

**Anno sexto Georgii IV. Regis. Cap. LXXVIII. An act to repeal the several laws relating to the performance of quarantine, and to make other provisions in lieu thereof. [27th June 1825.].**

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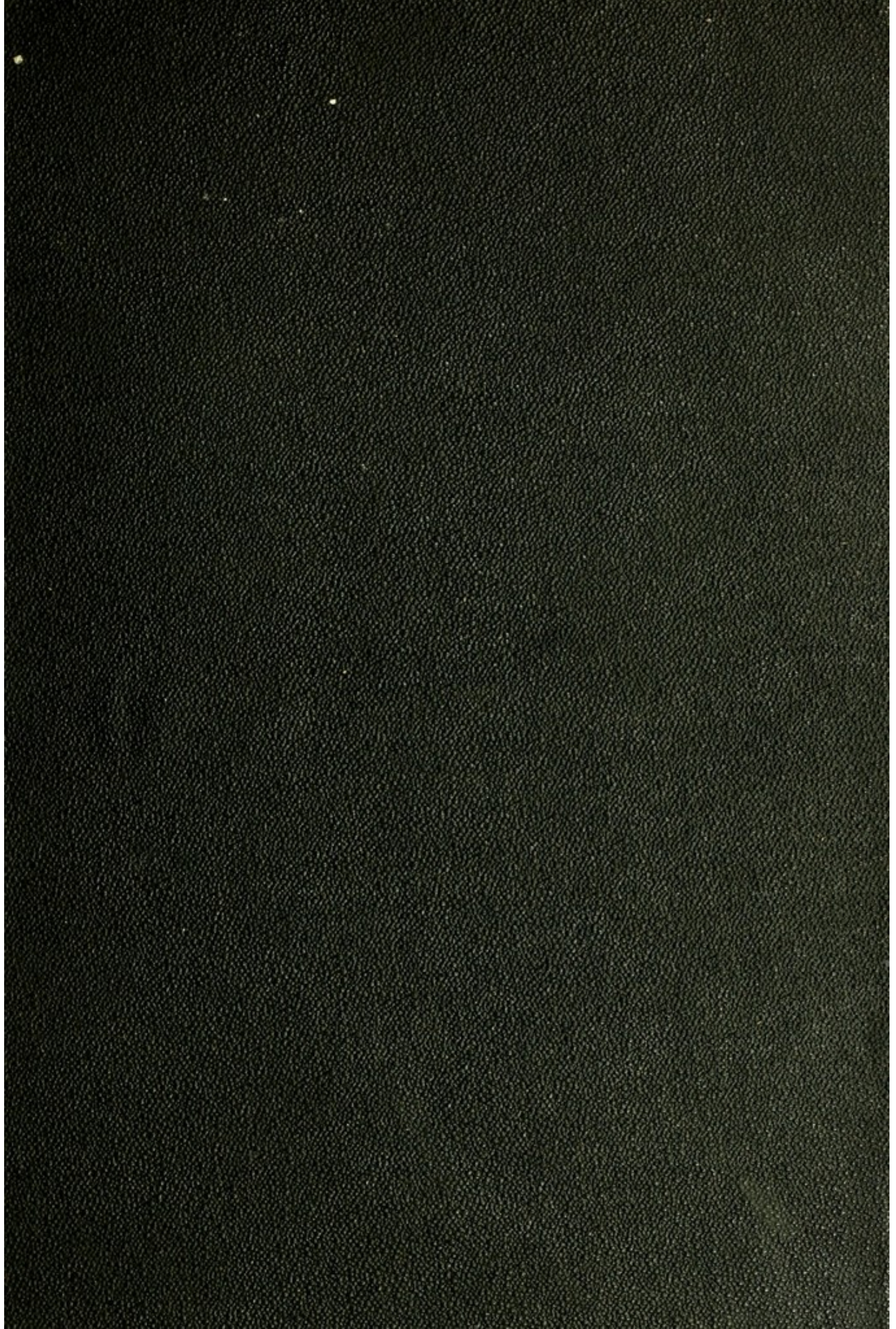
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1. Quarantine Act Geo. IV.
2. Customs Laws Consolidation '76
3. Housing of the Working Classes '90
4. Public Health (London Act) '91

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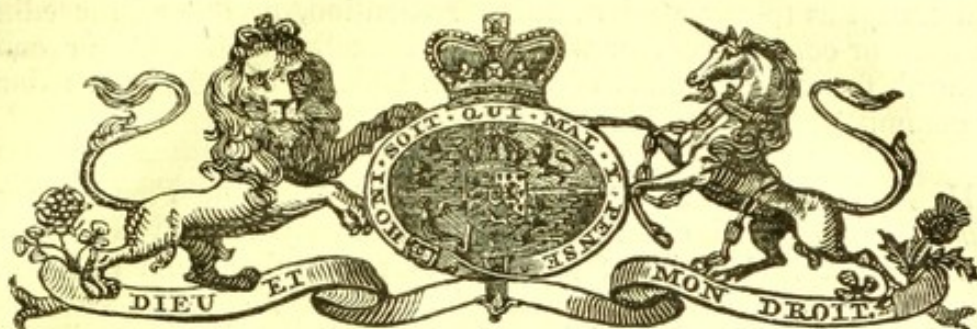
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ANNO SEXTO

# GEORGII IV. REGIS.

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C A P. LXXVIII.

An Act to repeal the several Laws relating to the  
Performance of Quarantine, and to make other  
Provisions in lieu thereof. [27th June 1825.]

**W**HEREAS it is expedient to repeal the several Laws relating to the Performance of Quarantine, and to make other Provisions in lieu thereof: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *June* One thousand eight hundred and twenty-five, all and every Act, and all Parts of Acts of the Parliament of *Great Britain* and *Ireland* respectively, and of the Parliament of the United Kingdom, relating to the Performance of Quarantine, or relating to the charging any Duty or Duties upon Vessels which may be liable to, or have performed Quarantine, shall be and the same is hereby repealed; save and except such Acts, and such Parts of Acts, as relate to the Payment and Recovery of any Duties imposed by the said Acts, or any Parts of Acts, which shall be due and unpaid on the said First Day of *June* by any Person or Persons under any or either of the said Acts; and also save and except as to any Fine, Penalty, Forfeiture, or Punishment, or Fines, Penalties, Forfeitures, or Punishments, to which any such Person or Persons may be liable by reason of the same; and also save

Acts relating  
to Quarantine  
repealed.

Exceptions.



and except as to any Action, Suit, Prosecution, or other Proceeding brought or commenced, or which shall hereafter be brought or commenced, for or on account of any such Offence or Offences so done or committed as aforesaid.

What Vessels  
shall be liable  
to Quarantine.

II. And be it enacted, That from and after the First Day of *June* One thousand eight hundred and twenty-five, all Vessels, as well His Majesty's Ships of War as others, coming from or having touched at any Place from whence His Majesty, His Heirs or Successors, by and with the Advice of His or Their Privy Council, shall have adjudged and declared it probable that the Plague or other infectious Disease or Distemper highly dangerous to the Health of His Majesty's Subjects may be brought, and all Vessels and Boats receiving any Person, Goods, Wares, and Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or any other Article whatsoever, from or out of any Vessel so coming from or having touched at such infected Place as aforesaid, whether such Persons, Goods, Wares, and Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other Articles, shall have come or been brought in such Vessels, or such Persons shall have gone, or Articles have been put on board the same, either before or after the Arrival of such Vessels at any Port or Place in the United Kingdom, or the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, and whether such Vessels were or were not bound to any Port or Place in the United Kingdom, or the Islands aforesaid, and all Persons, Goods, Wares, and Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or any other Article whatsoever on board of any Vessels so coming from or having touched at such infected Place as aforesaid, or on board of any such Receiving Vessels or Boats as aforesaid, shall be and be considered to be liable to Quarantine within the Meaning of this Act, and of any Order or Orders which shall be made by His Majesty, His Heirs and Successors, by and with the Advice of His or Their Privy Council, concerning Quarantine and the Prevention of Infection, from the Time of the Departure of such Vessels from such infected Place as aforesaid, or from the Time when such Persons, Goods, Wares, Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other Articles shall have been received on board respectively; and all such Vessels and Boats as aforesaid, and all Persons (as well Pilots as others), Goods, Wares, and Merchandize, and all other Articles as aforesaid, whether coming or brought in such Vessels or Boats from such infected Place as aforesaid, or going or being put on board the same, either before or after the Arrival of such Vessels or Boats at any Port or Place in the United Kingdom, or the Islands aforesaid, and all Persons, Goods, Wares, and Merchandize, and other Articles as aforesaid, on board such Receiving Vessel or Boat as aforesaid, shall, upon their Arrival at any such Port or Place, be obliged to perform Quarantine in such Place or Places, for such Time, and in such Manner as shall from Time to Time be directed by His Majesty, His Heirs or Successors, by His or Their Order or Orders in Council, notified by Proclamation, or published in the *London Gazette*; and that until such Vessels and Boats, Persons, Goods, Wares, and Merchandize, and other Articles as aforesaid, shall have respectively performed, and shall be duly discharged



from Quarantine, no such Person, Goods, Wares, or Merchandize, or other Articles as aforesaid, or any of them, shall, either before or after the Arrival of such Vessels or Boats at any Port or Place in the United Kingdom, or the Islands aforesaid, come or be brought on shore, or go and be put on board any other Vessel or Boat, in order to come or be brought on shore in any such Port or Place, although such Vessels so coming from such infected Place as aforesaid may not be bound to any Port or Place in the United Kingdom, or the Islands aforesaid, unless in such Manner and in such Cases, and by such Licence as shall be directed or permitted by such Order or Orders made by His Majesty, His Heirs or Successors, in Council, as aforesaid; and all such Vessels and Boats, whether coming from such infected Place as aforesaid, or being otherwise liable to Quarantine as aforesaid, and all Persons (as well Pilots as others), Goods, Wares and Merchandize, and other Articles as aforesaid, whether coming or brought in such Vessels or Boats, or going or being put on board the same, either before or after the Arrival of such Vessels or Boats at any Port or Place in the United Kingdom, or the Islands aforesaid, and although such Vessels or Boats shall not be bound to any Port or Place in the United Kingdom, or the Islands aforesaid; and all Commanders, Masters, or other Persons, having the Charge or Command of any such Vessels or Boats, whether coming from any infected Place, or being otherwise liable to Quarantine as aforesaid, shall be subject to all Provisions, Rules, Regulations, and Restrictions contained in this Act, or in any Order or Orders which shall be made by His Majesty, His Heirs and Successors, in Council, as aforesaid, concerning Quarantine and the Prevention of Infection, and to all the Pains, Penalties, Forfeitures, and Punishments contained in this Act, for any Breach or Disobedience thereof, or of any Order or Orders of His Majesty in Council made under the Authority thereof.

III. And be it further enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, by His or Their Order in Council, or for the Lords or others of His or Their Privy Council, or any Two or more of them, by their Order from Time to Time, as often as they may see reason to apprehend that the Yellow Fever or other highly infectious Distemper prevails on the Continent of *America*, or in the *West Indies*, to require that every Vessel coming from or having touched at any Port or Place on the Continent of *America* or in the *West Indies*, shall come to an Anchor at certain Places to be appointed from Time to Time by the Commissioners of His Majesty's Customs, (who are hereby authorized to make such Appointment), for the Purpose of having the State of Health of the Crew of such Vessel ascertained before such Vessel shall be permitted to enter the Port whereto she shall be bound, or any other Port of the United Kingdom; but that such Vessel shall not be deemed liable to Quarantine unless it shall be afterwards specially ordered under that Restraint.

Power for Privy Council to order Vessels coming from America or the West Indies, when the Yellow Fever, &c. prevails there, to go to certain Places without being liable to Quarantine.

IV. Provided always, and be it enacted, That it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, by his or their Order or Orders, made by the Advice and Consent

Power to Lord Lieutenant, where the Urgency of the Case



requires, to give Directions, by Proclamation, where Vessels shall perform Quarantine, &c.

Consent of His Majesty's Privy Council in *Ireland*, and notified by Proclamation, to give Directions, where the Urgency of the Case shall require, as to the Place or Places, and as to the Time and Manner in which Ships and Vessels arriving, and Persons, Goods, and Merchandizes coming or imported into any Port or Place in *Ireland*, shall make their Quarantine, in pursuance of the Provisions of this Act; and that until such Ships, Vessels, Persons, Goods, and Merchandizes shall have respectively performed and been discharged from such Quarantine, pursuant to the Provisions of this Act, it shall and may be lawful for any such Persons, Goods, or Merchandizes, or any of them, to come or be brought on shore, or to go or be put on board any other Ship or Vessel in any Place in *Ireland*, in such Cases, and by such Licence as shall or may be directed or permitted by any Order or Orders to be made by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, by the Advice and Consent of the Privy Council there, and notified as aforesaid; and that all such Ships and Vessels, and the Persons or Goods coming or imported in, or going and being put on board such Ships or Vessels, and all Ships, Vessels, Boats, and Persons receiving any Goods or Persons out of the same, and all Persons going on board any such Ship or Vessels, shall be subject to such Orders, Rules, and Directions concerning Quarantine and the preventing Infection, as shall be made from Time to Time by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council, and shall be notified by Proclamation as aforesaid, in pursuance of the Provisions contained in this Act; and that the Publication in the *Dublin Gazette* of any Order or Orders of the Lord Lieutenant or other Chief Governor or Governors and Council, made in pursuance of this Act, shall be deemed and taken to be sufficient Notice to all Persons concerned, of all Matters contained in any such Order or Orders respectively.

Goods and Vessels specified in any Order of Council subject to Quarantine; as also all Vessels arriving from any Port under suspicious Circumstances as to Infection.

V. And whereas certain Sorts of Goods and Merchandize are more especially liable to retain Infection, and may be brought from Places infected into other Countries, and from thence imported into the United Kingdom, or the Islands aforesaid; be it enacted, That all such Goods and Merchandize as shall be particularly specified for that Purpose in any Order or Orders made by His Majesty, His Heirs or Successors, in Council, concerning Quarantine and the Prevention of Infection as aforesaid, which shall be brought or imported into any Port or Place in the United Kingdom, or the Islands aforesaid, from any Foreign Country or Place, in any Vessel whatever, and the Vessels in which the same shall be brought, and also all Vessels which shall arrive from any Port or Place whatever, under any alarming or suspicious Circumstances as to Infection, shall be subject and liable to such Regulations and Restrictions as shall be made by such Order or Orders of His Majesty, His Heirs or Successors, in Council as aforesaid, respecting the same.

The Privy Council may make such Order as they shall think

VI. And be it further enacted, That it shall and may be lawful for the Lords and others of His Majesty's Privy Council, or any Two or more of them, to make such Order as they shall see necessary and expedient upon any unforeseen Emergency, or in any particular Case



Case or Cases, with respect to any Vessel arriving and having any infectious Disease or Distemper on board, or on board of which any infectious Disease or Distemper may have appeared in the Course of the Voyage, or arriving under any other alarming or suspicious Circumstances as to Infection, although such Vessels shall not have come from any Place from which His Majesty, His Heirs or Successors, by and with the Advice of His Privy Council, may have adjudged and declared it probable that the Plague or any such infectious Disease or Distemper may be brought, and also with respect to the Persons, Goods, Wares, and Merchandize, and other Articles as aforesaid on board the same; and in case of any infectious Disease or Distemper appearing or breaking out in the United Kingdom, or the Islands aforesaid, to make such Orders and give such Direction, in order to cut off all Communication between any Persons infected with any such Disease or Distemper, and the rest of His Majesty's Subjects, as shall appear to the said Lords or others of His Majesty's Privy Council, or any Two or more of them, to be necessary and expedient for that Purpose, and likewise to make such Orders as they shall see fit, for shortening the Time of Quarantine to be performed by particular Vessels or particular Persons, Goods, Wares, Merchandize, or any other Articles, or for absolutely or conditionally releasing them or any of them from Quarantine; and all such Orders so made by the Lords or others of the Privy Council, or any Two or more of them as aforesaid, shall be as good, valid, and effectual, to all Intents and Purposes, as well with respect to the Commander, Master, or other Person having the Charge of any Vessel, and all other Persons on board the same, as with respect to any other Persons having any Intercourse or Communication with them, and to the Penalties, Forfeitures, and Punishments to which they may respectively become liable, as any Order or Orders made by His Majesty, His Heirs or Successors, by and with the Advice of His or Their Privy Council, concerning Quarantine, notified by Proclamation or published in the *London Gazette*.

necessary  
upon Emer-  
gencies.

VII. And be it further enacted, That if the Plague, or such other infectious Disease or Distemper as aforesaid, shall appear on board any Vessel within or without the Streights of *Gibraltar*, then the Commander, Master, or other Person having the Charge or Command thereof, shall immediately proceed to such Place as His Majesty, His Heirs or Successors, by and with the Advice of His or Their Privy Council, shall from Time to Time direct and appoint; where being arrived, he shall make known his Case to some Officer of the Customs there, who shall with all possible Speed send Intelligence thereof to the Commissioners of the Customs in the Port of *London*, to the end that such Precautions may be used to prevent the spreading of the Infection, as the Case shall require; and the said Vessel shall there remain until Directions shall be given thereto by the Lords or others of His Majesty's Privy Council, or any Two or more of them; nor shall any of the Crew or Passengers on board thereof go on shore; and such Master and every other Person on board such Vessel shall obey such Directions as he shall receive from the Lords and others of His Majesty's Privy Council, or any Two or more of them as aforesaid; and the said Commander, Master, or any other Person on board such Vessel as aforesaid, who shall not act conformably to the Pro-

Regulations  
for Vessels  
in which In-  
fection shall  
appear within  
or without  
the Streights  
of Gibraltar.



visions and Regulations herein directed, or shall act in Disobedience to such Directions as shall be received on board such Vessel from the Lords or others of the Privy Council, or any Two or more of them as aforesaid, shall forfeit the Sum of One hundred Pounds.

Masters of Vessels liable to Quarantine to make Signals on meeting other Vessels at Sea, or being within Two Leagues of the United Kingdom, or Guernsey, &c. on Penalty of 100*l*.

VIII. And be it further enacted, That every Commander, Master, or other Person having the Charge of any Vessel liable to the Performance of Quarantine, shall be and is hereby required, at all Times, when such Vessel shall meet with any other Vessel at Sea, or shall be within Two Leagues of the Coast of the United Kingdom, or the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, to hoist a Signal to denote that his Vessel is liable to the Performance of Quarantine, which Signal shall in the Day-time, if the said Vessel shall have a Clean Bill of Health, a large Yellow Flag, of Six Breadths of Bunting, at the Maintop Mast-head, and if such Vessel shall not have a Clean Bill of Health, then a like Yellow Flag, with a circular Mark or Ball, entirely Black in the Middle thereof, whose Diameter shall be equal to Two Breadths of Bunting; and in the Night-time the Signal shall in both Cases be a large Signal Lanthorn with a Light therein (such as is commonly used on board His Majesty's Ships of War), at the same Mast-head; and such Commander, Master, or other Person shall keep such Signals respectively, as the Case shall be, hoisted during such Time as the said Vessel shall continue within Sight of such other Vessel, or within Two Leagues of the said Coasts or Islands, and while so in Sight, or within such Distance, until such Vessel so liable to Quarantine as aforesaid shall have arrived at the Port or Place where it is to perform Quarantine, and until it shall have been legally discharged from the Performance thereof; on Failure whereof such Commander, Master, or other Person having Charge of such Ship or Vessel so liable to the Performance of Quarantine shall forfeit and pay for every such Offence the Sum of One hundred Pounds.

Masters of Vessels to hoist certain Signals when Plague or infectious Disease on board, on Penalty of 100*l*.

IX. And be it further enacted, That every Commander, Master, or other Person having the Charge of any Vessel on board whereof the Plague or other infectious Disease or Distemper highly dangerous to the Health of His Majesty's Subjects shall actually be, shall be and is hereby required at all Times when such Vessel shall meet with any other Vessel at Sea, or shall be within Two Leagues of the Coast of the United Kingdom, or the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, to hoist a Signal to denote that his Vessel has the Plague or other infectious Disease or Distemper highly dangerous to the Health of His Majesty's Subjects actually on board thereof, which Signal shall be in the Day-time a Flag of Yellow and Black, borne Quarterly, of Eight Breadths of Bunting, at the Maintop Mast-head; and in the Night-time, the Signal shall be Two large Signal Lanthorns, such as are commonly used on board of His Majesty's Ships of War, one over the other, at the same Mast-head; and such Commander, Master, or other Person shall keep such Signal hoisted during such Time as the said Vessel so having the Plague or such other infectious Disease or Distemper as aforesaid on board thereof, shall continue within Sight of such other Vessel, or within Two Leagues of the Coasts or Islands aforesaid, while so in Sight or within such Distance, until such Vessel so having the Plague or such other infectious Dis-



ease or Distemper as aforesaid on board thereof, shall have arrived at the Port or Place where it is to perform Quarantine, and until it shall have been legally discharged from the Performance thereof; on Failure thereof such Commander, Master, or other Person having Charge of such Vessel shall forfeit and pay for every such Offence the Sum of One hundred Pounds.

X. And be it further enacted, That if any Commander, Master, or other Person having the Charge or Command of any Vessel, and knowing that the same is not liable to the Performance of Quarantine, shall hoist such Signal as aforesaid, or either of them, by Day or Night respectively, such Commander or other Person as aforesaid shall forfeit and pay the Sum of Fifty Pounds.

Penalty on  
Persons  
hoisting  
Signals when  
not liable,  
50*l*.

XI. And be it further enacted, That from and after the First Day of *July* One thousand eight hundred and twenty-five, as to all Vessels arriving from any Places beyond the *Cape of Good Hope*, or *Cape Horn* in *South America*, and after the First Day of *August* One thousand eight hundred and twenty-five, as to all Vessels arriving from any Parts of *Africa* or *America* not beyond those Capes, and from the *West Indies* and *Mediterranean*, and from and after the First Day of *June* One thousand eight hundred and twenty-five, as to all Vessels arriving from any other Places, every Commander, Master, or other Person having the Charge of any Vessel coming from Foreign Parts, shall give to the Pilot who shall go on board such Vessel a written Paper, containing a true Account of the Names of the Place and Country at which such Vessel shall have loaded, and also of all the Places at which any such Vessel shall have touched on the Homeward Voyage, on pain of forfeiting the Sum of One hundred Pounds for any Neglect or Refusal to give such Paper, or for any false Representation or wilful Omission therein; and if by any Proclamation or Order of His Majesty in Council, made after the Departure of any Vessel from the United Kingdom and the said Islands, and then in force, Vessels coming from any Place mentioned in any such Paper shall be liable to the Performance of Quarantine, such Pilot shall immediately give Notice thereof to the Commander or other Person aforesaid, of such Vessel, on pain of forfeiting the Sum of One hundred Pounds for any Neglect therein; and such Commander or other Person shall thereupon hoist a proper Signal, according to the Provisions of this Act, and under the Penalties in this Act contained for any Neglect or Refusal in respect of hoisting such Signals.

Masters of  
Vessels, on  
their Arrival  
from Foreign  
Parts, to give  
to the Pilots  
an Account  
of the Places  
at which they  
shall have  
loaded and  
touched, on  
Penalty of  
100*l*.

Pilots to give  
Notice of any  
Proclamation  
or Order in  
Council re-  
quiring the  
Performance  
of Quarant-  
ine, on  
Penalty of  
100*l*.

XII. And be it further enacted, That every Commander, Master, or other Person having the Charge of any Vessel coming from Foreign Parts, which shall not be liable to Quarantine in respect of the Place from whence such Vessel comes, shall give to the Pilot who shall go on board of such Vessel a written Paper, containing a true Account of the different Articles composing the Cargo of such Vessel, on pain of forfeiting the Sum of Fifty Pounds for any Neglect or Refusal to give such Paper, or for any false Representation or wilful Omission therein; and if by any Proclamation or Order of His Majesty in Council then in force, Vessels having on board any of the Articles mentioned

Pilot to give  
Notice if any  
Articles be on  
board liable  
to Quarant-  
ine, on  
Penalty of  
100*l*.



Penalty on  
Pilots con-  
ducting  
Vessels to  
any other  
Place than  
that ap-  
pointed for  
their Recep-  
tion, 200*l*.

mentioned in such Paper shall be liable to the Performance of Quarantine, such Pilot shall immediately give Notice thereof to the Commander or other Person having the Charge of such Vessel, on pain of forfeiting One hundred Pounds for any Neglect therein, and such Commander or other Person shall thereupon hoist a Signal, according to the Provisions and under the respective Penalties in this Act contained, for any Neglect or Refusal in respect of hoisting such Signals; and in case any Pilot shall bring or cause to be brought or conducted any Vessel liable to the Performance of Quarantine, into any Place which is not or shall not be specially appointed for the Reception of Vessels so liable, after receiving such Paper as aforesaid, whereby it shall have been made appear that such Vessel was liable to the Performance of Quarantine, or without requiring and receiving such Paper as aforesaid, unless compelled thereto by Stress of Weather, adverse Winds, or Accidents of the Sea, such Pilot shall for every such Offence forfeit and pay the Sum of Two hundred Pounds.

Pilot to bring  
to at Re-  
quest of  
Officer of  
Customs, on  
Penalty of  
100*l*.

XIII. And be it further enacted, That if any Pilot being on board, or any Commander, Master, or other Person having the Charge of any Vessel coming from Foreign Parts, whether such Vessel shall be liable to Quarantine or not, shall be required by any Officer of the Customs, authorized to act in the Service of Quarantine, to bring to such Vessel, to the end that the Commander, Master, or other Person having the Charge thereof may be interrogated, according to the Provision of this Act, and shall neglect or refuse to bring to such Vessel, as soon as it can be done with Safety, in obedience to such Requisition, every such Pilot, Commander, Master, or other Person having the Charge of any such Vessel shall for every such Offence forfeit and pay the Sum of One hundred Pounds.

For better  
ascertaining  
whether Ves-  
sels be ac-  
tually infect-  
ed, or the  
Persons on  
board liable  
to Orders  
touching  
Quarantine.

XIV. And to the end that it may be better known whether any Vessel be actually infected with the Plague or other infectious Disease or Distemper as aforesaid, or whether such Vessel, or the Mariners or Passengers coming, or the Cargo imported in the same, are liable to any Orders touching Quarantine; be it further enacted, That when any Country or Place shall be known or suspected to be infected with the Plague or other infectious Disease or Distemper as aforesaid, or when any Order or Orders shall be made by His Majesty in Council concerning Quarantine and the Prevention of Infection as aforesaid, then and in such Case, as often as any Vessel shall attempt to enter into any Port or Place in the United Kingdom, or of the Isles of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, whether such Port shall have been appointed for the Performance of Quarantine or not, the Superintendent or Assistant at such Port or Place, or if not, the principal Officer of His Majesty's Customs at such Port or Place, or such Officer of the Customs as shall be authorized to act in that Behalf, shall go off to such Vessel, and shall, at a convenient Distance from such Vessel, demand of the Commander, Master, or other Person having Charge of such Vessel, and such Commander, Master, or other Person shall, upon such Demand, give a true Answer in Writing or otherwise, and upon Oath or not upon Oath, according as he shall by such Superintendent or his Assistant, or other Officer of the Customs authorized

as



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as aforesaid, be required, to all such Questions or Interrogatories as shall be put to him by virtue and in pursuance of such Regulations and Directions as His Majesty by Order in Council shall be pleased to prescribe; and in case such Commander or Master or other Person having Charge of such Vessel shall, upon such Demand made as aforesaid, refuse to make a true Discovery in any of the Particulars concerning which he shall be interrogated in manner aforesaid, or in case he shall not be required to answer such Questions or Interrogatories upon Oath, shall give a false Answer to any such Question or Interrogatory as aforesaid, such Commander, Master, or other Person having Charge of such Vessel for every such Offence shall forfeit and pay the Sum of Two hundred Pounds.

Masters of Vessels refusing to answer Interrogatories, &c. to forfeit 200*l*.

XV. And be it further enacted, That in case it shall appear upon such Examination or otherwise, that such Vessel is under such Circumstances as shall render it liable to perform Quarantine, and that the Port or Place where it so arrived, or at which it attempts to enter as aforesaid, is not the Port or Place where it ought to perform Quarantine, in which Case it shall and may be lawful to and for the Officers of any of His Majesty's Ships of War, or of any of His Majesty's Forts or Garrisons, and all other His Majesty's Officers, upon Notice thereof given to them, or any of them respectively, and to and for any other Person or Persons whom they shall call to their Aid and Assistance, and such Officers and other Persons are hereby required to oblige such Vessel to go and repair to such Place as hath been or shall be appointed for Performance of Quarantine, and to use all necessary Means for that Purpose, either by firing of Guns upon such Vessel, or by any other Kind of necessary Force whatsoever; and in case any such Vessel shall come from, or shall have touched at any Place infected by the Plague or such other infectious Disease or Distemper as aforesaid, or shall have any Person on board actually infected with the Plague or other such infectious Disease or Distemper as aforesaid, and the Commander, Master, or other Person having Charge of such Vessel, knowing that the Place from whence he came, or at which he had touched as aforesaid, was infected with the Plague or such other infectious Disease or Distemper, or knowing some Person on board to be actually infected with the Plague or such other infectious Disease or Distemper as aforesaid, shall refuse or omit to disclose the same upon such Examination as aforesaid, or shall wilfully omit to hoist the Signal herein-before directed, to denote that his Vessel is liable to the Performance of Quarantine, at the Times and on the Occasions herein directed with respect to the same, such Commander, Master, or other Person having Charge of such Vessel shall forfeit the Sum of Three hundred Pounds.

Vessels subject to Quarantine arriving at any Port than that at which it ought to be performed, may be forced to repair to the appointed Place.

Masters of Vessels that have touched at infected Places, &c. omitting to disclose the same, or omitting to hoist the prescribed Signal, to forfeit 300*l*.

XVI. And be it further enacted, That every Commander, Master, or other Person having Charge of any Vessel which shall be ordered to perform Quarantine as aforesaid, shall forthwith, after his Arrival at the Place appointed for the Performance of Quarantine, deliver on Demand to the Superintendent of Quarantine or his Assistant, or other Officer of the Customs, authorized to act in that Behalf, and which Superintendent, Assistant, or other Officer as aforesaid is hereby required to make such Demand, his Bill of Health and Manifest,

Commanders to deliver up Bills of Health, Manifests, and Log Book, to the Superintendent of Quarantine, on Penalty of 100*l*.



together with his Log Book and Journal, under pain of forfeiting the Sum of One hundred Pounds if he shall wilfully refuse or neglect so to do.

Penalty on Masters, &c. quitting Vessels, or permitting Persons to quit them, or not conveying same to the appointed Places, 400*l*.

Penalty on Persons coming in such Vessels, or going on board, and quitting them before discharged from Quarantine, to suffer Imprisonment for Six Months, and forfeit 300*l*.

For punishing Disobedience or refractory Behaviour in Persons under or liable to Quarantine, or Persons having Intercourse with them.

XVII. And be it further enacted, That if any Commander, Master, or other Person having Charge of any Vessel liable to perform Quarantine, and on board of which the Plague or other infectious Disease or Distemper shall not then have appeared, shall himself quit, or shall knowingly permit or suffer any Seaman or Passenger coming in such Vessel to quit such Vessel by going on shore, or by going on board any other Vessel or Boat, before such Quarantine shall be fully performed, unless by such Licence as shall be granted by virtue of any Order in Council to be made concerning Quarantine as aforesaid, or in case any Commander or other Person having Charge of such Vessel shall not, within a convenient Time after due Notice given for that Purpose, cause such Vessel and the Lading thereof to be conveyed into the Place or Places appointed for such Vessel and Lading to perform Quarantine; then and in every such Case every such Commander, Master, or other Person as aforesaid, for every such Offence shall forfeit and pay the Sum of Four hundred Pounds; and if any such Person coming in any such Vessel liable to Quarantine (or any Pilot or other Person going on board the same, either before or after the Arrival of such Vessel at any Port or Place in the United Kingdom, or the Islands aforesaid), shall, either before or after such Arrival, quit such Vessel, unless by such Licence as aforesaid, by going on shore in any Port or Place in the United Kingdom, or the Islands aforesaid, or by going on board any other Vessel or Boat, with Intent to go on shore as aforesaid, before such Vessel so liable to Quarantine as aforesaid shall be regularly discharged from the Performance thereof, it shall and may be lawful for any Person whatsoever, by any kind of necessary Force, to compel such Pilot or other Person so quitting such Vessel so liable to Quarantine to return on board the same; and every such Pilot or other Person so quitting such Vessel so liable to Quarantine shall for every such Offence suffer Imprisonment for the Space of Six Months, and shall forfeit and pay the Sum of Three hundred Pounds.

XVIII. And whereas Disobedience or refractory Behaviour in Persons under Quarantine or liable to the Performance of Quarantine, or in other Persons who may have had any Intercourse or Communication with them, may be attended with very great Danger to His Majesty's Subjects; be it further enacted, That all Persons liable to perform Quarantine, and all Persons having had any Intercourse or Communication with them, whether in Vessels or in a Lazaret or elsewhere, shall be subject, during the said Quarantine, or during the Time they shall be liable to Quarantine, to such Orders as they shall receive from the Superintendent of Quarantine, or his Assistant, or from the Principal Officer of the Customs at any Port or Place where there is no such Superintendent or Assistant, or from any other Officer of the Customs authorized to act in that behalf, and the said Officers are hereby empowered and required to enforce all necessary Obedience to the said Orders, and in case of Necessity to call in others to their Assistance, and all Persons so called in are hereby required to assist



accordingly; and such Officers shall and they are hereby empowered and required to compel all Persons liable to perform Quarantine as aforesaid, and Persons having had any Intercourse or Communication with them, to repair to such Lazaret, Vessel, or Place, and to cause all Goods, Wares, and Merchandize, and other Articles comprized within any such Orders to be made as last aforesaid, to be conveyed to such Lazaret, Vessel, or Place duly appointed in that behalf, in such Manner and according to such Directions as shall be made by Order of His Majesty in Council as aforesaid, or of the Lords or others of the Privy Council, or of any Two or more of them; and if any Person or Persons liable to perform Quarantine as aforesaid, or any Person or Persons having had any Intercourse or Communication with him, her, or them, shall wilfully refuse or neglect to repair forthwith, when required and directed so to do by such Officers as aforesaid, to the said Lazaret, Vessel, or Place duly appointed in that behalf, or having been placed in the said Lazaret, Vessel, or Place, shall escape or attempt to escape out of the same before Quarantine duly performed, it shall and may be lawful to and for the said Quarantine Officers, and also the Watchmen and other Persons appointed to see Quarantine performed, and each of them, and they are hereby respectively required, by such necessary Force as the Case shall require, to compel every such Person so refusing or neglecting as aforesaid, and every such Person so escaping or attempting to escape as aforesaid, to repair or return to such Lazaret, Vessel, or Place so appointed as aforesaid; and every Person so refusing or neglecting to repair forthwith as aforesaid to the said Lazaret, Vessel, or Place, and also every Person actually escaping as aforesaid, shall forfeit the Penalty of Two hundred Pounds.

Persons refusing to repair to the Lazaret or Vessel, to forfeit 200*l*.

XIX. And be it further enacted, That it shall be lawful for any Constable, Headborough, Tithingman, or other Peace Officer, or any other Person, to seize and apprehend any Person that shall, contrary to the Provisions of this Act, have quitted or come on shore from any Vessel liable to perform Quarantine, or who shall have escaped from or quitted any Vessel under Quarantine, or from any Lazaret, Vessel, or Place appointed in that behalf, for the Purpose of carrying such Person before any Justice of the Peace or Magistrate; and it shall be lawful for any such Justice of the Peace or Magistrate to grant his Warrant for the apprehending and conveying of any such Person to the Vessel from which he or she shall have come on shore, or to any Vessel performing Quarantine, or Lazaret, from which he or she shall have escaped, or for the confining of any such Person in any such Place of safe Custody (not being a public Gaol), and under such Restrictions as to having any Communication with any other Persons, as may in the Discretion of any Justice of the Peace or Magistrate (calling to his Aid, if he shall see fit, any Medical Person) appear to be proper, until such Person can be safely and securely conveyed to some Place appointed for the Performance of Quarantine, or until Directions can be obtained from the Privy Council as to the Disposal of any such Person, and to make any further Order, or grant any further Warrant that may be necessary in that Behalf.

Persons quitting Vessels liable to perform Quarantine, &c. may be seized.



Intercourse  
with Stations  
allotted for  
Quarantine  
of Vessels,  
may be pro-  
hibited by  
Order in  
Council.

XX. And whereas it may be necessary for the public Security to prevent all Communication whatever with Vessels performing Quarantine; be it therefore further enacted, That it shall and may be lawful to and for His Majesty, His Heirs or Successors, by His or Their Order or Orders in Council, notified by Proclamation or published in the *London Gazette*, to prohibit all Persons, Vessels, and Boats whatsoever, from going, under any Pretence whatsoever, within the Limits of any Station which by any Order or Orders in Council as aforesaid has been or may be assigned for the Performance of Quarantine; and if any Person whatsoever, after such Notification or Publication of any such Order or Orders in Council, shall presume, under any Pretence whatsoever, to go with any Vessel or Boat within the Limits of any such Station, he or she shall for every such Offence forfeit and pay the Sum of Two hundred Pounds.

Penalty on  
Persons em-  
bezzling  
Goods per-  
forming Qua-  
rantine, neg-  
lecting or de-  
serting their  
Duty, or per-  
mitting Per-  
sons, Vessels,  
&c. to depart  
without Au-  
thority, or  
giving false  
Certificates  
or damaging  
Goods.

