adapted to the sewerage system, and provide an effectual drain—*see House with Sufficient Drain, but not adapted to Sewerage System.*

Power for disposing of sewage—*see Disposal of Sewage—see Sewers, communication of, with those of adjoining District.*

May lease lands held by them for the purpose of receiving, &c. sewage, or contract for sale of produce of land—*see Lands.*

May contribute to expense of carrying into execution works for supply of sewage to a person, or become shareholders in a company with whom they contract for such purpose—*see Disposal of Sewage.*

May provide a sufficient watercloset, &c., where default is

LOCAL AUTHORITY—*continued*

made after notice in writing, and recover expenses incurred.
—*see* Privy.

May supply dry earth or other deodorizing matter—*see* Earth-closets.

May empower inspector to enter grounds to examine drains, and require necessary works to be done.—*see* Examination of Drains, &c.

May undertake or contract for removal of house refuse from premises, and cleansing of earthclosets, privies, ashpits, and cesspools—*see* Removal of House Refuse.

May make bye-laws—*see* Bye-laws.

May whitewash, cleanse, or purify house, and recover expenses
—*see* House in Filthy or Unwholesome Condition.

Must give notice to water company, if there be any, before commencing to construct waterworks—*see* Waterworks.

Must give notice of construction of reservoir—*see* Reservoir.

Have same power to carry mains as to carry sewers—*see* Mains.

Shall keep supply of pure water in waterworks, and keep sufficient pressure on to supply same—*see* Waterworks.

May make water rates, or make agreement to supply on terms, and recover same—*see* Water Rates.

May agree to supply water by measure, provide meters, charge rent for same, keep same in repair, and have access to same.
—*see* Meter.

May supply water to adjoining district—*see* Supply of Water.

May require owner of house without proper supply of water to obtain same, and in default may execute necessary works for obtaining same—*see* Supply of Water.

May purchase or lease waterworks—*see* Water Company.

May maintain and supply public cisterns, pumps, &c., and construct works for gratuitous supply of water—*see* Wells.

May supply water for public baths, wash-houses, and for trading and manufacturing purposes at special rates, and construct works for gratuitous supply to public baths and wash-houses
—*see* Public Baths.

May recover in the superior courts the penalty for fouling water with gas-washings, &c.—*see* Gasworks.

May, with sanction of Attorney-General, take proceedings for protecting stream against pollution, and the costs incurred shall be expenses properly incurred under this Act—*see* Watercourses.

LOCAL AUTHORITY—*continued.*

May apply to a court of summary jurisdiction for an order to close or remedy polluted wells, tanks, or cisterns, and on failure of occupier, or owner, or person interested (in the case of a public well, &c.), may, by authority of court, execute necessary works, and recover expenses—*see* Pollution.

May obtain order for closing cellar dwellings, and defray necessary expenses—*see* Cellar Dwellings.

Shall keep register of common lodging-houses, and a certified copy of any entry therein shall be supplied by the clerk gratis—*see* Register.

May refuse to register common lodging-house, unless certificate of character is produced—*see* Common Lodging-house.

May require keeper of common lodging-house to affix "Registered Common Lodging-house" outside his house—*see* Common Lodging-house.

Shall make bye-laws—*see* Common Lodging-houses.

May require owner or keeper of common lodging-house to obtain a proper supply of water to his house, and in default of his so doing may remove his house from the register—*see* Supply of Water.

May require keeper of common lodging-house to report persons resorting to his house—*see* Common Lodging-house.

May be empowered by Local Government Board to make bye-laws with reference to houses let in lodgings—*see* Bye-laws.

Shall from time to time cause an inspection of their district to ascertain what nuisances exist, and enforcing the provisions of this Act, and any Act with reference to the consumption of smoke—*see* Inspection of District.

May have information of any nuisance given to them, by any person aggrieved, by two inhabitant householders, by any officer of authority, by relieving officer, or by any police officer or constable—*see* Information as to Nuisance.

May themselves abate nuisance without further order where the person causing the nuisance cannot be found, and it is clear that it is not caused by owner or occupier—*see* Notice.

Shall cause a complaint to be made before a justice for the purpose of bringing any person who makes default in remedying nuisance before a court of a summary jurisdiction—*see* Default in Remedying Nuisance.

May enter premises on which an order for abatement or prohibition of a nuisance is made, when default is made in

LOCAL AUTHORITY—*continued.*

obeying same and abate same, and recover the expenses from the person on whom the order is made—*see* Default in Remedying Nuisance.

Where owner or occupier of premises on which a nuisance exists cannot be found the court may make an order on local authority—*see* Default in Remedying Nuisance.

Hours of entry of local authority on premises, and authority to enter where refusal of admission—*see* Entry of Local Authority on Premises.

Where default made by local authority in doing their duty in relation to nuisances, Local Government Board may authorize any officer of police to act—*see* Police Officer.

May cause proceedings to be taken in superior court where summary proceedings afford an inadequate remedy—*see* Superior Court.

Have jurisdiction over ships—*see* Ships.

Shall give notice to owner or occupier of house requiring him to cleanse and disinfect house, or may themselves do it and defray expenses—*see* House Cleansing and Disinfecting.

May direct destruction of infected articles, and give compensation for same—*see* Destruction of Infected Articles.

May provide apparatus for disinfecting—*see* Disinfecting, Means of.

May provide carriage for conveying persons suffering from any infectious disorder—*see* Carriage.

May order the removal of any person suffering under infectious disease, who is lodged in any common lodging-house, to a hospital—*see* Removal of Person to Hospital.

May make regulations as to removal of persons to hospital—*see* Regulations, &c.

May provide hospitals or temporary places for the reception of the sick, or agree for the reception of the sick inhabitants of their district into some hospital on payment of an annual or other sum—*see* Hospital.

May recover the cost of maintenance of persons in hospital—*see* Maintenance of Persons, &c.

May provide or contract for temporary supply of medicines and medical advice to poorer inhabitants of district—*see* Medicine.

Shall superintend and see to the execution of the regulations and orders of the Local Government Board, to prevent the

LOCAL AUTHORITY—*continued.*

- spread of epidemic, endemic, or infectious disease—*see* Execution of Regulations, &c.
- (Two or more) may combine for the prevention of epidemic disease—*see* Combination, &c.
- May provide and fit up mortuaries, make bye-laws with respect to the same, and provide for decent interment of any dead body received therein—*see* Mortuaries.
- May provide proper places for the reception of dead bodies during the time required to conduct a *post-mortem* examination—*see* *Post-mortem* Examination.
- May enter into any contracts necessary for carrying this Act into execution—*see* Contracts.
- May purchase, lease, sell, or exchange any lands, &c.—*see* Purchase of Lands.
- May petition Local Government Board to empower them to put in force the powers of the Lands Clauses Consolidation Acts—*see* Purchase of Lands.
- May, with consent of Local Government Board, let any spare lands—*see* Purchase of Lands.
- May, by any bye-laws made by them, impose a penalty not exceeding £5 for each offence, and not exceeding 40s. per day if for a continuing offence—*see* Bye-laws.
- May cause their regulations to be published in any manner they may think fit—*see* Regulations.
- Must take security from accounting officers—*see* Officers of Local Authority.
- Shall make annual reports to Local Government Board—*see* Reports.
- May borrow money for the purpose of defraying costs, charges, and expenses incurred—*see* Borrowing Powers.
- May borrow upon security of sewage, plant, &c.—*see* Borrowing Powers.
- Obtains half the penalty in summary proceedings where any person lays the information and the whole penalty when they lay it themselves—*see* Application of Penalties.
- “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”: Sect. 259.

LOCAL AUTHORITY—*continued.*

Name of, need not be proved—*see* Evidence.

May take proceedings in county court where demand under £50—*see* County Court.

Notice of action must be given to local authority or their officers—*see* Notice of Action.

Not personally liable—*see* Liability (Personal).

May be proceeded against in a summary manner by joint board for default in paying amount of contribution order—*see* Contribution Orders of Joint Board.

May contract loan for paying the costs of obtaining a provisional order—*see* Provisional Order.

May execute works in adjoining district—*see* Execution of Works.

May combine with one or more local authorities for the execution and maintenance of works—*see* Execution of Works.

Making default in carrying out the provisions of this Act—*see* Default of Local Authority.

Saving clauses for works and property of certain authorities, navigation rights, &c.

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

“(1). To use, injure, or interfere with any sluices, flood-gates, 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,

LOCAL AUTHORITY—*continued.*

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 hereinbefore 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”: Sect. 327.

Reference to arbitration on matters not within the above prohibition.—“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

LOCAL AUTHORITY—*continued*.

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”: Sect. 328.

As to effect of such arbitration.—“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”: Sect. 329.

Local boards—*see* Property.

See Local Government District.

Being an urban authority and not otherwise incorporated is a body corporate with such name as they now bear or hereafter with sanction of Local Government Board, adopt with a per-

LOCAL BOARDS—*continued*.

petual succession and common seal, with power to sue and be sued in such name, and to hold lands without any license in mortmain for purposes of this Act. Improvement Commissioners have like powers : Sect. 7.

May change name—*see* Name of Local Board.

“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” : Sect. 339.

Shall hold their meetings and conduct their proceedings in accordance with the rules in Sched. I. to this Act—*see* Meetings.

Election of members—*see* Members and Sched. II.

Local Government Board, where the number of elective guardians who are not disqualified (*see* Guardian-Elective) 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.

May appoint an inspector to make inquiry as to propriety of intended works out of district upon objection thereto—*see* Disposal of Sewage.

May appoint inspector to hold inquiry as to propriety of intended reservoir—*see* Reservoir.

May by order published in *London Gazette*, empower local authority to make bye-laws with reference to houses let in lodgings—*see* Bye-laws.

May authorize police officer to act where local authority fail to do their duty in relation to nuisances—*see* Police Officer.

May make regulations to prevent the spread of cholera or epidemic, endemic or infectious diseases—*see* Cholera, Regulations.

May authorize two or more local authorities to combine for the prevention of epidemic disease—*see* Combination of Local Authorities.

LOCAL GOVERNMENT BOARD—*continued.*

May order local inquiry as to proposed purchase of lands by local authority under the Lands Clauses Consolidation Acts, and issue a provisional order empowering the authority to put such powers into force—*see* Purchase of Lands.

Must confirm bye-laws before they take effect—*see* Bye-laws.

Have the same powers with reference to duties and appointments of medical officers of health and other officers of local authority any portion of whose salary is paid by Government as they have in the case of district medical officers of unions—*see* Medical Officer of Health.