XXI. And be it further enacted, That if any Officer of His Majesty's Customs, or any other Officer or Person whatsoever, to whom it doth or shall appertain to execute any Order or Orders made or to be made concerning Quarantine, or the Prevention of Infection, and notified as aforesaid, or to see the same put in Execution, shall knowingly and wilfully embezzle any Goods or Articles performing Quarantine, or be guilty of any other Breach or Neglect of his Duty in respect of the Vessels, Persons, Goods, or Articles performing Quarantine, every such Officer or Person so offending shall forfeit such Office or Employment as he may be possessed of, and shall become from thence incapable to hold or enjoy the same, or to take a new Grant thereof; and every such Officer and Person shall forfeit and pay the Sum of Two hundred Pounds; and if any such Officer or Person shall desert from his Duty when employed as aforesaid, or shall knowingly and willingly permit any Person, Vessel, Goods, or Merchandize to depart or be conveyed out of the said Lazaret Vessel or other Place as aforesaid, unless by Permission under an Order of His Majesty, by and with the Advice of His Privy Council, or under an Order of Two or more of the Lords or others of His Privy Council; or if any Person hereby authorized and directed to give a Certificate of a Vessel having duly performed Quarantine or airing, shall knowingly give a false Certificate thereof, every such Person so offending shall be guilty of Felony; and if any such Officer or Person shall knowingly or wilfully damage any Goods performing Quarantine under his Direction, he shall be liable to pay One hundred Pounds Damages and full Costs of Suit to the Owner of the same.

Vessels from  
the Mediter-  
ranean, Tur-  
key, or Afri-  
ca, having  
undergone  
Examination  
and released  
from Quaran-  
tine, to be  
admitted to  
Entry upon  
producing a  
Certificate of  
such Exami-  
nation.

XXII. And be it further enacted, That if any Vessel arriving from the *Mediterranean*, or from any Port in *Turkey* or *Africa*, shall have undergone Examination by the proper Officer of Quarantine, and upon a Report of such Examination being made to the Lords or others of His Majesty's Privy Council, their Lordships shall think proper to direct the Release of such Vessel from the Performance of Quarantine, it shall be lawful for such Officer, and he is hereby required to grant to the Master or Person having the Charge or Command of such Vessel, a Certificate in Writing of such Examination and Release, and upon the Production of such Certificate to the Collector or principal Officer of His Majesty's Customs, at any Port in the  
United



United Kingdom, such Vessel shall be admitted to Entry without being liable to any further Restraint.

XXIII. And be it further enacted, That after Quarantine shall have been duly performed by any Vessel, Person or Persons obliged to perform Quarantine as aforesaid, according to this Act, and to such Order or Orders made as aforesaid, and upon Proof to be made by the Oaths of the Master or other Person having Charge of such Vessel, and of Three or more of the Persons belonging thereto, or upon Proof to be made by the Oaths of Two or more credible Witnesses, before the Collector or principal Officer of the Customs at the Port where such Quarantine shall be performed, or at the Port nearest thereto, or before the Superintendant of Quarantine, or his Assistant at the Quarantine Station, or before any Justice of the Peace living near to the Port or Place, or when such Quarantine shall have been performed within any of the said Isles of *Guernsey, Jersey, Alderney, Sark, or Man*, before any two Jurats or Magistrates of any of the said Isles respectively, that such Vessel, and all and every such Person and Persons respectively, have duly performed Quarantine as aforesaid, and that the Vessel and all and every Person and Persons are free from Infection, and after producing a Certificate to that Purpose, signed by the Chief Officer who superintended the Quarantine of the said Vessel, or Person acting for him, then and in the said respective Cases, such Collector or Principal Officer of the Customs, or the Superintendant of Quarantine, or his Assistant, or such Justice of the Peace, or such Jurats or Magistrates as aforesaid, respectively, are hereby required to give a Certificate thereof, and thereupon such Vessel, and all and every such Person or Persons so having performed Quarantine, shall be liable to no further Restraint or Detention upon the same Account, for which such Vessel, Person or Persons shall have performed Quarantine as aforesaid.

After Proof of Performance of Quarantine, and proper Certificate to that Effect, Vessels or Persons shall not be liable to further Detention.

XXIV. And be it further enacted, That all Goods, Wares, and Merchandize, and other Articles liable to Quarantine as aforesaid, shall be opened and aired in such Place or Places, and for such Time and in such Manner as shall be directed by His Majesty, His Heirs and Successors, by such Order or Orders to be made as aforesaid, and after such Orders shall have been duly complied with, Proof thereof shall be made by the Oaths of the Master of the Lazaret or Vessel in which the Goods, Wares, and Merchandize and all other Articles shall have been opened and aired, and of one of the Guardians, or if there be no Guardians, then One of the Officers authorized by the Commissioners of Customs to act in the Service of Quarantine in such Lazaret or Vessel, or if there be no such Officer, then by the Oaths of Two or more credible Witnesses serving in the said Lazaret or Vessel, before the Superintendent of Quarantine or his Assistant, in case such Opening and Airing shall be had at a Port or Place where such Superintendent or Assistant shall be established, or otherwise before the principal Officer of the Customs authorized to act in the Service of Quarantine at such Port or Place, which Oath such Superintendent, Assistant, or principal Officer is hereby authorized to administer; and such Superintendent, Assistant, or principal Officer, as the Case may be, shall grant a Certificate of such Proof having been made,

Goods liable to perform Quarantine shall be opened and aired, as directed by Order in Council, and Proof thereof to be made, &c.



and upon Production of such Certificate to the proper Officer of the Customs, such Goods, Wares, and Merchandizes, and other Articles, shall be liable to no further Restraint or Detention, either at the Port or Place where such Quarantine shall have been performed, or at any other Place whereto they be afterwards conveyed.

Persons  
forging or  
uttering false  
Certificates  
required by  
Order in  
Council,  
guilty of  
Felony.

XXV. And be it further enacted, That if any Person shall knowingly or wilfully forge or counterfeit, interline, erase, or alter, or procure to be forged or counterfeited, interlined, erased, or altered, any Certificate directed or required to be granted by any Order of His Majesty, His Heirs or Successors in Council, now in force or hereafter to be made touching Quarantine, or shall publish any such forged or counterfeited, interlined, erased, or altered Certificate, knowing the same to be forged or counterfeited, interlined, erased, or altered, or shall knowingly and wilfully utter and publish any such Certificate with Intent to obtain the Effect of a true Certificate to be given thereto, knowing the Contents of such Certificate to be false, he or she shall be guilty of Felony.

Penalty on  
Persons land-  
ing Goods,  
&c. from Ves-  
sels liable to  
perform Qua-  
rantine, or  
receiving  
them, or  
secreting  
them from  
Vessels per-  
forming Qua-  
rantine, 100*l*.

XXVI. And be it further enacted, That if any Person shall land or unship, or shall move in order to the landing or unshipping thereof, any Goods, Wares, or Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other Articles from on board any Vessel liable to perform Quarantine as aforesaid, or shall knowingly receive the same after they have been so landed or unshipped, every such Person shall forfeit and pay the Sum of Five hundred Pounds; and if any Person or Persons shall clandestinely convey or secrete, or conceal for the Purpose of conveying any Letters, Goods, Wares, or Merchandize or other Articles as aforesaid, from any Vessel actually performing Quarantine, or from the Lazaret or other Place where such Goods, Wares, Merchandize, or other Articles as aforesaid shall be performing Quarantine, every such Person so offending as last aforesaid shall forfeit the Sum of One hundred Pounds.

His Majesty  
in certain  
Cases may  
prohibit Ves-  
sels under  
100 Tons  
from sailing  
until Bond be  
given by the  
Master with  
certain Con-  
ditions.

XXVII. And be it further enacted, That in case it shall at any Time happen that any Part of the United Kingdom, or the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or *France*, *Spain*, or *Portugal*, or the *Low Countries*, shall be infected with the Plague, or any other infectious Disease or Distemper as aforesaid, it shall and may be lawful to and for His Majesty, His Heirs and Successors, by His or Their Proclamation, to prohibit or restrain all Vessels and Boats under the Burthen of One hundred Tons from sailing or passing out of any Port or Place of the United Kingdom, or the Isles of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or any of them, until Security be first given by the Master of every such Vessel or Boat respectively, to the Satisfaction of the principal Officers of the Customs, or the Chief Magistrate of the Port or Place from whence such Vessel or Boat shall sail, by Bond taken by such Officer or Magistrate, to the King, His Heirs or Successors, with sufficient Sureties in the Penalty of Two hundred Pounds, with Condition, that if such Vessel or Boat shall not go to or touch at any Country, Port, or Place, to be mentioned for that Purpose in such Proclamation, and if neither the Master or other Person having Charge of such Vessel or Boat,



nor any Mariner or Passenger in such Vessel or Boat, shall, during the Time aforesaid, go on board any other Vessel at Sea, and such Master or other Person having Charge of such Vessel or Boat shall not permit or suffer any Person or Persons to come on board such Vessel or Boat at Sea from any other Vessel, and shall not during the Time aforesaid, receive any Goods or Merchandize whatsoever out of any other Vessel, then such Bond shall be void; for the making of which Bond no Fee or Reward whatsoever shall be taken; and in case any Vessel or Boat for which such Security shall be required by such Proclamation, shall set sail or pass out of any Port or Place of the United Kingdom, or the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, or any of them respectively, before Security be given as aforesaid, every such Vessel or Boat so sailing or passing out of any Port or Place contrary to the true Intent and Meaning of this Act, together with her Tackle, Apparel, and Furniture, shall be forfeited to His Majesty, His Heirs and Successors, and the Master of, and every Mariner sailing in such Vessel or Boat, shall severally forfeit and pay the Sum of Two hundred Pounds.

Penalty for sailing without giving such Security, Forfeiture of Vessel, &c.

XXVIII. And be it further enacted, That the Consuls and Vice Consuls of His Majesty, His Heirs and Successors, shall and are hereby empowered to administer Oaths in all Cases respecting Quarantine, in like Manner as if they were Magistrates of the several Towns or Places where they respectively reside.

Power to Consuls, &c. to administer Oaths.

XXIX. And be it further enacted, That in all Cases wherein by virtue of this Act, or any other Act hereafter to be made touching Quarantine, any Examination or Answer shall be taken or made upon Oath, the Person who shall be authorized and required to take such Examinations and Answers, shall and may be deemed to have full Power and Authority to administer such Oaths; and if any Person who shall be interrogated or examined, shall wilfully swear falsely to any Matter concerning which such Person shall depose or make Oath on such Examination, or in such Answer, or if any Person shall procure any other Person so to do, he or she so swearing falsely, or procuring any other Person so to do, shall be deemed to have been guilty of, and shall be liable to be prosecuted for Perjury, or Subornation of Perjury, as the Case may be, and shall suffer the Pains, Penalties, and Punishments of the Law in such Case respectively made and provided.

Persons authorized to take Examinations may administer Oaths, and Persons swearing falsely or procuring others so to do shall be deemed guilty of Perjury.

XXX. And be it further enacted, That all Superintendents of Quarantine at the several Ports, and their Assistants, shall and may be appointed by any Instrument signed by the Commissioners of Customs for the Time being; and every Thing required to be done and performed by the Superintendent of Quarantine, or his Assistant, may, in case of the Absence or Sickness of such Superintendent or Assistant, be done and performed by such principal Officer of the Customs as shall be authorized to act in that Behalf.

Superintendents at Ports to be appointed.

Principal Officer of the Customs to act as Superintendent of Quarantine in case of Absence, &c.

XXXI. And be it further enacted, That the Publication in the *London Gazette* of any Order in Council, or of any Order by any Two or more of the Lords or others of His Majesty's Privy Council, made in pursuance of this Act, or His Majesty's Royal Proclamation made in

pursuance

Publication in the *London Gazette* of Orders of Council, &c. sufficient Notice.



pursuance of the same, shall be deemed and taken to be sufficient Notice to all Persons concerned of all Matters therein respectively contained.

Recovery and  
Application  
of Penalties.

XXXII. And be it further enacted, That all Forfeitures and Penalties that shall be incurred by reason of any Offence committed against this Act shall and may be recovered by Suit in any of His Majesty's Courts of Record in *England* or *Ireland*, in which no Essoign or Wager of Law, or more than One Imparlance shall be granted; or in *Scotland*, by summary Action in the Court of Session, or by Prosecution before the Court of Justiciary there, or by Suit in any of His Majesty's Courts in the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*; and every such Forfeiture and Penalty shall belong and be given, Two Thirds to the Person who shall inform and sue for the same, and the Remainder to His Majesty, His Heirs and Successors.

In whose  
Name Ac-  
tions for  
Penalties in  
*England*,  
*Ireland*, or  
*Scotland*,  
must be pro-  
secuted.

XXXIII. Provided always, and be it further enacted, That it shall not be lawful for any Person or Persons whatsoever to commence, prosecute, enter, or file, or cause or procure to be commenced, prosecuted, entered, or filed, any Action, Bill, Complaint, Information, or Prosecution, or Actions, Bills, Complaints, Informations, or Prosecutions, in any of His Majesty's Courts in *England*, *Ireland*, or *Scotland*, or any Proceeding or Proceedings before any Justice of the Peace of any County, Riding, Division, City, Town, Stewartry, or Place for the Recovery of any Fine, Penalty or Forfeiture, Fines, Penalties, or Forfeitures, incurred by reason of any Offence committed against this Act, or against any Order or Orders made by His Majesty, His Heirs or Successors, in Council, or by Two or more of the Lords or others of His Majesty's Privy Council as aforesaid, unless the same be commenced, prosecuted, entered, or filed in the Names of His Majesty's Attorney General in *England* or *Ireland*, or Advocate in *Scotland* respectively, or under the Direction of the Commissioners of the Customs, and in the Name or Names of some Officer or Officers of the Customs in *England*, *Ireland*, or *Scotland* respectively; and if any Action, Bill, Complaint, Information, or Prosecution, Actions, Bills, Complaints, Informations, or Prosecutions, or any Proceeding or Proceedings before any Justice as aforesaid, shall be commenced, prosecuted, entered, and filed in the Name or Names of any other Person or Persons than is in that Behalf before mentioned, the same shall be and are hereby declared to be null and void.

In Prosecu-  
tions by  
Officers of  
the Customs  
the Attorney  
General in  
*England* or  
*Ireland*, or  
Advocate in  
*Scotland*,  
may stop  
Proceedings.

XXXIV. Provided also, and be it further enacted, That in case any Prosecution, Suit, Complaint or other Proceeding as aforesaid, shall be commenced or depending by any Officer or Officers of the Customs, for the Recovery of any Fine, Penalty or Forfeiture, Fines, Penalties or Forfeitures, incurred by reason of any Offence committed against this Act, or against any Order or Orders made by His Majesty, His Heirs or Successors, in Council, or by any Two or more of the Lords or others of His Majesty's Privy Council as aforesaid, it shall and may be lawful for His Majesty's Attorney General in *England* or *Ireland*, or Advocate in *Scotland*, respectively, to stop all further Proceedings therein, as well with respect to the Share of such Fine, Penalty, or Forfeiture, Fines, Penalties, or Forfeitures, to which any such Officer

or



or Officers shall or may claim to be entitled, as to the Share thereof belonging to His Majesty, if upon Consideration of the Circumstances under which any such Fine, Penalty, or Forfeiture, Fines, Penalties, or Forfeitures may be incurred, it shall appear to them respectively to be fit and proper so to do.

XXXV. And be it further enacted, That all Offences committed against any of the Provisions of this Act, for which no specific Penalty, Forfeiture, or Punishment is provided by this Act, shall and may be tried, heard, and determined before any Three Justices of the Peace of the County, Riding, Division, City, or Place where such Offence or Disobedience shall happen; and if any Person shall be convicted of any such Offence or Disobedience, he or she shall be liable to such Forfeiture and Penalty not exceeding the Sum of Five hundred Pounds for any Offence, or to such Imprisonment, not exceeding Twelve Months for any One Offence, as shall in the Discretion of the Three Justices who shall have heard and determined the same, be judged proper; and such Forfeiture and Penalty shall be paid, Two-thirds to the Person suing for the same and the Remainder to His Majesty, to be applied as the Proceeds of other Forfeitures and Penalties are herein-before directed to be applied.

Offences not being Felony, and Offences for which no specific Penalty is provided, may be determined before Three Justices, who may fine or imprison.

Application of Penalties.

XXXVI. And be it further enacted, That in any Prosecution, Suit, or other Proceedings against any Person or Persons whatsoever, for any Offence against this Act, or any Act which may hereafter be passed concerning Quarantine, or for any Breach or Disobedience of any Order or Orders which shall be made by His Majesty, His Heirs or Successors, with the Advice of His Privy Council, concerning Quarantine and the Prevention of Infection, and notified or published as aforesaid, or of any Order or Orders made by Two or more of the Lords or others of the Privy Council aforesaid, the Answer or Answers of the Commander, Master, or other Person having Charge of any Vessel, to any Question or Interrogatories put to him by virtue and in pursuance of this Act, or of any Act which may hereafter be passed concerning Quarantine, or of any such Order or Orders as aforesaid, may and shall be given and received as Evidence, so far as the same relates or relate to the Place from which such Vessel shall come, or to the Place or Places at which such Vessel touched in the Course of the Voyage, and where any Vessel shall have been directed to perform Quarantine by the Superintendent of Quarantine or his Assistant, or where there is no such Superintendent or Assistant, by the principal Officer of the Customs at any Port or Place, or other Officer of the Customs authorized to act in that Behalf, they having been so directed to perform Quarantine, may and shall be given and received as Evidence that such Vessel was liable to Quarantine, unless satisfactory Proof shall be produced by the Defendant in any such Prosecution, Suit, or other Proceeding, to show that the Vessel did not come from or touch at any such Place or Places as is or are stated in the said Answer or Answers, or that such Vessel, although directed to perform Quarantine, was not liable to the Performance thereof; and where any such Vessel shall have in fact been put under Quarantine at any Port or Place by the Superintendent of Quarantine or his Assistant, or other

Answers of Persons having the Charge of Vessels shall be received as Evidence so far as relates to the Places from which Vessels came, or at which they touched, and the having been directed to perform Quarantine shall be received as Evidence that Vessels were liable, unless Proof be made to the contrary, and the being performing Quarantine shall be Proof of Vessels being liable to perform it.



Officer of the Customs authorized as aforesaid to act in that Behalf, and shall actually be performing the same, such Vessel shall in any Prosecution, Suit, or other Proceeding, against any Person or Persons whatever, for any Offence against this Act or any other Act which may hereafter be passed concerning Quarantine and the Prevention of Infection, or any Order or Orders which shall be made by His Majesty in Council, or any Two or more of the Lords or others of His Privy Council as aforesaid, be deemed and taken to be liable to Quarantine, without proving in what Manner or from what Circumstance such Vessel became liable to the Performance thereof.

**General  
Issue.**

XXXVII. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance or execution of this present Act, or of any Order of Council made by virtue thereof, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and in execution of the said Act; and if it shall appear so to have been done, then the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgment shall have been given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as the Defendant or Defendants hath or have in other Cases by Law; and that no such Action or Suit shall be brought against any Person for any Matter or Thing done in pursuance or Execution of this Act, but within the Space of Six Months after such Matter or Thing shall have been done.

**Treble Costs.**

**Limitation of  
Actions.**

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# Customs Laws Consolidation.

[39 & 40 VICT. CH. 36.]

21

## ARRANGEMENT OF CLAUSES.

### MANAGEMENT.

A.D. 1876.

#### *Appointment of officers, &c.*

Clause.

1. Board of Customs appointed by Her Majesty not to exceed five.
2. Commissioners subject to the control of the Treasury.
3. Appointment of officers. Salaries and securities. Retiring officer to deliver up commission. Salaries, &c. not subject to duties. Superannuation allowances not assignable.
4. Persons employed on service of the Customs to be deemed officers for such service.
5. Officers taking fee or reward not authorised by law to be dismissed.
6. Declaration on admission to office.
7. Hours of attendance, and division of duties in those hours.
8. Holidays.
9. Officers of Customs not to serve in public offices. Soldiers not to be billeted on officers of Customs.
10. What shall be deemed orders, &c. of Commissioners of Customs.

#### *Appointment of ports, &c.*

11. Treasury may appoint ports and quays, and alter or vary the limits. Alterations or variations in limits not to affect rights (irrespective of Customs) co-extensive with pre-existing limits. Ports so appointed by Treasury Warrant to be deemed ports for the purposes of 54 Geo. 3. c. 159.
12. Treasury may appoint warehousing ports or places, and warehouses, &c. Rent of goods in warehouses.
13. Warehouse-keeper to give general security.
14. Commissioners may appoint stations and sufferance wharves, &c.; and regulate discharge of cargo and boarding of officers.
15. Power to revoke or alter former warrant or orders.
16. Commissioners may order in what ports goods may be carried or water-borne by authorised persons. Commissioners may require security.

[Public.-36.]

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*Collection of duties, &c.*

- A.D. 1876. Clause.
17. Duties, drawbacks, &c. to be under the management of the Commissioners of Customs. Duties and drawbacks to be in British currency, and according to imperial weight and measure.
  18. When new duties of Customs are imposed former ones to continue until the new become chargeable, except in certain cases. Duties due before the passing of this Act to be levied as if payable by this Act.
  19. Goods in warehouse, when entered for home consumption, to be chargeable with existing duties on like sort of goods.
  20. When contracts have been entered into, amount of increased or decreased duty to be added or deducted.
  21. All moneys, &c. received on account of Customs to be paid into the Bank of England.
  22. The Treasury may make rules for keeping the accounts of the revenue of the Customs, and for appropriation thereof. Responsibility for money, &c.
  23. Bank to keep an account, to be returned to the Customs, for inspection by the Accountant and Comptroller General. Any default to be reported to the Commissioners of Customs.
  24. Bank of England not to dispose of money, &c., except for a specified purpose.
  25. In London, debenture, &c. to be paid out of Commissioners account; at any other port, out of moneys in collector's hands. Limitation of time for return of duties overpaid extended to six years.
  26. Commissioners of Customs may close accounts of collectors.
  27. Customs duties, &c. payable to Exchequer account of Bank of England to be received under such regulations as the Treasury shall prescribe.
  28. Forgery declared felony.
  29. Certain moneys, &c. deemed within meaning of 24 & 25 Vict. c. 96.

*Disputes between importers and officers.*

30. In case of dispute, importer to deposit the duty, &c. demanded. On payment of such deposit, &c. importer to have delivery.
31. Deposits to be carried to Consolidated Fund. If no action brought, deposit to be retained as duties. If action determined against the revenue, importer indemnified.



*Complaints, &c.*

A.D. 1876.

Clause.

32. Disputes and inquiries in London.
33. Appeal to open court. 'Commissioner to conduct public inquiry. Power to keep order.
34. Commissioners to prosecute or decide. Award may be enforced.
35. Disputes and inquiries at outports.
36. Inquiries may be conducted by Commissioners, &c. Oath may be administered. Persons making a false oath guilty of perjury.
37. Power to summon witnesses. Penalty.
38. Regulations for conduct of inquiries.

## IMPORTATION AND WAREHOUSING.

39. Importation and prohibition.
40. Time of importation of goods and time of arrival of ships defined.
41. Importation direct.
42. Prohibitions and restrictions. Table of prohibitions and restrictions.
43. Arms, &c. may be prohibited.
44. Lists of prohibited books to be exposed at Custom Houses.
45. Persons complaining of prohibition of books in copyright lists may appeal to a judge in chambers. Nothing to prevent persons aggrieved from proceeding at law, &c.
46. Vessels arriving to come quickly to place of unlading, and bring to at the stations for boarding officers. Accommodation of officers on board. Penalty, 20*l*.
47. Officers to board ships. To have free access to all parts. May seal or secure goods and open locks. Goods concealed, forfeited. If seal, &c. broken, master to forfeit 100*l*. Officers may put seals upon stores inwards. If such seals be broken, or the stores secretly conveyed away, master to forfeit 20*l*.
48. Time and place of landing goods inwards. Goods unshipped contrary to regulations forfeited. Goods not forthwith removed and landed forfeited.
49. Account of bullion or coin to be delivered to the officers of Customs.



*Report of cargo.*

A.D. 1876.

Clause.

50. Master to report within 24 hours after arrival according to Form No. 1 in Schedule (B.)
51. On failure, master to forfeit 100*l*. Goods not reported may be detained.
52. Persons in charge of commissioned ships, British or foreign, having goods on board, to deliver an account or forfeit 100*l*. Such ships liable to search.
53. Master to answer questions. Bulk not to be broken or stowage altered. Penalty, 100*l*.
54. Packages reported "Contents unknown" may be opened and examined. Prohibited goods forfeited.

*Entry for home use.*

55. Particulars of entry according to Form No. 2 in Schedule (B.)
56. Payment of duties. Warrant for delivery.

*Entry for warehousing.*

57. Particulars of entry according to Form No. 3 in Schedule (B.)  
Warrant for warehousing. Entry for home consumption.

*Entry by bill of sight, &c.*

58. Entry by bill of sight when goods not known according to Form No. 4 in Schedule (B.)
59. Warrant for landing. Before delivery, importer to make perfect entry.
60. Goods entered by bill of sight not to be delivered unless duty is paid or deposited.
61. Goods to be taken to Queen's warehouse in default of perfect entry, and sold in default of such entry within one month after landing. Entry not valid unless in manner required by law.
62. Goods entered for warehouse may upon further entry be delivered for home use or exportation.

*Entry of British goods returned.*

63. British goods returned to be deemed foreign.

*Entry of free goods.*

64. Particulars of entry according to Form No. 5 in Schedule (B.)  
Warrant for delivery. Account of free goods.



A.D. 1876.

*Entries generally.*

Clause.

- 65. Bill of entry to be in duplicate.
- 66. Goods concealed in packages or delivered without entry forfeited. Passengers baggage.
- 67. Penalty on fraudulent import entries and concealments.
- 68. Surplus stores not excessive may be entered for private use or warehouse.
- 69. Agent to produce authority, if required.
- 70. Officers may take samples.
- 71. No entry, &c. valid unless in accordance with Acts.
- 72. Importer or agent failing to comply with regulations, to forfeit 20*l*.

*Entry, time for.*

- 73. Goods not entered within fourteen days may be conveyed to Queen's warehouse. Small packages or quantities of goods may be deposited in Queen's warehouse. If duties and charges on such goods be not paid within three months, the goods may be sold. Lien for freight payable before delivery of goods from Queen's warehouse.
- 74. Combustibles not to be deposited in Queen's warehouse.
- 75. If goods remain on board importing ship beyond fourteen days such ship may be detained for expenses.

*Unshipping, landing, and examination.*

- 76. Unshipping, carrying, landing, weighing, &c., and depositing of goods, to be done at the expense of the importer.
- 77. Proper officer of Customs to take account of goods for warehouse. Contents of packages to be marked thereon, and entered in landing book.
- 78. Goods to be entered and duties ascertained and paid according to landing account.
- 79. Warehoused goods to be deposited in original packages or those of which account is taken. Goods altered or removed without sanction of officers forfeited.
- 80. Commissioners to direct what goods may be bulked, sorted, packed, &c.
- 81. Warehouse-keeper neglecting to stow goods properly, to forfeit 5*l*.
- 82. Warehouse-keeper neglecting to produce goods deposited when required, to forfeit 5*l*.
- 83. Goods not duly warehoused, or fraudulently concealed or removed, forfeited.



## Clause.

A.D. 1876.

84. Persons clandestinely opening warehouse, &c., to forfeit 100*l*.
85. Who liable for goods taken out of warehouse without entry. Taking goods out of warehouse, &c. to be deemed a misdemeanor. Importer or consignee, if defrauded by officers, to be indemnified.
86. If goods be damaged by fire, &c., the importer not entitled to compensation.
87. Commissioners of Customs may remit duties on warehoused goods lost or destroyed.

*Removal.*

88. Goods may be removed from one warehousing port to another, or from one warehouse to another in the same port. Regulations for removal.
89. Officers at port of removal to transmit account of goods to officers at port of destination. Remover to give bond in the amount of duty. Bond may be given either at port of removal or port of destination. Bond how to be discharged. General removal bond may be given.
90. Goods, on arrival at the port of destination, to be subject to same regulations as goods on first importation.
91. On arrival of goods at port of destination they may, after formal re-warehousing, be entered for exportation or for home use on payment of duties.
92. Warehoused goods, if not cleared for home use or exportation within five years, must be re-warehoused. Duties on deficiencies and expense of examination to be paid down.
93. Goods in warehouse not cleared or re-warehoused, or duties paid on deficiencies after five years, to be sold. Proceeds of sale how to be applied. Goods not worth the duty may be exported or destroyed.
94. Tobacco abandoned as not worth the duty to be destroyed.
95. Goods in warehouse may be sorted, repacked, &c. To be repacked in the original or other legal sized packages. Wine or spirits may be bottled for exportation only, and wine may be fortified, filled up, or racked off. Wines may be mixed, and samples taken. After repacking, damaged parts may be destroyed.
96. Goods in warehouses may be taken out under certain regulations and with security for duties.



*Entry for home consumption and exportation.*

A.D. 1876.

Clause.

97. Entry for exportation or home use.
98. Persons entering warehoused goods for home use to deliver bill of entry and pay down duties. Duties to be paid according to landing account, except in certain cases. Duties on certain goods to be chargeable on ascertained quantity on delivery, unless deficiency has been caused by improper means.
99. Deficiencies in goods entered for exportation not to be charged with duty unless fraudulent.

## EXPORTATION.

100. Warehoused goods not to be exported in ship of less than forty tons burden.
101. Master of vessels outwards to deliver certificate of clearance of last voyage, and to make entry outwards. Form No. 6 in Schedule (B.) Penalty, 100*l*. Shipment of goods for exportation.
102. Goods not to be shipped except on proper days and places, nor until entry and clearance. Officers may open packages and examine goods.
103. British and Irish spirits in nine-gallon casks.

*As to the entry and clearance of goods for exportation.*

104. On entry outwards, bond for due shipping and landing shall be given. General bond for exportation may be given. Notice in each case to be given. Stamp duty on notice equivalent to duty on separate bond.
105. Exporter to deliver shipping bill according to Form No. 7 in Schedule (B.)
106. Drawback goods not agreeing with shipping bill forfeited. Penalty for claiming more drawback than is due.
107. Inland Revenue drawback. Notice to officer. Shipment to be certified.
108. No drawback on tobacco not properly manufactured, and penalty for fraudulent attempts to obtain drawbacks.
109. Provisions as to exportation applicable to transshipment and drawback goods.
110. Specifications for free goods six days after clearance. Forms Nos. 8 and 9 in Schedule (B.) Except as to salmon.



- Clause.  
A.D. 1876. —
111. Master or owner to deliver manifest of goods shipped.
  112. Goods not exported as per specifications to be notified to proper officer.
  113. Shipping bill signed by export officer to be the clearance for the goods.
  114. Licensed lighterman to carry goods.
  115. Warehoused goods removed or shipped for exportation without authority, forfeited.
  116. Commissioners may remit duty on warehoused goods lost or destroyed during delivery or shipment.

*As to debentures for drawback on goods exported.*

117. Debenture for drawback.
118. Declaration as to exportation and right to drawback. Name of person entitled to be declared.
119. Payment within two years.
120. Warehouse or debenture goods not duly exported.
121. Wine allowed for officers in the navy.
122. On officers leaving the service, &c., wine transferable to others.
123. Paymasters of Her Majesty's ships may ship tobacco for crew free of duty.
124. Paymaster removed from one ship to another may tranship tobacco with permission.
125. Limiting the quantity of tobacco.

*As to the shipment of stores.*

126. Victualling bill for stores. Stores illegally relanded, forfeited, and penalty 100*l*.

*As to clearance outwards.*

127. If inward cargo reported for exportation, copy of report thereof to be delivered to the searcher.
128. Before clearance, certificates to be delivered to the proper officer. Content in Form No. 10 in Schedule (B.)
129. Additional content for goods shipped at other ports.
130. Short shipment of goods to be notified to proper officer. Goods unshipped. Penalty.
131. Goods shipped contrary to provisions forfeited.
132. Penalty on departing without being cleared.
133. In ballast. Master to answer questions. Ships carrying passengers, or chalk or slate in ballast.



*Boarding of ships.*

A.D. 1876.

Clause.

- 134. Officer may board ship after clearance.
- 135. If officers put seals upon stores from the warehouse outwards, and such seals be broken, master to forfeit 20*l*.
- 136. Ships not bringing to at stations, penalty 20*l*. Carrying away officers, penalty 100*l*.
- 137. Time of exportation and departure defined.
- 138. Goods prohibited by proclamation.
- 139. In case of public emergency, &c., pre-entry of export or coastwise goods may be required.

COASTING TRADE.

- 140. All trade by sea from one part of the United Kingdom to another to be deemed coastwise, and no part to be deemed beyond the sea.
- 141. Foreign ships in coasting trade subject to same rules as British ships. Foreign ships employed in the coasting trade not to be subject to higher rates than British ships.
- 142. Coasting ship confined to coasting voyage.
- 143. Times and places for landing and shipping.
- 144. Master of coasting vessel to keep a cargo-book. Penalty for false entries in such book.
- 145. Account previous to departure to be delivered to collector in the Form No. 11 in Schedule (B.) Commissioners may grant general transires.
- 146. Transire to be delivered in 24 hours after arrival. Inland Revenue goods. Goods from the Isle of Man. Penalty for illegal unloading. Forfeiture of goods.
- 147. Officer may go on board and examine any coasting ship.
- 148. Goods brought coastwise may be entered outwards without landing.

BRITISH POSSESSIONS.

- 149. Powers of Commissioners of Customs as to colonies extended to governors, &c.
- 150. Base coin prohibited to be imported into British possessions.
- 151. Customs Acts to extend to British possessions abroad, except where otherwise provided for.
- 152. Foreign reprints of books under copyright prohibited.
- 153. Foreign manufactures with British marks.
- 154. Ship and cargo to be reported on arrival. Particulars of report. Penalty for false report.
- 155. Entry of goods to be laden or unladen. Regulations inwards and outwards and coastwise.



- Clause.  
A.D. 1876. —
- 156. Goods grown or manufactured in Channel Islands duty free. Master to deliver certificate of produce.
  - 157. Prohibited goods not to be shipped from the Channel Islands to the United Kingdom.
  - 158. Ships not to sail from Channel Islands without clearance. Penalty.
  - 159. Stores for vessels departing from the Channel Islands.
  - 160. Application of penalties. Reward to officers for seizures in Channel Islands.
  - 161. Colonial laws repugnant to Acts of Parliament void.
  - 162. As to importing and exporting spirits into and from Channel Islands in ships of 40 tons and upwards. Not to extend to spirits in glass bottles, stores, certain warehoused goods, nor to licensed boats supplying Sark.
  - 163. Provision as to importation of tobacco, &c. into Channel Islands.
  - 164. Malta deemed to be in Europe.

## BONDS AND OTHER SECURITIES.

- 165. All bonds and securities entered into valid. Bonds to be taken to the use of Her Majesty. Bonds of minors valid.
- 166. How bonds satisfied may be discharged.
- 167. Exoneration of estates of obligors. Form of certificate of exoneration. Certificates to be sufficient evidence of exoneration.

## FALSE DECLARATIONS.

- 168. Penalty on making false declarations, signing false documents, and untruly answering questions, and counterfeiting and using false documents.

## SMUGGLING.

*Restrictions on small craft.*

- 169. Commissioners may make general regulations for vessels and boats not exceeding 100 tons.
- 170. Vessels and boats used contrary to regulations forfeited.
- 171. Commissioners of Customs may grant special licenses on terms.
- 172. Vessels made use of in removal of uncustomed or prohibited goods forfeited.
- 173. Commissioners may revoke licenses.
- 174. Regulations to extend to Channel Islands.
- 175. Boats of vessel to have thereon the name of vessel, port, and master.



Clause.

176. Boats not belonging to ships to have name of owner and port thereon. A.D. 1876.
177. Goods unshipped without payment of duty and prohibited goods liable to forfeiture. Goods illegally removed from warehouse. Prohibited goods shipped or water-borne with intent to be exported, &c. Goods concealed on board, and goods packed therewith, forfeited.
178. Restricted goods to be deemed run.
179. Any vessel or boat arriving within the United Kingdom or the Channel Islands, or within three leagues thereof, having prohibited goods on board or attached thereto, forfeited. Prohibited goods shipped or water-borne with intent to be exported, &c. Persons found or discovered to have been on board vessels with contraband goods may be detained.
180. Ships belonging to Her Majesty's subjects, &c. throwing overboard any goods during chase forfeited, and persons escaping deemed British subjects.
181. Ships not bringing to when required to, penalty 20*l*. Not bringing to may be fired into.
182. Ships may be searched within the limits of the ports.
183. Ships in port with a cargo, and afterwards found light or in ballast, and cargo unaccounted for, forfeited.
184. Persons may be searched if officers have reason to suspect smuggled goods are concealed upon them.
185. Persons before search may require to be taken before a justice or officer of Customs. Penalty on officers for misconduct. Penalty on persons denying having foreign goods about them.
186. Illegally importing. Unshipping. Removing from quay, wharf, &c. Carrying goods into warehouse without authority. Removing from warehouse. Harboursing. Carrying. Evading duties of Customs. Penalty treble value, or 100*l*.
187. Rescuing goods. Rescuing person. Assaulting, resisting, or obstructing officers.
188. Penalty for assembling to run goods.
189. Procuring or hiring persons to assemble to run goods. Persons armed or disguised with goods within five miles of coast.
190. Persons signalling smuggling vessels may be detained and forfeit 100*l*., or be kept to hard labour for one year.
191. Proof of a signal not being intended on defendant.