May prescribe mode of appointment and proportions of expenses of an appointment where the officer is appointed for more than one district—*see* Medical Officer of Health.

May make such order as may seem equitable on appeal by overseers against apportionment of expenses of works executed by rural authority for the common benefit of two or more contributory places—*see* Expenses of Rural Authority.

May be appealed to upon disallowance by auditor—*see* Audit of Accounts.

May be appealed to by any person aggrieved by decision of local authority—*see* Appeal.

May alter the areas of any districts—*see* Alteration of Areas.

May, by provisional order, declare a rural district a local government district, and divide it into wards—*see* Rural District.

May (on receipt of a resolution of owners and ratepayers declaring it to be expedient) issue an order declaring a rural district a local government district—*see* Rural District.

May make an order on petition from ratepayers from a place without defined boundaries, defining the boundaries of same—*see* Rural Districts.

May invest rural authority with urban powers—*see* Urban Powers.

May, on application, unite districts for all or any purposes of this Act—*see* Joint Boards.

May determine the governing body of united districts—*see* Joint Boards.

May unite districts for the appointment of medical officer of health—*see* Union of Districts.

May constitute any local authority abutting on any part of a port, a port sanitary authority—*see* Port Sanitary Authority.

LOCAL GOVERNMENT BOARD—*continued*.

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 : Sect. 293.

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 : Sect. 294.

May cause inquiry before making a provisional order—*see* Provisional Order.

May revoke all or any part of a provisional order before it is presented to parliament for confirmation—*see* Provisional Order.

May obtain a writ of *mandamus*, or appoint some persons to perform the duties of a defaulting local authority where local authority make default in carrying out the provisions of this Act, &c.—*see* Default of Local Authority.

May, on refusal of defaulting local authority to pay expenses and costs of performing their duties, empower any person to levy by and out of the local rate the necessary amount—*see* Expenses of Performing Duties of Defaulting Local Authority.

May certify the amount of expenses and borrow the amount of the loan where local authority make default in performing their duties—*see* Borrowing Powers, &c.

May repeal or alter any local Act—*see* Local Act.

May settle differences arising out of transfer of powers, property, &c.—*see* Settlement of Differences.

May, in certain cases, award compensation to officers—*see* Compensation.

May dissolve sewerage districts, or constitute them joint sewerage districts, subject to the jurisdiction of a joint board in manner provided by this Act—*see* Sewerage Districts.

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 : Sect. 4—*see* Alteration of Areas, Rural Districts.

Becoming a borough—*see* Improvement Act District.

Local government inspectors may attend meetings.—"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": Sect. 205.

Powers of.—"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": Sect. 296.

London, Port of.—"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": Sect. 291.

London Gazette—*see* Publication of Regulations and Orders.

Mains.—"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": Sect. 45.

Removal or altering position of—*see* Gas Pipes, Removal of.

Maintenance of bridges—*see* Bridges.

Of persons in hospital, recovery of cost.—"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": Sect. 132.

Making false statements as to infectious disease upon letting a house—*see* House Letting, Infected.

Of works of distribution and service for the supply of sewage to lands for agricultural purposes shall be deemed an improvement of land—*see* Improvement of Land Act, 1864.

Mandamus may be obtained against defaulting local authority—*see* Default of Local Authority.

Manufacturing or trading purposes, supply of water—*see* Public Baths.

Manure, accumulation of, may be removed by inspector of urban authority in default and sold, and expenses recovered—*see* Removal of Accumulation of Manure, Nuisance.

Map, exhibiting a system of drainage for effectually draining their district, may be provided by urban authority, 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 : Sect. 20.

Market and Fairs Clauses Act, 1847—*see* Markets.

Gardens.—Share of contribution to district rate and special expenses—*see* District Rate, Contribution Orders.

Markets.—"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 Sched. 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 :

MARKETS—*continued.*

"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": Sect. 166.

"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 relates 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": Sect. 167.

"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": Sect. 168.

Meat, unsound.—"1. 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, UNSOUND—*continued*.

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": Sect. 116.

"2. 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": Sect. 117.

"3. 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": Sect. 118.

See Warrant.

Medical officer of health.—"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

MEDICAL OFFICER OF HEALTH—*continued.*

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” : Sect. 191.

Certificate of—*see* House in Filthy or Unwholesome Condition, Nuisance arising from Trades.

Notice to him of fever, &c.—*see* Common Lodging-house.

May at all reasonable times inspect unsound meat, &c.—*see* Meat, Unsound.

Certificate of, as to cleansing and disinfecting house—*see* House, Cleansing and Disinfecting.

Shall be appointed by urban authority—*see* Officer of Urban Authority.

Shall be appointed by rural authority—*see* Officer of Rural Authority.

“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

MEDICAL OFFICER OF HEALTH—*continued*.

as those which he is in the habit of receiving from private patients of the class of those attended and treated on ship-board, 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": Sect. 138.

Of union may be medical officer of health—*see* Medical Officer of Health.

Practitioners, certificate of two—*see* House in Filthy or Unwholesome Condition, Nuisance arising from Trades, House Cleansing and Disinfecting, Medical Officer of Health, Removal of Body on order of Justice to Mortuary.

Medicine, supply of—"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": Sect. 133.

Meetings of urban authorities—"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 Sched. I. to this Act; and any improvement commissioners may, if they think fit, adopt all or any of such rules": Sect. 199.

Of committees to be regulated by rules in Sched. I. to this Act—*see* Committees.

May be attended by local government inspector—*see* Local Government Inspector.

Of joints districts—"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 Sched. I. to this Act": Sect. 282.

MEETINGS—*continued*.

Of districts united for the appointment of medical officer of health—*see* Union of Districts.

Members of family of keeper of common lodging-house—*see* Common Lodging-house.

Of local authority, if authorized, may appear in their behalf in any court or legal proceeding—*see* Local Authority.

“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 Sched. II. to this Act”: Sect. 8.

Of local authority not personally liable—*see* Liability (Personal).
See Election of Improvement Commissioners, &c.

Meter.—“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”: Sect. 58.

“Where water is supplied by measure by any local authority, the register of the meter or other instrument for measuring water shall be *prima 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”: Sect. 59.

Injuring ; preventing from registering—*see* Injuring Meter.

Metropolis.—The Act does not extend to (save as expressly provided): Sect. 2.

Means the city of London, and all parishes and places men-

METROPOLIS—*continued.*

tioned in Scheds. A., B., and C., to the Metropolis Management Act, 1855—*see* Nuisance.

Metropolitan Board of Works; saving clause.—“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”: Sect. 336.

Milk, inspection of—*see* Meat.

Mill-dam, or weir, purchase of—*see* Purchase of Lands.

Mines.—“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”: Sect. 334.

Minister—*see* Incumbent.

Mode of election of local boards—*see* Members.

Of levying district rate—*see* District Rate, Expenses of Urban Authority.

Of assessing district rate—*see* District Rate.

Mooring places for pleasure boats, &c.—*see* Horses.

Mortgages.—“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 Sched. IV. to this Act, or to the like effect”: Sect. 236.

“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;

MORTGAGES—*continued.*

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": Sect. 237.

"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 Sched. 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 principle 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": Sect. 238.

Debt on turnpike tolls—*see* Roads (Turnpike).

Mortmain—*see* Local Board.

Mortuaries.—"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-

MORTUARIES—*continued.*

laws, of any dead body which may be received into a mortuary": Sect. 141.

See Removal of Body, on Order of Justice, to Mortuary.

Mules—*see* Horses.

Name of local authority need not be proved—*see* Evidence.

Of local board may be changed.—“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 proceedings 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”: Sect. 311.

Newport, Isle of Wight, not a borough: Sect. 6.

Newspapers, notice in, as to intention to apply for confirmation of bye-laws—*see* Bye-laws.

Notice of action against local authority.—“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.

NOTICE OF ACTION AGAINST LOCAL AUTHORITY—*continued.*

“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”: Sect. 264.

Requiring abatement of nuisance.—“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 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”: Sect. 94.

Ten days required by urban authority inviting tenders for contracts over £100—*see* Contracts.

On owner, lessee, &c., by local authority, intending to purchase lands under the powers of the Lands Clauses Consolidation Acts—*see* Purchase of Lands.

Of intention to apply for confirmation of bye-laws—*see* Bye-laws.

Of intention to levy district rate—*see* District Rate.

To person whose rates are increased—*see* Rates.

NOTICE—*continued.*

Of audit of accounts—*see* Audit of Accounts.

To owner that surveyor of local authority has apportioned the expenses payable by owner—*see* Expenses, Recovery of.

By owner disputing apportionment of expenses—*see* Expenses, Recovery of.

Of intention to appeal to quarter sessions against rate—*see* Appeal.

In writing to owner or occupier—*see* Sewer, Disposal of Sewage.

To local authority of objection to works—*see* Disposal of Sewage.

To owner or occupier to provide a sufficient watercloset, &c.—*see* Privy.

To owner or occupier of premises intended to be used as a factory to provide privy accommodation for the separate use of each sex—*see* Factory.

To occupier, previous to entering premises, to examine drain—*see* Examination, &c.

To local authority to remove house refuse, &c.—*see* Failure of Local Authority to Remove, &c.

To owner or occupier of house in filthy or unwholesome condition, to whitewash, cleanse, or purify—*see* House in Filthy or Unwholesome Condition.

To occupier of premises whereon is accumulation of manure—*see* Removal of Accumulation of Manure.

To local authority by person objecting to construction of reservoirs—*see* Reservoirs.

By local authority to owner of house without proper supply of water, to procure same—*see* Supply of Water.

To occupier of or person letting cellar dwelling—*see* Cellar Dwelling.

To keeper of common lodging-house to affix "Registered Common Lodging-house" outside his house—*see* Common Lodging-house.

To owner or keeper of common lodging-house to obtain a proper supply of water—*see* Supply of Water.

To keeper of common lodging-house to supply report of vagrants resorting to his house—*see* Common Lodging-house.

To owners or occupiers to level, pave, sewer, light, &c., street—*see* Highways.

By proprietor or majority of proprietors that they object to street being declared a highway—*see* Highways.

NOTICE—*continued.*

To owner that urban authority require gas or water pipes, mains or plugs, to be raised, sunk, or altered in position—*see* Gaspipes.

To person bringing forward house or building without consent—*see* Line of Building.

Of approval or disapproval of proposed works—*see* Commencement of Works.

To appoint arbitrator—*see* Arbitrator.