- Clause.  
A.D. 1876. —
192. Any person may prevent signals.
  193. Persons shooting at boats belonging to navy or revenue service guilty of felony.
  194. Officers may haul their vessels on shore without being liable to suit.
  195. Penalty on persons cutting adrift vessels belonging to the Customs.
  196. Officers of army, &c. may patrol coasts without being liable to suit.
  197. Where persons are taken before justices for offences under the Customs Acts, such justices may order them to be detained or admitted to bail.
  198. Persons in Her Majesty's service detained to be secured on board until warrant procured.
  199. Any person escaping may afterwards be detained.
  200. Only officers to take up spirits in casks sunk or floating upon the sea, and persons giving information may be rewarded.
  201. Penalty for offering goods for sale on pretence of being smuggled.
  202. Ships, &c. used in the removal of raw goods to be forfeited. Ships, boats, &c. and persons may be detained. Seizures to be taken to the nearest Custom House.
  203. Officers of Customs may on probable cause stop carts, &c., and search for goods.
  204. Officers authorised by writ of assistance or warrant may search houses for uncustomed or prohibited goods.
  205. Officers may search premises by warrant granted on reasonable cause shown.
  206. Goods stopped by police officers may be retained until trial of persons charged with stealing them.
  207. Notice to be given by seizing-officer to owner of ships or goods seized, and seizures to be claimed within one month. Perishable goods, &c. may be sold.
  208. Seizures may be disposed of as Commissioners of Customs direct.
  209. Seizures may be restored and punishments mitigated.

*Compensations and rewards.*

210. Officers wounded to be provided for, &c.
211. Rewards for detaining smugglers.
212. Rewards out of penalties.



Clause.

213. Rewards to officers making seizures. The Treasury or Commissioners of Customs to fix the value of spirits and tobacco. A.D. 1876. —
214. How value is to be ascertained.
215. All rewards and seizures payable to officers of army, navy, or marines to be regulated by Order in Council.
216. Commissioners may distribute officers shares of seizure so as to reward persons not actually present.

*Collusive seizures.*

217. Penalty on officers and persons making collusive seizures, or taking bribes, and on persons offering them.

LEGAL PROCEEDINGS.

218. How penalties, &c. to be sued for. Proviso where the duties and penalties sought to be recovered shall not exceed 100%.
219. Execution may issue after trial out of term.
220. Penalty and costs to be stated in convictions, &c.
221. Where proceeding by *capias* is waived in favour of the subject, justices may issue warrant and admit to bail.
222. Penalties joint and several may be sued for by joint and several information.
223. Informations, convictions, &c. to be in form, &c. in Schedule (C.)
224. Justices may summon offender.
225. On attendance of the party on the day and place appointed, justices may hear and determine the case. On non-appearance justice to proceed as if he had appeared.
226. Justices may condemn goods liable to forfeiture.
227. Summons to be served personally, or by leaving same at last known place of abode.
228. Penalty for neglecting to attend.
229. Offences on the water, &c., and jurisdiction.
230. Justice of adjoining county may act when required.
231. Justices of counties to have concurrent jurisdiction in cities, boroughs, &c. situate in such counties.
232. Justice may commit in default of payment of penalty until paid. Small Penalties Act, 1865, not applicable to Customs.
233. Justices may commit in certain cases without order of Commissioners. When quantity of spirits is less than five gallons, or of tobacco less than 20 lbs. Where quantity between five and 20 gallons of spirits, or from 20 to 80 lbs. of tobacco, justices may mitigate. Above 20 gallons of spirits, or 80 lbs. of tobacco, no mitigation by justices.



- Clause.  
A.D. 1876. 234. Persons arriving in ships from infected places not to land before examination.
235. Penalties and forfeitures to be paid to Commissioners.
236. Any person committed in default of payment of a penalty less than 100*l.* to be discharged by gaoler in six months if not duly released.
237. Persons previously convicted may, on verdict, be imprisoned in house of correction.
238. Justices may commit to nearest house of correction, if none in their jurisdiction.
239. Justices may commute hard labour where offender is a female or infirm.
240. If prisoner be found to have been previously convicted imprisonment may be extended. Married women may be committed.
241. Subsistence of prisoners committed for offences against Customs laws.
242. Subsistence to prisoners, and gaol fees in Channel Islands.

*Removal of proceedings.*

243. Writs of certiorari and habeas corpus not to issue except on affidavit.
244. No writ of habeas corpus or order without notice to solicitor.
245. Prisoners against whom informations are exhibited to be brought up by habeas corpus or judge's order.

*As to justices clerks fees in Customs prosecutions.*

246. Justices clerks fees.

*Superior courts.*

247. Procedure for penalties.
248. Service of subpœna.
249. Judgment by default for non-appearance or want of plea.
250. Execution may issue to sheriff of any county without reference to venue.
251. Impoverished persons may sue in formâ pauperis.
252. Sheriff to grant special warrant on writ of capias endorsed by solicitor of Customs.
253. Sheriff indemnified for escape if warrant granted at request of Customs. Gaoler to receive offender.
254. When offenders arrested give bail to the sheriff, bail bond to be assigned to Her Majesty.



*Prosecutions, &c.*A.D. 1876.  
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Clause.

255. In whose names indictments or suits to be preferred.
256. The Attorney-General or Lord Advocate may enter a nolle prosequi.
257. Suits, &c. to be exhibited within three years.
258. Indictments or informations may be tried in any county in England, Scotland, or Ireland respectively.

*Proofs in proceedings.*

259. Defendant's proof in smuggling cases.
260. Averments in smuggling cases.
261. Vivâ voce evidence may be given that a party is an officer. Witness competent although entitled to part of seizure or reward.
262. What shall be evidence of order of Treasury or Commissioners of Customs or Inland Revenue.
263. Evidence of condemnation in forfeiture.

*Entry of appearances.*

264. Claim to be in name of bonâ fide owners ; verified by oath of ownership.
265. If goods owned by more than five co-proprietors two may make the oath.
266. If goods owned by a company or co-partners, oath may be made by public officer or agent.
267. Probable cause may be certified in bar.

*Actions against officers.*

268. One month's notice of action to officer before process.
269. Evidence limited to subject in notice.
270. Officer may tender amends.
271. Officer omitting to tender amends may pay money into court.
272. Actions against officers to be brought within one month after cause arises.
273. Solicitors clerks and officers of Customs may conduct cases.
274. Defendants in Customs cases to have choice of attorney and counsel in Scotland.



## LANDS CLAUSES.

- Clause.  
A.D. 1876. 275. Moneys produced by sale of lands to be paid to the Commissioners of Customs.  
— — 276. Money for lands of incapacitated persons to be paid into Bank of England.

## ISLE OF MAN.

277. Isle of Man deemed part of United Kingdom for Customs purposes.  
278. Goods delivered out of charge of Customs in the Isle of Man not to be brought into Great Britain or Ireland. Goods brought to Isle of Man, but not delivered from Customs, may be brought to Great Britain or Ireland on conditions.  
279. Goods the growth or manufacture of Isle of Man may be imported into Great Britain or Ireland on certificate, &c.  
280. Declaration and certificate of growth or manufacture of goods from Isle of Man.  
281. Act not to affect Excise drawback.  
282. Stores of Manx ships.  
283. Treasury may restrict imports.

## MISCELLANEOUS.

*As to the interpretation of terms used in this Act.*

284. Interpretation of terms.  
285. Customs fund available for officers of the United Kingdom, and the Life Assurance Companies Act shall not apply to that fund.  
286. Cards imported not to be sold without a wrapper provided by the Commissioners of Inland Revenue.  
287. Reciprocity under treaties, &c.

*As to repeal of existing Acts.*

288. Acts set forth in Schedule (A.) repealed. Orders, &c. under Acts repealed to be valid. Commissions, deputations, bonds, &c., to remain in force. Warrants, orders, and regulations to remain in force. Ports, bonding-places, havens, creeks, &c., to continue.  
289. Act to be registered in Royal Courts of Guernsey and Jersey.  
290. Commencement of Act.

## SCHEDULES.

SCHEDULE (A.) Acts to be repealed.

SCHEDULES (B.) and (C.) Forms.

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## CHAPTER 36.

An Act to consolidate the Customs Laws. [24th July 1876.] A.D. 1876.

**W**HEREAS it is expedient that the several Acts now in force for the management and regulation of Customs should be consolidated into one Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*As to the appointment of Commissioners of Customs, &c.*

1. It shall be lawful for Her Majesty from time to time to appoint, under the Great Seal of the United Kingdom, any number of persons not exceeding five to be Commissioners of Customs for the collection and management of the Customs of the United Kingdom and of Her Majesty's possessions abroad, and each of such Commissioners when so appointed shall have and hold his office during Her Majesty's pleasure.

2. The Commissioners so appointed shall, in all matters and things relating to the execution of their duties, be subject to the authority, directions, and control of the Commissioners of the Treasury, and shall obey such orders and instructions as shall from time to time be issued to them by the Commissioners of the Treasury.

3. The Commissioners of the Treasury, or, under their authority, the Commissioners of Customs, may appoint proper persons for the management and collection of the Customs, and the performance of all duties connected therewith, under the control and direction of the Commissioners of Customs, and grant to such persons such salaries and allowances, and permit them to receive such emoluments for executing the duties of their respective offices, as they may deem fit, and require of such persons such securities for their good conduct as the Commissioners of Customs shall deem

MANAGEMENT.

*Appointment of officers, &c.*

Board of Customs appointed by Her Majesty not to exceed five.

Commissioners subject to the control of the Treasury.

Appointment of officers.

Salaries and securities.



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A.D. 1876. necessary; and such persons shall hold their offices during the pleasure of the Commissioners of the Treasury or of the Commissioners of Customs; and any person so appointed, and holding a deputation or commission, shall deliver up the same to the Commissioners of Customs, or otherwise account for the same to their satisfaction, within one week after he shall cease to hold such office or employment, and in default thereof such person may, on conviction before any justice of the peace, be imprisoned in any gaol until he shall deliver up such deputation or commission or account for the same to the satisfaction of the Commissioners of Customs; and all salaries and allowances granted to any officer or other person in the service of the Customs shall be paid without any deduction on account of any duties imposed by any Act of Parliament, unless expressly charged thereon; and when any sum of money shall have been or shall be granted annually or otherwise to any person who has been employed in the service of the Customs as a superannuation allowance upon the retirement of such person from such service, or as a compensation for past services, it shall not be lawful for the grantee of such allowance or compensation to assign or dispose of the same to any person or persons whomsoever, and any such assignment or disposition shall be void to all intents and purposes, and shall not be enforced in any court of law or equity: Provided that if any officer in the receipt of any salary or allowance shall, by reason of insanity, be placed in any asylum, the Commissioners of Customs may advance and pay out of the salary or allowance accruing due to him such portion thereof as they may see fit for or towards the cost of his maintenance in such asylum.

MANAGEMENT.  
Retiring officer to deliver up commission.  
Salaries, &c. not subject to duties.  
Superannuation allowances not assignable.

Persons employed on service of the Customs to be deemed officers for such service.

4. Every person employed on any duty or service relating to the Customs, trade, or navigation, either in the United Kingdom, the Channel Islands, or any of Her Majesty's possessions abroad, by the orders or with the concurrence of the Commissioners of Customs (whether previously or subsequently expressed), shall be deemed to be the officer for that duty or service; and every act required by law at any time to be done by or with any particular officer nominated for such purpose, if done by or with any person appointed by the Commissioners of Customs to act for such particular officer, shall be deemed to be done by or with such particular officer; and every act required by law to be done at any particular place within any port, if done at any place within such port appointed by the Commissioners of Customs for such purpose, shall be deemed to be done at the particular place so required by law.



5. If any officer, clerk, or any other person acting in any office or employment in or belonging to the Customs shall accept any fee, perquisite, or reward, whether pecuniary or otherwise, directly or indirectly, from any person (not being a person appointed to some office in the Customs) on account of anything done or omitted to be done by him in or in any way relating to his said office or employment, except such as he shall receive under permission of the Commissioners of the Treasury or Customs, such officer, clerk, or other person so offending shall, on proof thereof to the satisfaction of the Commissioners of Customs, be dismissed from his office.

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MANAGEMENT.

Officers taking fee or reward not authorised by law, to be dismissed.

6. Every person who shall be appointed to any permanent office or employment in the Customs under the control and direction of the Commissioners of Customs shall, on his admission thereto, if required by them, make the following declaration :

Declaration on admission to office.

‘I, A.B., do declare, that I will be true and faithful in the execution, to the best of my knowledge and power, of the trust committed to my charge and inspection in the service of Her Majesty’s Customs ; and that I will not require, take, or receive any fee, perquisite, gratuity, or reward, whether pecuniary or of any sort or description whatever, either directly or indirectly, for any service, act, duty, matter, or thing done or performed, or to be done or performed, in the execution or discharge of any of the duties of my office or employment, on any account whatever other than my salary and what is or shall be allowed me by law or by any special order of the Commissioners of Her Majesty’s Treasury or the Commissioners of Her Majesty’s Customs for the time being.’

7. The Commissioners of the Treasury may, by their warrant, from time to time appoint the hours of general attendance of the Commissioners and officers of Customs, and of other persons in the Customs service, at their proper offices and places of employment ; and the Commissioners of Customs may appoint the times during such hours at which any particular parts of the duties of any such officers and other persons shall be performed.

Hours of attendance, and division of duties in those hours.

8. No day shall be kept as a public holiday by the Customs, except every Christmas Day and Good Friday, and such other days as are or may be appointed to be kept as such by Her Majesty’s proclamation or by Act of Parliament, and, so far as regards Scotland, such days as shall be appointed to be so kept by authority of the General Assembly, and also such days as may be appointed for the celebration of the birthdays of Her Majesty and of her successors, and such days shall be kept as public holidays by the

Holidays.



A.D. 1876. officers and servants of the dock companies in England and Ireland, as required by the Holidays Extension Act, 1875.

MANAGEMENT.

Officers of Customs not to serve in public offices.

Soldiers not to be billeted on officers of Customs.

What shall be deemed orders, &c. of Commissioners of Customs.

9. No Commissioner, officer, clerk, or other person acting in the management or service of the Customs shall be compelled to serve in the militia, or on any jury or inquest, or to assume the office of a mayor or sheriff, or to act in any corporate, parochial, or other public office, and section twelve of "The Juries Act, 1870," shall not apply to persons hereby exempted; nor shall any soldiers or militia be billeted on any such Commissioner, officer, or other person as aforesaid.

10. Every order, document, or instrument required by law to be under the hands of the Commissioners of Customs, but not required to be signed by two or more of them, being attested by the signature of any one of such Commissioners, and every order, document, or instrument required by any law to be under the hands or under the hands and seals of the Commissioners of Customs, being attested by the hands or the hands and seals of two or more of such Commissioners, shall be deemed to be an order, document, or instrument under the hands, or under the hands and seals, as the case may be, of the Commissioners of Customs.

*Appointment of ports, &c.*

*As to the appointment of ports, quays, warehouses, sufferance wharves, landing and boarding stations.*

Treasury may appoint ports and quays, and alter or vary the limits.

Alterations or variations in limits not to affect rights (irrespective of Customs) co-extensive with pre-existing limits.

Ports so appointed by Treasury

11. The Commissioners of the Treasury may, by their warrant, appoint any port, sub-port, haven, or creek in the United Kingdom or in the Channel Islands, and declare the limits thereof, and appoint proper places within the same to be legal quays for the lading and unlading of goods, and declare the bounds and extent of any such quays, and annul the limits of any port, sub-port, haven, creek, or legal quay already appointed or to be hereafter set out and appointed, and declare the same to be no longer a port, sub-port, haven, creek, or legal quay, or alter or vary the names, bounds, and limits thereof: Provided always, that when by any such warrant the pre-existing limits of any port, sub-port, haven, creek, or legal quay shall be altered or varied, the same shall not affect or abridge any lawful rights or privileges co-extensive with such pre-existing limits (irrespective of matters relating to Her Majesty's Customs) granted to any person or body of persons by any Act of Parliament, grant, or other legal instrument, but they shall be deemed to be and remain the same for the purposes of such Act, grant, or other legal instrument as if no such alteration or variation had been made: Provided that any port so appointed by



warrant as aforesaid shall, to the whole extent of the limits thereof, be deemed to be a port within the meaning and for the purposes of the Act of fifty-four George the Third, chapter one hundred and fifty-nine, and of any other Public Act for the protection of the ports, harbours, shores, and navigable rivers of the United Kingdom or any part thereof.

MANAGE-  
MENT.

Warrant to be deemed ports for the purposes of 54 Geo. 3. c. 159.

12. The Commissioners of the Treasury may, by their warrant, from time to time appoint the ports and inland bonding places in the United Kingdom which shall be warehousing ports or places for the purposes of the Customs Acts, in addition to those already appointed; and, subject to their directions, the Commissioners of Customs may by their order from time to time approve and appoint warehouses or places of security in such ports or places, and direct in what different parts or divisions of such warehouses or places, and in what manner, any goods and what sort of goods may, and may only, be warehoused, kept, and secured without payment of duty upon the first entry thereof or for exportation only, in cases where the same may be prohibited to be imported for home use; and the Commissioners of Customs may also fix the amount of rent which shall be payable in respect of any goods deposited or secured in any of the Queen's warehouses; and all such sums shall be paid, received, and appropriated as moneys not duties of Customs.

Treasury may appoint warehousing ports or places, and warehouses, &c.

Rent in warehouses.

13. The proprietor or occupier of every warehouse so approved (except existing warehouses of special security, in respect of which security by bond has hitherto been dispensed with), or some one on his behalf, shall, before any goods shall be warehoused therein, give or procure to be given security by bond, or such other security as the Commissioners of the Treasury or Customs may approve, for the payment of the full duties chargeable on any goods which shall at any time be warehoused in any warehouse duly approved by them for that purpose, or for the due exportation thereof.

Warehouse-keeper to give general security.

14. The Commissioners of Customs may from time to time, by order under their hands, appoint in the United Kingdom or the Channel Islands stations or places for ships arriving at or departing from any port or place to bring to for the boarding or landing of officers of the Customs, and may also appoint places to be sufferance wharves for the lading and unlading of goods, in such cases, under such restrictions, and in such manner as they shall see fit; and may also direct at what particular part or parts of any harbour, dock, quay, or other place in any such port ships laden with tobacco or any particular cargo shall moor or discharge such cargo; and the Commissioners of Customs, or the collector or other

Commissioners may appoint stations and sufferance wharves, &c.,

and regulate discharge of cargo and boarding of officers.



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## MANAGEMENT.

Power to revoke or alter former warrant or orders.

Commissioners may order in what ports goods may be carried or water-borne by authorised persons.

Commissioners may require security.

proper officer of any such port, may station officers on board any ship while within the limits of any port.

15. The Commissioners of the Treasury and the Commissioners of Customs may from time to time revoke or alter any such warrant or order made by them respectively.

16. The Commissioners of Customs may order and direct in what ports or places in the United Kingdom goods cleared for drawback or from the warehouse shall be carried or water-borne to be put on board any ship for exportation, and goods carried or water-borne from any importing ship to, or to be landed at, any wharf, quay, or other place, and such goods shall be so carried or water-borne only by persons authorised for that purpose by license under the hands of the Commissioners of Customs, who may revoke any such orders or directions, or make others in lieu thereof, when and as they may deem expedient; and may grant such licenses in such form and manner and to such persons as they may deem proper, and may revoke the same when and as they shall think fit; and before granting any such license may require such security, by bond or otherwise, for the faithful and incorrupt conduct of such person, as they shall deem necessary.

*Collection of duties, &c.* *As to the collection and management of duties of Customs, drawbacks, and allowances.*

Duties, drawbacks, &c. to be under the management of the Commissioners of Customs.

Duties and drawbacks to be in British currency, and according to imperial weight and measure.

When new duties of Customs are imposed former ones to continue until

17. All duties of Customs or other duties, rates, and charges under the management, collection, or control of the Commissioners of Customs, and all drawbacks and allowances now imposed and allowed, or which may hereafter be imposed or allowed by law, shall be under the management of the Commissioners of Customs for the time being, and shall be ascertained, raised, levied, collected, paid, recovered, allowed, and applied or appropriated under the provisions of the laws for the time being in force relating thereto; and all duties, rates, charges, and drawbacks imposed and allowed according to any specified quantity or any specified value shall be deemed to apply in the same proportion to any greater or less quantity or value, and shall be paid and received in every part of the United Kingdom in British currency, and according to imperial weights and measures.

18. In all cases where any new duties of Customs or other duties, rates, or charges under the management, collection, or control of the Commissioners of Customs are or may be imposed by any Act of Parliament, or by any resolution of the House of



Commons, in lieu of any duties payable at the time of the passing of such Act, such former duties shall be and continue payable until such new duties imposed in lieu thereof shall become chargeable, save and except in cases where the Act or resolution imposing such new duties shall otherwise provide; and all moneys arising from any duties of Customs, rates, or charges, or any arrears thereof, payable on account of any goods whatever imported into or exported from the United Kingdom under any former Act, although computed under such former Act, and whether secured by bond or otherwise, shall be levied, paid, and appropriated in the same manner as if the same had been made payable by this or any other Act in force for the time being; and all drawbacks or allowances payable under any former Act shall be paid or allowed under this or such other Act as may be in force for the time being.

## MANAGEMENT.

the new become chargeable, except in certain cases.

Duties due before the passing of this Act to be levied as if payable by this Act.

19. All goods deposited in any warehouse or place of security under any Act for the warehousing of goods, without payment of duty upon the first importation thereof, or which may be imported and on board any ship, shall, upon being entered for home consumption, be subject to such and the like duties as may at the time of passing such entry be due and payable on the like sort of goods under any Customs Acts in force at the time of passing such entry, save and except in cases where special provision shall be made by such Act to the contrary.

Goods in warehouse, when entered for home consumption, to be chargeable with existing duties on like sort of goods.

20. In the event of any increase, decrease, or repeal of duties of Customs chargeable upon any goods or commodities after the making of any contract or agreement for the sale or delivery of such goods duty paid, it shall be lawful for the seller, in case such increase shall accrue before the clearance and delivery from the warehouse of such goods at such increased duty, and after payment thereof, to add so much money to the contract price as will be equivalent to such increase of duty, and he shall be entitled to be paid and to sue for and recover the same; and it shall be lawful for the purchaser under any such contract or agreement, in case such decrease or repeal shall take effect before the clearance and delivery from the warehouse at such decreased duty, or free of duty, as the case may be, to deduct so much money from the contract price as will be equivalent to such decrease of duty or repealed duty, and he shall not be liable to pay or be sued for or in respect of such deduction.

When contracts have been entered into, amount of increased or decreased duty to be added or deducted.

21. All money, bills, notes, and drafts received on account of the revenue of Customs in Great Britain, and all other money

All moneys, &c. received on account



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MANAGEMENT.

of Customs to be paid into the Bank of England.

arising by the duties of Customs in Great Britain, shall from time to time be paid into the hands of the Governor and Company of the Bank of England, and shall be placed to an account to be raised in the books of the said company, intituled "The General Account of the Commissioners of Customs;" and all money arising from the duties of Customs in Ireland shall be paid into the receipt of Her Majesty's Exchequer.

The Treasury may make rules for keeping the accounts of the revenue of the Customs, and for appropriation thereof.

22. The Commissioners of the Treasury may from time to time establish such rules and regulations as they may think necessary for keeping the accounts of the Commissioners of Customs with the Governor and Company of the Bank of England, and of the Governor and Company of the Bank of England in relation thereto, and also for payment and appropriation of the money arising from the duties of Customs, and so brought to account for Her Majesty's service, and from time to time alter or revoke such rules and regulations, and make others in lieu thereof; and the rules and regulations now in force shall remain and continue to be acted upon until the same shall be so altered or revoked, or others established by the said Commissioners of the Treasury in lieu thereof; and the said Commissioners of Customs, observing the rules and regulations so prescribed, shall not be answerable for any money, bills, notes, or drafts which shall have been so paid into the Bank of England; and the Governor and Company of the Bank of England shall be answerable for all the money, bills, notes, and drafts which shall be actually received by them on account of the said Commissioners of Customs.

Responsibility for money, &c.

Bank to keep an account, to be returned to the Customs, for inspection by the Accountant and Comptroller General.

23. The Governor and Company of the Bank of England, or some person duly authorised in that behalf, shall daily, upon receiving any money, bills, notes, and drafts from or on account of the said Commissioners of Customs, make an entry of the money, bills, notes, and drafts so received in a book to be provided by the Governor and Company of the Bank of England, which book shall be forthwith redelivered to the persons making the payments for the Customs, for which money, bills, notes, and drafts the entry in the book herein-before mentioned shall be a sufficient discharge; and such book shall be inspected daily after its return by the Accountant and Comptroller General of the Customs, or his clerk (such clerk being first duly authorised by him, and for whose conduct he shall be answerable), who shall satisfy himself that all money, bills, notes, and drafts received by or on account of the said Commissioners have been duly paid into the Bank under the provisions of this Act; and any default which such Accountant and Comptroller General or his clerk may discover in that behalf

Any default to be reported to the Commissioners of Customs.



shall be immediately reported by him to the said Commissioners of Customs.

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## MANAGEMENT.

24. The Governor and Company of the Bank of England shall not pay or transfer, apply, or dispose of any part of the money, notes, bills of exchange, or drafts which may be paid in and placed to the account of the said Commissioners of Customs from such account, except in accordance with the rules and regulations for the time being of the Commissioners of the Treasury, unless any such notes, bills of exchange, or drafts shall be required by the Solicitor of Customs for the purpose of taking out an extent for the security of the money for which the same shall have been given, in which case such notes, bills of exchange, or drafts, or any of them, shall be delivered to such solicitor or his clerk, on the order of the Commissioners of Customs for that purpose, and such delivery shall be entered in the book herein directed to be provided.

Bank of England not to dispose of money, &c.,

except for a specified purpose.

25. Every sum of money which shall be due in the port of London upon any debenture, certificate, or other instrument for the payment of any money out of the duties of Customs, shall be paid out of any money so paid into the Bank of England on account of the said Commissioners of Customs, in accordance with the rules and regulations for the time being in respect thereof, and every such payment shall be allowed by the Comptroller and Auditor General of Public Accounts in the settling or auditing of the accounts of the said Commissioners of Customs; and when any such payment shall become due at any other port in the United Kingdom, the same may be paid by the collector at such port out of any of the money in his hands arising from the duties of the Customs, under the directions of the said Commissioners of Customs; and the Commissioners of Customs are hereby authorised to return any money which shall have been overpaid as duties of Customs, at any time within six years after such overpayment, on its being proved to their satisfaction that the same was overpaid in error; but no such return shall be allowed unless the claim for the same shall have been made and established within such period of six years.

In London,] debenture, &c. to be paid out of Commissioners account.

At any other port, out of moneys in collector's hands.

Limitation of time for return of duties overpaid extended to six years.

26. The Commissioners of Customs shall and may finally settle and close the accounts of any collectors or receivers of any part of the revenue of the Customs or other duties under their management, notwithstanding any erroneous appropriation of duties of Customs received by such collectors or receivers; and the said Commissioners are hereby empowered to correct any such appropriation, in order to prevent the accounts of any such collectors or receivers from

Commissioners of Customs may close accounts of collectors.



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## MANAGEMENT.

Customs duties, &c. payable to Exchequer account of Bank of England, to be received under such regulations as the Treasury shall prescribe.

being kept open; and all such corrections shall be allowed by the Comptroller and Auditor General of Public Accounts in passing the general accounts of Customs.

27. All Customs duties and other public moneys payable to the Exchequer account at the Bank of England shall be received to the credit of such account by the Governor and Company of the said Bank, under such regulations and directions as the Commissioners of Her Majesty's Treasury shall from time to time prescribe; and the specifications or statements of particulars required by an Act passed in the fourth and fifth years of the reign of His late Majesty King William the Fourth, chapter fifteen, intituled "An Act to regulate the office of the receipt of His Majesty's Exchequer at Westminster," to be delivered to the cashier or other officer of the Bank of England by the person paying in any such money, shall be required only in such cases, and shall be signed and issued by such person, as the said Commissioners shall from time to time direct; and the acquittances for all payments made to the account of the Exchequer at the Bank of England shall be made out in such form and under such regulations as shall be prescribed by the said Commissioners; and such acquittances shall have in all respects the same force and validity in law as the acquittances heretofore given by the Comptroller of the Exchequer by virtue of the ninth section of the said recited Act of the fourth and fifth years of the reign of King William the Fourth; and the several orders, rules, and regulations which may be issued under the authority of this Act by the said Commissioners of Her Majesty's Treasury, as relating to such specifications and acquittances as aforesaid, shall be laid before both Houses of Parliament within six weeks after the issue of such orders, rules, and regulations, if Parliament shall be sitting, or if not sitting, then within six weeks next immediately after the re-assembling of Parliament.

Forgery declared felony.

28. If any person or persons shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in forging or counterfeiting the name or handwriting of any Commissioner of Customs, or of any Accountant and Comptroller General of the Customs, or of any person acting for them respectively, to any draft, instrument, or writing whatsoever, for or in order to the receiving or obtaining any of the money in the hands or custody of the Governor and Company of the Bank of England on account of the said Commissioners of Customs, or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully



act or assist in the forging or counterfeiting, any draft, instrument, or writing in form of a draft made by such Accountant and Comptroller General or person as aforesaid, or shall utter or publish the same knowing it to be forged or counterfeited, with intent to defraud any person whomsoever, every such person or persons so offending, being thereof convicted, shall be declared and adjudged to be guilty of felony.

**29.** Any moneys, chattels, or other valuable securities which shall or may be received by any officer, clerk, or other person in the service of the Customs, either as duties of Customs, or under or by virtue of any statute, or by the order or direction of the Commissioners of Customs, or in virtue of his office or employment, or otherwise, for the use and service of Her Majesty or of any public department, shall be deemed to be moneys, chattels, or valuable securities for the public service, and shall be considered as such within the meaning of the Act of the twenty-fourth and twenty-fifth Victoria, chapter ninety-six, and in any information, indictment, or other instrument in relation thereto, the same may be laid as the property of Her Majesty.

*As to disputes between the importers and officers of Customs respecting the duties of Customs.*

**30.** If any dispute shall arise as to the proper rate of duty payable on any goods admissible for home consumption, the importer or consignee, or his agent, shall deposit in the hands of the collector of the Customs at the port of importation the duty demanded by such collector, which shall be deemed and taken to be the proper duty payable, unless an action or suit shall be commenced by the importer within three months after such deposit in one of Her Majesty's courts of law at Westminster, Dublin, or Edinburgh against such collector, to ascertain whether any and what duty is payable on such goods; and, on payment of such deposit, and on the passing of a proper entry for such goods by the importer, consignee, or agent, such collector shall cause delivery thereof.

**31.** All such deposits shall be paid by the collector to the general account of the Commissioners of Customs, to be carried by their authority to the Consolidated Fund of the United Kingdom of Great Britain and Ireland; and in case no such action or suit shall be brought, such deposit shall be applied to the use of Her Majesty, in the same manner as if it had been originally paid and received as the duty due on such goods; and in case of such action or suit, if it shall be determined that the duty so deposited was not the

A.D. 1876.

MANAGEMENT.

Certain moneys, &c. deemed within meaning of 24 & 25 Vict. c. 96.

*Disputes between importers and officers.*

In case of dispute, importer to deposit the duty, &c. demanded.

On payment of such deposit, &c. importer to have delivery.

Deposits to be carried to Consolidated Fund.

If no action brought, deposit to be retained as duties.

If action determined



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MANAGE-  
MENT.  
against the  
revenue,  
importer  
indemnified.

proper duty, but that a less duty was payable, the difference between the deposit and the duty found to be due, or the whole deposit, as the case may require, shall be returned to such importer, with interest thereon after the rate of five pounds per centum per annum for the period during which the sum so paid or returned shall have been deposited; and shall be accepted by such importer in satisfaction of all claims in respect of the importation of such goods and the duty payable thereon, and of all or any damages and expenses incident thereto.

Complaints,  
&c.

Disputes and  
inquiries in  
London.

*As to complaints, disputes, and inquiries.*

32. If in the port of London any dispute shall arise between any merchants or other persons and any officer of Customs as to the seizure or detention of any ship or goods, or as to any apparently accidental omission, inadvertency, or noncompliance with the laws and regulations relating to the Customs, the Commissioners may determine such dispute as they may deem just, and if they find that penalty or forfeiture has been incurred they may mitigate or remit the same.

Appeal to  
open court.

33. In case any merchant or other person who shall feel himself aggrieved by the determination of the Commissioners of Customs, or have any complaint against any officer of Customs as to anything done or omitted by him in or about the execution of his duty, the party so aggrieved or complaining shall be desirous of stating his case personally to one of the Commissioners of Customs, he may do so on application to the Board during the official hours of attendance at the Custom House, or if he prefer it, may on application in writing to the Commissioners of Customs, stating therein his grievance or complaint, have the same inquired into by one of the said Commissioners, who shall hear the matter in the presence of the parties, and of any persons interested or desirous of attending; and such Commissioner shall take any evidence on oath which may be tendered on such inquiry, reducing the same into writing in a narrative form, and shall lay the same, with his opinion thereon, before the Commissioners of Customs for their consideration; and such Commissioner shall have the same power and authority for enforcing order during such inquiry as is vested in justices of the peace in petty sessions.

Commis-  
sioner to  
conduct pub-  
lic inquiry.

Power to  
keep order.

Commission-  
ers to pro-  
secute or  
decide.

34. The Commissioners of Customs, upon such evidence and opinion, shall, by order under the hands of any two of them, either decide the case, or direct a prosecution if they see fit; and such decision, in case any penalty or forfeiture shall be adjudged



thereby, shall have the same force and effect as a legal conviction for penalties by a justice of the peace; and a copy of such order shall be served upon the person adjudged to pay such penalty or forfeiture, either personally or by post, or by leaving the same at his last known place of abode or business, and in case of non-payment thereof within one week after such service, unless he shall have given notice in writing to the Commissioners of Customs or their solicitor of his refusal to abide by such order, and upon the production of such order to any justice of the peace he shall enforce the same in such manner as justices are empowered by law to enforce penalties lawfully imposed by them; but if such person shall give such notice in writing to the Commissioners of Customs or their solicitor, they may direct such proceedings thereon as they may see fit, or the party against whom such order shall have been made shall have the same remedy by action at law as if no such order had been made.

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MANAGEMENT.

Award may be enforced.

**35.** In case of any such dispute at any of the outports, the like inquiry shall be held by any collector or other person deputed for that purpose by the Commissioners of Customs, in the same manner in all respects, and with the like authority for maintaining order, as herein-before provided, with reference to inquiries in the port of London.

Disputes and inquiries at outports.

**36.** Whenever the Commissioners of Customs shall direct any inquiry as to any matter under their management, or as to the conduct of any person employed therein, such inquiries may be held by the Commissioners for the time being, or by any one or more of them, or by any person deputed by them either specially for holding any particular inquiry or generally for holding such inquiries; and if on any such inquiry the person holding the same shall require the evidence of any witness on oath, he is hereby authorised and empowered to administer such oath; and any witness so sworn who shall give false evidence on such inquiry shall be guilty of perjury, and, on conviction, be liable to the pains and penalties thereof.

Inquiries may be conducted by Commissioners, &amp;c.

Oath may be administered.

Perjury.

**37.** Upon any such inquiry it shall be lawful for the Commissioners of Customs, or any one of them, or other person so deputed to hold the same, to summon from any part of the United Kingdom any person required as a witness on such inquiry to attend on the hearing thereof, then and there to give evidence upon oath touching the matter of such inquiry, or otherwise in relation thereto; and every person so summoned, having the reasonable expenses of attendance, if required, tendered to him at the time

Power to summon witnesses.



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A.D. 1876. of service of such summons, who shall neglect to appear in pursuance thereof, or who, having so appeared, shall refuse to be sworn, affirm, give evidence, or answer to the best of his knowledge any question put to him, shall forfeit the sum of five pounds, and in default of payment any justice shall, on production to him of a certificate under the hand of the Commissioner or other person holding such inquiry, that such penalty has been incurred by the party named in such certificate, commit the offender to any prison for a period not exceeding two months.

MANAGE-  
MENT.  
Penalty.

38. The Commissioners of Customs shall from time to time make such rules and orders for the conduct of such inquiries as they may deem expedient.

IMPORTA-  
TION AND  
WAREHOUS-  
ING.

Importation  
and prohi-  
bition.

AS TO THE IMPORTATION, PROHIBITION, ENTRY, EXAMINATION,  
LANDING, AND WAREHOUSING OF GOODS.

39. It shall be lawful to import into the United Kingdom any goods which are not by this or any law in force at the time of importation thereof prohibited to be so imported, and to warehouse under the laws in force for the warehousing of goods, except as herein-after provided, in warehouses duly approved for the warehousing of goods, without payment of duty on the first entry thereof, any goods subject to duties of Customs the importation and warehousing whereof is not prohibited by any law in force at the time of such importation: Provided always, that the duties on such goods as the Commissioners of the Treasury may from time to time enumerate shall be paid on the first importation thereof, and such goods shall not be warehoused either for home consumption or exportation.

Time of im-  
portation of  
goods and  
time of  
arrival of  
ships defined.

40. If upon the first levying or repealing of any duty, or the first permitting or prohibiting any importation, or at any other time, or for any of the purposes of the Customs Acts, it shall become necessary to determine the precise time at which an importation of any goods shall be deemed to have had effect, such time shall be deemed to be the time at which the ship importing such goods actually came within the limits of the port at which such ship shall in due course be reported and such goods be discharged; and if any question shall arise upon the arrival of any ship in respect of any charge or allowance for such ship, exclusive of cargo, the time of such arrival shall be deemed to be the time at which the report of such ship shall have been or ought to have been made.



41. No goods shall be deemed to be imported from any particular place unless they be imported direct from such place, and shall have been there laden on board the importing ship, either as the first shipment of such goods, or after the same shall have been actually landed at such place.

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Importation direct.

42. The goods enumerated and described in the following table of prohibitions and restrictions inwards are hereby prohibited to be imported or brought into the United Kingdom, save as thereby excepted, and if any goods so enumerated and described shall be imported or brought into the United Kingdom contrary to the prohibitions or restrictions contained therein, such goods shall be forfeited, and may be destroyed or otherwise disposed of as the Commissioners of Customs may direct.

Prohibitions and restrictions.

#### A TABLE OF PROHIBITIONS AND RESTRICTIONS INWARDS.

##### *Goods prohibited to be imported.*

Books wherein the copyright shall be first subsisting, first composed, or written or printed, in the United Kingdom, and printed or reprinted in any other country, as to which the proprietor of such copyright or his agent shall have given to the Commissioners of Customs a notice in writing, duly declared, that such copyright subsists, such notice also stating when such copyright will expire.

Table of prohibitions and restrictions.

Coin, viz., false money or counterfeit sterling.

Coin, silver, of the realm, or any money purporting to be such, not being of the established standard in weight or fineness.

Extracts, essences, or other concentrations of malt (except sugar, or extract of malt for medicinal purposes only, and fermented liquors specified in the Customs Tariff made from malt), coffee, chicory, tea, or tobacco, or any admixture of the same, except in transit, or to be warehoused for exportation only.

Indecent or obscene prints, paintings, photographs, books, cards, lithographic or other engravings, or any other indecent or obscene articles.

Snuff work.

Tobacco stalks, whether manufactured or not.

Tobacco stalk flour.

Articles of foreign manufacture, and any packages of such articles bearing any names, gbrand, or mark being or purporting to be the name, brand, or mark of manufacturers resident in the United Kingdom, or any name, brand, or mark which



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states or implies that such articles were manufactured at any place in the United Kingdom.

Any name, brand, or mark which states or implies that any such articles were manufactured at a town or place having the same name as a place in the United Kingdom, shall, unless accompanied by the name of the country in which such place is situate, be deemed for the purposes of this section to state or imply that such articles were manufactured, at a place in the United Kingdom.

Clocks and watches, or any other article of metal impressed with any mark or stamp representing or in imitation of any legal British assay, mark, or stamp, or purporting by any mark or appearance to be of the manufacture of the United Kingdom.

Infected cattle, sheep, or other animals, or the carcasses thereof, and hides, skins, horns, hoofs, or any other part of cattle or other animals, which the Privy Council may, by order, prohibit in order to prevent the dissemination of any contagious distemper.

Spirits (not being cordials, or perfumed or medicinal spirits) unless in ships of forty tons burden at least, and in casks or other vessels capable of containing liquids, each of such casks or other vessels being of the size or content of twenty gallons at the least, and duly reported, or unless in glass or stone bottles, properly packed in cases, and forming part of the cargo of the importing ship and duly reported.

Tobacco, cigars, cigarillos or cigarettes, and snuff, unless into ports approved by the Commissioners of Customs for the importation and warehousing thereof, nor unless in ships of not less than one hundred and twenty tons burden, nor unless in whole and complete packages each containing not less than eighty pounds net weight of tobacco or cigars or snuff, or eighty pounds net weight of cigarillos or cigarettes including the papers forming the covering of each cigarillo or cigarette.

Tobacco, sweetened (whether manufactured or unmanufactured), except as otherwise specially provided for by this or any other Act relating to the Customs.

Wine, except into such ports as may be approved for the importation thereof by the Commissioners of Customs.

Arms, &c.  
may be pro-  
hibited.

**43.** The importation of arms, ammunition, gunpowder, or any other goods may be prohibited by proclamation or Order in Council.



44. The Commissioners of Customs shall cause to be made, and to be publicly exposed at the Custom Houses in the several ports in the United Kingdom, lists of all books wherein the copyright shall be subsisting, and as to which the proprietor of such copyright, or his agent, shall have given notice in writing to the said Commissioners that such copyright exists, stating in such notice when such copyright expires, accompanied by a declaration made and subscribed before a collector of Customs or a justice of the peace, that the contents of such notice are true.

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Lists of prohibited books to be exposed at Custom Houses.

45. If any person shall have cause to complain of the insertion of any book in such lists, it shall be lawful for any judge at chambers, on the application of the person so complaining, to issue a summons, calling upon the person upon whose notice such book shall have been so inserted to appear before any such judge, at a time to be appointed in such summons, to show cause why such book shall not be expunged from such lists, and any such judge shall at the time so appointed proceed to hear and determine upon the matter of such summons, and make his order thereon in writing; and upon service of such order, or a certified copy thereof, upon the Commissioners of Customs or their secretary for the time being, the said Commissioners shall expunge such book from the list, or retain the same therein, according to the tenor of such order; and in case such book shall be expunged from such lists, the importation thereof shall not be deemed to be prohibited. If at the time appointed in any such summons the person so summoned shall not appear before such judge, then upon proof by affidavit that such summons, or a true copy thereof, has been personally served upon the person so summoned, or sent to him by post to or left at his last known place of abode or business, any such judge may proceed ex parte to hear and determine the matter; but if either party be dissatisfied with such order, he may apply to a superior court to review such decision and to make such further order thereon as the court may see fit: Provided always, that nothing herein contained shall affect any proceeding at law or in equity which any party aggrieved by reason of the insertion of any book pursuant to any such notice, or the removal of any book from such list pursuant to any such order, or by reason of any false declaration under this Act, might or would otherwise have against any party giving such notice, or obtaining such order, or making such false declaration.

Persons complaining of prohibition of books in copyright lists may appeal to a judge in chambers.

Nothing to prevent persons aggrieved from proceeding at law, &amp;c.



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## IMPORTATION AND WAREHOUSING.

Vessels arriving to come quickly to place of unloading, and bring to at the stations for boarding officers.

Accommodation of officers on board.

Penalty 20*l*.

Officers to board ships.

To have free access to all parts.

May seal or secure goods and open locks.

Goods concealed, forfeited.

If seal, &c. broken, master to forfeit 100*l*.

Officers may put seals upon stores inwards.

If such seals be broken, or the stores secretly conveyed away, master to forfeit 20*l*.

46. If any ship arriving at any port or place in the United Kingdom or the Channel Islands shall not come as quickly up to the proper place of mooring or unloading as the nature of the port or place will admit, without touching at any other place, and in proceeding to such proper place shall not bring to at the stations appointed by the Commissioners of Customs for the boarding of ships, or if after arrival at such place such ship shall remove therefrom, except directly to some other proper place of mooring or unloading, and with the knowledge of the proper officer of the Customs, or if the master of any ship on board of which any officer is stationed neglect or refuse to provide every such officer sufficient room and accommodation under the deck for his bed or hammock, the master of such ship shall forfeit the sum of twenty pounds.

47. The proper officers of the Customs may board any ship arriving at any port in the United Kingdom or the Channel Islands, and stay on board until all the goods laden therein shall be duly delivered therefrom, or until her departure, and shall have free access to every part thereof, with power to fasten down hatchways or entrances to the hold, and to mark any goods before landing, and to lock up, seal, mark, or otherwise secure any goods on board such ship; and if any place or any box or chest be locked, and the keys be withheld, any examining or superior officer may open any such place, box, or chest in the best manner in his power; and if any goods be found concealed on board any such ship they shall be forfeited; and if the officers shall place any lock, mark, or seal upon any goods on board, or on any place or package in which the same may be, and such lock, mark, or seal be wilfully opened, altered, or broken before due delivery of such goods, or if any of such goods be secretly conveyed away, or if the hatchways or entrances to the hold, after having been fastened down by the officer, be opened, the master of such ship shall forfeit the sum of one hundred pounds; and if the proper officer of the Customs shall place any lock, mark, or seal upon any stores or upon any place or package in which the same may be on board any ship or vessel arriving in the United Kingdom, and such lock, mark, or seal be wilfully opened, altered, or broken, or if any such stores be secretly conveyed away, either while the ship remains in the port at which she shall have so arrived, or at any other port in the United Kingdom to which she may then be about to proceed, the master of such ship shall forfeit the sum of twenty pounds.



48. No goods, except diamonds, bullion, lobsters, and fresh fish of British taking and imported in British ships, which may be landed without report or entry, shall be unshipped from any ship arriving from parts beyond the seas, or be landed or put on shore, on Sundays or holidays, except by special permission of the Commissioners of Customs, nor shall they be so unshipped, landed, or put on shore on any other days, except between the hours of eight o'clock in the morning and four o'clock in the afternoon from the first day of March until the first day of November, and between the hours of nine o'clock in the morning and four o'clock in the afternoon from the first day of November until the first day of March, or during such other hours as may be appointed by the Commissioners of Customs; nor shall any goods be unshipped or landed unless in the presence or with the authority of the proper officer of the Customs; nor shall any goods entered to be warehoused or liable to any duties of Customs or Inland Revenue be so landed except at some legal quay, wharf, or other place duly appointed for the landing or unshipping of goods; nor shall any such goods, after having been unshipped or put into any boat or craft to be landed, be transhipped or removed into any other boat or craft previously to their being landed, without the permission of the proper officer of the Customs; and if any such goods shall be unshipped, landed, transhipped, or removed contrary hereto, the same shall be forfeited; and if any goods shall be unshipped or removed from any importing ship for the purpose of being landed after due entry thereof, such goods shall be forthwith removed to and landed at the wharf, quay, or other place at which the same are intended to be landed; and if such goods are not so removed and landed the same shall be forfeited, together with the barge, lighter, boat, or other vessel employed in removing the same.

49. If the importer, owner, or consignee of any bullion or coin, not being small parcels forming part of the baggage of passengers imported into Great Britain or Ireland, shall not, within ten days after the landing thereof, deliver to the collector or other proper officer of Customs a full and true account thereof, including its weight and value, he shall forfeit a sum of twenty pounds.

*As to report of cargo.*

50. The master of every ship, whether laden or in ballast, shall, within twenty-four hours after arrival from parts beyond the seas at any port in the United Kingdom, make due report of such ship to the collector or other proper officer in the form No. 1 in

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Time and place of landing goods inwards.

Goods unshipped contrary to regulations, forfeited.

Goods not forthwith removed and landed, forfeited.

Account of bullion or coin to be delivered to the officers of Customs.

*Report of cargo.*

Master to report within 24 hours after arrival, according to Form No. 1. in Schedule B.



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ING.

Schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct; and such report, except where otherwise specially allowed or provided for by their order or at ports where goods may be landed into transit sheds, shall be made before bulk be broken.

On failure,  
master to  
forfeit 100*l*.  
Goods not  
reported may  
be detained.

51. If such master shall fail to make due report, or if the particulars or any of them contained in such report be false, he shall forfeit the sum of one hundred pounds; and all goods not duly reported may be detained by any officer of Customs until so reported or the omission explained to the satisfaction of the Commissioners of Customs, and may in the meantime be removed to the Queen's warehouse.

Commis-  
sioned ships,  
British or  
foreign,  
having goods  
on board,  
persons in  
charge to  
deliver an  
account or  
forfeit 100*l*.

52. The captain or other officer having the charge of any ship (having commission from Her Majesty or from any foreign state), having on board any goods laden in parts beyond the seas, shall, on arrival at any port in the United Kingdom, and before any part of such goods be taken out of such ship, or when called upon so to do by any officer of the Customs, deliver an account in writing under his hand to the best of his knowledge of the quality and quantity of every package or parcel of such goods, and of the marks and numbers thereon, and of the names of the respective shippers and consignees of the same, and shall make and subscribe a declaration at the foot of such account declaring to the truth thereof, and shall also truly answer to the collector or other proper officer such questions concerning such goods as shall be required of him, and on failure thereof such captain or other officer shall forfeit the sum of one hundred pounds; and all such ships shall be liable to such searches as merchant ships are liable to, and the officers of the Customs may freely enter and go on board all such ships, and bring from thence on shore into the Queen's warehouse any goods found on board any such ship as aforesaid, subject nevertheless to such regulations in respect to ships of war belonging to Her Majesty as shall from time to time be directed in that respect by the Commissioners of Her Majesty's Treasury.

Such ships  
liable to  
search.

Master to  
answer ques-  
tions.

53. The master of every ship arriving from parts beyond the seas shall at the time of making report answer all such questions relating to the ship, cargo, crew, and voyage as shall be put to him by the collector or other proper officer; and if he refuses to answer or does not answer truly, or if after the arrival within four leagues of the coast of the United Kingdom bulk shall be broken, or any alteration made in the stowage of the cargo of such ship so as to

Bulk not to  
be broken or  
stowage  
altered.



facilitate the unloading of any part of such cargo before report of such ship and cargo, or if any part be staved, destroyed, or thrown overboard, or any package be opened, unless cause be shown to the satisfaction of the Commissioners of Customs, in every such case the master shall forfeit the sum of one hundred pounds.

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Penalty 100l.

54. If the contents of any package intended for exportation in the same ship shall be reported by the master as being unknown to him, the officers of the Customs may open and examine such package on board such ship, or bring the same to the Queen's warehouse for that purpose; and if there be found therein any goods which are prohibited to be imported such goods shall be forfeited, unless the Commissioners of Customs shall permit them to be exported.

Packages reported "Contents unknown" may be opened and examined.

Prohibited goods forfeited.

*As to the entry of dutiable goods for home use.*

*Entry for home use.*

55. The importer of any goods liable to duties of Customs and intended to be delivered for home use on the landing thereof from the importing ship, or his agent, shall before unshipment thereof make perfect entry of such goods by delivering to the collector or other proper officer an entry thereof in the form No. 2 in Schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct.

Particulars of entry according to Form No. 2 in Schedule B.

56. The importer of any goods or his agent shall immediately upon the entry thereof by him for home use pay down any duties which may be payable thereon to the collector or other proper officer appointed to receive the same; and the entry, when signed by such collector or officer, shall be the warrant for the landing and delivery of such goods, and shall be transmitted to the proper officer of Customs for that purpose.

Payment of duties.

Warrant for delivery.

*As to the entry of goods intended to be warehoused without payment of duty on first entry thereof.*

*Entry for warehousing.*

57. The importer of any goods intended to be warehoused without payment of duty on the first entry thereof, or his agent, shall deliver to the collector or other officer authorised to receive the same a bill of entry in the form No. 3 in Schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct; and such bill of entry, when signed by such collector or officer, shall be transmitted to the proper officer of

Particulars of entry according to Form No. 3. in Schedule B.

Warrant for warehousing.



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[CH. 36.]

Customs Laws Consolidation.

[39 &amp; 40 VICT.]

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ING.Entry for  
home con-  
sumption.

Customs, and be the warrant for the due warehousing of such goods; and upon the entry of any warehoused goods for home consumption form No. 2 may be used, with the addition of the date of warehousing.

*Entry by  
bill of  
sight, &c.*

*As to the entry of goods landed for examination by bill of sight and perfecting entry thereof.*

Entry by  
bill of sight  
when goods  
not known.

**58.** The importer of any goods, or his agent, if unable for want of full information to make a perfect entry of such goods, on making and subscribing a declaration to that effect before the collector or other proper officer, may make an entry by bill of sight for the packages or parcels of such goods in the form No. 4 in Schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct.

Form No. 4.

Warrant for  
landing.

Before de-  
livery, im-  
porter to  
make perfect  
entry.

**59.** Such entry being delivered to the collector or other proper officer, and signed by him, shall be the warrant for provisionally landing such goods to be examined by such importer in presence of the proper officers; and the importer shall, within three days or such further time as the Commissioners of Customs shall see fit after the landing thereof and before the same shall be delivered, make full and perfect entry thereof by endorsing upon such bill of sight such particulars of such goods as are herein required on making perfect entry of goods, whether for payment of duty, or for warehousing, or for delivery free of duty, as the case may be, and to such endorsement he shall affix the date thereof, together with his signature and place of abode; and such endorsement, when countersigned by the collector or other proper officer, shall be taken as the perfect entry for such goods.

Goods en-  
tered by bill  
of sight not  
to be de-  
livered unless  
duty is paid  
or deposited.

**60.** Where an entry for the landing and examination of goods for delivery on payment of duty shall be made by bill of sight, such goods shall not be delivered until perfect entry thereof shall have been made and the duties due thereon paid, unless the importer or his agent shall have deposited with the proper officer of the Customs a sum of money sufficient in amount to cover the duties payable thereon; and if the sum deposited on a bill of sight shall not be equal in amount to the duties payable upon all the goods contained in any single package landed or examined thereby, no part shall be delivered until a perfect entry is made and the duties paid or deposited for the whole of the goods contained in such package.



61. If full and perfect entry of any goods landed by bill of sight as aforesaid be not made within three days after the landing thereof, or within such further time as the Commissioners of Customs may see fit, such goods shall be taken to the Queen's warehouse by the officers of the Customs; and if the importer shall not within one month after such landing make perfect entry of such goods, and pay the duties thereon or on such parts thereof as can be entered for home use, together with the charges of removal and of warehouse rent, such goods shall be sold for the payment of such duties and charges (or for exportation if they be such as cannot be entered for home use or shall not be worth the duties), and the overplus, if any, after payment of such duties and charges, or the charges if sold for exportation, shall be paid to the importer or proprietor thereof: Provided always, that if any entry at any time made as and for a full and perfect entry for goods provisionally landed by bill of sight or deposited in the Queen's warehouse as aforesaid shall not be made in manner herein required for the due landing of the goods, the same shall be deemed to be goods landed without entry.

62. If after any goods shall have been duly entered and landed to be warehoused, though not actually deposited in the warehouse, the importer shall further duly enter the same or any part thereof for home use or exportation, the same may be delivered and taken for home use or exportation, as the case may be.

*As to the entry of British goods brought back.*

63. All British goods brought back into the United Kingdom, being of such a kind or description as, if foreign, would be liable to any duty of Customs on importation, shall be deemed to be foreign, and liable to the same duties, rules, regulations, and restrictions as foreign goods of the like kind or description, unless the same shall be brought back within five years from the time of the exportation thereof, and it shall be proved to the satisfaction of the Commissioners of Customs that they are British goods returned, in which case the same may be entered by bill of store, containing such particulars and in such manner and form as the said Commissioners may direct, and be delivered free of duty: Provided always, that all goods brought into the United Kingdom for which any drawback of Excise or Customs might have been received on exportation shall be deemed and treated as foreign, unless admitted to entry by special permission of the Commissioners of Customs, and on repayment of such drawback; and all foreign goods on re-importation into the United Kingdom, whether they shall have paid duty

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Goods to be taken to Queen's warehouse in default of perfect entry and sold in default of such entry within one month after landing.

Entry not valid unless in manner required by law.

Goods entered for warehouse may upon further entry be delivered for home use or exportation.

*Entry of British goods returned.*

British goods returned to be deemed foreign.



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on their first importation or not, shall be liable to the same duties, rules, regulations, and restrictions as if then imported for the first time; provided also, that if any British goods brought into the United Kingdom bear the name, brand, or mark of any British manufacturer, the same shall, either by bill of store or by and with the consent in writing of the proprietor of such name, brand, or mark, or his legal representative, or on proof to the satisfaction of the Commissioners of Customs, by declaration of the importer that such goods are of British manufacture, be admitted to entry as British.

*Entry of  
free goods.*Particulars  
of entry  
according to  
Form No. 5.  
in Schedule  
B.Warrant for  
delivery.Account of  
free goods.*As to the entry of goods free of duty.*

**64.** The importer of any goods not subject to duties of Customs, or his agent, shall deliver to the collector or other proper officer an entry of such goods in the form No. 5 in Schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct; and such entry, when signed by the collector or other proper officer, shall be transmitted to the examining officer, and be his warrant for the delivery of the goods mentioned therein, and if such entry shall be incorrect in any particular, the importer or his agent shall within fourteen days after the landing of the goods deliver to the proper officer of Customs a full and accurate account thereof.

*Entries  
generally.*Bill of entry  
to be in  
duplicate.*As to entries of goods in any of the foregoing cases.*

**65.** Upon the entry of any goods, the importer, his agent, or the consignee of the ship, as the case may be, shall deliver two or more duplicates of the entry thereof, as the case may require, in which duplicates all sums and numbers may be expressed in figures; and the number of duplicates shall be such as the collector or other proper officer may require; and the importer or his agent shall produce to such officer, if required by him, the invoice, bills of lading, and other documents relating to the goods.

Goods con-  
cealed in  
packages or  
delivered  
without en-  
try, forfeited.Passengers  
baggage.

**66.** If any goods or other things shall be found concealed in any way or packed in any package or parcel to deceive the officers, such package or parcel, and all the contents thereof, shall be forfeited; and if any goods be taken or delivered out of any ship or out of any warehouse, not having been duly entered, the same shall be forfeited: Provided always, that no entry shall be required in respect of the baggage of passengers, which may be examined, landed, and delivered under such regulations as the Commissioners of Customs may direct, but if any prohibited or uncustomed goods shall be found concealed therein, either before or



after landing, the same shall be forfeited, together with everything packed therewith.

**67.** If any person shall import, or cause to be imported, goods of one denomination concealed in packages of goods of any other denomination, or any package containing goods not corresponding with the entry thereof, or shall directly or indirectly import or cause to be imported or entered any package of goods as of one denomination which shall afterwards be discovered, either before or after delivery thereof, to contain other goods or goods subject to a higher rate or other amount of duty than those of the denomination by which such package or the goods in such package were entered, such package, and the goods therein, shall be forfeited, and such person shall forfeit for every such offence a penalty of one hundred pounds, or treble the value of the goods contained in such package, at the election of the Commissioners of Customs.

Penalty on fraudulent import entries and concealments.

**68.** The proper officer may permit surplus stores, not being merchandise, nor by him deemed excessive, to be entered for private use under and subject to the same duties, rules, and regulations as the like sort of goods would be subject to on importation as merchandise, or permit any surplus stores to be entered and warehoused for future use as ship's stores, although the same could not be legally imported by way of merchandise.

Surplus stores not excessive may be entered for private use or warehouse.

**69.** Whenever any person shall make application to any officer of the Customs to transact any business on behalf of any other person, such officer may require of the person so applying to produce a written authority from the person on whose behalf such application shall be made, and in default of the production of such authority refuse to transact such business.

Agent to produce authority, if required.

**70.** The officers of Customs may on the entry of any goods, or at any time afterwards, take samples of such goods for examination, or for ascertaining the duties payable on such goods, or for such other purpose as the Commissioners of Customs may deem necessary, and such samples shall be disposed of and accounted for in such manner as the Commissioners of Customs may direct.

Officers may take samples.

**71.** No entry or warrant for the landing of any goods shall be deemed valid unless made in accordance with the provisions of the Customs Acts.

No entry, &c. valid unless in accordance with Acts.

**72.** Every importer, agent, or other person entering any goods who shall fail to comply with the foregoing regulations, so far as they are respectively applicable to the goods entered by him, shall

Importer or agent failing to comply with regulations to forfeit 20%.



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forfeit a sum not exceeding twenty pounds, and such goods shall be liable to forfeiture.

*Entry, time  
for.*

*As to the time within which goods shall be entered and landed  
after the arrival of the importing ship.*

Goods not  
entered with-  
in fourteen  
days may be  
conveyed to  
Queen's  
warehouse.

Small pack-  
ages or quan-  
tities of goods  
may be de-  
posited in  
Queen's  
warehouse.

If duties and  
charges on  
such goods  
be not paid  
within three  
months, the  
goods may  
be sold.

Lien for  
freight pay-  
able before  
delivery of  
goods from  
Queen's  
warehouse.

Combusti-  
bles not to  
be deposited  
in Queen's  
warehouse.

**73.** If the importer of any goods shall not, within fourteen days (exclusive of Sundays and holidays) after the arrival of the ship importing the same, make perfect entry or entry by bill of sight of such goods, or if, having made such entry, he shall not land such goods within such fourteen days or within such further period as the Commissioners of Customs shall direct, the officers of the Customs may convey such goods to the Queen's warehouse; and whenever the cargo of any ship shall have been discharged within such fourteen days with the exception of only a small quantity of goods, the officers of the Customs may forthwith deposit such remaining goods in the Queen's warehouse; and also at any time after the arrival of such ship may deposit any small packages or parcels of goods therefrom in the Queen's warehouse, there to remain for due entry during the remainder of such fourteen days, except as herein-after mentioned; and if any goods so deposited in the Queen's warehouse being of a perishable nature shall not be cleared forthwith, or not being of a perishable nature shall not be cleared within three months after such deposit, or within such further period as the Commissioners may direct, and all charges of removal, freight, and warehouse rent be not paid, such goods may be sold, and the produce thereof paid in discharge of duties, freight, and charges, and the overplus, if any, to the proprietor of the goods on his application for the same; and in case such goods cannot be sold for a sufficient sum to pay the duties and charges, if ordered for sale for home consumption, or the charges if for exportation, the same may, by direction of the Commissioners of Customs, be destroyed; and any officer of Customs having the custody of any goods which shall have come to his hands under the Customs Acts, may refuse delivery thereof from the Queen's warehouse or other place of deposit until proof be given to his satisfaction that the freight due upon such goods has been paid: Provided that if the importing ship and goods be liable to the performance of quarantine the time for entry and landing of such goods shall be computed from the time at which such ship and goods shall have been released from quarantine.

**74.** No goods of a combustible or inflammable nature shall be brought into or deposited in the Queen's warehouse unless with the



sanction of the Commissioners of Customs; and if any such goods shall be landed by the officers of Customs under the provisions of the Customs Acts, the same may be deposited in any other available place that such officers may deem fit, and whilst so deposited the same shall be deemed to be in the Queen's warehouse, and be liable to be dealt with, at the expiration of fourteen days, in the same manner as goods of a perishable nature actually deposited in the Queen's warehouse, unless duly cleared or warehoused in some approved warehouse in the meantime; and such goods shall be chargeable with such expenses for securing, watching, and guarding the same until sold, cleared, or warehoused as aforesaid, as the Commissioners shall see fit, and neither the said Commissioners nor their officers shall be liable to make good any damage which such goods may sustain by reason or during the time of their being so deposited and dealt with as aforesaid.

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IMPORTATION AND  
WAREHOUSING.

75. Whenever any goods shall remain on board any importing ship beyond the period of fourteen days after the arrival of such ship, or beyond such further period as the Commissioners of Customs may allow, such ship shall be detained by the proper officer of Customs until all expenses of watching or guarding such goods beyond such fourteen days, or such further time, if any, allowed as aforesaid, not exceeding five shillings per diem, and of removing the goods, or any of them, to the Queen's warehouse, in case the officers shall so remove them, be paid, and the like charge per diem shall be made in respect of any derelict or other ship coming, driven, or brought into the United Kingdom under legal process, by stress of weather, or for safety, when it is necessary to station any officer of Customs in charge, either on board thereof or otherwise, for the protection of the revenue, so long as the officer shall so remain.

If goods remain on board importing ship beyond fourteen days, such ship may be detained for expenses.

*As to the unshipping, landing, examination, warehousing, and custody of goods.*

*Unshipping, landing, and examination.*

76. The unshipping, carrying, and landing of all goods, and bringing them to the proper place for examination and weighing, putting them into the scales, opening, unpacking, repacking, bulking, sorting, lotting, marking, and numbering, where such operations respectively are necessary or permitted, and removing to and placing them in the proper place of deposit until duly delivered, shall be performed by or at the expense of the importer.

Unshipping, carrying, landing, weighing, &c., and depositing of goods, to be done at the expense of the importer.

77. Upon the entry and landing of any goods to be warehoused, or within such period as the Commissioners of Customs shall direct

Proper officer of Customs to take ac-



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IMPORTA-  
TION AND  
WAREHOUS-  
ING.count of  
goods for  
warehouse.  
Contents of  
packages to  
be marked  
thereon, and  
entered in  
landingbook.

with respect to the same or any of them, the proper officer of Customs shall take a particular account of such goods at the quay or wharf at which they shall be so landed, or in the warehouse of the port of arrival, if they be goods of which the account is permitted to be taken in the warehouse, or in the warehouse of any other port to which they may be consigned and allowed to be removed by the authority of the Lords Commissioners of the Treasury or the Commissioners of Customs, and shall cause to be marked on each package of which such account shall be taken the contents thereof, and shall enter in a book prepared for that purpose, containing the name of the import ship and of the person in whose name they are entered, the marks, numbers, and contents of each such package, the description of the goods, and the warehouse or place in the warehouse in which the same shall be deposited, and when the same shall have been so deposited with the authority of such officer he shall certify that the entry and warehousing of such goods is complete, and such goods shall from that time be considered goods duly warehoused; and if any such goods shall be delivered, withheld, or removed from the proper place of examination before the same shall have been examined and certified by such officer, such goods shall be deemed to be goods not duly entered or warehoused, and shall be forfeited.

Goods to be  
entered and  
duties ascer-  
tained and  
paid accord-  
ing to land-  
ing account.

78. The account of the goods so taken as aforesaid shall be the account upon which the duties payable upon such goods shall be ascertained when the same shall ultimately come to be delivered upon due entry for that purpose, and the same shall be entered and the full duties due thereon be paid according to the quantity taken in such account, without any abatement for any deficiency, except as herein-after provided.

Warehoused  
goods to be  
deposited in  
original  
packages or  
those of  
which ac-  
count is  
taken.Goods al-  
tered or re-  
moved with-  
out sanction  
of officers,  
forfeited.

79. All goods warehoused shall be deposited in the packages in which the same shall have been imported, except such goods as are permitted to be skipped on the quay, or bulked, sorted, lotted, packed, or repacked in the warehouse after the landing thereof, in which case they shall be deposited in the packages in which the same shall be when the account thereof is taken by the proper officer; and if such goods are not so deposited, or if any alteration shall afterwards be made in the goods or packages so deposited, or in the packing thereof in the warehouse, or in the marks and numbers of such packages, or if the same shall be removed from the room in the warehouse in which the same are deposited, without the presence and sanction of the proper officers, except for



delivery under the proper warrant, order, or authority for that purpose such goods and packages shall be forfeited.

**80.** The Commissioners of Customs may direct what goods may be skipped on the quay, or be bulked, sorted, lotted, packed, or repacked, and determine in respect of what goods the account may be taken in any warehouse approved by them for that purpose, and within what time after the landing thereof, and on such conditions as they may deem necessary.

**81.** If the occupier of any warehouse shall neglect to stow the goods warehoused therein so that easy access may be had to every package and parcel thereof, he shall for every such neglect forfeit the sum of five pounds.

**82.** If the occupier of any warehouse shall not produce to any officer of Customs on his request any goods deposited in such warehouse which shall not have been duly cleared and delivered therefrom, such occupier shall for every such neglect forfeit the sum of five pounds in respect of every package or parcel not so produced, besides the duties due thereon.

**83.** If any goods entered to be warehoused shall not be duly warehoused in pursuance of such entry, or being duly warehoused shall be in any way concealed in or removed from the warehouse, or abstracted from any package, or transferred from one package to another, or otherwise, for the purpose of illegal mixing, removal, or concealment, they shall be forfeited.

**84.** If any person shall clandestinely open any warehouse, or, except in the presence of the proper officer of Customs acting in the execution of his duty, gain access to the goods therein, he shall for every such offence forfeit the sum of one hundred pounds.

**85.** If any goods shall be taken out of any warehouse without due entry, the occupier of such warehouse shall forthwith pay the duties due upon such goods; and every person taking out any goods from any warehouse without payment of duty, or who shall aid, assist, or be concerned therein, and every person who shall destroy or embezzle any goods duly warehoused, shall be deemed guilty of a misdemeanor, and shall, upon conviction, suffer the punishment by law inflicted in cases of misdemeanor; but if such person shall be an officer of Customs or Excise not acting in the due execution of his duty and shall be prosecuted to conviction by the importer, consignee, or proprietor of such goods, no duty shall be payable for or in respect of such goods, and the damage occa-

IMPORTA-  
TION AND  
WAREHOUS-  
ING.

Commission-  
ers to direct  
what goods  
may be  
bulked, sor-  
ted, packed,  
&c.

Warehouse  
keeper neg-  
lecting to  
stow goods  
properly to  
forfeit 5*l*.

Warehouse  
keeper neg-  
lecting to  
produce  
goods de-  
posited when  
required to  
forfeit 5*l*.

Goods not  
duly ware-  
housed, or  
fraudulently  
concealed or  
removed,  
forfeited.

Persons  
clandestinely  
opening  
warehouse,  
&c. to forfeit  
100*l*.

Who liable  
for goods  
taken out of  
warehouse  
without  
entry.  
Taking goods  
out of ware-  
house, &c. to  
be deemed a  
misdemeanor.

Importer or  
consignee, if  
defrauded by  
officers, to be  
indemnified.



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## IMPORTATION AND WAREHOUSING.

If goods be damaged by fire, &c. the importer not entitled to compensation.

Commissioners of Customs may remit duties on warehoused goods lost or destroyed.

sioned by such destruction or embezzlement shall, with the sanction of the Commissioners of the Treasury, be repaid or made good to such importer, consignee, or proprietor by the Commissioners of Customs.

**86.** No compensation shall be made by the Commissioners of Customs to any importer, proprietor, or consignee of any goods by reason of any damage occasioned thereto in the warehouse by fire or other inevitable accident.

**87.** If any goods warehoused or entered to be warehoused, or entered to be delivered from the warehouse, shall be lost or destroyed by unavoidable accident, either on ship board or in removing, landing, or receiving into the warehouse, or in the warehouse, the Commissioners of Customs may remit or return the duties due or paid thereon.

*Removal.**As to the removal of warehoused goods.*

Goods may be removed from one warehousing port to another, or from one warehouse to another in the same port. Regulations for removal.

**88.** Any goods warehoused at any port in the United Kingdom may be removed by sea or by inland carriage to any other port in which the like kind of goods may be warehoused to be re-warehoused at such other port, and again as often as may be required at any other such port to be there re-warehoused, or, with the permission of the proper officers of Customs, from any warehouse in any port to any other warehouse in the same port, under such regulations and with such security as the Commissioners of Customs may direct, on the delivery to the proper officer by the person requiring such removal of a request note, stating the particulars of the goods required to be removed, the name of the port, or of the warehouse if in the same port, to which the same are intended to be removed, and with such other information and in such manner and form as the Commissioners of Customs or the proper officer may direct or require.

Officers at port of removal to transmit account of goods to officers at port of destination.

Remover to give bond in the amount of duty.

Bond may be given either

**89.** On the delivery of any goods for removal, an account, containing the particulars thereof, shall be transmitted by the proper officer of the port of removal to the proper officer of the port or place of destination, and the person requiring the removal thereof shall enter into bond, with one sufficient surety, in a sum equal at least to the duty chargeable on such goods, for the due arrival and re-warehousing thereof at the port or place of destination within such time as the Commissioners of Customs may direct, such bond to be taken by the collector or other proper officer, either of the port or place of removal or the port or place of destination,



as shall best suit the residence or convenience of the parties interested in such removal; and if such bond shall have been given at the intended port or place of destination, a certificate thereof, under the hand of the collector or other proper officer of such port, shall, at the time of the entering of such goods, be produced to the collector or other proper officer of the port of removal; and such bond shall not be discharged unless such goods shall have been produced to the proper officer and duly re-warehoused at the port of destination, or unless the full duties of Customs shall have been paid thereon within forty-eight hours after the arrival thereof, but in no case later than the time allowed for such removal, or shall have been otherwise accounted for to the satisfaction of the Commissioners of Customs, nor until the full duties due upon any deficiency of such goods not so accounted for shall have been paid; but any remover may enter into general bond, with such sureties, in such amount, and under such conditions as the Commissioners of Customs may approve, for the removal from time to time of any goods from one warehouse to another, and for the due arrival and re-warehousing of the same at the place of destination, within such time or times as the said Commissioners may direct.

**90.** Upon the arrival of such goods at the port or place of destination, the same shall be entered and warehoused in the same manner, and under and subject to the same laws, rules, and regulations, so far as the same are or can be made applicable, as are required on the entry and warehousing of goods on the first importation thereof.

**91.** If upon the arrival of goods so removed as aforesaid at the port of destination the parties shall be desirous forthwith to export the same, or to pay duty thereon for home use, without actually lodging the same in the warehouse for which they have been entered and examined to be re-warehoused, the officers of Customs at such port may permit the same to be entered and delivered for home use upon payment of the duties due thereon, or, after all the formalities of entering and examining such goods for re-warehousing have been duly performed, to be entered and shipped for exportation, as if such goods had been actually lodged in such warehouse; and all goods so exported, or for which the duties have been so paid, shall be deemed to have been duly cleared from the warehouse.

**92.** All warehoused goods shall be cleared either for home use or exportation at the expiration of five years from the day on which the same were so warehoused, or within such further period and

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IMPORTATION AND WAREHOUSING.

at port of removal or port of destination.

Bond how to be discharged.

General removal bond may be given.