To owner or occupier of licensed or registered slaughter-house to affix a notice on his premises, that it is so licensed or registered—*see* Slaughter-houses.

To officer of local authority to deliver up books, &c.—*see* Officer of Local Authority.

Of objection to validity of vote of ratepayers as to declaring a rural district, a local government district, to be given to person interested before any objection can be taken upon a trial, &c.—*see* Rural Districts.

To owner or occupier of intention to apply to court of summary jurisdiction for an order authorizing local authority to enter upon lands for the purpose of taking surveys, levels, &c.—*see* Entry on Land.

Notices, &c.—"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": Sect. 266.

Nuisances, definition of.—"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 (see proviso below):

"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:

NUISANCES—*continued.*

- “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, dye-house, brewery, bakehouse, or gaswork, or in any manufacturing or trade process whatsoever ; and (see proviso below)
- “Any chimney (not being the chimney of a private dwelling-house) sending forth black smoke in such quantity as to be a nuisance,
- 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” : Sect. 91.

See Inspection of District from Time to Time.

Information of, to local authority—see Information.

NUISANCES—*continued.*

Notice requiring abatement of—*see* Notice.

See Default in Remedying Nuisance.

Sale of matter or thing removed by local authority.—“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”: Sect. 101.

Arising from business—*see* Entry of Local Authority on Premises.

See Superior Court.

Arising out of district.—“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”: Sect. 108.

On board ships—*see* Ships.

Proviso as to remedy under other Acts.—“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:

NUISANCES—*continued.*

“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”: Sect. 111.

Arising from trades.—“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”: Sect. 114.

NUISANCES—*continued.*

“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”: Sect. 115.

In streets—*see* Towns Police Clauses Act, 1847.

Caused by several persons; proceedings in case of.—“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.

NUISANCES—*continued*.

“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”: Sect. 255.

Number of members of local boards—*see* Members.

Oath may be administered to witness by arbitrator or umpire—*see* Arbitration.

Objection to resolution of ratepayers and owners as to the expediency of declaring a rural district a local government district—*see* Rural District.

To vote upon such resolution—*see* Rural District.

By local authority to being united with other districts for the appointment of medical officer of health—*see* Union of Districts.

Obligations—*see* Debts.

Obstructing any person in the execution of regulations to prevent the spread of diseases—*see* Regulations as to Cholera, &c.

Execution of Act.—“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

OBSTRUCTING—*continued.*

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”: Sect. 306.

Medical officer and nuisance inspector—*see* Meat, Unsound.

Officer in removing person to hospital—*see* Removal of Person to Hospital.

The execution of Local Government Board regulations to prevent the spread of cholera, epidemic, endemic, or infectious diseases—*see* Cholera.

Obstruction of persons in removal of house refuse—*see* Removal of House Refuse.

Obstructions in streets—*see* Towns Police Clauses Act, 1847.

Removal of—*see* Towns Improvement Clauses Act, 1847.

Occupation of house without drains—*see* House not to be Erected, Rebuilt, or Occupied without Drains.

Occupier may be designated simply as “occupier” in case of proceedings—*see* Nuisance Caused by Several Persons, Service of Notice.

Of house without proper supply of water—*see* Supply of Water.

May deduct any money which he pays under this enactment for the owner of the premises out of the rent from time to time becoming due—*see* Costs and Expenses.

Too poor to disinfect house, local authority may do it and defray the expenses—*see* House Cleansing and Disinfecting.

OCCUPIER—*continued.*

Of licensed or registered slaughter-house must affix a notice to that effect on the premises—*see* Slaughter-houses.

See District Rate, Assessment of.

Deduction of three-fourths of private improvement rate from the rent—*see* Private Improvement Rate.

May redeem rate—*see* Private Improvement Rate.

Preventing owner from carrying into effect the provisions of this Act—*see* Obstructing Execution of Act.

Refusing to state, or wilfully mis-stating the name of the owner of the premises—*see* Obstructing the Execution of Act.

Offences under this Act, prosecution of—*see* Court of Summary Jurisdiction.

Offensive trades—*see* Trades.

Officer—*see* Police Officer.

Having custody of valuation list or poor rate. Refusing to allow inspection of same, or the taking of copies or extracts—*see* Inspection of Valuation List.

Of urban authority, appointment of.—“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”: Sect. 189.

OFFICER—*continued.*

Of rural authority. — "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": Sect. 190.

Of local authority.—"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": Sect. 192.

"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": Sect. 193.

"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 intrusted 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

OFFICER—*continued.*

moneys which may be intrusted to him by reason thereof": Sect. 194.

"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": Sect. 195.

"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 per-

OFFICER—*continued.*

son 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 :” Sect. 196.

Accounts of, to be audited by the auditors of the accounts of such authority—*see* Audit of Accounts.

May appear for local authority in any proceedings—*see* Local Authority.

Access to house—*see* Common Lodging-house.

May inform local authority of nuisance—*see* Information, Removal of Person to Hospital.

Not personally liable—*see* Liability (Personal).

Compensation to, in certain cases—*see* Compensation.

Offices.—“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” : Sect. 197.

Order of justice authorizing sanitary authority to enter premises, continues in force until the nuisance is abated, or works completed—*see* Entry of Local Authority on Premises.

See Removal of Person to Hospital.

Appeal to quarter sessions against—*see* Appeal.

Of Local Government Board investing rural authority with urban powers to be published—*see* Urban Powers.

Of Local Government Board as to united districts, to state purposes for which joined, and powers, &c.—*see* Joint Boards.

Of Local Government Board as to formation of port sanitary authority, the powers and duties thereof, &c.—*see* Port Sanitary Authority.

Of Local Government Board declaring a rural district a local government district—*see* Rural District.

Of Local Government Board as to costs of inquiries, &c.—*see* Local Government Board.

Orders.—“All orders made by the Local Government Board in pursuance of this Act shall be binding and conclu-

ORDERS—*continued*.

sive in respect of the matters to which they refer, and shall be published in such manner as that board may direct": Sect. 295.

Of any authority, saving clause—*see* Acts.

Overcrowding house—*see* Nuisance.

Factory, workshop, or workplace—*see* Nuisance.

Two convictions for.—“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”: Sect. 109.

Overseers may appeal to Local Government Board against apportionment by rural authority of expenses of works executed for the common benefit of two or more contributory places—*see* Expenses of Rural Authority.

Duties of, in connection with contribution order of rural authority—*see* Contribution Order.

Not to lay special rate for special expenses, where amount required is less than £10, or a less rate than 1*d.* in the £ will be required—*see* Contribution Orders.

To pay surplus of separate rate to rural authority—*see* Contribution Orders.

Accounts of money collected or paid under this Act to be audited the same as union accounts—*see* Audit of Accounts.

Of every parish which is affected by bye-laws to have a copy sent to them—*see* Bye-laws.

“**Owner**,” “means the person for the time being receiving the rackrent of the lands or premises in connection 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”: Sect. 4.

Within the district may enter sewers of local authority.—“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 com-

OWNER—*continued.*

munications 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”: Sect. 21.

Without the district, may on terms enter sewers.—“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”: Sect. 22.

See Disposal of Sewage.

Of house without proper supply of water—*see* Supply of Water.

Shall be served with notice requiring abatement of nuisance when there is no occupier, or where the nuisance arises from some structural defect—*see* Notice.

Of premises where nuisance exists, where not found or not known, the court may order local authority to abate same—*see* Default in Remedying Nuisance.

Must allow occupier to deduct from his rent any money he may pay under this enactment for the owner—*see* Costs and Expenses.

See Complaint by Private Individual.

Too poor to disinfect house, local authority may do it and defray the expenses—*see* House, Cleansing and Disinfecting.

Of licensed or registered slaughter-house must affix a notice on the premises that it is a licensed or registered slaughter-house, as the case may be—*see* Slaughter-houses.

See District Rate, Assessment of.

May redeem rate—*see* Private Improvement Rate.

OWNER—*continued.*

May attend audit and object to accounts—*see* Audit of Accounts.

May be designated simply as “owner” of such premises in any proceedings—*see* Nuisance Caused by Several Persons, Service of Notice.

Owners and ratepayers may resolve that it is expedient to declare a rural district a local government district—*see* Rural District.

And ratepayers may decide that part of a parish excluded from urban district may form highway district—*see* Highway Rates.

Oxford not a borough, but is included in local government district of Oxford.

See Universities.

Not deemed to be a local board for the purposes of sect. 205—*see* Local Government Inspector.

Quota to which Oxford and Cambridge are liable to pay of expenses of lighting, paving, &c., under local Act, not affected by this Act—*see* Cambridge.

See Collegiate Bodies.

“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 St. 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 ratepayers of the parishes

OXFORD—*continued.*

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” : Sect. 342.

“Parish” means a place for which a separate poor rate or can be made, or for which a separate overseer is or can be appointed : Sect. 4.

Belonging to rural union, and partly situated in an urban district, may be divided for elective purposes by order of Local Government Board, so as to ensure due representation of the part of the parish situated in the rural union ; but until the issuing of such order the guardians of such parish may act and vote as members of rural authority.

Parochial committees—*see* Committees.

Parts of Act.—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 : Sect. 3.

Pavement—*see* Sewer.

Stones, &c., vest in urban authority—*see* Highways.

Payment.—Justice may make order as to the proportion, amount, time, and mode of payment of costs of executing structural works for cleansing watercourse or ditch between two districts—*see* Ditch.

Of expenses incurred by local authority and re-payable by owner, may be made by annual instalments—*see* Expenses, Recovery of.

To local authority ; saving clause. —“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 connection between the drain and the sewer is discontinued, from the time of such discontinuance ; but if after the discontinuance the connection is

PAYMENT—*continued.*

re-established, the yearly sum shall again become payable, and so from time to time": Sect. 337.

Of rates—*see* Rates.

Of auditors—*see* Audit of Accounts.

Penalty in case of breach of contract—*see* Contract.

Penalties under this Act directed to be recovered in a summary manner—*see* Court of Summary Jurisdiction.

Application of—*see* Application of Penalties.

Incurred by person in carrying out sect. 21, for emptying drain into sewer without complying with provisions of local authority, not exceeding £20 and expenses—*see* Owner.

Erecting or rebuilding any house without drain, or constructing drain in contravention of sect. 25, not exceeding £50—*see* House not to be Erected, &c., without Sufficient Drain.

Causing any building to be newly erected over any sewer of the urban authority, or causing any vault, arch, or cellar to be newly built or constructed under the carriageway of any street, not exceeding £5, and a further sum of 40s., for every day during which the offence is continued after written notice.

Erecting or rebuilding house without a sufficient watercloset, earthcloset, or privy and ashpit, not exceeding £20.

Making default in providing separate privy accommodation for each sex where premises are used as a factory, not exceeding £20, and a further sum not exceeding 40s. for every day in which default is made.

Making default in doing the works found necessary after examination of premises, not exceeding 10s. per day so long as default is made—*see* Examination of Drains, &c.

Removing, without authority, house refuse, &c., or obstructing the removal of same, with a proviso in favour of occupier of house, not exceeding £5—*see* Removal of House Refuse.

On local authority failing, after the expiration of seven days after notice in writing given to them, to remove house refuse, &c., 5s. per day—*see* Failure of Local Authority.

Failing, after notice, to whitewash, cleanse, or purify house in filthy or unwholesome condition, 10s. per day: Sect. 46.

Keeping swine in a dwelling-house, or as a nuisance, suffering stagnant water to remain in a cellar, or allowing contents of watercloset, &c., to overflow, not exceeding 40s., and 5s. per day during the continuance of offence: Sect. 47.

PENALTIES—*continued.*

- Permitting manure to accumulate in stables, &c., after notice to remove same periodically: not exceeding 20s. for each day—*see* Removal of Manure from Stables, &c.
- Injuring meter, preventing same from registering, or altering index of meter: not exceeding 40s., and amount of damage sustained—*see* Injuring Meter.
- Fouling water by any washing or other substance produced in making or supplying gas: not exceeding £200, and after twenty-four hours notice £20 per day—*see* Gasworks.
- Letting, occupying, or knowingly suffering to be occupied for rent any cellar dwelling after notice in writing: not exceeding 20s. for every day—*see* Cellar Dwellings.
- Neglect or refusal of keeper of common lodging-house to affix "Registered Common Lodging-house" outside his house if required so to do: not exceeding £5, and a further penalty of 10s. per day after conviction—*see* Common Lodging-houses.
- Failure of keeper of common lodging-house to limewash his house in April and October: not exceeding 40s.—*see* Common Lodging-house.
- Keeper of common lodging-house refusing access to officer of local authority: not exceeding £5—*see* Common Lodging-houses.
- Keeper of common lodging-house receiving lodger without house being registered, failing to make report of persons resorting to house, when required; failing to give notice of fever, &c.: not exceeding £5, and a further penalty not exceeding 40s. per day during continuance of offence.
- If an order is made by court of summary jurisdiction for the abatement of or prohibiting the recurrence of a nuisance: not exceeding £5 and costs incurred—*see* Default in Remedying Nuisance.
- Making default in obeying the order of court for abatement and prohibition of recurrence of nuisance: not exceeding 10s. per day—*see* Default in Remedying Nuisance.
- Wilfully acting contrary to an order for prohibition: not exceeding 20s. per day—*see* Default in Remedying Nuisance.
- Refusing to obey order of justices for admission of local authority or any of their officers on premises: not exceeding £5—*see* Entry of Local Authority on Premises.
- Establishing any offensive trade without the written consent of urban authority: not exceeding £50, carrying on same 40s. per day—*see* Trades.

PENALTIES—*continued.*

Carrying on a business so as to be a nuisance without taking steps for counteracting same: not exceeding £5, and not less than 40s. for first conviction, and for second or subsequent conviction, double the amount imposed for the last preceding conviction, the highest amount not to exceed £200—*See* Nuisance arising from Trades.

Being in possession, &c., of unsound meat, &c.: not exceeding £20, or three months imprisonment—*see* Meat, Unsound.

Obstructing medical officer or nuisance inspector in their duty of inspecting unsound meat: not exceeding £5—*see* Meat, Unsound.

Obstructing an officer in the execution of a search warrant for unsound meat: not exceeding £20—*see* Warrant.

Making default in obeying the order of local authority as to cleansing and disinfecting house: not less than 1s., but not exceeding 10s. per day—*see* House, Cleansing and Disinfecting.

Obstructing officer in removal of person suffering under infectious disorder to hospital: not exceeding £10—*see* Removal of Person to Hospital.

Any offence against regulations of local authority for removal of persons to hospital: not exceeding 40s.—*see* Regulations, &c.

Exposing, &c., infected persons, things, &c.: not exceeding £5—*see* Exposure of Infected Persons, &c.

Failing to disinfect public conveyance: not exceeding £5.

Letting a house or any part thereof in which a person has been suffering under an infectious disorder, without disinfecting same: not exceeding £20—*see* House, Letting Infected.

Making false statement as to infectious disease upon letting house: not exceeding £20, or one month's imprisonment with or without hard labour—*see* House, Letting Infected.

Obstructing the execution of any regulations of Local Government Board to prevent the spread of cholera, epidemic, endemic, or infectious disease: not exceeding £50—*see* Cholera.

Violating, or obstructing any person acting under the regulations of the Local Government Board for the prevention of epidemic, endemic, or infectious disease: not exceeding £5.

Obstructing the execution of an order of a justice for removing body to mortuary: not exceeding £5—*see* Removal of Body, &c.

PENALTIES—continued.

Displacing, injuring, or taking up pavement, stones, fences, &c. : not exceeding £5, and a further penalty of 5s. for every square foot ; also compensation for injury to any trees—*see* Highways.

Bringing house or building forward without consent of urban authority : not exceeding 40s. for every day during continuance of offence—*see* Line of Building.

See Commencement of Works.

Not affixing notice that the premises are a registered or licensed slaughter-house : not exceeding £5, and 10s. for every day offence is continued—*see* Slaughter-houses.

Refusing inspection of, or the taking of extracts or copies from poor rate or valuation list by person appointed by urban authority : not exceeding £5—*see* Inspection of Valuation List.

Refusing to let person interested or assessed in any rate under this Act, inspect, take copies of, or extracts from any rate made under this Act : not exceeding £5—*see* Rates.

Refusing to allow inspection of register of mortgages : not exceeding £5—*see* Mortgages.

Neglecting or refusing to make an entry in the register of transfers of mortgages as required by sect. 238 : not exceeding £20—*see* Mortgages.

Neglect of any officer of urban authority to make up his accounts, or refusing inspection thereof : not exceeding £5—*see* Audit of Accounts.

Neglecting to attend auditor with books, documents, &c., when required : not exceeding 40s.—*see* Audit of Accounts.

Destroying, injuring, &c., board for bye-laws, notices, &c. : not exceeding £5—*see* Obstructing Execution of Act.

Occupier refusing to allow owner to carry into effect the provisions of the Act after order of justice obtained : not exceeding £5—*see* Obstructing Execution of Act.

Occupier refusing to state, or wilfully mis-stating name of owner ; not exceeding £5—*see* Obstructing Execution of Act.

Wilfully damaging works or property of local authority : not exceeding £5—*see* Damaging, &c.

Period in which money borrowed is repayable—*see* Borrowing powers.

Periodical removal of manure—*see* Removal of Manure from Stables.

Perjury.—"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": Sect. 263.

Any person giving false information to the auditor—*see* Audit of Accounts.

Person includes any body of persons, whether corporate or unincorporate : Sect. 4.

(Any) may sell or grant to local authority any sewer, right or property belonging to him, and the purchase money paid by local authority for same shall be subject to the same trusts (if any) as the sewer, right, or property sold was subject to : Sect. 14.

(Any) who previously to the purchase of a sewer by local 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 : Sect. 14.

(Any) may object to construction of reservoir—*see* Reservoir.

Aggrieved, may inform local authority of nuisance—*see* Information, Complaint by Private Individual.

Not obeying the order of a court for abatement or prohibition of nuisance—*see* Default in Remedying Nuisance.

See Exposure of Infected Person, Things, &c.

(Any) may appeal to Local Government Board against a decision of local authority and to quarter sessions against rate—*see* Appeal.

Petition to Local Government Board against resolution as to the expediency of declaring a rural district, a local government district—*see* Rural District.

Pigs.—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 cess-pool to overflow or soak therefrom,
- shall for every such offence be liable to a penalty not exceeding 40s., and to a further penalty not exceeding 5s. for every day during which the offence is continued, and the urban

PIGS—*continued.*

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 : Sect. 47.

Pipes, laying of—*see* Waterworks.

Plan—*see* Disposal of Sewage.

Plans with reference to the sewerage, levelling, paving, &c., of streets—*see* Highways.

Pleasure grounds (public).—“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” : Sect. 164.

Police constable or officer may inform local authority of nuisance—*see* Information, Complaint by Private Individual.

See Towns Police Clauses Act, 1847.

May be authorized by Local Government Board to act.—

“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” : Sect. 106.

Pollution—*see* Watercourse.

Of wells, tanks, &c.—“On the representation of any person to any local authority that within their district the water in

POLLUTION—*continued.*

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 analysed 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” : Sect. 70.

Pond, not to be drained into—*see* Local Authority.

Ponies—*see* Horses.

Poor rate—*see* District Rate, Inspection of Valuation List.

Port sanitary authorities, constitution of—“The Local Government Board may, by provisional order, permanently constitute any local authority whose district or part of whose district forms parts 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’).

PORT SANITARY AUTHORITIES—*continued.*

"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": Sect. 287.

Jurisdiction of.—"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": Sect. 288.

May delegate powers.—"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

PORT SANITARY AUTHORITIES—*continued.*

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": Sect. 289.

See London, Port of.

May proceed to raise a sum of money for payment of debt within district of a defaulting authority.—“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 afore-

PORT SANITARY AUTHORITIES—*continued*.

said, and shall render the balance, if any, remaining in their hands after such application to the defaulting authority": Sect. 292.

May borrow on security of rates and sewage plant, &c.—*see* Borrowing Powers.

"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": Sect. 325.

Post-mortem examinations.—"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": Sect. 143.

Poverty—*see* Rates.

Power of local government inspectors—*see* Local Government Inspectors.

To carry mains by local authority—*see* Mains.

To purchase, lease, sell, and exchange lands—*see* Purchase of Lands.

Precautions during construction of sewers, streets, and houses—*see* Towns Improvement Clauses Act.

Premises—*see* Lands, Nuisances, Default in Remedying Nuisance.

May be entered by inspector of nuisances or surveyor if empowered by local authority, and after twenty-four hours notice in writing to the occupier or without notice upon emergency—*see* Examination of Drains, &c.

Hours of admission of local authority on—*see* Entry of Local Authority on Premises.