Goods, on arrival at the port of destination, to be subject to same regulations as goods on first importation.

On arrival of goods at port of destination they may, after formal re-warehousing, be entered for exportation or for home use on payment of duties.

Warehoused goods, if not cleared for home use or



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## IMPORTATION AND WAREHOUSING.

exportation within five years, must be re-warehoused.

Duties on deficiencies and expense of examination to be paid down.

in such cases as the Commissioners of the Treasury shall direct, unless the owner or proprietor of such goods shall be desirous of re-warehousing the same, in which case the same shall be examined by the proper officers, and the duties due upon any deficiency or difference between the quantity ascertained on landing and the quantity found to exist on such examination, together with the necessary expense attendant thereon, shall, subject to such allowances as are by law permitted in respect thereof, be paid down, and the quantity so found shall be re-warehoused in the name of the then owner or proprietor thereof in the same manner as on first importation; provided that if the owner or proprietor shall, with the concurrence of the warehouse keeper, desire to warehouse the same according to the account taken at the landing thereof, without re-examination, such re-examination may be dispensed with, the officers being satisfied that the same are still in the warehouse and that there is no reason to suspect that there is any undue deficiency; but the warehouse keeper shall be liable to make good the duty on any deficiency not allowed by law which may be discovered in the goods at the time of delivery thereof.

Goods in warehouse not cleared or re-warehoused, or duties paid on deficiencies after five years, to be sold.

Proceeds of sale how to be applied.

Goods not worth the duty may be exported or destroyed.

**93.** If any warehoused goods shall not be duly cleared, exported, or re-warehoused, and the duties ascertained to be due on the deficiencies as aforesaid shall not be paid down at the expiration of five years from the previous entry and warehousing thereof, or within such further period as shall be directed as aforesaid, the same shall, after one month's notice to the warehouse keeper, with all convenient speed be sold by public auction, either for home use, if worth the duty due thereon, or for exportation, with or without the consent of the warehouse keeper, and the proceeds thereof shall be applied to the payment of the duties, warehouse rent, and charges, and the surplus, if any, shall be paid to the owner or proprietor of such goods, if known, but if such owner or proprietor cannot be found, such surplus shall be carried to the Crown's account, to abide the claim of such owner or proprietor on his appearing and making good his claim thereto; and if such goods on being so offered for sale shall not be sold, then the same, after such one month's notice as aforesaid, may be destroyed, with or without the concurrence of the owner thereof or the proprietor of the warehouse in which the same were so warehoused, if the Commissioners of Customs shall see fit; and the duties due upon any deficiency in any warehoused goods not allowed by law shall be forthwith paid by the proprietor of the warehouse.



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94. Tobacco abandoned by the importer or proprietor as not worth the duty shall be destroyed within such time and in such manner as the Commissioners of Customs may direct, at the cost and charges of such importer or proprietor.

Tobacco abandoned as not worth the duty to be destroyed.  
Goods in warehouse may be sorted, re-packed, &c.

95. With the sanction of the Commissioners of Customs, and after such notice given by the respective importers or proprietors, and at such times and under such regulations and restrictions as the Commissioners of Customs shall from time to time require and direct, it shall be lawful in the warehouse to sort, separate, pack, and repack any goods, and to make such alterations therein as may be necessary for the preservation, sale, shipment, or disposal thereof, provided that such goods be repacked in the packages in which they were imported, or in such other packages as the Commissioners shall permit (not being less in any case, if the goods be to be exported or to be removed to another warehouse, than is required by law on the importation of such goods); and also to draw off British spirits into bottles for home consumption, or wine or spirits into reputed quart or pint bottles, or bottles or flasks of such smaller size as the Commissioners of Customs may see fit, for exportation only; and to draw off and mix with any wine spirits, not being British flavoured or compounded spirits, and not exceeding the proportion of ten gallons of spirits to one hundred gallons of wine, provided that if the wine so mixed be thereby raised to a greater degree of strength than forty per cent. of such proof spirit, such wine shall not be admitted for home consumption; but wine in bond may be fortified to a greater degree of strength for exportation only, if it appear to the said Commissioners to be necessary for its preservation; and also to fill up any casks of wine or spirits from any other casks of the same respectively secured in the same warehouse; and also to rack off any wine from the lees, and mix any wines of the same sort, erasing from the cask all import brands, unless the whole of the wine so mixed be of the same brand; and also to take such samples of goods as may be allowed by the Commissioners of Customs, with or without entry, and with or without payment of duty, except as the same may eventually become payable as on a deficiency of the original quantity; and after such goods have been so separated and repacked in proper or approved packages, the Commissioners of Customs may, at the request of the importer or proprietor of such goods, cause or permit any refuse, damage, or surplus goods occasioned by such separation or repacking, or, at the like request, any goods which may not be worth the duty, to be destroyed, and may remit the duty payable thereon.

To be re-packed in the original or other legal sized packages.  
Wine or spirits may be bottled for exportation only, and wine may be fortified, filled up, or racked off.

Wines may be mixed, and samples taken.

After re-packing, damaged parts may be destroyed.



## IMPORTATION AND WAREHOUSING.

Goods in warehouses may be taken out under certain regulations and with security for duties.

*Entry for home consumption and exportation.*

Entry for exportation or home use.

Persons entering warehoused goods for home use to deliver bill of entry and pay down duties.

Duties to be paid according to landing account, except in certain cases.

Duties on certain goods to be chargeable on ascertained quantity on delivery, unless deficiency has been caused by improper means.

Deficiencies in goods entered for exportation not to be charged with duty unless fraudulent.

**96.** The Commissioners of Customs may permit any goods to be taken out of the warehouse without payment of duty for such purpose and for such period as to them may appear expedient, and in such quantities, and under such regulations and restrictions, and with such security by bond for the due return thereof or the payment of the duties due thereon, as they may direct or require.

*As to the entry of warehoused goods for home consumption and exportation, and the delivery thereof.*

**97.** No warehoused goods shall be taken or delivered from the warehouse, except upon due entry and under the care of the proper officers, for exportation, or upon due entry and payment of the full duties payable thereon for home use, except goods duly delivered to be shipped as stores, in such quantities as the collector or other proper officer shall allow, and subject to such directions and regulations as the Commissioners of Customs may see fit.

**98.** Upon the entry of any goods to be cleared from the warehouse for home use, the person entering such goods shall deliver a bill of entry, and duplicates thereof, in like manner and form, containing the same particulars as are herein-before required on the entry of goods to be delivered for home use on the landing thereof, as far as the same may be applicable, and shall at the same time pay down to the proper officer of the Customs the full duties payable thereon, not being less in amount than according to the account of the quantity taken by the proper officer on the first entry and landing thereof, except as to the following goods, viz., tobacco, wine, spirits, figs, currants, and raisins, the duties whereon, when cleared from the warehouse for home use, shall be chargeable upon the quantity of such goods, ascertained by weight, measure, or strength at the time of actual delivery thereof, unless there is reasonable ground to suppose that any portion of the deficiency or difference between the weight, measure, or strength ascertained on landing and first examination of any such last-mentioned goods and that ascertained at the time of actual delivery has been caused by illegal or improper means, in which case the proper officer of Customs shall make such allowance only for loss as he may consider fairly to have arisen from natural evaporation or other legitimate cause.

**99.** No duty shall be charged in respect of any deficiency in goods entered and cleared from the warehouse for exportation unless the officers of Customs have reasonable ground to suppose that such deficiency, or any part thereof, has arisen from illegal abstraction.



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AS TO THE EXPORTATION, ENTRY, AND CLEARANCE OF SHIPS TO  
PARTS BEYOND THE SEAS.

EXPORTATION.

**100.** No person shall export any warehoused goods, or goods liable to duties of Customs transhipped, or goods entitled to drawback on exportation, nor shall enter any such goods for exportation from the United Kingdom to parts beyond the seas, in any ship of less burden than forty tons.

Warehoused goods not to be exported in ship of less than forty tons burden.

**101.** The master of every ship in which any goods are to be exported from the United Kingdom to parts beyond the seas, or his agent, shall, before any goods be taken on board, except as is hereafter provided, deliver to the collector a certificate from the proper officer of the due clearance inwards or coastwise of such ship of her last voyage, and shall also deliver therewith an entry outwards of such ship, verified by his signature in the form No. 6 in Schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form or manner as the Commissioners of Customs may direct; and if such ship shall have commenced her lading at some other port, the master shall deliver to the proper officer the clearance of such goods from such other port; and if any goods be taken on board any ship at any port before she shall have entered outwards at such port (unless a stiffening order, when necessary, shall be issued by the proper officer to lade any heavy goods for exportation on board such ship), the master shall forfeit the sum of one hundred pounds; provided that, on the arrival at any port in the United Kingdom of any ship about to deliver her cargo at more than one port in the United Kingdom, it shall be lawful, subject to such regulations as the Commissioners of Customs may deem necessary, to allow the entry outwards of such ship, and to permit the shipment of goods, other than spirits or tobacco, for exportation in such ship to the foreign destination for which such ship shall be entered outwards, before the whole of the goods imported in such ship shall have been discharged therefrom, the complete separation of such goods from the inward cargo being effected to the satisfaction of the collector or other proper officer of the port: Provided also, that on any ship commencing to load goods for exportation to parts beyond the seas not having on board any drawback or other goods liable to duties of customs or excise, and about to proceed to any other port in the United Kingdom to complete her loading, it shall be lawful, subject to such regulations as the Commissioners of Customs may deem necessary, to permit such ship, notwithstanding any provisions to the contrary, to convey goods not entitled to drawback or liable to duties of customs or excise from the port at which such ship shall

Master of vessels outwards to deliver certificate of clearance of last voyage, and to make entry outwards.

Form No. 6.

Penalty 100*l*.  
Shipment of goods for exportation.



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EXPORTA-  
TION.

commence loading to any other port or ports in the United Kingdom for delivery there, the complete separation of such goods from the cargo to be exported to be effected to the satisfaction of the collector or other proper officer at the port of shipment.

Goods not to be shipped except on proper days and places, nor until entry and clearance.

**102.** No warehoused or drawback goods shall be shipped, put off, or water-borne to be shipped for exportation from any port or place in the United Kingdom on Sundays or public holidays, except by special permission of the Commissioners of Customs, nor from any place not being a legal quay, wharf, or other place duly appointed for such purpose, nor without the presence or authority of the proper officer of Customs, nor before due entry outwards of such ship and due entry of such goods, nor before due clearance thereof for shipment; and any such goods shipped, put off, or water-borne to be shipped contrary hereto shall be forfeited; and it shall be lawful for such officers to open and examine all goods shipped or brought for shipment at any place in the United Kingdom, and the opening for that purpose of packages containing such goods, and the weighing, repacking, landing (when water-borne), and the shipping thereof shall be done by or at the expense of the exporter.

Officers may open packages and examine goods.

British and Irish spirits in nine-gallon casks.

**103.** If any British or Irish spirits shall be exported from Great Britain or Ireland to parts beyond the seas, or be removed to the Isle of Man, or be brought to Great Britain or Ireland, or to any wharf, quay, or other place, or water-borne for that purpose, in casks containing less than nine gallons each of such spirits, the same shall be liable to forfeiture.

*As to the entry and clearance of goods for exportation.*

On entry outwards, bond for due shipping and landing shall be given.

**104.** Before any warehoused goods, British-wrought plate, or goods entitled to any drawback of Customs on exportation, or exportable only under particular rules, regulations, or restrictions, shall be permitted to be exported, the exporter or his agent shall deliver to the collector or other proper officer a bond note or account of such goods, and give such security by bond as the Commissioners of Customs shall require, that such goods shall be duly shipped and exported, and shall be landed at the place for which they are entered outwards, within such time as the Commissioners may deem reasonable, or be otherwise accounted for to their satisfaction; and such bond note, when certified by the proper officer, shall be the export entry for the goods enumerated therein, provided that any person desirous of exporting any such goods may, at his option, but subject to such regulations as the Commissioners of Customs may direct, give a general bond, with such security, in such amount, and under such conditions as the said

General bond for exportation may be given.



Commissioners may require, in lieu of separate bond for each exportation, first delivering in each case to the proper officer a notice, in such form as the said Commissioners shall prescribe, containing an account of the particular goods to be exported by him under such general bond in any particular ship; but no such notice, if it relate to goods other than spirits, shall be received and acted upon unless there be attached thereto an adhesive stamp equal in amount or value to the duty which would be payable under any Act relating to stamp duties upon a separate bond, if given for the exportation of the goods contained in such notice.

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## EXPORTATION.

Notice in each case to be given.  
Stamp duty on notice equivalent to duty on separate bond.

**105.** Before any goods upon which any drawback of Customs on exportation shall be claimed shall be shipped or water-borne to be shipped for exportation, the exporter or his agent shall deliver to the proper officer of Customs a shipping bill, with claim and declaration at the foot thereof, in the form No. 7 in Schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct.

Exporter to deliver shipping bill according to Form No. 7. in Schedule B.

**106.** If any goods upon which any drawback shall be claimed or allowed be shipped or brought to any quay, wharf, or other place to be shipped for exportation, shall, on examination by the proper officers of Customs, be found not to agree with the entry in the shipping bill or other proper document for allowance of drawback on shipment, or shall be found to be of less value for home use than the amount of the drawback claimed, all such goods, and the package containing the same, with all other the contents therein, shall be forfeited; and the person entering such goods, and claiming the drawback thereon, shall in any and every such case forfeit one hundred pounds, or treble the amount of the drawback claimed, at the election of the Commissioners of Customs.

Drawback goods not agreeing with shipping bill forfeited

Penalty for claiming more drawback than is due.

**107.** No drawback of excise shall be allowed upon any goods cleared for exportation, unless the person intending to claim such drawback shall have given due notice to the officer of excise, and shall have produced to the proper officer of Customs, at the time of clearing such goods, a proper document under the hand of the officer of excise, containing the description of such goods; and if such goods be found to correspond with the particulars of the goods contained in such document, and be duly shipped and exported, the proper officer of Customs shall, if required, certify such shipment upon such document, and shall transmit the same to the officer of excise.

Inland revenue drawback.

Notice to officer.

Shipment to be certified.

**108.** No drawback shall be allowed on any tobacco not wholly manufactured from tobacco on which duty on importation shall

No drawback on tobacco not properly



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EXPORTA-  
TION.  
manufac-  
tured, and  
penalty for  
fraudulent  
attempts to  
obtain draw-  
backs.

Provisions as  
to exporta-  
tion appli-  
cable to tran-  
shipment and  
drawback  
goods.

Specifica-  
tions for free  
goods six  
days after  
clearance.

Forms Nos.  
8 and 9.

Except as  
to salmon.

Master or  
owner to  
deliver mani-  
fest of goods  
shipped.

have been paid, nor on any tobacco mixed with dirt, rubbish, or other substance, except as provided by the Manufactured Tobacco Act, 1863; and every person who shall enter or ship, or cause to be entered or shipped, any tobacco contrary hereto, shall, over and above all other penalties which he may thereby incur, forfeit treble the amount of the drawback sought to be obtained, or two hundred pounds, at the election of the Commissioners of Customs, and all such tobacco and other substances shall be forfeited.

**109.** The provisions of the Customs Acts with reference to the exportation of warehoused goods, so far as they are applicable, shall be deemed to apply to and include goods liable to duties of Customs transhipped, and goods exported on drawback.

**110.** The exporter of goods for which no bond is required shall (except as herein-after provided), within six days after the final clearance outwards of the exporting ship, or within such other period as the Commissioners of Customs may direct, either by himself or his agent, deliver to the proper officer of Customs at the port of shipment a specification in the form No. 8 or No. 9 in Schedule B. to this Act, according to the nature of the goods, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct, and shall subscribe the declaration at the foot thereof, and on the demand of the proper officer of Customs shall produce the invoice bills of lading and other documents relating to the goods to test the accuracy of such specification; and on failure to comply with any of the foregoing requirements, the exporter or agent shall for every such offence forfeit five pounds: Provided always, that no salmon shall be shipped to be exported without previous entry thereof and due compliance with the provisions of the Salmon Fishery Acts for the time being in relation thereto.

**111.** The master or owner of every ship in which any goods shall be exported shall, by himself or his agent, within six days after the final clearance of such ship, deliver to the proper officer of Customs a certificate, if the ship be a steamer trading to a foreign port, of the quantity of coals or fuel shipped for use on the voyage, and a manifest of all the goods shipped, containing the marks and numbers and the number and description of the packages, with the names of the consignors thereof according to the bills of lading relating thereto, and shall make and subscribe a declaration that such manifest contains a true account of all the cargo of such ship, unless a specification comprising all the particulars herein-before



required to be given be delivered to the proper officer of Customs, with a like declaration that the same contains a true account of the whole cargo of the ship; and the master, owner, or agent acting herein and subscribing the declaration, on failure to comply with any of the foregoing requirements relating to the delivery and verification of any specification or manifest, or otherwise incident thereto, shall for every such offence forfeit five pounds.

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112. If any exporter of goods who shall have delivered a specification thereof for exportation in any ship shall fail, in case such goods or any of them shall not be duly shipped, to attend the proper officer of Customs, within six days after the final clearance outwards of such ship, either by himself or his agent, and correct such specification, he shall forfeit five pounds.

Goods not exported as per specifications to be notified to proper officer.

113. The shipping bill or bills, when filled up and signed by the exporter or his agent or the consignee of the ship, as the case may be, in such manner as the export officer may require, and countersigned by him, shall be the clearance for all the goods enumerated therein; and if any of such goods shall consist of transshipment goods, the exporter or his agent shall, under a penalty of forty shillings, furnish to the export officer an accurate account thereof, with the marks, numbers, and description of the packages, and the contents thereof, which, when certified by the export officer, shall accompany the ship; and if the exporter or his agent shall require a similar certificate in respect of any goods shipped for exportation the export officer shall, on its being presented to him for that purpose, certify the same.

Shipping bill signed by export officer to be the clearance for the goods.

114. If any goods cleared for drawback or from the warehouse shall be carried or water-borne to be put on board any ship for exportation by any person not at the time duly licensed and authorised to act as a licensed lighterman, either in the port of London or any other port at which lightermen are required to be so licensed, or by any person not being in the employ of such lighterman at the time duly authorised to act as such, every such person shall for every such offence forfeit the sum of twenty pounds.

Licensed lighterman to carry goods.

115. If any goods taken from the warehouse for removal or for exportation shall be removed or shipped, except with the authority or under the care of the proper officer of Customs, and in such manner, by such persons, within such time, and by such roads or ways as such officer shall permit or direct, such goods shall be forfeited; and if any such goods shall be illegally removed or carried away from any carriage, cart, boat, lighter, quay, wharf, or other

Warehoused goods removed or shipped for exportation without authority, forfeited.



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EXPORTATION.

place prior to the shipment thereof on board the exporting or removing vessel, or from any ship, cart, or carriage in or on which the same shall have been shipped or laden, the bond given in respect thereof shall be forfeited, and may forthwith be put in suit for the penalty thereof, although the time prescribed in such bond for the landing or removal and re-warehousing of such goods at the place of destination shall not have expired.

Commissioners may remit duty on warehoused goods lost or destroyed during delivery or shipment.

116. If any goods duly entered for delivery from the warehouse for removal or exportation shall be lost or destroyed by unavoidable accident, either in the delivery from the warehouse or the shipping thereof, the Commissioners of Customs may remit the duties thereon.

*As to debentures for drawback on goods exported.*

Debenture for drawback.

117. For the purpose of computing and paying any drawback claimed and payable upon any goods duly entered, shipped, and exported, a debenture shall in due time after such entry be prepared by the collector or other proper officer; certifying in the first instance the entry outwards of such goods; and so soon as the same shall have been duly exported, and a notice containing the particulars of the goods shall have been delivered by the exporter to the export officer, the shipment and exportation thereof shall be certified upon such debenture by the export officer, and the debenture shall thereupon be computed and passed with all convenient despatch.

Declaration as to exportation and right to drawback.

118. The person entitled to any drawback on any goods duly exported, or his agent authorised by him for that purpose, shall make and subscribe a declaration upon the debenture that the goods mentioned therein have been actually exported, and have not been re-landed, and are not intended to be re-landed in any part of the United Kingdom, and that such person at the time of entry and shipping was and continued to be entitled to the drawback thereon, and the name of such person shall be stated in the debenture, which shall then be delivered to such person or his agent, and the receipt of such person on the debenture, countersigned by the holder of such debenture, if the same shall have been transferred in the meantime, shall be the discharge for such drawback when paid.

Name of person entitled to be declared.

Payment within two years.

119. No debenture for any drawback allowed upon the exportation of any goods shall be paid after the expiration of two years from the date of the shipment of such goods.



**120.** If any goods which have been cleared to be exported from the warehouse or for any drawback shall be shipped or entered to be shipped on board any vessel of less burden than forty tons, or shall not be duly exported to parts beyond the seas, or if the same or any other goods which shall have been shipped for exportation shall be unshipped or re-landed in any part of the United Kingdom (such goods not having been duly re-landed or discharged as short-shipped under the care of the proper officers), or shall be carried to any of the Channel Islands (not having been duly entered, cleared, and shipped to be exported or carried directly to such islands), the same shall be forfeited, together with any ship, boat, or craft which may have been used in so unshipping, re-landing, landing, or carrying such goods from the ship in which the same were shipped for exportation; and the master of such ship, and any person by whom or by whose orders or means such goods shall have been so unshipped, re-landed, landed, or carried, or who shall aid, assist, or be concerned therein, shall forfeit all claim to such drawback if not received, or if received, a sum equal to the amount of such drawback or treble the value of such goods, or a penalty of one hundred pounds, at the election of the Commissioners of Customs.

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Warehouse or debenture goods not duly exported.

**121.** Wine intended for the consumption of officers of Her Majesty's Navy on board such of Her Majesty's ships in actual service as they shall serve in, not exceeding in any one year for use of such officers the quantities herein-after respectively mentioned; that is to say,

Wine allowed for officers in the navy.

	Gallons.
For every Admiral - - -	1,260
„ Vice-Admiral - - -	1,050
„ Rear-Admiral - - -	840
„ Captain of the 1st and 2nd rate	630
„ Captain of the 3rd, 4th, and 5th rate - - -	420
„ Captain of an inferior rate -	210
„ Lieutenant or other commanding officer, marine officer, master, paymaster, or surgeon - - -	105

may be taken from the warehouse without payment of duty and shipped at such ports and under such regulations as the Commissioners of Customs may direct or approve.

**122.** If any such officer shall leave the service or be removed to another ship, the officer of the Customs may permit the transfer of

On officers leaving the service, &amp;c.



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wine transferable to others.

any such wine from one officer to another, as part of his proportion, whether on board the same ship or another, or the transshipment from one ship to another for the same officer, or the re-landing and warehousing for future re-shipment; and the officers of Customs at any port may receive the duties for any of such wine, and deliver the same for home use; but if any of such wine be not laden on board the ship for which the same was intended, or be unladen from such ship without permission of the proper officer of Customs, the same shall be forfeited.

Paymasters of Her Majesty's ships may ship tobacco for crew free of duty.

**123.** The paymaster or other proper officer of any of Her Majesty's ships of war in actual service may enter and ship, at any port approved of by the Commissioners of Customs, in the proportions herein-after mentioned, any tobacco there warehoused in his name or transferred into his name for the use of the ship in which he shall serve, provided such paymaster shall deliver to the collector or other proper officer of such port a certificate from the captain of such ship, stating the name of the paymaster, and the number of men belonging to the ship, and shall also give bond, with one sufficient surety, in treble the duties payable on the tobacco, that no part thereof shall be re-landed without leave of the officers of Customs.

Paymaster removed from one ship to another may transship tobacco with permission.

**124.** If any paymaster or other proper officer shall be removed from one ship to another, the collector or other proper officer of any port may permit the transshipment of the remains of any tobacco for the use of such other ship, upon due entry thereof by such paymaster or other proper officer, setting forth the time when and the port at which such tobacco was first shipped; and if any such ship shall be paid off, the collector or other proper officer of the port may permit the remains of such tobacco to be landed, and to be entered by the paymaster or other proper officer of such ship, either for payment of duties, or to be warehoused for the term of six months for the supply of some other ship, in like manner as any tobacco may be warehoused and supplied at any port, or for payment of all duties within such six months; and all tobacco warehoused for the purpose of so supplying Her Majesty's ships of war shall be subject to the laws in force relating to the warehousing of tobacco generally, so far as the same are applicable.

Limiting the quantity of tobacco.

**125.** No greater quantity of tobacco shall be allowed to any ship of war than two pounds by the lunar month for each of the crew of such ship, nor shall any greater quantity be shipped at any one time than sufficient to serve the crew of such ship for six months after such rate of allowance; and the collector or other proper officer of the port at or from which any such tobacco shall be supplied to any such ship, or landed from any such ship, or trans-



ferred from one such ship to another, shall transmit a particular account thereof to the Commissioners of Customs, in order that a general account may be kept of all the quantities supplied to and consumed on board each of such ships under the allowances before granted.

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*As to the shipment of stores.*

126. The master of every ship of the burden of forty tons or upwards departing from any port in the United Kingdom upon a voyage to parts beyond the seas shall, upon due authority and request made by him, and upon such terms and conditions as the Commissioners of Customs may direct, receive from the export officer an order for the shipment of such stores as may be required and allowed by the collector or other proper officer for the use of such ship, with reference to the number of the crew and passengers on board and the probable duration of the voyage on which she is about to depart; and every such request shall be made in such form and manner as the collector or other proper officer shall require, and shall be signed by the master or owner of the vessel; and the master, or his agent duly authorised by him in writing for that purpose, shall deliver to the export officer the stores content, containing the particulars of such stores, and shall make out and subscribe thereon, in the presence of the proper officer, a declaration that the contents thereof are true, and that all the requirements of the Merchant Shipping Acts respecting outward-bound ships have been complied with, and also an account of the stores so shipped, together with any other stores then already on board, and the latter, when signed by the export officer and countersigned by the collector or other proper officer, shall be the victualling bill; and no stores shall be shipped for the use of any ship, nor shall any articles taken on board any ship be deemed to be stores, except such as shall be borne upon such victualling bill; and if any such stores shall be re-landed at any place in the United Kingdom (without the sanction of the proper officers of Customs), the same shall be forfeited, and the master and owner of the ship shall each be liable to a penalty of treble the value of such stores, or one hundred pounds, at the election of the Commissioners.

Victualling bill for stores.

Stores illegally re-landed forfeited, and penalty 100*l*.

*As to clearance outwards.*

127. If there be on board any ship any goods being part of the inward cargo reported for exportation in the same ship, the master shall, before clearance outwards of such ship from any port in the United Kingdom, deliver to the searcher a copy of

If inward cargo reported for exportation, copy of report thereof



A.D. 1876. the report inwards of such goods, certified by the collector or other proper officer, and if such copy be found to correspond with the goods so remaining on board, the export officer shall sign the same, to be filed with the certificates or shipping bills, if any, and victualling bill of the ship.

Before clearance, certificates to be delivered to the proper officer.

Content.

Form No. 10.

**128.** Before any ship shall be cleared outwards from the United Kingdom, the master, or other person authorised in writing by him, shall attend before the collector or other proper officer, and shall answer all such questions as shall be demanded of him by such collector or other proper officer concerning the ship, the cargo, and the voyage, and shall deliver to the collector or other proper officer a content of such ship in the form No. 10 in Schedule B. to this Act, or to the same effect, and containing the several particulars therein required as far as the same can be known by him, and shall make and subscribe the declaration at the foot thereof in the presence of the collector or other officer, unless such content shall be in any case dispensed with by the Commissioners of Customs under such regulations as they may see fit, and before clearance shall deliver the certificates, if any, to the collector or other proper officer, who shall file them, together with a copy of the report inwards, if any, of goods reported for exportation in such ship, and the victualling bill, with a label attached and sealed thereto in the form and to the effect following:

(Seal.)

#### CLEARANCE LABEL.

Number of Certificates (*Numbers in Figures*).

Ship (*Name of Ship*).

Master (*Name of Master*).

Date of Clearance \_\_\_\_\_

*Signatures of Collector or other }  
proper Officers of Customs - }* \_\_\_\_\_

Labels signed, authority to depart.

and such label, when filled up and signed by the proper officers, shall be the clearance and authority for the departure of the ship.

Additional content for goods shipped at other ports.

**129.** When any ship having been cleared at one port proceeds to take in goods at any other port, the master shall, after due shipment of such goods at such other port, deliver to the collector or other proper officer there an additional like content of the goods so shipped, and so on from port to port until final clearance outwards of the ship, and in each instance the additional certificates, if any, and other necessary documents, shall be attached to the label used at the first port of departure, and be sealed in like manner.



**130.** If any goods for the exportation of which in any ship bond shall have been given shall not be duly shipped before the departure of such ship, such goods shall be forfeited unless due notice of the non-shipment thereof shall be given to the proper officer immediately after such departure, in order that he may certify the short shipment thereof; and if such goods shall not within fourteen days after the final clearance of the ship be re-warehoused or re-entered for exportation under bond in some other ship, the person entering the same shall forfeit the sum of five pounds; and if any goods shall be unshipped without the sanction of the proper officer of Customs in any part of the United Kingdom from any ship entered outwards, such goods shall be forfeited and the master of such ship and every person concerned in such unshipment shall forfeit one hundred pounds, or treble the value of the goods so unshipped or landed.

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Short shipment of goods to be notified to proper officer.

Goods unshipped.

Penalty.

**131.** If any goods for which entry before shipment is required shall be shipped, put off, or water-borne to be shipped, without being duly cleared, or otherwise contrary to the provisions of this or any other Act relating to the Customs, the same shall be liable to forfeiture.

Goods shipped contrary to provisions forfeited.

**132.** If any ship having on board any goods shipped as cargo or any goods reported inwards for exportation in such ship, or any stores liable to duty or entitled to drawback, shall depart from any port without being duly cleared, the master shall forfeit the sum of one hundred pounds.

Penalty on departing without being cleared.

**133.** If any ship shall depart in ballast from the United Kingdom for parts beyond the seas, not having any goods on board except stores borne upon the victualling bill, nor any goods reported inwards for exportation in such ship, the collector or other proper officer may, on the application of the master, clear such ship in ballast; but the master of such ship shall answer to the collector or other proper officer such questions touching her departure and destination as shall be demanded of him; and ships having only passengers with their baggage on board, and ships laden only with chalk or slate, shall be deemed to be in ballast, and if any ship having any such stores on board or any goods for exportation in the same ship, shall depart without being duly cleared, the master shall forfeit one hundred pounds.

In ballast.

Master to answer questions. Ships carrying passengers, chalk, or slate in ballast.

*As to boarding and departure of ships after clearance.*

**134.** Any officer of Customs may go on board any ship after clearance outwards within the limits of any port in the United

Boarding of ships.

Officer may board ship after clearance.



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EXPORTATION.

Kingdom, or within one league of the coast thereof, and may demand the ship's clearance, and if the master shall refuse to produce the same and answer such questions concerning the ship, cargo, and intended voyage as may be demanded of him, he shall forfeit the sum of five pounds.

If officers put seals upon stores from the warehouse outwards, and such seals be broken, master to forfeit 20*l*.

**135.** If any officer of Customs shall place any lock, mark, or seal upon any stores or goods taken from the warehouse without payment of duty as stores on board any ship or vessel departing from any port in the United Kingdom, and such lock, mark, or seal be wilfully opened, altered, or broken, or if such stores be secretly conveyed away, either while such ship or vessel remains at her first port of departure, or at any port or place in the United Kingdom, or on her passage from one such port or place to another before the final departure of such ship or vessel on her foreign voyage, the master shall forfeit the sum of twenty pounds.

Ships not bringing to at stations, penalty 20*l*.

**136.** If any ship departing from any port in the United Kingdom shall not bring to at such stations as shall be appointed by the Commissioners of Customs for the landing of officers from such ships, or for further examination previous to such departure, the master of such ship shall forfeit the sum of twenty pounds; and if any ship shall depart from any port with any Customs or other Government officer on board, without the consent of such officer, the master shall forfeit one hundred pounds.

Carrying away officers, penalty 100*l*.

Time of exportation and departure defined.

**137.** The time at which any goods, unless prohibited as herein-after mentioned, shall be shipped on board any export ship shall be deemed to be the time of exportation of such goods, and the time of the last clearance of any ship shall be deemed to be the time of departure of such ship, except as to any goods prohibited to be exported as contraband of war, with reference to which the exportation shall be deemed to be the actual time of the ship's departure on her outward voyage.

Goods prohibited by proclamation.

**138.** The following goods may, by proclamation or Order in Council, be prohibited either to be exported or carried coastwise: arms, ammunition, and gunpowder, military and naval stores, and any articles which Her Majesty shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions, or any sort of victual which may be used as food for man, and if any goods so prohibited shall be exported or brought to any quay or other place to be shipped for exportation from the United Kingdom or carried coastwise, or be water-borne to be so exported or carried, they shall be forfeited.



**139.** The Commissioners of Customs may, by order under their hands, require due entry and clearance before shipment, and in such manner as they may direct, of any goods intended for exportation or carriage coastwise, on being satisfied that the public interests render such course expedient, and if upon such entry the goods shall not be found to correspond with the particulars contained therein, they may be detained until the cause be explained to the satisfaction of the Commissioners of Customs, who may thereupon restore the same on such terms as they may see fit; and any exporter and shipper of any cask or package, containing any explosives as defined by "The Explosives Act, 1875," or by any Order in Council made pursuant thereto, shall duly enter the same before shipment thereof, and in the entry outwards or coastwise thereof shall correctly describe such explosive according to such definition; and if he shall fail or neglect to make such entry, or if the same be false in any particular, he shall forfeit the sum of one hundred pounds, and such cask or package, and the contents thereof, shall also be forfeited.

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## EXPORTATION.

In case of public emergency, &c., pre-entry of export or coastwise goods may be required.

## AS TO COASTING TRADE.

**140.** All trade by sea from any one part of the United Kingdom to any other part thereof shall be deemed to be a coasting trade, and all ships while employed therein shall be deemed to be coasting ships, and no part of the United Kingdom, however situated with regard to any other part, shall be deemed in law, with reference to each other, to be parts beyond the seas; and if any doubt shall at any time arise as to what or to or from what parts of the coast of the United Kingdom shall be deemed a passage by sea, the Commissioners of the Treasury may determine and direct in what cases the trade by water from one port or place in the United Kingdom to another of the same shall or shall not be deemed a trade by sea within the meaning of this or any Act relating to the Customs.

## COASTING TRADE.

All trade by sea from part of the United Kingdom to another to be deemed coastwise, and no part to be deemed beyond the sea.

**141.** Every foreign ship proceeding either with cargo or passengers or in ballast on any voyage from one part of the United Kingdom to another, or from the Islands of Guernsey, Jersey, Alderney, Sark, or Man to the United Kingdom, or from the United Kingdom to any of the said islands, or from any of the said islands to any other of them, or from any part of any of the said islands to any other part of the same, shall be subject, as to stores for the use of the crew and in all other respects, to the same laws, rules, and regulations to which British ships when so employed are now subject; but no such foreign ship nor any goods carried therein shall, during the time she is so employed, be subject to any

Foreignships in coasting trade subject to same rules as British ships.

Foreignships employed in the coasting



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COASTING  
TRADE.trade not to  
be subject  
to higher  
rates than  
British ships.

higher or other rate of dock, pier, harbour, light, pilotage, tonnage, or other dues, duties, tolls, rates, or other charges whatsoever, or to any other rules as to the employment of pilots, or any other rules or restrictions whatsoever, than British ships employed in like manner or goods carried therein, any law, charter, special privilege, or grant to the contrary notwithstanding; nor shall any body corporate or person having or claiming any right or title to any such higher or other rates, dues, duties, tolls, or other charges as aforesaid be entitled to any compensation in respect thereof under any law or statute relating thereto, or otherwise howsoever.

Coasting  
ship confined  
to coasting  
voyage.

**142.** No goods shall be carried in any coasting ship, except such as shall be laden to be carried coastwise at some port or place in the United Kingdom, and no goods shall be laden on board any ship to be carried coastwise until all goods brought in such ship from parts beyond the seas shall have been unladen, and if any goods shall be taken into or put out of any coasting ship at sea or over the sea, or if any coasting ship shall touch at any place over the sea, or deviate from her voyage, unless forced by unavoidable circumstances, or if the master of any coasting ship which shall have touched at any place over the sea shall not declare the same in writing under his hand to the collector or other proper officer at the port in the United Kingdom where such ship shall afterwards first arrive, the master of such ship shall forfeit the sum of one hundred pounds.

Times and  
places for  
landing and  
shipping.

**143.** If any goods shall be unshipped from any ship arriving coastwise, or be shipped or water-borne to be shipped to be carried coastwise, on Sundays or holidays, or unless in the presence or with the authority of the proper officer of the Customs, or unless at such times and places as shall be appointed or approved by him for that purpose, the same shall be forfeited, and the master of the ship shall forfeit the sum of fifty pounds.

Master of  
coasting ves-  
sel to keep a  
cargo-book.