Unoccupied—*see* District Rate.

PREMISES—*continued*.

Changing owner or occupier after rate made—*see* District Rate.

Principal and interest, recovery of, in connection with loan for performing duties of defaulting local authority—*see* Recovery of Principal and Interest, &c.

Printed copy of bye-laws to be supplied to ratepayers—*see* Bye-laws.

Private improvement expenses—*see* Private Improvement Rate, Borrowing Powers, Supply of Water.

Rentcharge to secure advances. —“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 Sched. IV. to this Act to such person of a yearly rentcharge 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 rentcharge 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 rentcharges granted under this section” : Sect. 240.

Private improvement rate.—“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

PRIVATE IMPROVEMENT RATE—*continued.*

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”: Sect. 213.

“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 rackrent, 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 rackrent 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 rackrent; 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”: Sect. 214.

Redemption of.—“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.

PRIVATE IMPROVEMENT RATE, REDEMPTION OF—*continued.*

of any moneys borrowed by them to meet those expenses, whether by means of a sinking fund or otherwise": Sect. 215.

By rural authority.—"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": Sect. 232.

Privy, building house without.—"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": Sect. 35.

House without.—"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": Sect. 36.

May with ashpits be provided by urban authority for public accommodation: Sect. 39.

PRIVY—*continued*.

To be properly constructed and kept—*see* Drain.

Cleansing of by local authority—*see* Removal of House Refuse.

Overflow from—*see* Pigs.

In foul state—*see* Nuisance.

See Bye-laws.

Proceedings in default—*see* Default in Remedying Nuisance.

Where complaint by private individual—*see* Complaint by Private Individual.

Where nuisance arises out of district—*see* Nuisance.

Where two convictions for overcrowding—*see* Overcrowding.

Under this Act is in addition to and does not affect any remedy under any other provision—*see* Nuisance.

Not to be quashed for want of form.—“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”: Sect. 262.

In case of nuisance being caused by several persons—*see* Nuisance Caused by Several Persons.

Where demand is under £50, may be taken in county court—*see* County Court.

See Police Officer.

Proceeds of sale of land by local authority—*see* Purchase of Lands.**Production of documents, &c.**, may be required by auditor—*see* Audit of Accounts.**Profits on sale of house refuse, &c.**, by rural or urban authority—*see* Removal of House Refuse.**Property, vesting of.**—“Property real and personal, including all interests, rights, and easements, in, to, and out of property real and personal (including things in action) which 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

PROPERTY—*continued.*

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": Sect. 12.

Proprietor of street objecting to its being declared a highway—*see* Highway.

Provisional orders of Local Government Board.—"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,

PROVISIONAL ORDERS—*continued*.

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 *prima 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”: Sect. 297.

Costs of—“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 :” Sect. 298.

Public bathing—*see* Towns Police Clauses Act, 1847.

Baths—“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” : Sect. 65.

Buildings, lighting of—*see* Lighting.

Clocks—*see* Clocks.

Health Act, 1848—*see* Slaughter-houses.

Resorts—*see* Towns Police Clauses Act, 1847.

Walks and pleasure grounds—*see* Pleasure Grounds.

PUBLIC—*continued.*

Works Loan Commissioners—"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" : Sect. 242.

"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" : Sect. 243.

May grant loan to joint boards and port sanitary authorities—*see* Borrowing Powers.

May advance money to Local Government Board for the expenses of performing duties of defaulting local authority—*see* Borrowing Powers.

Publication of accounts of authorities—*see* Audit of Accounts.

Of rates—*see* Rates.

PUBLICATION—*continued*.

Of order of Local Government Board investing rural authority with urban powers—*see* Urban Powers.

Of regulations of local authority—*see* Regulations.

Of regulations and orders as to epidemic diseases.—“All regulations and orders made by the Local Government Board (under sect. 134—*see* Regulations as to Epidemic, &c., Diseases) shall be published in the *London Gazette*, and such publication shall be conclusive evidence thereof for all purposes”: Sect. 135.

Pulling down works commenced without the approval of urban authority—*see* Commencement of Works.

Pumps (public) vest in local authority—*see* Wells.

Purchase of lands, &c.—“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”: Sect. 175.

“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

PURCHASE OF LANDS, ETC.—*continued.*

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 of 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

PURCHASE OF LANDS, ETC.—continued.

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" : Sect. 176.

Of land, tolls, and rights in markets—*see* Markets.

Of right, &c., of market company—*see* Markets.

Of premises by urban authority for improving street—*see* Highways.

Of waterworks by local authority—*see* Water Company.

Purifying house—*see* House in Filthy or Unwholesome Condition.

Qualification of members and electors of local boards—*see* Members.

Of medical officer of health—*see* Medical Officer of Health.

Quarter sessions, appeal to—*see* Appeal against Order of Court.

May direct that part of a parish excluded from urban district shall elect a waywarden—*see* Highway Rate.

Appeal to, against rate—*see* Appeal.

"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

RACKRENT—*continued.*

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": Sect. 4.

Railway buildings do not come within sects. 155, 156, and 157—*see* Line of Buildings, Bye-laws.

Railways, only liable in the proportion of one-fourth to district rate and special expenses—*see* District Rate, Contribution Order.

Rateable value of house—*see* Common Lodging-house.

Ratepayers, consent of—*see* Markets.

May have copy of proposed bye-laws on payment—*see* Bye-laws.

To have printed copy of bye-laws supplied to them—*see* Bye-laws.

May attend audit and object to accounts—*see* Audit of Accounts.

And owners may decide that part of a parish, excluded from urban district, may form a highway district—*see* Highway Rates.

May resolve that it is expedient that a rural district should be a local government district—*see* Rural District.

Rates, special expenses of rural authority to be levied on poor rate, with certain exceptions—*see* Contribution Orders.

Not to be quashed for want of form—*see* Proceedings.

May be appealed against to quarter sessions—*see* Appeal.

Under this Act not subject to a limit made by any local Act of parliament—*see* Limit.

May be prospectively or retrospectively—*see* District Rate.

See Private Improvement Rate.

See Water Rates.

See Waterworks.

General provisions as to.—“Every urban authority, before proceeding to make a general district rate or private improvement rate under this Act, shall cause an estimate to be pre-

RATES—*continued.*

pared 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”: Sect. 218.

“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”: Sect. 219.

“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”: Sect. 220.

“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”: Sect. 221.

RATES—*continued*.

"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": Sect. 222.

"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 *prima facie* evidence of the making and validity of the rates mentioned therein": Sect. 223.

"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": Sect. 224.

"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": Sect. 226.

Saving clauses as to—*see* Acts.

Proceedings for recovery of.—"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 nonpayment 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 costs of the levy of arrears of any rate may be included in the warrant for such levy": Sect. 256.

Special district; saving clause.—"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

RATES—*continued.*

of the same, under any provision of the Local Government Acts in force at the time of the passing of this Act": Sect. 319.

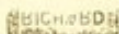
Re-building of house without drains—*see* House not to be Erected, Re-built, or Occupied without Drains.

Receiver.—"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": Sect. 239.

Receiving sewage—*see* Disposal of Sewage.

Receptacles.—"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": Sect. 45. 

Recognizances to be entered into by person appealing to quarter sessions against rate—*see* Appeal.

Recovery of contribution orders from overseers.—"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

RECOVERY—*continued.*

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": Sect. 231.

Of penalty for fouling water with gas washings, &c.—*see* Gas-works.

Of costs and expenses—*see* Costs and Expenses.

Of highway rates upon transfer of highways to urban authority—*see* Highway Rates.

From owner or occupier by urban authority of expense of leveling, sewerage, paving, lighting, &c., street—*see* Highways.

Of penalties—*see* Penalties.

Of rates—*see* Rates.

Of expenses—*see* Expenses.

Of rates, contributions, and sums of money from the universities and their several halls and colleges—*see* Cambridge.

Of principal and interest in respect of loan for performing duties of defaulting local authority.—“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”: Sect. 302.

Of maintenance of person in hospital—*see* Maintenance of Person, &c.

Recurrence of nuisance — *see* Default in Remedying Nuisance.

Redemption of private improvement rate—*see* Private Improvement Rate.

Reduction of rate on plea of poverty—*see* Rates.

Of rate of interest on loans incurred previous to the passing of this Act—*see* Public Works Loan Commissioners.

From rate where premises were sufficiently drained before making of sewer—*see* Rates.

Refusal of admission of local authority to premises—*see* Entry of Local Authority on Premises.

Of arbitrator to act—*see* Arbitration.

Register of mortgages to be kept—*see* Mortgages.

Of transfer of mortgages to be kept—*see* Mortgages.

Of rentcharges—*see* Rentcharges.

Of common lodging-houses.—“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”: Sect. 76.

Removal of common lodging-house from—*see* Supply of Water.

Of water meters, *prima facie* evidence of consumption—*see* Meter.

Regulations as to removing persons to hospital.—“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

REGULATIONS—*continued*.

such regulations may impose on offenders against the same reasonable penalties not exceeding forty shillings for each offence": Sect. 125.

As to cholera, epidemic, endemic, or infectious diseases—*see* Cholera.

"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; 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": Sect. 134.

See Publication of Regulations and Orders.

See Execution of Regulations, &c.

"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": Sect. 140.

As to management of place provided for the reception of bodies awaiting a *post-mortem* examination may be made by local authority—*see* *Post-mortem* Examination.

As to cellar dwellings—*see* Cellar Dwellings.

As to contracts by urban authority—*see* Contracts.

As to purchase of lands—*see* Purchase of Lands.

As to duties of officers—*see* Officers of Urban Authority.

As to borrowing money—*see* Borrowing Powers.

REGULATIONS—*continued.*

“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” : Sect. 188.

Relieving officer, notice to him of fever, &c.—*see* Common Lodging-house.

May inform local authority of nuisance—*see* Information.

To bury body in mortuary if relations neglect to do so—*see* Removal of Body, &c.

Remedy under any other Act, &c., not affected by provisions of this Act—*see* Nuisance.

Removal of house refuse.—“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 cess-pools ;

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” : Sect. 42.

REMOVAL—*continued.*

See Bye-laws.

Of accumulation of manure, &c.—“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”: Sect. 49.

Of manure from stables.—“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”: Sect. 50.

Of nuisance and sale of any matter or thing removed—*see* Nuisance.

Of gas and water pipes, mains, plugs, &c.—*see* Gas Pipes.

Of works erected without the approval of urban authority—*see* Commencement of Works.

Of obstructions in streets—*see* Towns Improvement Clauses Act.

Of person to hospital.—“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 accom-

REMOVAL—*continued.*

modation, 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”: Sect. 124.

Of body, upon order of justice, to mortuary.—“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”: Sect. 142.

Remuneration for collection of separate rates—*see* Contribution Orders.

Rent for pipes and works paid by occupier under sect. 47 of Waterworks Clauses Act, 1874, may be deducted by him from rent—*see* Waterworks.

For meter—*see* Meter.

Deduction by occupier from, where money is paid by him for the owner under this Act—*see* Costs and Expenses.

For use of market—*see* Markets

Rentcharges to secure advances for private improvements
—*see* Private Improvement Expenses.

“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” : Sect. 241.

Repair of bridge, viaduct, or arch by urban authority—*see* Bridge.

Of highways, cost of—*see* Highway Rates.

Of sewers belonging to local authority to be done by them, who shall cause to be made such sewers as may be necessary for effectually draining their district for the purposes of this Act : Sect. 15.

Repayment of money borrowed—*see* Borrowing Powers.

Repeal of local Act—*see* Local Act.

Of Acts in Sched. V.—“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” : Sect. 343.

Repealed Acts—*see* Substitution of Provisions of this Act.

Report of auditor—*see* Audit of Accounts.

Reports to Local Government Board.—“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”: Sect. 206.

Reservoir.—“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 hereinafter 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”: Sect. 53.

Vest in local authority—*see* Wells.

Retirement—*see* Members.

Of improvement commissioners, &c.—*see* Election.

Revocation of appointment of arbitrators—*see* Arbitration.

Riparian authorities—*see* Port Sanitary Authorities.

River, navigation of.—“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

RIVER, NAVIGATION OF—*continued.*

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" : Sect. 330.

Person authorized to navigate on, may alter sewers, &c.—"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 of 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" : Sect. 331.

"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" : Sect. 332.

"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" : Sect. 333.

Roads, turnpike.—"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" : Sect. 148.

"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" : Sect. 146.

Roofs, structure of—*see* Bye-laws.

Room, letting infected—*see* House, Letting Infected.

Rubbish—*see* Bye-laws, Receptacles.

Ruinous buildings—*see* Towns Improvement Clauses Act.

Rural authority, the guardians of the union are : Sect. 9.

See Bakehouse Regulation Act.

See Guardians as to statutes, orders, &c.

When invested with requisite powers may undertake or contract for cleansing and watering of streets—*see* Removal of House Refuse.

May construct waterworks, dig wells, &c.—*see* Waterworks.

Shall appoint medical officer of health, and inspector of nuisances also any assistants, &c., and the clerk and treasurer of union may, with extra remuneration, be clerk and treasurer of authority—*see* Officer of Rural Authority.

May for their current year of office delegate their powers to a committee of their own members—*see* Committees.

May also appoint for any contributory place a parochial committee either of their own members or partly of members of the authority, and partly of ratepayers of such contributory place—*see* Committees.

May apportion the expense of executing any work under this Act for the common benefit of two or more contributory places—*see* Expenses of Rural Authority.

To issue precept to overseers of each contributory place requiring them to pay the amount specified by them—*see* Contribution Order.

May borrow money on security of common fund in respect of general expenses, and in respect of special expenses on security of rates from which such expenses are payable—*see* Borrowing Powers.

Accounts of—*see* Audit of Accounts.

May be invested with urban powers—*see* Urban Powers.

May constitute their district into special drainage district—*see* Special Drainage District.

Payment to joint board by, is deemed to be general expenses—*see* Contribution Orders of Joint Boards.

RURAL—continued.

District may be declared local government district.—

“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 Sched. 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”: Sect. 271.

May be declared local government district on resolution of owners and ratepayers.—“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 Sched. 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 Sched. II. to this Act.”

As to boundaries.—“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”: Sect. 272.

RURAL DISTRICT—*continued*.

Objection to resolution in : sect. 272. — “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” : Sect. 273.

Objection to vote in : sect. 272.—“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” : Sect. 274.

Orders in reference to : Sects. 271, 272, 273, 274.—“Every order made by the Local Government Board under this

RURAL DISTRICT—*continued.*

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 exerciseable 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 exerciseable 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 exerciseable 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”: Sect. 275.

Sanitary authority—*see* England.

Sanitary districts—*see* England.

“Is the area of any union which is not coincident in area with an urban district, nor wholly included in an urban district (in this Act called a rural union), with the exception of those portions (if any) of the area which are included in any urban district” : Sect. 9.

Salary of officers—*see* Officers of Urban Authority.

Sale of manure, &c., removed by urban authority—*see* Removal of Accumulation of Manure, &c., Nuisance.

Of market company's rights, &c.—*see* Markets.

Of lands by local authority—*see* Purchase of Lands.

Of waterworks—*see* Water Company.

Of gasworks—*see* Lighting.

Sandgate—*see* Folkestone.

"Sanitary Acts," means Bakehouse Regulation Act, Artizans and Labourers' Dwellings Act, Baths and Wash-houses Acts, Labouring Classes Lodging-houses Acts, and the Acts mentioned in Part I. of Sched. V. to this Act.

"Sanitary purposes" means any object or purposes of the Sanitary Acts.

Saving clauses as to navigation of rivers and canals—*see* Rivers.

As to certain authorities.—"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

SAVING CLAUSES—*continued*.

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" : Sect. 326.

Schedules, construction of.—"The schedules to this Act shall be read and have effect as part of this Act.

"The forms contained in Sched. 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" : Sect. 317.

See the end of the book.

Scotland, the Act does not extend to : Sect. 2.

Search warrant—*see* Warrant.

Security to be given by accounting officers—*see* Officers of Local Authority.

Securities, validity of certain.—"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" : Sect. 321.

Separate rate by overseers of the poor is subject to the same provisions as a poor rate, except allowance by justices—*see* Contribution Orders.

Service of notices, &c.—"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

SERVICE OF NOTICES—*continued.*

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” : Sect. 267.

Settlement of differences arising out of transfer of powers property, &c., to local authority.—“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” : Sect. 304.

See Sewerage Districts.

Sewage, how disposed of—*see* Disposal of Sewage.

“**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: Sect. 4.

Sewers and all buildings, works, materials, and things belonging thereto, vest in and are under the control of local authority in whose district they are situate, except—

SEWERS—*continued*.

- “(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 ;
- “(4). Sewers 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, and which (subject to any agreement to the contrary) shall vest in and be under the control of the authority who constructed the same, or to whom the same have been transferred ” : Sect. 13.

And any right of making or using them may be purchased or otherwise acquired by local authority : Sect. 14.

Sale of—user of—*see* Person.

Repair of—making of—*see* Repair.

May be carried by local authority 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 : Sect. 16.

Enlargement, alteration, lessening, discontinuance—*see* Local Authority.

Belonging to local authority to be by them constructed, covered, ventilated, and kept so as not to be a nuisance or injurious to health, and to be properly cleansed and emptied : Sect. 19.

On premises out of district may, on terms, communicate with sewers of local authority—*see* Owner.

Communication of, with those of adjoining district.—“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,

SEWERS—*continued.*

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" : Sect. 28.

Precautions during construction of—*see* Towns Improvement Clauses Act.

Sewerage districts, &c.—"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" : Sect. 323.

Shareholders—Local authority may become shareholders in a company with whom they contract for disposal of sewage —*see* Disposal of Sewage.

Ships—"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 autho-

SHIPS—*continued.*

rity 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” : Sect. 110.

See Execution of Regulations, &c.

See Medical Officer of Health.

Short title—This Act may be cited as “The Public Health Act, 1875” : Sect. 1.

Signature of urban authority need not be affixed to highway rates.

Sinking fund to repay money—*see* Borrowing Powers.

“**Slaughter-houses,**” 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: Sect. 4.

“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” : Sect. 169.

“The owner or occupier of any slaughter-house licensed or registered under this Act shall, within one month after the

SLAUGHTER-HOUSES—*continued.*

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": Sect. 170.

Smoke, non-consumption of, by fireplace or furnace used for working engines by steam, or in any mill, factory, dye-house, brewery, bakehouse, gasworks, or in any manufacturing or trade process whatsoever—*see* Nuisance.

(Black) emitted from chimney—*see* Nuisance.

See Entry of Local Authority on Premises.

Snow—*see* Bye-laws.

Soap-boiler—*see* Trades.

Soil, accumulation of, removal of—*see* Removal of Accumulation of Manure, &c.

Solicitor's costs—*see* Taxation of Solicitor's Costs.

Special drainage districts, constitution of rural districts into.—"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": Sect. 277.

Dissolution of—*see* Alteration of Areas.

Expenses—*see* Expenses of Rural Authority, Contribution Orders.

Stallages may be taken by urban authority—*see* Markets.

Stands for horses, &c.—*see* Horses.

Stream, not to be drained into—*see* Local Authority.

"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 : Sect. 4.

Cleansing of and watering of—*see* Removal of House Refuse.

Breaking up of—*see* Waterworks.

Fire-plugs to be denoted in streets—*see* Fire-plugs.

Repair of, belonging to any person, may by agreement be undertaken by urban authority—*see* Roads (Turnpike), Highways.

Urban authority may require them to be paved, sewered, levelled, lighted, &c.—*see* Highways.

Not being a highway may by urban authority be declared a highway, when levelled, sewered, paved, lighted, &c.—*see* Highways.

For the purpose of improving or making any street, an urban authority may purchase premises—*see* Highways.

Level, width, and construction of—*see* Bye-laws.

Naming of ; improving the line of ; precautions during the construction of—*see* Towns Improvement Clauses Act, 1847.

Lighting of—*see* Lighting.

Substitution of provisions of this Act for those of repealed Acts.—“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”: Sect. 313.

“Summary Jurisdiction Act” 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

SUMMARY JURISDICTION ACT—*continued.*

convictions and orders," and any Act amending the same :
Sect. 4.

Proceedings.—"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" : Sect. 252.

"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" : Sect. 253.

See Nuisance caused by several Persons, Rates.

See Expenses, Recovery of.

Where nuisance arises out of district—*see* Nuisance.

Summons shall be issued by justice against person making default in remedying nuisance, or abating it so that it may recur—*see* Default in Remedying Nuisance.

Superintendent of police—*see* Towns Police Clauses Act, 1847.

Superior court.—"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 re-

SUPERIOR COURT—continued.

lating 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": Sect. 107.

Submission to arbitration may be made a rule of any superior court—*see* Arbitration.