**144.** The master of every coasting ship shall keep or cause to be kept a cargo-book, stating the names of the ship, the master, and the port to which she belongs, and of the port to which she is bound on each voyage, and shall at every port of lading enter in such book the name of such port, and an account of all goods there taken on board such ship, stating the descriptions of the packages and the quantities and descriptions of the goods therein, and the quantities and descriptions of any goods stowed loose, and the names of the respective shippers and consignees, so far as such particulars are known to him, and shall at every port of discharge of such goods note the respective days on which the same or any of them are delivered out of such ship, and the respective times of



departure from every port of lading and of arrival at every port of discharge; and such master shall, on demand, produce such book for the inspection of any officer of Customs, who shall be at liberty to make any note or remark therein; and if upon examination any package entered in the cargo-book as containing foreign goods shall be found not to contain such goods, such package, with its contents, shall be forfeited, or if any package shall be found to contain foreign goods not entered in such book, such goods shall be forfeited; and if such master shall fail correctly to keep such cargo-book, or to produce the same, or if at any time there be found on board such ship any goods not entered in such book as laden, or any goods noted as delivered, or if any goods entered as laden or any goods not noted as delivered be not on board, the master of such ship shall forfeit the sum of twenty pounds.

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COASTING  
TRADE.Penalty for  
false entries  
in such book.

**145.** Before any coasting ship shall depart from her port or place of lading, an account, with a duplicate thereof, in the form No. 11 in Schedule B. to this Act, and containing the several particulars indicated in or required thereby, and signed by the master, shall be delivered to the collector or other proper officer, who shall retain the duplicate, and return the original, dated and signed by him; and such account shall be the clearance of the ship for the voyage, and the transire or pass for the goods expressed therein; and if the master shall fail to deliver a correct account he shall forfeit a sum of twenty pounds; provided that the Commissioners of the Customs may, when deemed by them expedient, permit general transires to be given, under such regulations as they may direct, for the lading and clearance and for the entry and unloading of any coasting ship and goods, but the same may be revoked by notice in writing under the hand of the proper officer delivered to the master or owner of any ship or any of the crew on board.

Account  
previous to  
departure to  
be delivered  
to collector  
in the Form  
No. 11. in  
Schedule B.Commis-  
sioners may  
grant general  
transires.

**146.** Within twenty-four hours after the arrival of any coasting ship at the port or place of discharge, and before any goods be unladen, the transire, with the name of the place or wharf where the lading is to be discharged noted thereon, shall be delivered to the collector or other proper officer, who shall note thereon the date of delivery; and if any of the goods on board such ship be subject to any duty of excise, the same shall not be unladen without the authority or permission of the proper officer of excise; and if any goods on board any coasting ship arriving in Great Britain or Ireland from the Isle of Man shall be the growth or produce of that isle, or manufactures of that isle from materials the growth or

Transire to  
be delivered  
in 24 hours  
after arrival.Inland Re-  
venue goods.Goods from  
the Isle of  
Man.



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COASTING  
TRADE.

Penalty for  
illegal un-  
loading.  
Forfeiture of  
goods.

Officer may  
go on board  
and examine  
any coasting  
ship.

Goods  
brought  
coastwise  
may be en-  
tered out-  
wards with-  
out landing.

BRITISH  
POSSESSIONS.  
Powers of  
Commis-  
sioners of  
Customs as  
to colonies  
extended to  
governors,  
&c.

produce thereof, or from materials not subject to duty in Great Britain or Ireland, or from materials upon which the duty shall have been paid and not drawn back in Great Britain or Ireland, the same shall not be unladen until a certificate be produced to the collector or other proper officer from the collector or other proper officer at the port or place of shipment, that proof had there been made in manner required by law that such goods were of such growth, produce, or manufacture, as the case may be; and if any goods shall be unladen contrary hereto, the master shall forfeit the sum of twenty pounds; and if any goods shall be laden on board any ship and carried coastwise, or be brought to any port or place in the United Kingdom for that purpose, or having been brought coastwise shall be unladen in any such port or place contrary to the Customs Acts, such goods shall be forfeited.

147. Any collector or other proper officer of Customs may go on board any coasting ship in any port or place in the United Kingdom, or at any period of her voyage, search such ship, and examine all goods on board, and all goods then lading or unlading, and demand all documents which ought to be on board such ship, and may require all or any such documents to be brought to him for inspection, and the master of any ship refusing to produce such documents on demand, or to bring the same to the collector or other proper officer when required, shall forfeit the sum of twenty pounds.

148. If the master of any ship bringing any goods not liable to duty coastwise from one port of the United Kingdom to another shall desire to proceed with such goods or any of them to parts beyond the seas, he may, subject to such regulations as the Commissioners of Customs may see fit, enter such ship and goods outwards for the intended voyage without first landing the same.

AS TO THE CHANNEL ISLANDS AND OTHER POSSESSIONS.

149. The powers and authorities vested in the Commissioners of Customs with regard to any act or thing relating to the Customs, or to trade or navigation in any of the British possessions abroad, shall continue to be vested in the governor, lieutenant-governor, or other person administering the government in any such possession, and every act required by any law to be done by or with any particular officer or at any particular place, if done by or with any such officer or at any place appointed or nominated by such governor, lieutenant-governor, or other person so administering



such government, shall be deemed to have been done by or with such particular officer or at such particular place, as the case may be, and as required by law; and all commissions, deputations, and appointments granted to any officers of Customs in force at the commencement of this Act shall have the same force and effect to all intents and purposes as if the same had been granted or made in the first instance by such governor, lieutenant-governor, or person so administering the government of any such possession; and all bonds or other securities which shall have been given by or for any such officers and their respective sureties for good conduct or otherwise shall remain in force, and shall and may be enforced and put in suit at the instance of or by directions of any such governor, lieutenant-governor, or person administering the government of any such possession.

A.D. 1876.

BRITISH  
POSSESSIONS.

**150.** Base or counterfeit coin is hereby absolutely prohibited to be imported or brought, either by sea or inland carriage or navigation, into the British possessions in America and the Mauritius.

Base coin prohibited to be imported into British possessions.

**151.** The Customs Acts shall extend to and be of full force and effect in the several British possessions abroad, except where otherwise expressly provided for by the said Acts, or limited by express reference to the United Kingdom or the Channel Islands, and except also as to any such possession as shall by local Act or ordinance have provided, or may hereafter, with the sanction and approbation of Her Majesty and her successors, make entire provision for the management and regulation of the Customs of any such possession, or make in like manner express provisions in lieu or variation of any of the clauses of the said Act for the purposes of such possession.

Customs Acts to extend to British possessions abroad, except where otherwise provided for.

**152.** Any books wherein the copyright shall be subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, shall be and are hereby absolutely prohibited to be imported into the British possessions abroad: Provided always, that no such books shall be prohibited to be imported as aforesaid unless the proprietor of such copyright, or his agent, shall have given notice in writing to the Commissioners of Customs that such copyright subsists, and in such notice shall have stated when the copyright will expire; and the said Commissioners shall cause to be made and transmitted to the several ports in the British possessions abroad, from time to time to be publicly exposed there, lists of books respecting which such notice shall have been duly given, and all books imported contrary thereto shall be forfeited; but nothing herein contained shall be taken to prevent Her Majesty

Foreign reprints of books under copyright prohibited.



A.D. 1876. from exercising the powers vested in her by the tenth and eleventh  
 ————  
 BRITISH Victoria, chapter ninety-five, intituled "An Act to amend the law  
 POSSESSIONS. "relating to the protection in the colonies of works entitled to  
 "copyright in the United Kingdom," to suspend in certain cases  
 such prohibition.

Foreign manufactures with British marks. **153.** If any articles of foreign manufacture, and any packages of such articles, bearing any names, brands, or marks being or purporting to be the names, brands, or marks of manufacturers resident in the United Kingdom, shall be imported into any of the British possessions abroad, the same shall be forfeited.

Ship and cargo to be reported on arrival. Particulars of report. **154.** The master of every ship arriving in the Channel Islands, whether laden or in ballast, shall come directly, and before bulk be broken, to the Custom House for the port or district where he arrives, and there make a report in writing to the proper officer of Customs, in the same form and manner as herein-before provided on the arrival of any ship in Great Britain or Ireland from parts beyond the seas, so far as the same may be applicable; and if any goods be unladen from any ship before such report be made, or if the master fail to make such report, or make an untrue report, or do not truly answer the questions demanded of him, he shall forfeit the sum of fifty pounds, and if any goods be not reported such goods shall be forfeited.

Entry of goods to be laden or unladen. Regulations inwards and outwards. **155.** No goods shall be laden or water-borne to be laden on board any ship, or unladen from any ship, in the Channel Islands, until due entry shall have been made of such goods and warrant granted for the lading or unlading of the same; and no goods shall be so laden or water-borne or so unladen in the said Channel Islands except at some place at which an officer of the Customs is appointed to attend the lading and unlading of goods, or at some place for which a sufferance shall be granted by the proper officer of Customs for the lading and unlading of such goods, and in the presence or with the permission of such officer; but the Commissioners of Customs may make such regulations for the carrying coastwise of any goods, or for the removing of any goods for shipment in the said islands, as to them shall appear expedient; and all goods laden, water-borne, or unladen contrary hereto, or to any regulations to be so made, shall be forfeited.

Regulations coastwise. Forfeiture. **156.** Any goods of the growth of the Channel Islands, and any goods manufactured in the said islands from materials of the growth of the said islands, or from materials not subject to duty in Great Britain or Ireland, or from materials upon which the duty has been paid in Great Britain or Ireland, and upon which no drawback has



subsequently been granted, may be imported into Great Britain or Ireland from the said islands respectively without payment of any duty, and such goods shall not be deemed to be included in any charge of duties imposed by any Act on the importation of goods generally from parts beyond the seas, except as herein-after provided; and any person who is about to export from the Channel Islands to Great Britain or Ireland any such goods may go before a magistrate of such islands and make and sign before him a declaration that such goods, stating the quantity, quality, and description thereof, and the number and denomination of the packages containing the same, are of such growth or produce or of such manufacture, and such magistrate shall administer and sign such declaration; and thereupon the governor, lieutenant-governor, or other proper authority of the island from which the goods are to be exported shall, upon the delivery to him of such declaration, grant a certificate under his hand of the proof contained in such declaration, stating the ship in which and the port to which the goods are to be exported; and such certificate shall be the proper document to be produced at such port in proof that the goods mentioned therein are of the growth, produce, or manufacture of such island respectively, and before any such goods shall be admitted to entry at any port in Great Britain or Ireland as being the produce of the said islands (if any benefit attach to such distinction), the master of the ship importing the same shall deliver such certificate to the collector or other proper officer: Provided always, that such goods shall be charged with any proportion of such duties as shall fairly countervail any duties of excise payable on the like goods the produce or manufacture of the part of Great Britain or Ireland into which they shall be imported, or payable upon any of the materials from which such goods are manufactured; and all goods manufactured in any of the said islands from any other materials than the materials aforesaid shall be declared and taken to be foreign goods.

A.D. 1876.

BRITISH  
POSSESSIONS.  
Duty free.

Master to  
deliver cer-  
tificate of  
produce.

**157.** If in the Channel Islands any goods, the importation whereof into the United Kingdom is prohibited, or any goods in any packages or in any manner in which the same cannot be legally imported into the United Kingdom, shall be found concealed or prepared for shipment, or be shipped, removed, or brought to any wharf, quay, or other place in the said islands, or be water-borne to be shipped on board any ship without the authority of the proper officers of Customs of the said islands, such goods shall be forfeited, and any person who shall so ship, bring, or water-bear to be shipped any such goods, or be otherwise knowingly concerned therein, or in

Prohibited  
goods not to  
be shipped  
from the  
Channel  
Islands to  
the United  
Kingdom.



A.D. 1876. whose custody or possession the same shall be found, shall forfeit the sum of one hundred pounds, or treble the value of the goods, at the election of the Commissioners of Customs.

—  
BRITISH  
POSSESSIONS.

Ships not to  
sail from  
Channel  
Islands with-  
out clear-  
ance.

**158.** No ship or boat belonging wholly or in part to Her Majesty's subjects shall sail from the Channel Islands without a clearance, whether in ballast or having a cargo; and if with cargo, the master shall give bond to Her Majesty in double the value of such cargo for the due landing thereof at the port for which such ship or boat clears; and shall truly answer such questions as may be put to him by the principal or other proper officer of Customs touching such ship and her intended voyage; and every such ship or boat not having such clearance, or which, having a clearance for her cargo, shall be found light, or to have discharged any part of her cargo before arrival at the port or place of discharge specified in the clearance, shall be forfeited; and the master of every ship so departing without clearance, or refusing to answer or not answering truly any such questions, or discharging any part of the cargo of such ship before arrival at her port or place of discharge, shall forfeit the sum of fifty pounds.

Penalty.

Stores for  
vessels de-  
parting from  
the Channel  
Islands.

**159.** The Commissioners of Customs may from time to time establish regulations as to the quantities, custody, and disposal of tobacco, spirits, and tea to be used as stores by the master, crew, and passengers of any vessel about to depart from the Channel Islands to any port in the United Kingdom, or to any fishing grounds at sea, having regard to the time that will be occupied in the contemplated voyage, the tonnage of the vessel, and the number of her crew and passengers, the particulars of such stores to be noted on the clearance of the vessel; and if they or any part thereof be landed in the United Kingdom from the said vessel contrary to the regulations so established, or without the knowledge or permission of the proper officer of the Customs, they shall be forfeited, and the master of such vessel shall, on proof of any such landing or unshipment, forfeit the penalty of twenty pounds, and if any stores in excess of the quantity allowed by such regulations be found on board any ship so about to depart, they shall be forfeited.

Application  
of penalties.

**160.** All penalties and forfeitures recovered in the Channel Islands under this or any Act relating to the Customs shall be paid into the hands of the principal officer of the port or place where the same shall have been recovered, and shall be divided, paid, and applied as follows; (that is to say,) after deducting the charges and expenses incurred in respect thereof, one moiety of the net produce shall be paid to the Receiver-General of the islands, and



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the other moiety to or amongst the seizer or other persons by or through whom or whose information such seizure may have been effected, in such manner and proportion as the Commissioners of Customs may direct, except where such seizures shall have been made at sea by the commander or officer of any of Her Majesty's ships of war duly authorised to make seizures, in which case such last-mentioned moiety shall be paid to such commander or officer for distribution in the usual way; and where such seizure shall consist of tobacco or spirits, the Commissioners of Customs may allow to such seizer or other persons such further reward as they see fit, not exceeding in any case the sum of five pounds.

A.D. 1876.

BRITISH  
POSSESSIONS.Reward to  
officers for  
seizures in  
Channel  
Islands.

**161.** All laws, byelaws, usages, or customs at this time, or which hereafter shall be in practice, or endeavoured or pretended to be in force or practice, in any of the British possessions, which are in anywise contrary to the Customs Acts, are and shall be null and void.

Colonial laws  
repugnant  
to Acts of  
Parliament  
void.

**162.** No spirits (except rum or British spirits) shall be imported into or exported from the Channel Islands or any of them, or be removed from any one to any other of the said islands, or be carried coastwise from any one part to any other part of any one of the said islands, or shall be shipped in order to be so removed or carried in any ship other than of the burden of forty tons or upwards, or in any cask or other vessel capable of containing liquids not being of the size or content of twenty gallons at the least if foreign, or nine gallons at the least if British or Irish; and all spirits imported, exported, removed, carried, shipped, or water-borne to be so shipped, removed, or carried contrary hereto, shall be forfeited, together with the ship, and any boat importing, exporting, removing, or carrying the same: Provided always, that nothing herein contained shall extend to any spirits imported in any such ship in glass bottles as part of the cargo, nor to any spirits being really intended for the consumption of the seamen and passengers of such ship during their voyage and not being more in quantity than is necessary for that purpose, nor to any boat of less burden than ten tons for having on board at any one time any foreign spirits of the quantity of ten gallons or under, such boat having a license from the proper officer of Customs at either of the islands of Guernsey or Jersey for the purpose, being employed in carrying commodities for the supply of the island of Sark, which license such officer is hereby required to grant without fee or reward; but if any such boat shall have on board at any one time any greater quantity of spirits than ten gallons, unless in casks or packages of the size and content of

As to im-  
porting and  
exporting  
spirits into  
and from  
Channel  
Islands in  
ships of 40  
tons and up-  
wards.Not to ex-  
tend to  
spirits in  
glass bottles,  
stores, cer-  
tain ware-  
housed  
goods, nor  
to licensed  
boats supply-  
ing Sark.



A.D. 1876. twenty gallons at the least if foreign, or nine gallons at the least if British or Irish, such spirits and boats shall be forfeited.

BRITISH  
POSSESSIONS.  
Provision as  
to importa-  
tion of to-  
bacco, &c.  
into Channel  
Islands.

**163.** No tobacco, cigars, or snuff shall be imported into the Channel Islands, nor be carried from any one of the said islands to another of them, or from one part of any of the said islands to another part of the same, unless in ships of not less burden than forty tons, nor unless in packages each containing not less than eighty pounds net weight of such tobacco, cigars, or snuff, nor unless the provisions in and under which the like sort of goods may be legally imported into the United Kingdom are complied with; and all tobacco, cigars, or snuff imported into the said islands, or found, carried, shipped, or removed contrary hereto, or which shall be found or discovered to have been on board any ship or boat within one league of the coasts thereof, shall be forfeited, together with the ship or boat.

Malta  
deemed to be  
in Europe.

**164.** The Island of Malta and its dependencies shall be deemed to be in Europe.

BONDS AND  
OTHER  
SECURITIES.

#### AS TO BONDS AND OTHER SECURITIES.

All bonds  
and secu-  
rities entered  
into valid.

**165.** All bonds and other securities entered into by any person or persons for the performance of any condition, order, or matter relative to the Customs or incident thereto shall be valid in law, and upon breach of any of the conditions thereof may be sued and proceeded upon in the same manner as any bond expressly directed or given by or under the provisions of the Customs Acts; and all bonds relating to the Customs, or for the performance of any condition or matter incident thereto, shall be taken to or for the use of Her Majesty; and all such bonds, except such as are given for securing the due exportation of or payment of duty upon warehoused goods, may, after the expiration of three years from the date thereof, or from the time, if any, limited therein for the performance of the condition thereof, be cancelled by or by the order of the Commissioners of Customs; and all bonds given under the provisions of the Customs Acts by persons under twenty-one years of age shall be valid.

Bonds to be  
taken to the  
use of Her  
Majesty.

Bonds of  
minors valid.

How bonds  
satisfied may  
be dis-  
charged.

**166.** If any bond given under the provisions of the Customs Acts, or in respect of any matter under the control or management of the Commissioners of Customs, shall have been registered in the Court of Common Pleas in England or in the Common Pleas Division of the High Court of Justice in England, or in the office of the Registrar of Judgments in Ireland, and the condition of such bond shall have been satisfied, the Commissioners of Customs, by



certificate under the hands of any two or more of them, may authorise the proper officer of the said court or office of Registrar of Judgments, as the case may be, to enter up satisfaction on the record of such bond or obligation; and such certificate may be in the form or to the effect following:

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BONDS AND  
OTHER  
SECURITIES.

‘ This is to certify that the following bond has been satisfied and  
‘ cancelled.

Name or Names of the Obligor or Obligors.	Date of Bond.	Penalty.	Condition.	When registered.

‘ Given under our hands, this                      day of                      187 .

‘ Commissioners of Customs.

‘ To the senior master or other proper  
‘ officer of the Common Pleas Division  
‘ of the High Court of Justice (*if in*  
‘ *England*), or To the Registrar of  
‘ Judgments (*if in Ireland*), (*as the case*  
‘ *may be*).’

and upon the receipt of such certificate such officer is required to enter up satisfaction accordingly, whereupon the bond or obligation shall be discharged, and the lands thereby affected shall be released and exonerated from all claims in respect thereof.

**167.** When any bond entered into under the provisions of any of the Customs Acts, or for the performance of any condition, order, or matter incident or relative to the Customs, shall have been registered in the Court of Common Pleas in England, under the Act of the second year of the reign of Her present Majesty, chapter eleven, or in the office of the Registrar of Judgments in Ireland, under the Act of the seventh and eighth years of the reign of Her said Majesty, chapter ninety, and it shall be deemed necessary in the discretion of the Commissioners of Customs to exonerate the whole or any part of the lands of any obligor of such bond from liability in respect thereof, the Commissioners of Customs, by certificate or certificates under the hands of any two or more of them, may, first requiring the consent of any co-obligor, if they shall deem it necessary, exonerate and discharge such lands or any part thereof, as the case may require, and such certificate may be in the form or to the effect following :

Exoneration  
of estates of  
obligors.



A.D. 1876.

BONDS AND  
OTHER  
SECURITIES.  
Form of cer-  
tificate of  
exoneration.

‘ By a bond or obligation bearing date the                      day of  
 ‘                      18                      [*name of obligor seeking exoneration*], of  
 ‘                      [*residence and description of obligor*] became  
 ‘ bound to Her Majesty, her heirs and successors, in the sum of  
 ‘                      , conditioned as therein mentioned; and the said bond  
 ‘ was, on the                      day of                      18                      , duly recorded in  
 ‘ the Court of Common Pleas [*if in England, or filed in the office*  
 ‘ of the Registrar of Judgments, *if in Ireland*] in pursuance of the  
 ‘ Act [*state the Act under which the bond was registered*].

‘ This is to certify, that all the estate, lands, tenements, and here-  
 ‘ ditaments [*if the whole are to be discharged*] or [*here set out the*  
 ‘ *particular lands, tenements, and hereditaments exonerated, if*  
 ‘ *part only are to be discharged, adding the following words*] being  
 ‘ part of the estate, lands, tenements, and hereditaments of the  
 ‘ said [*name of obligor seeking exoneration*] are wholly exonerated  
 ‘ and discharged from all claims of Her Majesty, her heirs or  
 ‘ successors, or of the Commissioners of Customs on her or their  
 ‘ behalf, in respect of such bond or obligation.

‘ Given under our hands this                      day of                      18                      .  
 ‘ (Signed) \_\_\_\_\_

‘ Commissioners of Her Majesty’s Customs.’

Certificates  
to be suffi-  
cient evi-  
dence of  
exoneration.

and the lands mentioned in such certificate or certificates shall  
 thereupon be held wholly exonerated and discharged from all  
 liability in respect of such bond or obligation, and every such  
 certificate shall be accepted by all persons and in all courts as  
 sufficient evidence of the exoneration of the lands therein described.

FALSE  
DECLARA-  
TIONS.

AS TO MAKING AND SIGNING FALSE DECLARATIONS RELATING TO  
 THE CUSTOMS, FALSELY ANSWERING QUESTIONS, AND COUNTER-  
 FEITING DOCUMENTS.

Penalty on  
making false  
declarations,  
signing false  
documents,  
and untruly  
answering  
questions,  
and counter-  
feiting and  
using false  
documents.

168. If any person shall in any matter relating to the Customs  
 or under the control or management of the Commissioners of  
 Customs, make and subscribe, or cause to be made and subscribed,  
 any false declaration, or make or sign any declaration, certificate, or  
 other instrument required to be verified by signature only, the same  
 being false in any particular, or if any person shall make or sign  
 any declaration made for the consideration of the Commissioners  
 of Customs on any application presented to them, the same being  
 untrue in any particular, or if any person required by this or any  
 other Act relating to the Customs to answer questions put to him  
 by the officers of Customs shall not truly answer such questions,  
 or if any person shall counterfeit, falsify, or wilfully use when



counterfeited or falsified, any document required by this or any Act relating to the Customs or by or under the directions of the Commissioners of Customs, or any instrument used in the transaction of any business or matter relating to the Customs, or shall alter any document or instrument after the same has been officially issued, or counterfeit the seal, signature, initials, or other mark of or used by any officer of the Customs for the verification of any such document or instrument, or for the security of goods, or any other purpose in the conduct of business relating to the Customs or under the control or management of the Commissioners of Customs or their officers, every person so offending shall for every such offence forfeit the penalty of one hundred pounds.

A.D. 1876.

FALSE  
DECLARA-  
TIONS.

AS TO THE RESTRICTIONS ON SMALL CRAFT, AND THE REGULA-  
TIONS FOR THE PREVENTION OF SMUGGLING.

SMUGGLING.  
*Restrictions  
on small  
craft.*

**169.** The Commissioners of Customs may from time to time, by order under their hands, make such general regulations as they shall deem expedient in respect of vessels and boats not exceeding one hundred tons burden, for the purpose of prescribing, with reference to the tonnage, build, or description of such vessels or boats, the limits within which the same may be employed, the mode of navigation, the manner in which such vessels or boats shall be so employed, and, if armed, the number and description of arms, the quantity of ammunition, and such other terms, particulars, conditions, and restrictions as the said Commissioners may think fit, and also from time to time may revoke, alter, or vary such regulations; and the general regulations made under any former Act, and in force at the time of the passing of this Act, shall remain and continue in force until altered, varied, or revoked.

Commis-  
sioners may  
make general  
regulations  
for vessels  
and boats  
not exceed-  
ing 100 tons.

**170.** Every ship or boat which shall be used or employed in any manner contrary to the regulations prescribed by the Commissioners of Customs shall be liable to forfeiture, unless the same shall have been specially licensed by the Commissioners of Customs to be so used or employed, as next herein-after provided.

Vessels and  
boats used  
contrary to  
regulations  
forfeited.

**171.** The Commissioners of Customs may, if they shall so think fit, grant licenses in respect of any vessels or boats not exceeding one hundred tons burden, upon such terms and conditions and subject to such restrictions and stipulations as in such licenses mentioned, notwithstanding any general regulations made in pursuance of this Act, whether the said regulations shall be revoked or not; and if any vessel or boat so licensed shall not comply with the conditions imposed by or expressed in any such license, or if

Commis-  
sioners of  
Customs may  
grant special  
licenses on  
terms.



A.D. 1876. such vessel or boat shall be found without having such license on board, such vessel or boat shall be forfeited.

SMUGGLING.

Vessels made use of in removal of uncustomed or prohibited goods forfeited. **172.** If any vessel or boat shall be used in the importation, landing, removal, carriage, or conveyance of any uncustomed or prohibited goods, the same shall be forfeited, and the owner and the master of every such vessel or boat shall each forfeit and pay a penalty equal to the value of such vessel or boat, not in any case exceeding five hundred pounds.

Commissioners may revoke licenses.

**173.** The Commissioners of Customs may revoke, alter, or vary any license or licenses granted under any former Act, or which may hereafter be granted under this or any other Act relating to the Customs.

Regulations to extend to Channel Islands.

**174.** All the regulations which shall be so made by the Commissioners of Customs relating to vessels and boats, and the power to grant, revoke, or vary such licenses, shall extend to the Channel Islands.

Boats of vessel to have thereon the name of vessel, port, and master.

**175.** The owner of every ship belonging wholly or in part to any of Her Majesty's subjects shall paint or cause to be painted upon the outside of the stern of every boat belonging to such ship the name of such ship and the port or place to which she belongs, and the master's name withinside the transom, in white or yellow Roman letters, not less than two inches in length, on a black ground, on pain of the forfeiture of every such boat not so marked, wherever the same shall be found.

Boats not belonging to ships to have name of owner and port thereon.

**176.** The owner of every vessel or boat, whether decked, partially decked, or open, not being of the burden of one hundred tons, and not belonging to any ship, shall paint or cause to be painted upon the outside of the stern of such boat in white or yellow Roman letters, of not less than two inches in length, on a black ground, the name of the owner of the boat and the port or place to which she belongs, on pain of the forfeiture of such boat not so marked, wherever the same shall be found.

Goods unshipped without payment of duty and prohibited goods liable to forfeiture.

**177.** If any goods liable to the payment of duties shall be unshipped from any ship or boat in the United Kingdom (Customs or other duties not being first paid or secured), or if any prohibited goods whatsoever shall be imported or brought into any part of the United Kingdom; or if any goods shall be removed from any ship, quay, wharf, or other place, previously to the examination thereof by the proper officer of Customs, or being entered to be warehoused shall be carried into the warehouse, unless under the care or authority of such officer and in such manner and by such roads or



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ways and within such time as he shall direct; or if any goods entered to be warehoused, after the landing thereof, shall be removed or withdrawn from any quay, wharf, or other place in the United Kingdom, so that no sufficient account is taken thereof by the proper officer, or so that the same are not duly warehoused; or if any goods whatever which shall have been warehoused or otherwise secured in the United Kingdom, either for home consumption or exportation, or shall have been delivered from any warehouse or other place without payment of duty for removal to any other warehouse or place, shall be clandestinely or illegally removed from or out of any warehouse or place of security, or shall not be duly delivered at the place at which such goods were destined to be removed; or if any goods which are prohibited to be exported shall be put on board any ship or boat with intent to be laden or shipped for exportation, or shall be brought to any quay, wharf, or other place in the United Kingdom in order to be put on board any ship for the purpose of being exported; or if any goods which are prohibited to be exported shall be found in any package produced to any officer of Customs as containing goods not so prohibited; or if any goods subject to any duty or restriction in respect of importation, or which are prohibited to be imported into the United Kingdom, shall be found or discovered to have been concealed in any manner on board any ship or boat within the limits of any port of the United Kingdom, or shall be found either before or after landing to have been concealed in any manner on board any such ship or boat, within such limits as aforesaid; then and in every of the foregoing cases all such goods shall be forfeited, together with any goods which shall be found packed with or used in concealing them.

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SMUGGLING.

Goods illegally removed from warehouse.

Prohibited goods shipped or water-borne with intent to be exported, &c.

Goods concealed on board, and goods packed therewith, forfeited.

**178.** All goods the importation of which is in any way restricted, which are of a description admissible to duty, and which shall be found or seized in the United Kingdom under the Customs Acts, shall, for the purpose of proceeding for the forfeiture of them or for any penalty incurred in respect of them, be deemed and taken to be, on the trial or hearing thereof, goods liable to and unshipped without payment of duties, unless the contrary be proved.

Restricted goods to be deemed run.

**179.** If any ship or boat shall be found or discovered to have been within any port, bay, harbour, river, or creek of the United Kingdom or the Channel Islands, or within three leagues of the coast thereof if belonging wholly or in part to British subjects, or having half the persons on board subjects of Her Majesty, or within one league if not British, having false bulkheads, false bows, double sides or bottom, or any secret or disguised place adapted

Any vessel or boat arriving within the United Kingdom or the Channel Islands, or within three leagues thereof,



A.D. 1876.

SMUGGLING.  
having prohibited goods on board or attached thereto, forfeited.

Prohibited goods shipped or water-borne with intent to be exported, &c.

Persons found or discovered to have been on board vessels with contraband goods may be detained.

Ships belonging to Her Majesty's subjects, &c. throwing overboard any goods during chase forfeited, and persons escaping deemed British subjects.

for concealing goods, or any hole, tube, pipe, or device adapted for running goods, or having on board or in any manner attached thereto, or having had on board or in any manner attached thereto, or conveying or having conveyed in any manner any spirits, tobacco, or snuff, in packages of any size and character in which they are prohibited to be imported into the United Kingdom or the Channel Islands, or any spirits or tobacco or snuff imported contrary to the Customs Acts, or any tobacco stalks, tobacco stalk flour, or snuff work, or which shall be found or discovered to have been within three leagues of any part of the coast of the United Kingdom from which any part of the lading of such ship or boat shall be or have been thrown overboard, or on board which any goods shall be or have been staved or destroyed to prevent seizure, every such ship or boat, together with any such spirits, tobacco, or snuff, tobacco stalks, tobacco stalk flour, or snuff work, and all packages, casks, or other vessels containing the same, and everything packed therein, and also any cordage or other articles adapted and prepared for slinging or sinking small casks, or any casks or other vessels whatsoever of less size or content than twenty gallons of the description used for the smuggling of spirits found on board, shall be forfeited; and every person who shall be found or discovered to have been on board any ship or boat liable to forfeiture as aforesaid, within three leagues of the coast if a British subject, or within one league if a foreigner, or on board any vessel in Her Majesty's service, or on board any foreign post office packet employed in carrying mails between any foreign country and the United Kingdom having on board any spirits or tobacco in such packages as aforesaid, or any tobacco stalks, tobacco stalk flour, or snuff work, shall forfeit a sum not exceeding one hundred pounds; and every such person may be detained and taken before any justice, to be dealt with as herein-after directed; provided that no person shall be detained whilst actually on board any vessel in the service of a foreign state or country.

**180.** If any ship or boat belonging wholly or in part to Her Majesty's subjects, or having one half of the persons on board subjects of Her Majesty, shall not bring to upon signal made by any vessel or boat in Her Majesty's service or in the service of the Revenue, by hoisting the proper pendant and ensign, whereupon chase shall be given, and any person on board such ship or boat shall, during chase or before such ship or boat shall bring to, throw overboard any part of her lading, or shall stave or destroy any part thereof to prevent seizure, such ship or boat shall be forfeited; and



all persons escaping from any such ship or boat during chase shall be deemed subjects of Her Majesty, unless the contrary be proved.

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SMUGGLING.

Ships not bringing to when required to, penalty 20*l*.

**181.** If any ship or boat liable to seizure or examination under the Customs Act shall not bring to when required so to do, the master of such ship or boat shall forfeit the sum of twenty pounds; and on such ship or boat being chased by any vessel or boat in Her Majesty's navy, having the proper pendant and ensign of Her Majesty's ships hoisted, or by any vessel or boat duly employed for the prevention of smuggling, having a proper pendant and ensign hoisted, it shall be lawful for the captain, master, or other person having the charge or command of such vessel or boat in Her Majesty's navy, or employed as aforesaid (first causing a gun to be fired as a signal), to fire at or into such ship or boat, and such captain, master, or other person acting in his aid or by his direction shall be and is hereby indemnified and discharged from any indictment, penalty, action, or other proceeding for so doing.

Not bringing to, may be fired into.

**182.** Any officer of Customs or other person duly employed for the prevention of smuggling may go on board any ship or boat which shall be within the limits of any port of the United Kingdom or the Channel Islands, and rummage and search the cabin and all other parts of such ship or boat for prohibited or uncustomed goods, and remain on board such ship or boat so long as she shall continue within the limits of such port.

Ships may be searched within the limits of the ports.

**183.** If any ship or boat whatever shall be found within the limits of any port of the United Kingdom with a cargo on board, and such ship or boat shall afterwards be found light or in ballast, and the master is unable to give a due account of the port or place within the United Kingdom where such ship or boat shall have legally discharged her cargo, such ship or boat shall be forfeited.

Ships in port with a cargo, and afterwards found light or in ballast, and cargo unaccounted for, forfeited.

**184.** Any officer of Customs or other person duly employed in the prevention of smuggling may search any person on board any ship or boat within the limits of any port in the United Kingdom or the Channel Islands, or any person who shall have landed from any ship or boat, provided such officer or other person duly employed as aforesaid shall have good reason to suppose that such person is carrying or has any uncustomed or prohibited goods about his person; and if any person shall rescue, destroy, or attempt to destroy any goods to prevent seizure, or obstruct any such officer or other person duly employed as aforesaid in going, remaining, or returning from on board, or in searching such ship or boat or person, or otherwise in the execution of his duty, every such person shall forfeit a sum not exceeding one hundred pounds.

Persons may be searched if officers have reason to suspect smuggled goods are concealed upon them.



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SMUGGLING.  
Persons before search may require to be taken before a justice or officer of Customs. Penalty on officers of misconduct.

Penalty on persons denying having foreign goods about them. Illegally importing.

Unshipping.

Removing from quay, wharf, &c.

Carrying goods into warehouse without authority.

Removing from warehouse. Harboursing.

**185.** Before any person shall be searched he may require to be taken with all reasonable despatch before a justice, or before the collector or other superior officer of Customs, who shall, if he see no reasonable cause for search, discharge such person, but if otherwise, direct that he be searched, and if a female she shall not be searched by any other than a female; but if any officer shall without reasonable ground cause any person to be searched, such officer shall forfeit and pay a sum not exceeding ten pounds. If any passenger or other person on board any such ship or boat, or who may have landed from any such ship or boat, shall, upon being questioned by any officer of Customs or other person duly employed for the prevention of smuggling whether he has any foreign goods upon his person or in his possession or in his baggage, deny the same, and any such goods shall after such denial be discovered to be or to have been upon his person or in his possession or in his baggage, such goods shall be forfeited, and such person shall forfeit one hundred pounds, or treble the value of such goods, at the election of the Commissioners of Customs.

**186.** Every person who shall import or bring, or be concerned in importing or bringing into the United Kingdom any prohibited goods or any goods the importation of which is restricted, contrary to such prohibition or restriction, whether the same be unshipped or not; or shall unship, or assist or be otherwise concerned in the unshipping of any goods which are prohibited, or of any goods which are restricted and imported contrary to such restriction, or of any goods liable to duty, the duties for which have not been paid or secured; or shall deliver, remove, or withdraw from any ship, quay, wharf, or other place previous to the examination thereof by the proper officer of Customs, unless under the care or authority of such officer, any goods imported into the United Kingdom or any goods entered to be warehoused after the landing thereof, so that no sufficient account is taken thereof by the proper officer, or so that the same are not duly warehoused; or shall carry into the warehouse any goods entered to be warehoused or to be re-warehoused, except with the authority or under the care of the proper officer of the Customs, and in such manner, by such persons, within such time, and by such roads or ways as such officer shall direct; or shall assist or be otherwise concerned in the illegal removal or withdrawal of any goods from any warehouse or place of security in which they shall have been deposited; or shall knowingly harbour, keep, or conceal, or knowingly permit or suffer, or cause or procure to be harboured, kept, or concealed, any prohibited, restricted, or uncustomed goods, or any goods which shall have been illegally



removed without payment of duty from any warehouse or place of security in which they may have been deposited; or shall knowingly acquire possession of any such goods; or shall be in any way knowingly concerned in carrying, removing, depositing, concealing, or in any manner dealing with any such goods with intent to defraud Her Majesty of any duties due thereon, or to evade any prohibition or restriction of or applicable to such goods; or shall be in any way knowingly concerned in any fraudulent evasion or attempt at evasion of any duties of Customs, or of the laws and restrictions of the Customs relating to the importation, unshipping, landing, and delivery of goods, or otherwise contrary to the Customs Acts; shall for each such offence forfeit either treble the value of the goods, including the duty payable thereon, or one hundred pounds, at the election of the Commissioners of Customs; and the offender may either be detained or proceeded against by summons.