Order of Local Government Board as to costs of inquiries, &c., may be made a rule of superior court—*see* Local Government Board.

Supply of gas—*see* Lighting.

Of water.—“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 of not exceeding two pence 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”: Sect. 62.

See Wells, Public Baths, Universities.

In case of fire—*see* Fire-plugs.

“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

SUPPLY OF WATER—*continued.*

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": Sect. 81.

See Waterworks.

To adjoining districts.—"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": Sect. 61.

Surcharge by auditor—*see* Audit of Accounts.

Surety of officer—*see* Officer of Local Authority.

Surplus of separate rate in hands of overseers when going out of office, how to be dealt with—*see* Contribution Orders.

"Surveyor" includes any person appointed by a rural authority to perform any of the duties of surveyor under this Act: Sect. 4.

See Examination of Drains, &c.

As to preparation of plans for paving, sewerage, levelling, &c., streets—*see* Highways.

Must report as to expense before urban authority can enter into contracts—*see* Contracts.

Shall be appointed by urban authority—*see* Officer of Urban Authority.

May also be inspector of nuisances—*see* Officer of Local Authority.

Of county bridges—*see* Roads (Turnpike).

May sign notices, &c., for local authority—*see* Notices.

Of Highways—*see* Disposal of Sewage, Highways, Highway Rates.

Swine—*see* Pigs.

Tallow-melter—*see* Trades.

Tank, polluted—*see* Pollution of Wells.

Taxation of solicitor's costs.—"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 *prima 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": Sect. 250.

Tenant and landlord, agreement between—*see* Contracts.

Division of expenses—*see* Landlord and Tenant.

Tenders must be invited, and ten days notice given before urban authority can enter into contract over £100—*see* Contract.

In action against local authority or their officers—*see* Notice of Action.

Tithe and tithe rentcharge, to be assessed at only one-fourth of the net annual value—*see* District Rate, Contribution Orders.

Tolls (market), purchase and collection of—*see* Markets.

Towns Police Clauses Act, 1847.—"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 public carriages; and
- "(5). With respect to public bathing;

TOWNS POLICE CLAUSES ACT, 1847—continued.

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”: Sect. 171.

Towns Improvement Clauses Act.—“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”: Sect. 160.

See Slaughter-houses.

Trades.—“Any person who, after the passing of this Act, establishes within the district of an urban authority, without

TRADES—*continued*.

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": Sect. 112.

Urban authority may make bye-laws with respect to—*see* Bye-laws.

As to nuisance caused by—*see* Nuisance.

Transfer of mortgages—*see* Mortgages.

Treasurer of urban authority—*see* Highway Rates.

Shall be appointed by urban authority—*see* Officer of Urban Authority.

Of union shall be treasurer of rural authority—*see* Officer of Rural Authority.

Cannot be clerk—*see* Officer of Local Authority.

Of urban authority shall keep a district fund account—*see* District Fund.

See Clerk.

Tripe-boiler—*see* Trades.

Turnpike-gate—*see* Roads (Turnpike).

Road—*see* Sewers, Disposal of Sewage, Roads (Turnpike).

Trustees.—“Where by any local Act powers are conferred on any turnpike trustees for any purpose 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”: Sect. 322.

Umpire, appointment of—*see* Arbitration.

“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”: Sect. 4.

Of districts—*see* Joint Boards.

Of districts for the appointment of medical officer of health.—

“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

UNION—*continued*.

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": Sect. 286.

Universities.—"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": Sect. 67.

Quota which Oxford or Cambridge are already liable to pay, in lighting, paving, repairing, &c., not affected by this Act—*see* Cambridge.

Unknown owner or occupier may be assessed simply as "owner" or "occupier"—*see* Rates.

Unoccupied premises, rate upon—*see* District Rate.

Urban authority—

In boroughs is the mayor, aldermen, and burgesses, acting by the council.

In Improvement Act districts is the improvement commissioners.

In local government districts, the local board ; but *see* Urban Districts.

May adopt Baths and Wash-houses Acts and Labouring Classes Lodging-houses Acts : Sect. 10.

May provide map—*see* Map.

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 : Sect. 39.

May undertake or contract for cleansing and watering of streets—*see* Removal of House Refuse.

May make bye-laws—*see* Bye-laws.

Inspector of, may in default remove accumulations of manure, &c.—*see* Removal of Accumulation of Manure, &c.

May require periodical removal of manure from stables, &c.—*see* Removal of Manure from Stables.

URBAN AUTHORITY—*continued.*

May provide waterworks, dig wells, &c.—*see* Waterworks.

Shall provide fire-plugs, &c., for securing an efficient supply of water in case of fire—*see* Fire-plugs.

Consent of, to the establishment of offensive trades must be obtained—*see* Trades.

May make bye-laws with respect to offensive trades—*see* Trades.

Shall direct complaint to be laid upon information afforded to them that a person is carrying on a business so as to be a nuisance or injurious to health. They may also, if they choose so to do, cause proceedings to be taken in any superior court of law or equity for the suppression of such nuisance—*see* Nuisance arising from Trades.

Have all the powers of surveyors of highways and vestries under the Highway Act, 1835—*see* Highways.

May make roads through the lands, and at the expense of any person, or by a majority of two-thirds of their number, may pay any portion of the expense—*see* Roads.

May adopt and maintain bridge, viaduct, or arch in their district—*see* Bridge.

May agree with turnpike trustees, or any person liable to repair, any street, or road, or with surveyor of county bridge, for the maintenance, repair, cleansing, or watering of such street, road, or bridge, or may remove turnpike gates, and may erect others—*see* Roads (Turnpike).

Have control over streets, pavements, &c., shall cause same to be paved, metalled, &c., repaired, &c., as occasion may require; they may also cause the level of the street to be raised, lowered, or altered, and may place and repair posts, fences, &c., for the safety of foot passengers—*see* Highways.

May by notice require owners or occupiers of streets not sewered, levelled, paved, &c., or not lighted, to sewer, level, pave, &c., or light the same within a time specified, and in default may execute the works, and recover the expenses incurred—*see* Highways.

May by notice declare a street a highway when properly paved, sewered, levelled, lighted, &c.

May require the owner to raise, sink, or otherwise alter the position of gas and water pipes, mains, plugs, &c., and in default may themselves make the alteration—*see* Gas Pipes.

May purchase premises for improving streets—*see* Highways.

May prescribe line of buildings and pay compensation to owners of premises set back or forward—*see* Line of Building.

URBAN AUTHORITY—*continued.*

May make bye-laws with reference to the level, width, and construction of streets with reference to the structure of buildings, with respect to the ventilation of buildings, and with reference to the drainage of buildings and outbuildings—*see* Bye-laws.

Must within one month signify their approval or disapproval of plans, &c., deposited with them, and if any work is commenced without such approval they may cause it to be pulled down, &c., and recover expenses of so doing—*see* Commencement of Work.

May contract for the lighting of their district, or themselves undertake the supply of gas—*see* Lighting.

May purchase gasworks from gas company—*see* Lighting.

The property of the inspectors under the Watching and Lighting Act vest in urban authority—*see* Watching and Lighting Act.

May provide public pleasure grounds and walks—*see* Pleasure Grounds.

May provide public clocks—*see* Clocks.

If local board or improvement commissioners with the consent of the ratepayers and owners, and if a town council with the consent of two-thirds of their number may provide markets and do the necessary things connected therewith—*see* Markets.

May make bye-laws with respect to markets—*see* Markets.

May purchase all the rights, &c., of any market company—*see* Markets.

May provide slaughter-houses, and make bye-laws for management of same—*see* Slaughter-houses.

Cannot enter into contracts except certain regulations be observed—*see* Contracts.

Shall appoint medical officer of health, surveyor, inspector of nuisances, clerk, and treasurer—*see* Officer of Urban Authority.

To provide offices—*see* Offices.

Shall hold their meetings at least once a month—*see* Meetings.

May appoint a committee to conduct their business—*see* Committees.

Shall make annual report to Local Government Board and publish same in some local newspaper—*see* Reports.

Expenses—*see* Expenses of Urban Authority.

URBAN AUTHORITY—*continued.*

May levy general district rate in order to meet expenses chargeable upon the district fund—*see* District Rate.

May divide their district or any street into parts for all or any purposes of this Act—*see* District Rate.

May appoint person to inspect or take copies or extracts from valuation list or poor rate—*see* Inspection of Valuation List.

Need not lay highway rate before justices, or sign same, or lay it before vestry, or verify any accounts before justices—*see* Highway Rates.

To make estimate of the money required for the purposes of the Act before making a rate—*see* Rates.

May amend rates—*see* Rates.

May deduct from amount of rate when the premises were properly drained before sewer made—*see* Rates.

May excuse or reduce rate on a plea of poverty—*see* Rates.

May borrow money on security of any fund or rates from which they can defray expenses incurred under this Act—*see* Borrowing Powers.

Accounts of—*see* Audit of Accounts.

Urban districts are—

1. Borough constituted such either before or after the passing of this Act.
2. 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.
3. 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.

“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

URBAN DISTRICTS—*continued*.

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” : Sect. 6.

Urban powers, may be granted to rural authority.—“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” : Sect. 276.

Urinals may be provided by urban authority for public accommodation : Sect. 39.

In foul state—*see* Nuisance.

Vacancies in committees may be filled up—*see* Committees.

Vagrants to be reported by keeper of common lodging-house when required by local authority—*see* Common Lodging-houses.

Validity of certain securities notwithstanding alteration in period of repayment—*see* Securities.

Valuation list—*see* Inspection of Valuation List.

Vault newly built under carriageway of street—*see* Building newly erected over sewer.

Ventilation of factories, workshops and workplaces—*see* Nuisances.

Of buildings—*see* Bye-laws.

Vessels—*see* Execution of Regulations, &c., Ships, Medical Officer of Health, Horses.

Vestries, power of, under Highway Acts—*see* Highways.

Vestry—urban authority need not lay highway rate before vestry—*see* Highway Rate.

Viaduct, repair of—*see* Bridge.

Violation of regulations for preventing spread of diseases—*see* Regulations as to Cholera.

Walks (public)—*see* Pleasure Grounds.

Walls, structure of—*see* Bye-laws.

Warrant (search)—“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,

WARRANT—*continued.*

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” : Sect. 119.

Wash-houses (public)—*see* Public Baths.

Waste or Stagnant Water—*see* Pigs.

Of water—*see* Waterworks.

Watching and Lighting Act, superseded by this Act in urban districts.—“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” : Sect. 163.

Watercloset, erecting house without—*see* Privy.

May be provided by local authority in default of owner and occupier—*see* Privy.

Substitution of earthclosets for—*see* Earthcloset.

May be provided by urban authority for public accommodation : Sect. 39.

To be properly constructed and kept—*see* Drain.

Overflow from—*see* Pigs.

See Bye-laws.

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” : Sect. 4.

WATER COMPANY—*continued.*

If able and willing to supply sufficient water, local authority cannot construct waterworks—*see* Waterworks.

May contract to supply local authority.—“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” : Sect. 63.

Watercourse, pollution of—“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” : Sect. 69.

Not to be drained into—*see* Local Authority.

Between two districts, cleansing of—*see* Ditch.

In foul state—*see* Nuisance.

Water pipes—*see* Waterworks, Gas Pipes, Removal of.

Rates.—“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” : Sect. 56.

WATER RATES—continued.

In respect of premises where default is made by owner to obtain supply—*see* Supply of Water.

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”: Sect. 4.

Construction of.—“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”: Sect. 51.

“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”: Sect. 52.

Supply of pure water.—“A local authority shall provide and keep in any waterworks constructed or purchased by them a

WATERWORKS—*continued.*

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": Sect. 55.

"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':

"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

"'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 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 forty-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": Sect. 47.

See Reservoir.

Waywarden, election of—*see* Highway Rates.

Weighing machines—*see* Markets.

Wells—*see* Waterworks.

(Public).—"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": Sect. 64.

Wenlock, not a borough: Sect. 6.

Whitewashing house—*see* House in Filthy or Unwholesome Condition.

See Common Lodging-house.

Widow of keeper of common lodging-house—*see* Common Lodging-house.

Workplace, overcrowding—*see* Nuisance.

Not kept clean—*see* Nuisance.

Works commenced without approval of urban authority—*see* Commencement of Works.

Workshop, overcrowding, not kept clean—*see* Nuisance.

SCHEDULES.

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 proceed-

ings 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 seized 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 seized 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 seized, 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 Sched. 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 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 mortgagee 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 Sched. 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 Sched 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 Sched. 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 hereinbefore 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 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 hereinafter 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 Sched. 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) :—

‘I *A.B.* do solemnly declare, that I am seized or possessed of real or personal [*or* real and personal] estate to the value or amount of ——— [*or* that I am rated to the relief of the poor of ——— on the annual value of ———.]

‘(Signed) *A.B.*

‘Made before us, *C.D.* and *E.F.*, members of the ——— Local Board for the district of ——— this ——— day of ———.’

57. Such declaration shall be signed by the person making the same, and shall be filed and kept by the clerk of the local board; and any person who falsely or corruptly makes and subscribes such declaration, knowing the same to be untrue in any material particular, shall be deemed guilty of a misdemeanor.

58. Any person who neglects to make and subscribe the declaration required by this Act for the space of three months next after he has become a member of the local board shall be deemed to have refused to act, and shall cease to be a member of such local board, and his office as such shall thereupon become vacant.

Retirement of Members.

59. Subject as hereinafter mentioned, one-third of the number of members elected for the district, or if the district is divided into wards, one-third of the number elected for each ward (being those who have been longest in office), shall go out of office on the fifteenth of April in each year.

60. The order in which the persons elected at the first election of a local board for a district constituted after the passing of this Act shall go out of office shall be regulated by the local board, and if the number of persons to be elected is not divisible by three, the proportion to go out of office in each year shall be regulated by the local board so that as nearly as may be one-third shall go out of office in each year.

61. No person elected shall in any case continuously remain in office (without re-election) for more than three years: Provided that if the number of persons to be elected for any ward is less than three, the persons elected shall go out of office on the fifteenth of April in such year or years as the local board may, with the sanction of the Local Government Board, determine.

62. Before the fifteenth of April in each year a number of persons equal to the number of retiring members shall be elected in manner provided by this schedule, and so many others as may be necessary to complete the full number of the local board in respect of which the election is held.

63. Any person who has ceased to be a member is re-eligible (if qualified).

Disqualification of Members.

64. Any member who ceases to hold his qualification, or becomes bankrupt, or submits his affairs to liquidation by arrangement, or compounds with his creditors, or is absent from meetings of the local board for more than six months consecutively (unless in case of illness), or accepts or holds any office or place of profit under the local board of which he is member, or in any manner is concerned in any bargain or contract entered into by such board, or participates in the profit thereof, or of any work done under the authority of this Act in or for the district, shall, except in the cases next hereinafter provided, cease to be such member, and his office as such shall thereupon become vacant:

Provided that no member shall vacate his office—

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 seized 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.

73. 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 compul-

sory 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 Sched. 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 Sched. 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 Sched. 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 Sched. 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 Sched. 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 costs shall be paid out of the fund or rate applicable by the urban authority to the general purposes of this Act.

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 }

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 } You are required to appear before
borough of, &c., or } [*describe the court of summary jurisdiction*], at the petty sessions [or court]
district of or } holden at on the day of
as the case may be] } next, at the hour of in the
to wit. }

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] Whereas on the day of com-
borough, &c., of }
or district }
of or as the }
case may be. }
[or as the case may be], by }
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 in-
stance, to cleanse, whitewash, purify, and disinfect the said dwell-
ing-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 } 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 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 same 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 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.

(a) Here insert a clear statement of the property, as "house," "building," "house and acres of land."

Description of property (b).	In respect of which I have an estate or interest of (c)	And in respect of which I receive 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.

(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 the 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 of Objection.

To the chairman of the local board of the district of . . .

This day of

I hereby give you notice that I object to the name of the person mentioned and described below being retained on the register of owners and proxies for the district of .

Christian and surname of the owner or proxy objected to.	Address, as described.	Nature of Qualification, as described.	Description (in case of proxy) of appointor.

Signature of objector.

Address of objector.

FORM M.

Appointment of Proxy.

To the chairman of the local board for the district of .

This day of 18 .

I [*or we*] the undersigned being the owner [*or owners*] of the property hereinafter described which is situated in the parish of
do hereby appoint to vote as my [*or our*] proxy in all cases wherein he may lawfully do so, pursuant to the provisions of the Public Health Act, 1875. And I [*or we*] hereby state that the description of the said property is as follows, viz. (*a*) :

Signature of owner (*b*).

Address of owner.

Witness.

(*a*) Describe the property by its name, situation, or the name of the occupier, or any other designation by which it may be identified.

(*b*) Or of three directors; or in the case of a corporation *say*, Given under our common seal, and add the name of the person or persons entitled to affix the seal.

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 the name of every person for whom the voter intends to vote.

If a proxy votes he must in like manner write his initials, subscribe his own name and address, and add after his signature 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.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
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.
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 & 12 Vict. c. 63, s. 83.

As to interments within churches.—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 & 22 Vict. c. 98, s. 49.

Local board to be burial board in certain cases.—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 & 25 Vict. c. 61, s. 21.

Urban authorities may repair fences surrounding burial grounds.—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 & 27 Vict. c. 17, s. 6.

Local government districts to be within highway districts for purpose of highway meetings.—Where any local government district

or any 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 & 30 Vict. c. 90, s. 44.

Power to burial boards in certain cases to transfer their powers to urban authority.—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 & 30 Vict. c. 90, s. 51.

Power to reduce penalties imposed by 6 Geo. 4, c. 78.—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.

Description of vessels within provisions of 6 Geo. 4, c. 78.—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.

As to consent of Local Government Board required in certain cases.—Where in 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 Wash-houses 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.

Transfer of powers and duties of Board of Trade under Alkali Act, 1863, and Metropolis Water Acts, 1852 and 1871, to Local Government Board.—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 Act, 1852 and 1871, shall be exerciseable 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.

Transfer of powers and duties of Secretary of State under Highway and Turnpike Acts to Local Government Board.—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 turnpike 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.

Transfer of officers to Local Government Board.—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.

Salary of medical officer.—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.

Orders of the Local Government Board how to be published.—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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- 61 „ 26.—Notice by URBAN Authority of new Building over or under Sewer.

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- 62 Sect 32.—Notice to Owners, &c., of intended Sewage Works.
- 63 Notice of Objection by Owner.

Privies, Waterclosets, &c.

- 64 Sect. 35.—Information for building House without Privy, Ashpit, &c.
- 65 Summons.
- 66 Conviction.
- 66a Report of Surveyor.
- 67 „ 36.—Notice to provide Privy, Watercloset, &c.
- 68 „ 38.—Notice to provide separate Waterclosets for each Sex.
- 69 „ 41.—Application to Local Authority concerning Drain, Watercloset, &c., supposed to be a nuisance.
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- 71 Authority to Surveyor or Inspector to enter.
- 72 Notice to Owner or Occupier to repair Drain, &c.

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 74 „ 46.—Certificate of Medical Officer of House being in unwholesome condition.
 75 Notice to Cleanse, Disinfect or Purify House.
 76 „ 47.—Notice by Urban Authority to remove Pigs, &c.
 77 Ditto ditto to remove Stagnant Water.
 78 Ditto ditto to abate Nuisance from Overflow of Watercloset, Privy, &c.

Offensive Ditches.

- 79 Sect. 48.—Information for Foul Ditch.
 80 Order of Justices to cleanse Ditch.
 81 „ 49.—Notice of Accumulation of Manure by Inspector of Nuisances (Urban).
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- 83 Sect. 51.—Contract for Supply of Water.
 84 „ 52.—Notice to Water Company of Water required.
 85 „ 54.—Notice to Owner or Occupier of intention to carry Main through Premises, Land, &c.
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91 Summons.
92 Order.

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95b Report of Inspector thereon.
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97a Weekly return of ditto.
98 „ 81.—Notice to Keeper of Lodging House to obtain proper
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99 „ 83.—Order to report every Person who resorted to Lodging
House previous night.
100 Schedules for such Report.
101 „ 84.—Notice to Medical Officer of Fever in Common Lodging
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102 Notice to Relieving Officer of ditto.
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104 House.
105 Summons.
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108 A Ditto Foul Pool, Ditch, Gutter, Watercourse.
109 A Ditto Animal kept so as to be a Nuisance.
110 A Ditto Accumulation or Deposit which is a Nuisance.
111 A Ditto Over-crowding.
112 A Ditto Factory, Workshop or Workplace not kept in
cleanly state, so as to be injurious to Health.
113 A Ditto From Smoke.

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| 115 | Ditto ditto, Dilapidated and Filthy House, by ditto. |
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