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SMUGGLING.

Carrying.

Evading  
duties of  
Customs.Penalty  
treble value,  
or 100*l*.

**187.** Every person who shall rescue, or endeavour to rescue, any goods seized by any officer of Customs or other person authorised to seize the same, or before or after seizure shall stave, break, or destroy, or endeavour to stave, break, or destroy any goods, to prevent the seizure or the securing thereof by such officer or other person; or shall rescue any person apprehended for any offence punishable by fine or imprisonment under the Customs Acts, or prevent or attempt to prevent his apprehension; or shall assault or obstruct any officer of the army, navy, marines, coastguard, Customs, or other person duly employed for the prevention of smuggling, in the execution of his duty, or in the seizing of any goods liable to forfeiture under the Customs Acts, or shall aid, abet, or assist in committing any of the foregoing offences, shall for each such offence forfeit a penalty of one hundred pounds.

Rescuing  
goods.Rescuing  
person.Assaulting,  
resisting, or  
obstructing  
officers.

**188.** All persons to the number of three or more who shall assemble for or having so assembled shall unship, land, run, carry, convey, or conceal any spirits, tobacco, or prohibited, restricted, or uncustomed goods shall each forfeit a penalty not exceeding five hundred pounds nor less than one hundred pounds.

Penalty for  
assembling to  
run goods.

**189.** Every person who shall by any means procure or hire, or shall depute or authorise any other person to procure or hire, any person or persons to assemble for the purpose of being concerned in the landing or unshipping, or carrying, conveying, or concealing any goods which are prohibited to be imported, or the duties for which have not been paid or secured, shall be imprisoned for any term not exceeding twelve months; and if any person engaged in the commission of any of the above offences be armed with fire-

Procuring or  
hiring per-  
sons to as-  
semble to  
run goods.Persons  
armed or  
disguised.



A.D. 1876.

**SMUGGLING.**

With goods within five miles of coast.

Persons signalling smuggling vessels may be detained and forfeit 100*l.*, or be kept to hard labour for one year.

arms or other offensive weapons, or whether so armed or not be disguised in any way, or being so armed or disguised shall be found with any goods liable to forfeiture under the Customs Acts within five miles of the seacoast or of any tidal river, shall be imprisoned with or without hard labour for any term not exceeding three years.

**190.** No person shall, after sunset and before sunrise between the twenty-first day of September and the first day of April, or after the hour of eight in the evening and before the hour of six in the morning at any other time of the year, make, aid, or assist in making any signal in or on board or from any ship or boat, or on or from any part of the coast or shore of the United Kingdom, or within six miles of any part of such coast or shore, for the purpose of giving notice to any person on board any smuggling ship or boat, whether any person so on board of such ship or boat be or not within distance to notice any such signal; and if any person, contrary to the Customs Acts, shall make or cause to be made, or aid or assist in making, any such signal, he shall be guilty of a misdemeanor, and may be stopped, arrested, detained, and conveyed before any justice, who, if he see cause, shall commit the offender to the next county gaol, there to remain until delivered by due course of law; and it shall not be necessary to prove on any indictment or information in such case that any ship or boat was actually on the coast; and the offender, being duly convicted, shall, by order of the court before whom he shall be convicted, either forfeit the penalty of one hundred pounds, or, at the discretion of such court, be committed to a gaol or house of correction, there to be kept to hard labour for any term not exceeding one year.

Proof of a signal not being intended on defendant.

**191.** If any person be charged with having made or caused to be made, or for aiding or assisting in making, any such signal as aforesaid, the burden of proof that such signal so charged as having been made with intent and for the purpose of giving such notice as aforesaid was not made with such intent and for such purpose shall be upon the defendant against whom such charge is made.

Any person may prevent signals.

**192.** Any person whatsoever may prevent any signal being made as aforesaid, and may go upon any lands for that purpose, without being liable to any indictment, suit, or action for the same.

Persons shooting at boats belonging to navy or revenue service, guilty of felony.

**193.** If any person shall maliciously shoot at any vessel or boat belonging to Her Majesty's navy, or in the service of the revenue, or shall maliciously shoot at, maim, or wound any officer of the army, navy, marines, or coastguard being duly employed in the prevention of smuggling and on full pay, or any officer of Customs or Excise, or any person acting in his aid or assistance, or duly



employed for the prevention of smuggling, in the execution of his office or duty, every person so offending, and every person aiding, abetting, or assisting therein, shall, upon conviction, be adjudged guilty of felony, and shall be liable, at the discretion of the court, to penal servitude for any term not less than five years, or to be imprisoned for any term not exceeding three years.

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SMUGGLING.

**194.** The officer in charge of any vessel or boat employed for the prevention of smuggling or acting in his aid may haul any such vessel or boat upon any part of the coasts of the United Kingdom, or the shores, banks, or beaches of any river, creek, or inlet of the same, (not being a garden or pleasure ground, or place ordinarily used for any bathing machine or machines,) which shall be deemed most convenient for that purpose, and moor any such vessel or boat on such part of the aforesaid coasts, shores, banks, and beaches below high-water mark, and over which the tide flows on ordinary occasions, and to continue such vessel or boat so moored as aforesaid for such time as he shall deem necessary and proper; and such officer, or person aiding him, shall not be liable to any indictment, action, or suit for so doing.

Officers may haul their vessels on shore without being liable to suit.

**195.** Every person who shall cut away, cast adrift, remove, alter, deface, sink, or destroy, or in any other way injure or conceal any vessel, boat, buoy, anchor, chain, rope, or mark in the charge of or used by any person for the prevention of smuggling, or in or for the use of the service of the Customs, shall for every such offence forfeit the sum of ten pounds.

Penalty on persons cutting adrift vessels belonging to the Customs.

**196.** Any officer of the army, navy, marines, or coastguard being duly employed for the prevention of smuggling and on full pay, or any officer of Customs, or any person acting in his aid, or duly employed for the prevention of smuggling, when on duty, may patrol upon and pass freely along and over any part of the coasts of the United Kingdom, or any railway, or the shores or banks of any river, creek, or inlet of the same (not being a garden or pleasure ground); and any such officer or person so patrolling shall not be liable to any indictment, action, or suit for so doing.

Officers of army, &c. may patrol coasts without being liable to suit.

**197.** Any person brought before any justice for any offence against the Customs Acts, in respect of which such justice is not empowered to proceed summarily, may by his order be detained in gaol or in the custody of the police or constabulary force a reasonable time to obtain the order of the Commissioners of Customs or Inland Revenue, and to prepare the necessary information and warrant of commitment, and at the expiration of such time to be brought before him or any other justice to hear and determine the

Where persons are taken before justices for offences under the Customs Acts, such justices may order them to be de-



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SMUGGLING.

tained or  
admitted to  
bail.

matter; or if any information shall have been preferred before any justice against any person for any such offence, and it shall be made to appear to such justice that such person is likely to abscond, such justice may, in lieu of issuing a summons for his appearance, grant his warrant to bring such offender before him or any other justice at a time and place to be named in such warrant for the hearing of such information, but such person may be liberated, on giving security to the satisfaction of such justice in such sum as he may see fit, to appear at any time and place appointed by such justice for hearing the case.

Persons in  
Her Ma-  
jesty's ser-  
vice detained  
to be secured  
on board  
until warrant  
procured.

**198.** Where any person, being part of the crew of any ship in Her Majesty's employment or service, shall have been detained under the Customs Acts, such person, upon notice thereof to the commanding officer of the ship, shall be placed in security by such commanding officer on board such ship or vessel, until required to be brought before a justice to be dealt with according to law, for which purpose such commanding officer shall deliver him to the detaining officer.

Any person  
escaping may  
afterwards  
be detained.

**199.** If any person liable to be detained under the Customs Acts shall not be detained at the time of committing the offence, or being detained shall escape, he may afterwards be detained at any place in the United Kingdom within three years from the time such offence was committed, and if detained may be taken before any justice to be dealt with as if he had been detained at the time of committing such offence, or if not so detained may be proceeded against by information and summons.

Only officers  
to take up  
spirits in  
casks sunk  
or floating  
upon the  
sea, and per-  
sons giving  
information  
may be re-  
warded.

**200.** If any person not being an officer of the navy, Customs, or Excise shall intermeddle with or take up any spirits being in casks of less content than twenty gallons found floating upon or sunk in the sea, such spirits shall be forfeited, together with any vessel or boat in which they may be found; but if any person shall give information to any such officer so that seizure of such spirits may be made, he shall be entitled to such reward as the Commissioners of Customs may direct.

Penalty for  
offering  
goods for  
sale on pre-  
tence of  
being smug-  
gled.

**201.** If any person shall offer for sale any goods under pretence that the same are prohibited, or have been unshipped and run ashore without payment of duties, all such goods (although not liable to any duties or prohibited) shall be forfeited, and every person so offering the same for sale shall forfeit treble the value of such goods.

Ships, &c.  
used in the  
removal of

**202.** All ships, boats, carriages, or other conveyances, together with all horses and other animals and things made use of in the



importation, landing, removal, or conveyance of any uncustomed, prohibited, restricted, or other goods liable to forfeiture under the Customs Acts shall be forfeited, and all ships, boats, goods, carriages, or other conveyances, together with all horses and other animals and things liable to forfeiture, and all persons liable to be detained for any offence under the Customs Acts, or any other Act whereby officers of Customs are authorised to seize or detain persons, goods, or other things, shall or may be seized or detained in any place either upon land or water by any of the following persons, being duly employed for the prevention of smuggling, that is to say, any officer of Her Majesty's army, navy, marines, coastguard, Customs, or Excise, or by any person having authority from the Commissioners of Customs or Inland Revenue to seize, or by any constable or police officer of any county, city, or borough in the United Kingdom so employed with the sanction of the magistrates having jurisdiction therein, or under or by virtue of any Act in relation thereto; and all ships, boats, goods, carriages, or other conveyances, together with all horses and other animals and things so seized, shall forthwith be delivered into the care of the collector or other proper officer of Customs at the nearest Custom House; and the forfeiture of any ship, boat, carriage, animal, or other things shall be deemed to include the tackle, apparel, and furniture thereof, and the forfeiture of any goods shall be deemed to include the package in which the same are found and all the contents thereof.

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SMUGGLING.  
raw goods to  
be forfeited.

Ships, boats,  
&c. and per-  
sons may be  
detained.

Seizures to  
be taken to  
the nearest  
Custom  
House.

**203.** Any officers of Customs, Excise, coastguard, constabulary, police, or other person duly employed for the prevention of smuggling, may upon reasonable suspicion or probable cause stop and examine any cart, waggon, or other conveyance, to ascertain whether any smuggled goods are contained therein; and if none shall be found the officer or other person shall not on account of such stoppage and examination be liable to any prosecution or action at law on account thereof, and any person driving or conducting such cart, waggon, or other conveyance refusing to stop or allow such examination when required in the Queen's name, shall forfeit not less than twenty nor more than one hundred pounds.

Officers of  
Customs may  
on probable  
cause stop  
carts, &c.,  
and search  
for goods.

**204.** All writs of assistance issued from the Court of Exchequer or other proper Court shall continue in force during the reign for which they were granted and for six months afterwards; and any officer of Customs or person acting under the direction of the Commissioners of Customs having such writ of assistance or any warrant

Officers au-  
thorised by  
writ of as-  
sistance or  
warrant may  
search houses  
for uncus-



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SMUGGLING.  
tomed or  
prohibited  
goods.

issued by a justice of the peace may, in the daytime, enter into and search any house, shop, cellar, warehouse, room, or other place, and in case of resistance, break open doors, chests, trunks, and other packages, and seize and bring away any uncustomed or prohibited goods, and put and secure the same in the Queen's warehouse, and may take with him any constable or police officer, who may act as well without as within the limits of the district or place for which he shall have been sworn or appointed.

Officers may  
search pre-  
mises by  
warrant  
granted on  
reasonable  
cause shown.

205. If any officer of Customs shall have reasonable cause to suspect that any uncustomed or prohibited goods are harboured, kept, or concealed in any house or other place either in the United Kingdom or the Channel Islands, and it shall be made to appear by information on oath before any justice of the peace in the United Kingdom or the Channel Islands, it shall be lawful for such justice, by special warrant under his hand, to authorise such officer to enter and search such house or other place, and to seize and carry away any such uncustomed or prohibited goods as may be found therein; and it shall be lawful for such officer, and he is hereby authorised, in case of resistance, to break open any door, and to force and remove any other impediment or obstruction to such entry, search, or seizure as aforesaid; and such officer may if he see fit avail himself of the service of any constable or police officer to aid and assist in the execution of such warrant, and any constable or other police officer is hereby required when so called upon to aid and assist accordingly.

Goods  
stopped by  
police offi-  
cers may be  
retained  
until trial  
of persons  
charged with  
stealing  
them.

206. If any such goods liable to duties of Customs, or prohibited to be imported, or in any way restricted, shall be stopped or taken by any police officer on suspicion that the same had been feloniously stolen, he may carry the same to the police office to which the offender if detained is taken, there to remain until and in order to be produced at the trial of such offender, and in such case the officer is required to give notice in writing to the Commissioners of Customs of such stoppage or detention, with the particulars of the goods, but immediately after such stoppage if the offender be not detained, or if detained immediately after the trial of such offender, such officer shall convey to and deposit the goods in the nearest Customs warehouse, to be proceeded against according to law; and if any police officer so detaining any such goods shall neglect to convey the same to such warehouse, or to give the notice herein-before prescribed, he shall forfeit a sum not exceeding twenty pounds.



**207.** Whenever any seizure shall be made, unless in the possession or in the presence of the offender, master, or owner as forfeited under the Customs Acts or under any Act by which Customs officers are empowered to make seizures, the seizing officer shall give notice in writing of such seizure and of the grounds thereof to the master or owner of the things seized, if known, either by delivering the same to him personally or by letter addressed to him and transmitted by post to or delivered at his last known place of abode or business, if known; and all seizures made under the Customs Acts or under any Act by which Customs officers are empowered to make seizures shall be deemed and taken to be condemned, and may be sold or otherwise disposed of in such manner as the Commissioners of Customs may direct, unless the person from whom such seizure shall have been made, or the master or owner thereof, or some person authorised by him, shall, within one calendar month from the day of seizure, give notice in writing, if in London, to the person seizing the same, or to the secretary or solicitor for the Customs, and if elsewhere, to the person seizing the same, or to the collector or other chief officer of the Customs at the nearest port, that he claims the things so seized or intends to claim them, whereupon proceedings shall be taken for the forfeiture and condemnation thereof either by information filed in the Exchequer Division of the High Court of Justice in England on the Revenue side, or exhibited before any justice of the peace; but if any things so seized shall be of a perishable nature, or consist of horses or other animals, the same may by direction of the Commissioners of Customs be sold, and the proceeds thereof retained to abide the result of any claim that may legally be made in respect thereof.

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SMUGGLING.  
Notice to be given by seizing officer to owner of ships or goods seized, and seizures to be claimed within one month.

Perishable goods, &c. may be sold.

**208.** All seizures whatsoever which shall have been made and condemned under the Customs Acts or any other Act by which seizures are authorised to be made by officers of Customs shall be disposed of in such manner as the Commissioners of Customs may direct.

Seizures may be disposed of as commissioners of Customs direct.

**209.** When any seizure shall have been made, or any fine or penalty incurred or inflicted, or any person committed to prison for any offence under the Customs Acts, the Commissioners of the Treasury or Customs may direct the restoration of such seizure, whether condemnation shall have taken place or not, or waive proceedings, or mitigate or remit such fine or penalty, or release from confinement either before or after conviction such person on any terms and conditions as they shall see fit.

Seizures may be restored and punishments mitigated.



## SMUGGLING.

*Compensation and rewards.*

Officers wounded to be provided for, &c.

*As to compensation and rewards.*

**210.** If any officer or seaman employed in the service of the Customs or Inland Revenue shall be killed, maimed, wounded, or in any way injured in the due execution of his office, or if any person acting in his aid or duly employed for the prevention of smuggling shall be so killed, maimed, wounded, or in any way injured while so aiding such officer or seaman or so employed, the Commissioners of Customs or Inland Revenue respectively may, with the sanction of the Commissioners of the Treasury, make such provision for such officer or person, or for the widows and families of such as shall be killed, as they may see fit.

Rewards for detaining smugglers.

**211.** The Commissioners of Customs may award to any officer or any person detaining any person liable to detention under the Customs Acts, if convicted, such reward as they may think fit, not exceeding the sum of twenty pounds for each person.

Rewards out of penalties.

**212.** The Commissioners of Customs may order such reward as they see fit out of any pecuniary penalty or composition to any officer or other person by whose means the same is recovered.

Rewards to officers making seizures.

The Treasury or Commissioners of Customs to fix the value of spirits and tobacco.

How value is to be ascertained.

**213.** The Commissioners of Customs may order to be paid in respect of any seizure made under the Customs Acts, to the person or persons making the same, such rewards as they may see fit, not exceeding the value of the goods or things so seized, and for this purpose the value of spirits and tobacco seized as aforesaid shall be deemed and taken to be such as the Lords of the Treasury or the Commissioners of Customs may think fit.

**214.** In all cases where any penalty the amount of which is to be determined by the value of any goods is directed to be sued for under any Act relating to the Customs or Excise, such value shall, as regards proceedings in any court or before justices, be estimated and taken according to the rate and price for which goods of the like kind but of the best quality upon which the duties of importation shall have been paid were sold at or about the time of the offence, or according to the rate and price for which the like sort of goods were sold in bond at or about the time of the offence, with the duties due thereon added to such rate or price in bond, except as to tobacco stalks, tobacco stalk flour, and stalk-work, or any tobacco of a kind prohibited to be imported, the value of which shall, for the purpose of any suit or proceeding under this or any Act relating to the Customs, be estimated at the market price of the best sort of tobacco, with the highest rate of duty then chargeable on the importation of manufactured tobacco added thereto.



**215.** Every reward or share of any seizure or of the value thereof payable to any officer or officers, non-commissioned officers, petty officers, seamen, or privates of Her Majesty's army, navy or marines, or acting under the orders of the Lord High Admiral, or Commissioners of the Admiralty, shall be divided and distributed in such proportions, and according to such rules, regulations, and orders, as Her Majesty shall by Her Order or Orders in Council or by Her Royal Proclamation in that behalf be pleased to direct and appoint.

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**SMUGGLING.**

All rewards and seizures payable to officers of army, navy, or marines to be regulated by Order in Council.

**216.** The Commissioners of Customs or Inland Revenue respectively may, in case of any seizure of ships, boats, or goods, or of the apprehension of any parties, under this or any other Act relating to the Customs, direct the distribution of the seizer's share of such ships, boats, or goods, or of any penalties or rewards that may be recovered on account of any seizure so that any other person through whose information or means such seizure shall have been made or penalty recovered or party apprehended, and who may by them be deemed to be so entitled, may participate in such proportions as the said Commissioners shall respectively deem expedient.

Commissioners may distribute officers shares of seizure so as to reward persons not actually present.

*As to collusive seizures.**Collusive seizures.*

**217.** If any officer of Customs or other person duly employed for the prevention of smuggling shall make any collusive seizure, or deliver up, or make any agreement to deliver up or not to seize any vessel or boat or any goods liable to forfeiture, or shall take any bribe, gratuity, recompense, or reward for the neglect or non-performance of his duty, or conspire or connive with any person to import or bring into the United Kingdom or the Channel Islands or any of the British Possessions abroad, or be in any way concerned in the importation or bringing into the United Kingdom or the said islands or possessions, of any goods prohibited to be imported or liable to duties of Customs, for the purpose of seizing any ship, boat, or goods, and obtaining any reward for such seizure or otherwise, every such officer or other person shall forfeit for every such offence the sum of five hundred pounds, and be rendered incapable of serving Her Majesty in any office, either civil, naval or military; and every person who shall give or offer, or promise to give or procure to be given, any bribe, recompense, or reward to, or shall make any collusive agreement with, any such officer or person as aforesaid to induce him in any way to neglect his duty or to do, conceal, or connive at any act whereby any of the provisions of any Act of Parliament relating to the Customs may be evaded, shall forfeit the sum of two hundred pounds.

Penalty on officers and persons making collusive seizures, or taking bribes, and on persons offering them.



A.D. 1876. AS TO THE COURSE OF PROCEDURE FOR RECOVERING PENALTIES,  
LEGAL PRO- ENFORCING FORFEITURES, AND PUNISHING OFFENDERS UNDER  
CEEDINGS. THE CUSTOMS ACTS.

How penal-  
ties, &c. to  
be sued for.

**218.** All duties, penalties, and forfeitures incurred under or imposed by the Customs Acts, and the liability to forfeiture of any goods seized under the authority thereof, may be sued for, prosecuted, determined, and recovered by action, information, or other appropriate proceeding in the High Court of Justice in England, or by action of debt, information, or other appropriate proceeding in the superior courts of common law at Dublin or Edinburgh, or in the royal courts of the Islands of Guernsey, Jersey, Alderney, Sark, or Man, in the name of the Attorney General for England or Ireland respectively or of the Lord Advocate of Scotland, or of some officer of Customs or Excise, or by information in the name of some officer of Customs or Excise, before one or more justice or justices in the United Kingdom, the Isle of Man, or the Channel Islands: Provided always, that the forty-fourth section of the second and third Victoria, chapter seventy-one, shall not apply to any offence against the Customs Laws.

Proviso  
where the  
duties and  
penalties  
sought to be  
recovered  
shall not  
exceed 100/.

Execution  
may issue  
after trial  
out of term.

**219.** In any case where a verdict is or shall have been obtained at the suit of the Crown against any defendant in any of the superior courts, execution thereon may issue on or after the expiration of fourteen days from the date of such verdict, in the same manner as execution may issue in any case under the one hundred and twentieth section of "The Common Law Procedure Act, 1852," unless the judge who tried the cause, or some other judge, or the court, shall order execution to issue at any earlier or later period, with or without terms.

Penalty and  
costs to be  
stated in  
convictions,  
&c.

**220.** When any person is convicted and adjudged to pay a pecuniary penalty for any offence against the Customs Acts, and such person shall be committed in default of payment of penalty and costs, the amount of costs awarded to be paid by such person, as well as the penalty so adjudged, shall be stated in the conviction and also in the commitment.

Where pro-  
ceeding  
by capias is  
waived in  
favour of  
the subject,  
justices  
may issue  
warrant  
and admit to  
bail.

**221.** Whenever the Commissioners or the proper officer of Customs shall proceed by information against any person for any offence under the Customs Acts before any justice, instead of proceeding in the Exchequer Division of the High Court of Justice, where a capias might be issued for arresting and holding the offender to bail, such justice may, on sufficient information on oath that the offence has been committed, issue his warrant to bring such offender before him or any other justice, and on his being so



brought to require him to give security in such amount as he may deem sufficient to appear before him or any other justice at a time and place appointed for the hearing of the case, and in default of such security to commit such offender to gaol, or to the custody of the police or other constabulary force.

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**222.** When by the Customs Acts a penalty jointly and severally shall have been incurred by any number of persons, such persons may be proceeded against jointly by one information, or severally by separate informations, as Her Majesty's Attorney General for England or Ireland, and as the Lord Advocate of Scotland, or the Commissioners of Customs respectively may deem expedient; and in case of a proceeding against such several persons by joint information for recovery of the penalty or penalties so severally incurred by each, the penalty or penalties shall be recoverable against each, notwithstanding that any one or other of such persons so jointly proceeded against may have allowed judgment to go by confession or default, or that the penalty adjudged to be paid by any one or other of the defendants so jointly sued may be for a different amount from that of the penalty in which any one or other of such several persons may be convicted, or that any one or other of such several persons so jointly prosecuted may be acquitted; and no judgment on any such information shall be reversed or avoided, or error in law alleged therein, on the ground of any such judgment being obtained by confession or default of any of the persons, nor on account of any difference in the amount of the penalty or penalties in which any one or more of such persons may be convicted, or the acquittal of any such persons; but every such judgment shall be valid and effectual against any or all of the said several persons so jointly proceeded against, and for the full amount of the penalty or penalties in which such person or persons shall have been severally or respectively convicted.

Penalties joint and several may be sued for by joint and several information.

**223.** All informations exhibited before any justice for any offence committed against or forfeiture incurred under this or any other Act relating to the Customs, and all summonses, convictions, and condemnations for such offences and forfeitures, and all warrants of any justice founded upon such convictions, may be in the form or to the effect in Schedule C. to this Act; and the form of information given in the said schedule, and the counts therein contained with reference to any offences created by or punishable under the several sections of this Act to which the same or any of them relate, shall be applicable to and sufficient for all purposes in the prosecution of such offences and forfeitures; and where two or more counts

Informations, convictions, &c. to be in form, &c. in Schedule C.



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A.D. 1876. are given upon the same section those counts may be used which apply most nearly to the circumstances of the case; and any one or more of the said counts may be included in the same information, together with any other count or counts; and any one or more of the words or paragraphs descriptive of offences charged in any one or more of the counts in the same form of information, separated from the others by the word *or* in italics, may be used exclusively of the others, in conjunction with any other part of such form, and in any case, or for any offence or forfeiture for which no count is given in the said schedule, such count or counts may be substituted or added as circumstances may require; and every such information and every conviction and warrant of commitment or condemnation for such offence or forfeiture shall be deemed valid and sufficient in which the offence or forfeiture is set forth either in the words of the Act or Acts by which the penalty for such offence has been inflicted or under which any forfeiture has been incurred, or in the words of the information by this Act prescribed; and where in any such forms the word "Customs" is used to describe the Commissioners or officers of Customs, the words "Inland Revenue" or "Excise" may be substituted, as the case may require, and the like counts shall be applicable to and sufficient for the like purposes, and be used in like manner in any information filed in any court having jurisdiction in such cases under this or any Act relating to the Customs; and no conviction, warrant of commitment, or condemnation shall be held void by reason of any defect therein; and no party shall be entitled to be discharged out of custody on account of such defect, provided it be alleged in such warrant that the said party has been convicted of such offence, and that it shall appear to the court or judge before whom such warrant is returned that such conviction proceeded upon good and valid grounds; and every such warrant may be executed by any officers of Customs, and in any part of the United Kingdom, without further endorsement or sanction than that of the justice issuing the same; and no objection shall be taken or allowed to any information, complaint, or summons for any alleged defect therein in substance or in form, or for any variance between such information, complaint, or summons and the evidence adduced on the part of the informant or complainant at the hearing of such information or complaint.

Justices may  
summon  
offender.

**224.** Upon the exhibiting of any information before any justice against any person for any offence against the Customs Acts for which offence the party charged is not liable to be detained, or being liable shall not be detained, or by which any penalty or for-



feiture shall be sought to be recovered, or any punishment of hard labour sought to be inflicted, within three years next after the commission of the offence, such justice may from time to time and at any time afterwards issue his summons directed to such party, stating shortly the matter of such information, and requiring him personally to appear at a certain time or place before him or any other justice to answer to the said information, and to be further dealt with according to law.

**225.** If on the day and at the place appointed in such summons the party so summoned shall appear before such justice, then such justice shall proceed to hear and determine the matter of such information, and on proof thereof, either upon the confession of the party or upon the oath of one or more credible witness or witnesses, shall convict the party charged in such information, but if the party so summoned shall fail so to appear, then if it be proved upon oath or affirmation to the justice then present that such summons was duly served at a reasonable time before the day appointed for his appearance, such justice may proceed ex-parte to hear such information and adjudicate thereon as if such party had personally appeared before him in obedience to such summons.

**226.** When any information shall have been exhibited before any justice for the forfeiture of any goods seized under the Customs Acts, such justice is hereby required to summon the owner of such goods or the person from whom they were seized to appear before him or any other justice, and upon his or her appearance or default to appear, due service of such summons being proved, such justice may proceed to the examination of the matter, and on proof that the goods are liable to forfeiture under the Customs Acts may condemn the same.

**227.** Every summons issued by a justice of the peace under the Customs Acts, either to bring any person before him to answer any information or complaint, or any person to appear before him to testify what he may know concerning the matter of such information, wherever in the United Kingdom such person may be or reside, shall be deemed to be sufficiently served by any officer of Customs or other duly authorised person delivering the same to the party summoned personally, or by leaving the same at his last known place of abode or business in the United Kingdom, or on board any ship or vessel to which he may belong or may have lately belonged.

**228.** If any person so summoned to testify as aforesaid shall refuse or neglect to appear at the time and place appointed in such

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On attendance of the party on the day and place appointed, justices may hear and determine the case.

On non-appearance, justice to proceed as if he had appeared.

Justices may condemn goods liable to forfeiture.

Summons to be served personally, or by leaving same at last known place of abode.

Penalty for neglecting to attend.



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summons by the justice issuing the same, and no just excuse shall be offered for such neglect or refusal, then, after due proof of the service of such summons, or if such person having appeared in obedience to such summons shall refuse to take oath, or, if a person having legal power to make affirmation, refuse to affirm, or shall refuse to give evidence or answer to the best of his knowledge and belief any legal question required of him, he shall for every such default or offence forfeit such sum not exceeding twenty pounds as the justice shall see fit.

Offences on  
the water,  
&c., and  
jurisdiction.

**229.** Where any offence shall be committed in any place upon the water not being within any county of the United Kingdom, or where the officers have any doubt whether such place is within the boundaries or limits of any such county, such offence shall for the purposes of the Customs Acts be deemed and taken to be an offence committed on the high seas; and for the purpose of giving jurisdiction under such Acts every offence shall be deemed to have been committed, and every cause of complaint to have arisen, either in the place in which the same actually was committed or arose, or in any place on land where the offender or person complained against may be or be brought.

Justices of  
adjoining  
county may  
act when  
required.

**230.** When the attendance of any justice having jurisdiction in the county where the offence is committed cannot be conveniently obtained, any magistrate of any neighbouring or adjoining county to that in which the offence was deemed to have been committed may hear and determine any information exhibited before him, and he shall for that purpose have the same powers and authorities as a justice for the county in which the offence was or was deemed to have been committed.

Justices of  
counties  
to have  
concurrent  
jurisdiction  
in cities,  
boroughs,  
&c. situate  
in such  
counties.

**231.** Where any offence against the Customs Acts shall be committed in any city, borough, liberty, division, franchise, or town corporate, any justice having jurisdiction therein, and any justice of any county within which the same is or are situated, shall have jurisdiction to hear and determine the same; and all powers vested in any justice of the peace by virtue of this Act shall be and the same are hereby vested in and may be exercised in the Isle of Man or the Channel Islands by any governor, deputy governor, bailiff, chief magistrate, deemster, jurat, or other magistrate of the said isle or islands; and for the purposes of the Customs Acts the jurisdiction of the magistrates of the borough of Gravesend in the county of Kent shall be deemed to extend on the river Thames from Yantlet Creek to Broadness Point in the Northfleet Hope, and shall



include every part of the said river between those limits respectively.

**232.** If any penalty incurred for any offence under the Customs Acts be not paid on conviction, the convicting justice shall forthwith commit the offender to any of Her Majesty's gaols within his jurisdiction, there to remain for such term as is herein-after provided, or until the penalty shall be paid; and "The Small Penalties Act, 1865," shall not apply to any penalty imposed by the Customs Acts; and where such party is convicted of any offence for which the punishment of hard labour is inflicted, such justice shall commit such party to any gaol or house of correction, there to be kept to hard labour for such time as may be authorised by the Customs Acts.

**233.** When any person shall be brought before a justice for any offence against the Customs Acts for which a pecuniary penalty is thereby imposed, if the goods in respect of which he shall have been so brought shall not consist of spirits or tobacco, or being spirits or tobacco shall not exceed five gallons of spirits or twenty pounds weight of tobacco, such justice may proceed summarily upon the case without information or direction of the Commissioners of Customs, and if such person shall be convicted, such justice may adjudge that he shall, in lieu of any other penalty, forfeit a sum not less than the single nor more than the treble value of such goods, including the duty of importation thereof, and in default of payment commit such person to any of Her Majesty's gaols for any period not less than fourteen days, nor more than one month; and if such spirits or tobacco shall exceed five gallons but not exceed twenty gallons of spirits, or shall exceed twenty pounds weight of tobacco but not exceed eighty pounds weight, such person shall forfeit a sum equal to treble the duty-paid value of such spirits or tobacco, or one hundred pounds, at the election of the Commissioners of Customs, and if proceeded against for the latter and convicted, such justice may mitigate the penalty to any sum not less than one fourth, and in default of payment of the penalty or mitigated penalty so imposed may commit the offender to any of Her Majesty's gaols until the same be paid; and if such spirits shall exceed twenty gallons, or such tobacco shall exceed eighty pounds weight, such person shall forfeit a sum equal to treble the value of such spirits or tobacco, or one hundred pounds, at the election of the Commissioners of Customs, and shall upon conviction forthwith pay, without any mitigation, the penalty imposed, and in default thereof the said justice shall commit the person so convicted to any of Her Majesty's gaols, there to remain until such penalty shall be paid.

**234.** It shall be lawful for Her Majesty in Council, or any two of the Lords of Her Majesty's Privy Council, from time to time, by

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Justice may commit in default of payment of penalty until paid. Small Penalties Act, 1865, not applicable to Customs.

Justices may commit in certain cases without order of Commissioners.

When quantity of spirits is less than 5 gallons, or of tobacco less than 20 lbs.

Where quantity between 5 and 20 gallons spirits, or from 20 to 80 lbs. tobacco, justices may mitigate.

Above 20 gallons spirits, or 80 lbs. tobacco, no mitigation by justices.

Persons arriving in ships from



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CEEDINGS.  
infected  
places not to  
land before  
examination.

her or their order, to require that no person on board any ship coming to any port in the United Kingdom, the Channel Islands, or the Isle of Man, from or having touched at any place out of the United Kingdom abroad where they have reason to apprehend that yellow fever or other highly infectious distemper prevails, shall quit such vessel before the state of health of the persons on board shall have been ascertained, on examination by the proper officer of Customs, at such place or places as may from time to time be appointed by the Commissioners of Customs for such purpose, and before permission to land shall have been given by such officer, whether or not it shall on or after such examination be found expedient to order such vessel under the restraint of quarantine, and any person so quitting any such vessel shall forfeit a sum not exceeding one hundred pounds; and if the master, pilot, or person in charge of such ship shall not, on arrival at such place, hoist and continue such signal as shall be directed by such order, until the proper officer shall have given permission to haul down the same, he shall forfeit a like penalty; and such penalties or either of them if incurred, and any penalty incurred under the Act of the sixth year of the reign of King George the Fourth, chapter seventy-eight, shall be subject to reduction to any sum not exceeding one hundred pounds, and may be recovered by information and summons before a stipendiary magistrate, or any two justices of the peace, who are hereby authorised to reduce the same accordingly, and to commit the offender to prison in default of payment of any penalty so imposed for any period not exceeding six months.

Penalties and  
forfeitures  
to be paid to  
Commis-  
sioners.

**235.** All penalties and forfeitures recovered, and all sums, including justices clerks fees, awarded to be paid as costs to or for Her Majesty under this or any other Act relating to the Customs, shall be paid to the Commissioners of Customs, and all penalties, forfeitures, and costs recovered under any Act relating to the Excise shall be paid to the Commissioners of Inland Revenue, or to the persons appointed by such Commissioners respectively to receive the same, and such penalties, forfeitures, and costs shall be applied by such Commissioners respectively in such manner as the law directs.

Any person  
committed in  
default of pay-  
ment of a  
penalty less  
than 100*l.* to  
be discharged  
by gaoler in  
six months if  
not duly re-  
leased.

**236.** Where any person shall have been committed to prison by any justice for nonpayment of any penalty incurred under the Customs Acts less than one hundred pounds, the gaoler or keeper of such prison is hereby authorised and required to discharge such person at the end of six months from the date of his imprisonment on such committal.

Persons  
previously  
convicted.

**237.** When any verdict shall pass or conviction be had against any person for any offence against the Customs Acts and he shall



have been adjudged to pay a penalty exceeding one hundred pounds, the presiding judge or justice may, if for a first offence, commit the offender to prison for not less than six nor more than nine months, and if for a subsequent offence, may order that the offender shall, in lieu of payment of the penalty, be imprisoned in gaol or house of correction, with or without hard labour, for a period not less than six nor more than twelve months, and the governor or keeper of such gaol or house of correction is hereby required to receive any person committed under such order.

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may, on verdict, be imprisoned in house of correction.

**238.** When any person shall have been convicted of any offence against the Customs Acts for which such person is liable to be sentenced to hard labour before any justice within whose jurisdiction there is no house of correction, such justice shall and may, by warrant under his hand and seal, commit such offender to the gaol or house of correction nearest to the place where such offender is convicted; and the governor or keeper of such gaol or house of correction is hereby required to receive such offender and to obey such warrant in all respects as if such gaol or house of correction was within the jurisdiction of such justice.

Justices may commit to nearest house of correction, if none in their jurisdiction.

**239.** Where any person shall have been convicted of any offence against the Customs Acts for which such person would be liable to be committed to hard labour, the justice before whom such person is so convicted may, if such person be a female or if a male from physical infirmity incapable of hard labour, order and adjudge that such person shall be imprisoned in any gaol within their jurisdiction without hard labour, stating the cause of mitigation in the warrant of commitment.

Justices may commute hard labour where offender is a female or infirm.

**240.** When any person shall have been convicted before any justice of any offence against the Customs Acts for which such person is liable to be committed to hard labour, and it shall at any time during the imprisonment of such person be made to appear to the said or any other justice that such person had before been convicted of a similar offence, it shall be lawful for either of such justices, and he is hereby required, to commit such offender to some house of correction to be kept to hard labour for not less than nine nor more than twelve months in the whole from the date of the first commitment, and to amend the warrant of commitment accordingly, and without including in such amendment any reference to the former conviction; and any gaoler in whose custody such person shall be is hereby required, upon a written order signed by any justice, to produce such person before such last-mentioned or any other justice having jurisdiction therein; and any married woman

If prisoner be found to have been previously convicted, imprisonment may be extended.

Married women may be committed.



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LEGAL PRO-  
CEEDINGS.Subsistence  
of prisoners  
committed  
for offences  
against cus-  
toms laws.

convicted of any offence against the Customs Acts may, in default of payment of any penalty incurred by her, be committed to prison.

**241.** The Commissioners of Customs may allow, and to such amount as they shall direct, any expenses incurred by any county, city, borough, liberty, division, franchise, or town corporate, for the subsistence of any person committed to hard labour in any prison in the United Kingdom under the Customs Acts, and may allow for the necessary subsistence of poor persons committed under the Customs Acts for nonpayment of a pecuniary penalty any sum not exceeding sevenpence halfpenny per diem.

Subsistence  
to prisoners,  
and gaol fees  
in Channel  
Islands.

**242.** The Commissioners of Customs may allow and pay for the necessary subsistence of any poor person confined in any prison in the Channel Islands for any offence under the Customs Acts such weekly or daily sum as by the regulations of the prison in which such poor person may be confined is required for the maintenance of poor insolvent debtors, and also such gaol fees as are properly payable in respect of any prisoner at the suit of the Crown for any such offence.

*Removal of  
proceedings.*

*As to the removal of proceedings before justices under the  
Customs Laws.*

Writs of  
certiorari  
and habeas  
corpus not to  
issue except  
on affidavit.

**243.** No writ of certiorari shall issue to remove any proceedings before any justice under the Customs Acts, nor shall any writ of habeas corpus or judge's order issue to bring up the body of any person who shall have been convicted before any justice under the Customs Acts, unless the party against whom such proceedings shall have been directed or who shall have been so convicted, or his attorney or agent, shall state by affidavit in writing duly sworn the grounds of objection to such proceedings or conviction; and upon the return to such writ of certiorari or habeas corpus or judge's order no objection shall be entertained by the court other than such as shall have been stated in such affidavit; and any justice shall and may amend any information, conviction, or warrant of commitment for any offence under such Acts at any time, whether before or after conviction.

No writ of  
habeas  
corpus or  
order with-  
out notice to  
solicitor.

**244.** No such writ or order shall issue without notice in writing to the Solicitor for the Customs, and no return to any such writ or order shall be considered by the High Court of Justice in England, or by any of Her Majesty's Courts at Dublin or Edinburgh, or the judges thereof, unless there shall be produced to such court or judge an affidavit in writing duly sworn stating that notice of the issuing of such writ or order was given to the Solicitor of Customs



or left at his office four clear days before the return of such writ or order; and with respect to all such writs or orders, there shall be an interval of four clear days at least between the day of issue and the day of the return thereof, and any such writ or order issuing without notice, or not in conformity with the directions herein contained, shall be void to all intents and purposes.

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CEEDINGS.

**245.** Where any person against whom an information shall be exhibited before a justice of the peace under the Customs Acts shall be in prison on any account whatever at the time appointed for the hearing of such information, the Commissioners of Customs shall cause to be obtained and issued out of the Exchequer Division of the High Court of Justice in England, or out of the Court of Exchequer in Scotland or Ireland, as the case may require, a writ of habeas corpus or a judge's order directed to the governor or keeper of the prison in which such person shall be confined, commanding him to convey such person to the place of hearing to be specified in such writ or order, in order that the said person may answer the said information and attend the trial thereof; and such writ of habeas corpus or judge's order shall be issued out of either of the said courts, on application made by the Solicitor for the Customs on behalf of the said Commissioners, to any judge of the High Court of Justice in England, or to any baron or judge of any of the superior courts of law in Scotland and Ireland respectively; and it shall be lawful for the justice or magistrate before whom any such information shall be brought for adjudication to refuse to proceed with the said information in the absence of the person charged, when satisfactory proof shall be made that such person is confined in prison.

Prisoners  
against  
whom infor-  
mations are  
exhibited to  
be brought  
up by habeas  
corpus or  
judge's order

*As to justices clerks fees in Customs prosecutions.*

**246.** The fees payable to justices clerks in respect of prosecutions under the Customs Acts shall be in accordance with the Table of Fees to this Act annexed.

Justices  
clerks fees.

*As to proceedings in superior courts for penalties.*

**247.** All suits, prosecutions, or informations for recovery of penalties under the Customs Acts in the High Court of Justice in England or in any of Her Majesty's Courts of Record at Dublin or Edinburgh may be commenced either by writ of subpœna or capias as the first process at the election of the Commissioners of Customs, in which shall be specified the amount of the penalty or penalties sued for, and, if by capias, the person against whom

Superior  
Courts.  
Procedure  
for penalties.



A.D. 1876.] such *capias* shall issue shall be bound with two sufficient sureties to the party to whom such *capias* shall be directed to appear in the court out of which such *capias* shall issue at the day of the return of such writ to answer such information, and shall likewise at the time of such appearing to be bound to Her Majesty, her heirs and successors, with two sufficient sureties, or, by leave of the court or a judge, more than two, to be acknowledged in the same court, to answer and pay all the penalties so sued for, or such other sum, not exceeding the penalty or penalties sought to be recovered, as the Commissioners of Customs, or the judge upon whose fiat such *capias* shall issue, may see fit, in case such person shall be convicted thereof, or to yield the body of such person to prison, and in default of being bound by such respective sureties the person against whom such *capias* shall issue shall be taken to prison.

Service of  
subpœna. S.J.

**248.** If in any case the Commissioners of Customs waive the right of issuing writ of *capias*, and elect to proceed by subpœna, service of a copy of such subpœna, either on the defendant personally or by leaving the same at his last known place of abode or business anywhere in the United Kingdom or on board any ship or vessel to which such defendant may belong or have lately belonged, shall be deemed to be sufficiently served.

Judgment by  
default for  
non-appear-  
ance or want  
of plea.

**249.** Any person arrested under such *capias* and imprisoned for want of sufficient bail shall be served with a copy of the information filed against him either personally or by delivery of a true copy thereof to the gaoler, keeper, or turnkey of the prison in which such persons shall have been confined; and in default of such person's appearing to such process and pleading to such information for the space of twenty days, to be computed from the date of such service, judgment shall be entered by default; and in case judgment shall be obtained against any such person by default, verdict, or otherwise, and such person shall not pay the sum recovered against him, execution shall thereupon issue, not only against the body of the person so imprisoned as aforesaid, but against all the real and personal estate of such person, or any other person in trust for him, for such sum or sums of money so as aforesaid recovered against him, together with the costs, poundage, fees, and expenses of execution over and above the sum recovered.

Execution  
may issue to  
sheriff of  
any county  
without  
reference to  
venue.

**250.** Every such execution may be directed in the first instance to the sheriff of any county or county of a city or other shrievalty as the party suing out the same may think fit, without reference to the county in which the venue is laid, and without any suggestion of the issuing of any prior writ of execution into such county.



**251.** Where any person so arrested and imprisoned as aforesaid by virtue of any writ of *capias* shall be disabled by poverty from making defence to any such information, it shall be competent for such person to petition the court on affidavit verifying such disability; and the court, on being satisfied of the truth of the facts alleged in such affidavit, may assign counsel and attorney to such person, and the counsel and attorney so assigned are hereby required to act for such person without fee.

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Impoverished persons may sue in forma pauperis.

**252.** Every sheriff, mayor, bailiff, and other person accustomed to execute the process of the courts, and every under-sheriff, deputy, or agent of such sheriff, mayor, or bailiff, is hereby required (on the request of the Solicitor of Customs, or of any person acting on his behalf, such request to be endorsed on the back of any writ of *capias* or other process issuing as aforesaid, and signed by such solicitor or by such other person stating his authority,) to grant a special warrant to such persons as shall be named to them by such solicitor or other person for apprehending the person against whom such process shall issue, or in default thereof every such sheriff, mayor, bailiff, under-bailiff, and other person shall be liable to such process of contempt, fines, and penalties as they or any of them are now by any law or custom liable to in case of refusing to execute similar process where the defendant might have been taken thereupon in the usual course of proceeding.

Sheriff to grant special warrant on writ of *capias* endorsed by Solicitor of Customs.

**253.** Every sheriff, mayor, bailiff, under-sheriff, and other person granting such special warrant shall be indemnified from all liability for the escape of any person who shall be arrested by virtue of such warrant; but when any person so arrested shall be tendered to the gaoler or keeper of the proper prison, he is hereby required to receive every person so arrested and tendered as aforesaid, and give a receipt for his body.

Sheriff indemnified for escape if warrant granted at request of Customs.

Gaoler to receive offender.

**254.** If when any person is arrested by writ of *capias ad respondendum*, the sheriff or other officer shall take bail from such person, such sheriff or other officer, at the request and costs of the Solicitor of Customs or other proper officer, shall assign to Her Majesty, her heirs and successors, the bail bond taken from such person, by endorsing and attesting the same under his hand and seal in the presence of two or more credible witnesses, which may be done without any stamp, provided the assignment so endorsed be duly stamped before any suit be commenced thereupon, and if such bail bond be forfeited, such process shall thereupon issue as on bonds originally made to Her Majesty, her heirs and successors.

When offenders arrested give bail to the sheriff, bail bond to be assigned to Her Majesty.



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## LEGAL PROCEEDINGS.

*Prosecutions, &c.*

In whose names indictments or suits to be preferred.

The Attorney General or Lord Advocate may enter a nolle prosequi.

Suits, &c. to be exhibited within three years.

Indictments or informations may be tried in any county in England, Scotland, or Ireland respectively.

*Proofs in proceedings.*

Defendant's proof in smuggling cases.

*As to prosecution by indictment or information.*

**255.** All indictments or suits for any offences or the recovery of any penalties or forfeitures under the Customs Acts shall, except in the cases where summary jurisdiction is given to justices, be preferred or commenced in the name of Her Majesty's Attorney General for England or Ireland, or of the Lord Advocate of Scotland, or of some officer of Customs or Inland Revenue.

**256.** In any prosecution for recovery of any fine, penalty, or forfeiture incurred under the Customs Acts, Her Majesty's Attorney General for England, Her Majesty's Attorney General for Ireland, or the Lord Advocate of Scotland, if satisfied that such fine, penalty, or forfeiture was incurred without any intention of fraud, or that it may be inexpedient to proceed in the said prosecution, may enter a nolle prosequi or otherwise on such information.

**257.** All suits, indictments, or informations brought or exhibited for any offence against the Customs Acts in any court or before any justice, shall be brought or exhibited within three years next after the date of the offence committed.

**258.** Any indictment, prosecution, or information which may be instituted or brought under the direction of the Commissioners of Customs for offences against the Customs Acts shall and may be inquired of, examined, tried, and determined in any county of England when the offence is committed in England, and in any county of Scotland when the offence is committed in Scotland, and in any county in Ireland when the offence is committed in Ireland, in such manner and form as if the offence had been committed in the said county where the said indictment or information shall be tried.

*As to proofs in proceedings.*

**259.** If in any prosecution in respect of any goods seized for nonpayment of duties, or any other cause of forfeiture, or for the recovering any penalty or penalties under the Customs Acts, any dispute shall arise whether the duties of Customs have been paid in respect of such goods, or whether the same have been lawfully imported or lawfully unshipped, or concerning the place from whence such goods were brought, then and in every such case the proof thereof shall be on the defendant in such prosecution, and where any such proceedings are had in the Exchequer Division of the High Court of Justice on the Revenue Side, the defendant shall be competent and compellable to give evidence.



**260.** The averment that the Commissioners of Customs or Inland Revenue have directed or elected that any information or proceedings under the Customs Acts shall be instituted, or that any ship or boat is foreign or belonging wholly or in part to Her Majesty's subjects, or that any person detained or found on board any ship or boat liable to seizure is or is not a subject of Her Majesty, or that any goods thrown overboard, staved, or destroyed were so thrown overboard, staved, or destroyed to prevent seizure, or that any goods thrown overboard, staved, or destroyed during chase by any ship or boat in Her Majesty's service, or in the service of the Revenue, were so thrown overboard, staved, or destroyed to avoid seizure, or that any person is an officer of Customs or Excise, or that any person was employed for the prevention of smuggling, or that the offence was committed within the limits of any port, or where the offence is committed in any port of the United Kingdom, the naming of such port in any information or proceedings shall be deemed to be sufficient, unless the defendant in any such case shall prove to the contrary.

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LEGAL PROCEEDINGS.

Averments in smuggling cases.

**261.** If upon any trial a question shall arise whether any person is an officer of the army, navy, marines, or coastguard duly employed for the prevention of smuggling, or an officer of Customs or Excise, his own evidence thereof, or other evidence of his having acted as such, shall be deemed sufficient, without production of his commission or deputation; and every such officer and any person acting in his aid or assistance shall be deemed a competent witness upon the trial of any suit or information on account of any seizure or penalty as aforesaid, notwithstanding such officer or other person may be entitled to the whole or any part of such seizure or penalty, or to any reward upon the conviction of the party charged in such suit or information.

Vivâ voce evidence may be given that a party is an officer.

Witness competent although entitled to part of seizure or reward.

**262.** Upon the trial of any issue, or upon any judicial hearing or investigation touching any seizure, penalty, or forfeiture, or other proceeding under the Customs Acts or any Act relating to the Excise, or incident thereto, where it may be necessary to give proof of any order issued by the Commissioners of the Treasury, or by the Commissioners of Customs or Inland Revenue respectively, the order, or any letter or instructions referring thereto, which shall have been officially received by any officer of Customs or Excise for his government, and under which he shall have acted as such officer, shall be admitted and taken as sufficient evidence and proof of such order.

What shall be evidence of order of Treasury or Commissioners of Customs or Inland Revenue.



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LEGAL PRO-  
CEEDINGS.Evidence of  
condemna-  
tion in  
forfeiture.

**263.** Condemnation by any justice under the Customs Laws may be proved in any court of justice, or before any competent tribunal, by the production of a certificate of such condemnation purporting to be signed by such justice, or an examined copy of the record of such condemnation certified by the clerk to such justice.

Entry of  
appearances.Claim to be  
in name of  
bonâ fide  
owners.*As to claim by owners of goods seized.*

**264.** No claim or appearance shall be entered to any information filed or exhibited for the forfeiture of any ship or goods seized for any cause of forfeiture in any court or before any justice, unless such claim or appearance be made by or in the real name of the owner or proprietor thereof, describing his place of residence and occupation; and if such claimant shall reside at London, Edinburgh, or Dublin, or within the liberties thereof, oath shall be made by him before one of the judges of the court in which such information is filed, or before any justice before whom such information shall be exhibited, that the said ship or goods were his property at the time of seizure; but if such person shall reside elsewhere, then oath shall be made by the attorney by whom such claim or appearance shall be entered that he has full authority for such claimant to make or enter the same, and that to the best of his knowledge and belief the same were at the time of seizure the bonâ fide property of the claimant; and on failure of making such proof of ownership such ship or goods shall be condemned, as if no claim or appearance had been made.

Verified by  
oath of  
ownership.If goods  
owned by  
more than  
five co-pro-  
priators, two  
may make  
the oath.

**265.** When any such ship, goods, or other things shall at the time of the seizure thereof be the bonâ fide property of any number of proprietors exceeding five, it shall not be necessary for more than two of them to enter such claim or appearance on the part of themselves and their co-proprietors, or to make such oath as aforesaid.

If goods  
owned by a  
company or  
co-partners,  
oath may be  
made by  
public officer  
or agent.

**266.** If any ship, goods, or other things shall at the time of seizure be the property of a joint stock company, or of co-partners carrying on trade in the United Kingdom, such claim and appearance may be entered and oath made by the public officer of such company, or by an agent for such co-partners or by one of them, and every person who shall be convicted of taking a false oath as to the facts herein-before required to be sworn to shall be guilty of perjury, and liable to the penalties thereof.

Probable  
cause may  
be certified  
in bar.

**267.** When in any information or suit relating to any seizure a verdict or judgment shall be found for the claimant, if it shall



appear to the judge or justice before whom the same was heard that there was reasonable or probable cause of seizure, and such judge or justice shall so certify on the record or information, such certificate may be pleaded a bar to any action, indictment, or other proceeding against the seizor; and in case any action, indictment, or other proceeding shall be brought to trial against any person on account of any seizure (whether any information be brought to trial for the condemnation of the same or not), and a verdict shall be given for the plaintiff, if the judge or justice before whom such action, indictment, information, or other proceeding shall be tried or heard shall certify on the record, information, or other written proceedings that there was reasonable or probable cause for seizure, the plaintiff shall not be entitled to more than twopence damages nor to any costs, nor shall the defendant be fined more than one shilling; and the production of such certificate, or a copy thereof, verified by the signature of the officer of the court, shall be sufficient evidence of such certificate.

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LEGAL PRO-  
CEEDINGS.*As to actions against officers of Customs.*

**268.** No action or suit shall be commenced against any officer of the army, navy, marines, coastguard, Customs, Excise, police, or other person acting for or under the direction of the Commissioners of Customs, or duly employed in the prevention of smuggling, for anything done in the execution of or by reason of his office, until one month next after notice in writing shall have been delivered to him or left at his usual place of abode by the attorney or agent of the plaintiff, in which notice shall be clearly stated the cause of action, the name and place of abode of the plaintiff, and the name and place of abode or business of such attorney or agent, and the attorney or agent mentioned in such notice shall not be entitled to more than ten shillings for preparing and serving such notice; and if any action or suit shall be commenced against any such officer or other person, and no such notice shall have been given, such officer or other person may call upon the plaintiff to establish to the satisfaction of the court, on affidavits on both sides, that such action or suit is brought for some act, matter, or thing not done in the execution of or by reason of his office, or whilst on duty as such officer, and if the plaintiff shall fail so to satisfy the court, such action or suit shall discontinue: Provided always, that if the plaintiff shall so satisfy the court, he shall not be allowed on the trial of such action to give evidence of any cause of action other than such as shall have been disclosed in his said affidavit.

*Actions  
against  
officers.*One month's  
notice of  
action to  
officer before  
process.



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LEGAL PRO-  
CEEDINGS.Evidence  
limited to  
subject in  
notice.Officer may  
tender  
amends.

**269.** Upon the trial of any action brought in pursuance of such notice the plaintiff shall not be entitled to a verdict without proving on the trial that such notice had been duly served, in default whereof the defendant shall receive a verdict, with costs, nor shall the plaintiff be at liberty to produce evidence of any cause of action, except such as has been distinctly stated in such notice.

**270.** It shall be lawful for any such officer or other such person to whom such notice shall be given, at any time within one month after service thereof, to tender amends to the plaintiff, or his agent or attorney, and in case such amends be not accepted to plead such tender in bar of the action, together with the plea of "not guilty," and other pleas, with leave of the court, where such leave must be obtained pursuant to "The Common Law Procedure Act, 1852;" and if upon the trial of such action the jury shall find the amends so tendered sufficient, they shall give a verdict for the defendant, and in such case, or in case the plaintiff shall be nonsuited or discontinue his action, or in case judgment be given for such defendant on demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to if he had pleaded the general issue only; but if upon issue joined the jury shall find that no amends were tendered, or that the same were insufficient, or shall find against the defendant on such plea or pleas, they shall give a verdict for the plaintiff, and such damages as they shall think proper, together with costs of suit.

Officer  
omitting  
to tender  
amends may  
pay money  
into court.

**271.** In case any officer or other such person shall neglect to tender amends, or shall not have tendered sufficient amends, before the action brought, it shall be lawful for him, by leave of the court in which such action shall be brought, at any time before the trial of the action, to pay into court a sum of money by way of amends, to abide the usual practice in such cases.

Actions  
against  
officers to be  
brought  
within  
one month  
after cause  
arises.

**272.** Every action against any officer of Customs or other such person shall be commenced within one month after the cause of action shall have arisen; but if such action be brought in respect of any seizure made by such officer or other such person, the month shall be computed from the day of seizure, unless it shall within that time become the subject of an information for the condemnation thereof, in which case the cause of action shall not be deemed to have arisen until the day after the trial of such information, and the venue in such action shall be laid in the county or place where the cause thereof is alleged to have occurred; and the defendant may plead the general issue, and give the special matter in evidence



on the trial thereof; and if the plaintiff shall be nonsuited or discontinued, or if upon a verdict or demurrer judgment shall be given against him, the defendant shall be entitled to costs, and have such remedy for the recovery thereof as any other defendant now has in other cases where costs are legally recoverable.

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LEGAL PROCEEDINGS.

**273.** Any person appointed to be solicitor or assistant solicitor of Her Majesty's Customs, or any clerk duly appointed to act on his behalf or under his or their directions, shall and may in any case relating to the Customs, or under the direction of the Commissioners of Her Majesty's Treasury or Customs, act as counsel, solicitor, attorney-at-law, advocate, or writer to the signet in the prosecution, conduct, or defence of any such case in any court, jurisdiction, or place in which such case may be instituted, and any such solicitor, assistant solicitor, or clerk, and any officer of Customs, under the order and directions of the Commissioners of Customs, may prosecute, defend, or conduct any proceeding before any justice in any matter relating to the Customs to be heard or determined by him.

Solicitors clerks and officers of Customs may conduct cases.

**274.** Any writer to the signet, solicitor before the supreme courts in Scotland, or solicitor at law duly licensed to practice as an agent in the Courts of Session and Justiciary in Scotland, who shall be retained by any defendant at the suit of the Crown for any offence against the laws relating to the Customs, shall be competent to undertake the defence of such defendant, and to instruct counsel for that purpose; and any such defendant who may not have retained any such agent shall be entitled to be heard by his counsel on any trial for such offence, although such defendant may have previously appeared to answer such suit in person instead of appearing by agent.

Defendant's in Customs cases to have choice of attorney and counsel in Scotland.

AS TO THE APPLICATION OF MONEYS FROM SALE, PURCHASE, OR  
EXCHANGE OF LANDS.

LANDS  
CLAUSES.

**275.** The moneys produced by sales or exchange of any freehold, leasehold, or copyhold lands or tenements bought, sold, or disposed of by, for, or under the direction of the Commissioners of Customs, including the moneys already paid by way of deposit for the purchase of any such lands or tenements already contracted to be sold, and the residue of the moneys to be received in respect or on account of such contract, shall be paid by the purchaser thereof, or by the person making such exchange, to the Commissioners of Customs for the time being or to such person as they shall appoint to receive the same, in trust for Her Majesty, her heirs and successors, for the use of the said Customs; and the receipt of such

Moneys produced by sale of lands to be paid to the Commissioners of Customs.



A.D. 1876. Commissioner or other person as aforesaid for such moneys (such receipt to be endorsed on the conveyance, surrender, or assignment) shall effectually discharge the purchaser or person by whom or on whose account the same shall be paid.

LANDS  
CLAUSES.

Money for  
lands of in-  
capacitated  
persons to be  
paid into  
Bank of  
England.

**276.** In all cases where any money shall have been or shall be agreed, or shall have been or shall be found by the verdict of any jury, to be paid for the use or possession of lands or hereditaments taken by virtue of the Customs Acts belonging to any persons under any disability or incapacity, or not having the absolute interest therein, the same shall be paid by warrant of the Commissioners of the Treasury into the Bank of England, in the name and with the privity of the Paymaster General on behalf of the Chancery Division of the High Court of Justice, to be placed to his account there in the matter of the particular Act to the credit of the persons claiming to be interested therein, naming them pursuant to the method prescribed by any Act in force for the time being for regulating the payment of money into court; and immediately upon the filing in the Chancery Division of the High Court of Justice of the certificate of such Paymaster General, with the receipt annexed of the payment into his name as aforesaid of any such money, in conformity with the eighth section of the Act of the twenty-second and twenty-third years of Her Majesty's reign, chapter twenty-one, the said lands or hereditaments shall be vested in or to the use of Her Majesty, her heirs and successors.

ISLE OF  
MAN.

#### AS TO THE ISLE OF MAN.

Isle of Man  
deemed part  
of United  
Kingdom for  
Customs  
purposes.

**277.** The Isle of Man shall be deemed and taken to be part of the United Kingdom for all the purposes of the Customs Acts; but nothing herein contained shall prejudice or affect, or be construed in any way, directly or indirectly, to prejudice or affect, any of the rights or privileges legally exercised or enjoyed by the said isle at the time of the passing of this Act.

Goods de-  
livered out  
of charge of  
Customs in  
the Isle of  
Man not to  
be brought  
into Great  
Britain or  
Ireland.

**278.** No foreign goods upon which a higher duty is payable on their importation into Great Britain or Ireland than on their importation into the Isle of Man shall, after the same have been cleared and delivered out of charge of the proper officers of Customs for consumption or otherwise in the said isle, be carried or shipped or be water-borne or be brought to any quay, wharf, or other place to be shipped or water-borne to be carried from the said isle into Great Britain or Ireland; nor shall any such goods which may be brought to the said isle, though not cleared and delivered as aforesaid, be removed or carried to be brought or taken from thence into Great Britain or Ireland until the same shall have been



duly cleared for that purpose by the proper officer of Customs, nor (unless reported for removal in the same ship and in continuation of the voyage to some port in Great Britain or Ireland) until sufficient security by bond or otherwise shall have been given, in such manner and on such terms and conditions as the Commissioners of Customs may direct, for the due delivery thereof at some port or place in Great Britain or Ireland; and all goods carried, brought, shipped, removed, or water-borne to be shipped, removed, or carried contrary hereto shall be forfeited, and every person who shall carry, ship, bring, remove, or water-bear to be shipped, removed, or carried any goods contrary hereto, or who shall aid or be concerned therein, shall forfeit treble the value of such goods, or the sum of one hundred pounds, at the election of the Commissioners of Customs.

**279.** Any goods the growth of the Isle of Man, or there manufactured from materials the growth of the said isle, or from materials not subject to duties in Great Britain or Ireland, or from materials upon which the duty has been paid in Great Britain or Ireland, and upon which no drawback has been subsequently granted, may be brought from the said isle into Great Britain or Ireland without payment of any duty: Provided always, that any goods may nevertheless be charged with such proportion of such duties as shall fairly countervail any duties of Excise payable on the like sort of goods the produce of that part of Great Britain or Ireland into which they shall be brought, or payable upon any of the materials from which such goods are manufactured, and any articles either wholly or in part manufactured in the said isle from any materials upon which a higher duty is payable upon their importation into Great Britain or Ireland than on their importation into the Isle of Man, may be brought from the said isle into Great Britain or Ireland on payment of the duty payable on such goods in that part of Great Britain or Ireland into which they shall be so brought.

**280.** Before any goods shall be shipped in the Isle of Man to be carried to Great Britain or Ireland, as the growth or produce of that isle, or as manufactures of that isle, from materials the growth and produce thereof, or from materials not subject to duty in Great Britain or Ireland, or from materials upon which the duties shall have been paid and not drawn back in Great Britain or Ireland, proof shall be made by the written declaration of some competent person, to the satisfaction of the collector or other proper officer of Customs at the port of shipment, that such goods (describing and identifying them) are of such growth, produce, or manufacture, as the case may be, and in such declaration shall be stated the name

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ISLE OF  
MAN.

Goods brought to Isle of Man, but not delivered from Customs, may be brought to Great Britain or Ireland on conditions.

Goods the growth or manufacture of Isle of Man may be imported into Great Britain or Ireland on certificate, &c.

Declaration and certificate of growth or manufacture of goods from Isle Man



A.D. 1876. of the person by whom such goods are intended to be shipped, and  
 ISLE OF such person at the time of shipping (not being more than one  
 MAN. month after the date of such declaration) shall make and subscribe  
 a declaration before such collector or other proper officer that the  
 goods to be shipped are the same as mentioned in such declaration,  
 and thereupon the collector or other proper officer shall, on demand,  
 give to the master of the ship in which the goods are to be exported  
 a certificate of such proof of produce or of manufacture, describing  
 the same, and setting forth the name of the party and of the ship  
 and of the master thereof, and the destination of the goods.

Act not to  
 affect Excise  
 drawback.

**281.** Nothing herein contained shall be deemed or construed to  
 affect the laws and regulations now in force respecting duties and  
 drawbacks of Excise on goods removed to the Isle of Man.

Stores of  
 Manx ships.

**282.** If any ship or boat bound from the Isle of Man to Great  
 Britain or Ireland shall have on board any stores of spirits, tobacco,  
 or tea for the use of the crew exceeding the quantities specified in  
 the following table, such stores, together with the casks or packages  
 containing the same, and also the ship or boat, shall be forfeited.

TABLE.

—	In Ships or Decked Vessels.	In Open Boats.
Spirits for each seaman -	Half a gallon - -	One quart.
Tobacco for each seaman -	One pound - -	Half a pound.
Tea for the whole crew -	Two pounds - -	One pound.

Treasury  
 may restrict  
 imports.

**283.** The Commissioners of the Treasury shall and may at any  
 time, if they see fit, by order under their hands, restrict or limit the  
 importation into the Isle of Man of any foreign goods to such  
 quantities per annum and in such manner as they may deem  
 necessary, and also determine into what ports in the Isle of Man  
 and from what places such goods may be imported.

MIS-  
 CELLANEOUS.

## MISCELLANEOUS MATTERS.

*As to the interpretation of terms used in this Act.*

Interpreta-  
 tion of terms.

**284.** For the purposes of this or any other Act relating to the  
 Customs and in construing the same, the following terms, when not  
 inconsistent with the context or subject-matter, shall have the  
 several meanings, and include the several matters and things herein-  
 after prescribed and assigned to them; that is to say,

“Attorney General” shall include Solicitor General, Attorney  
 General in the Isle of Man, Procureur, or other chief law officer of  
 the Crown in any of Her Majesty’s possessions abroad where there  
 is no Attorney General.



“British possession” shall mean and include colony, plantation, island, territory, or settlement belonging to Her Majesty. A.D. 1876.

“Channel Islands” shall mean the islands of Guernsey, Jersey, Alderney, and Sark, and their respective dependencies. MIS-CELLANEOUS.

“Commissioners of the Treasury” shall mean the Lords Commissioners of Her Majesty’s Treasury.

“County” shall mean and include any city, county of a city, county of a town, borough, or other magisterial jurisdiction where such construction is not inconsistent with the context.

“Customs Acts” shall mean and include this and all or any other Acts or Act relating to the Customs.

“Exporter of goods for which no bond is required” shall include and apply to the person subscribing the declaration required at the foot of the specification, forms No. 8 and No. 9, or manifest in lieu thereof, as the case may be.

“Drawback” shall include bounty.

“Gaoler” shall mean and include any governor or keeper of Her Majesty’s prisons.

“Her Majesty” shall mean Her Majesty, her heirs and successors.

“Importer” shall mean, include, and apply to any owner or other person for the time being possessed of or beneficially interested in any goods at and from the time of the importation thereof until the same are duly delivered out of the charge of the officers of Customs.

“Justice” shall mean and include justice of the peace, county court judge, recorder, sheriff depute, governor, deputy-governor, lieutenant-governor, bailiff, chief magistrate, deemster, jurat, and any other magistrate in the United Kingdom and the Channel Islands.

“Master” shall mean the person having or taking the charge or command of any ship.

“Official import lists and official export lists” shall mean any lists which are now or shall from time to time be issued under the authority of the Commissioners of the Treasury or Customs, prescribing the denominations, descriptions, and quantity by tale, weight, measure, value, or otherwise, by which articles of merchandise shall be required to be entered on their importation into or exportation from the United Kingdom.

“Proper officer of Inland Revenue” in the fourth section of the Act of the thirty-seventh and thirty-eighth years of Her Majesty’s reign shall mean “proper officer of Customs.”

“Queen’s warehouse” shall mean any place provided by the Crown or approved by the Commissioners of Customs for the deposit of goods for security thereof and of the duties due thereon.



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Mis-

CELLANEOUS.  
Customs  
fund avail-  
able for  
officers of  
the United  
Kingdom,  
and the Life  
Assurance  
Companies  
Act shall not  
apply to that  
fund.

Cards im-  
ported not  
to be sold  
without a  
wrapper  
provided by  
the Com-  
missioners  
of Inland  
Revenue.

Reciprocity  
under  
treaties, &c.

Acts set  
forth in  
Schedule  
(A.) repealed.

Orders, &c.  
under Acts  
repealed to  
be valid.

"Warehouse" shall mean any place in which goods entered to be warehoused may be lodged, kept, and secured.

**285.** The unrepealed provisions of the Act of the fifty-sixth year of George the Third, chapter seventy-three, shall apply to and be available by and for the benefit of the officers, clerks, and other persons in the department of the Customs in Scotland and Ireland, and their relatives, as fully and amply as if they had been originally mentioned therein, and the Act made applicable to the United Kingdom instead of England only; and the Life Assurance Companies Act, 1870, shall not be deemed to apply to the Customs Annuity and Benevolent Fund.

**286.** In construing section one hundred and fourteen of "The Customs Consolidation Act, 1853," relating to cards, saved from repeal in Schedule (A.) to this Act annexed, it shall be read as if section twenty-eight of the Act of the twenty-fifth and twenty-sixth years of Her Majesty's reign, chapter twenty-two, were therein referred to and had been originally inserted therein instead of the Act therein mentioned, and the reference in the thirty-sixth section of the above-mentioned Act to "The Customs Consolidation Act, 1853," hereby repealed, shall be deemed to apply to the several clauses of that Act relating to cards as saved in the said Schedule and read as hereby directed.

**287.** Sections nine, ten, eleven, and twelve of the Act of the eighth and ninth years of Her Majesty's reign, chapter ninety, shall, notwithstanding the repeal by this Act of section seventeen of the Act of the twentieth and twenty-first years of Her Majesty's reign, chapter sixty-two, be deemed and considered as subsisting and unrepealed.

*As to repeal of existing Acts.*

**288.** The several Acts and parts of Acts set forth in Schedule (A.) to this Act annexed are hereby repealed, to the extent to which such Acts or parts of Acts are by such Schedule expressed to be repealed, except as to anything done before the commencement of this Act, and except so far as relates to any arrears of duty or to any drawback which shall have become due or payable, and except so far as may be necessary for the purpose of supporting or continuing any proceeding heretofore taken or to be taken after the commencement of this Act, and except as to the recovery or application of any penalty for any offence which shall have been committed or any forfeiture which shall have been incurred before the commencement of this Act; and all orders made by Her Majesty in Council, all bonds taken or licenses granted, and all things done under the authority or in pursuance of any of the Acts hereby repealed,



shall nevertheless be valid and effectual; and all commissions, deputations, and appointments granted to any officer of Customs in force at the commencement of this Act shall continue in force as if the same had been granted under the authority of this Act; and all bonds or other securities which shall have been given by or for such officers and their respective sureties for good conduct or otherwise shall remain in force; and all warrants, licenses, orders, and regulations made by the Commissioners of the Treasury or the Customs under any Act or Acts relating to the Customs now repealed, shall remain in force until altered, revoked, or rescinded or others made by them in lieu thereof; and all acts done in pursuance of any such orders and regulations shall be and are hereby declared to be valid; and all ports, inland bonding places, havens, creeks, boarding stations, legal quays, sufferance wharves, and warehouses appointed or approved under any of the Acts hereby repealed shall continue until the appointment or approval thereof shall be annulled, varied, or altered by the said Commissioners.

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Mis-CELLANEOUS.

Commissions, deputations, bonds, &amp;c. to remain in force.

Warrants, orders, and regulations to remain in force.

Ports, bonding places, havens, creeks, &amp;c. to continue.

**289.** This Act shall be registered in the Royal Courts of the Island of Guernsey and Jersey respectively, and the said Royal Courts respectively shall have full power and authority and are hereby required to register the same.

Act to be registered in Royal Courts of Guernsey and Jersey.

**290.** This Act shall come into operation on the day of the passing of this Act, and in citing it in other Acts of Parliament and in legal instruments it shall be sufficient to use the expression "The Customs Consolidation Act, 1876."

Commencement of Act.



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## SCHEDULES.

SCHEDULE(A.)

## SCHEDULE (A.) of Acts to be Repealed.

Date of Act.	Title of Act.	Extent of Repeal.
8 & 9 Vict. c. 85 -	An Act for the Management of the Customs.	Sections 2 and 3.
16 & 17 Vict. c. 107	An Act to amend and consolidate the laws relating to the Customs of the United Kingdom and of the Isle of Man, and certain Laws relating to Trade and Navigation and the British Possessions.	The whole Act, except sections 114, 115, and 116, relating to cards; sections 165, 166, 181, 182, 183, 185, 187, and 188, so far as they relate to those of Her Majesty's possessions abroad in which other provisions have not been substituted by Local Act or Ordinance with the sanction of Her Majesty; sections 324 to 327 both inclusive, and 329 to 331 both inclusive, relating to reciprocity in commerce, and sections 332, 333, and 335 to 341 both inclusive, and also 343, 344, and 345, relating to the acquisition and disposal of lands.
18 & 19 Vict. c. 96	The Supplemental Customs Consolidation Act.	The whole Act.
18 & 19 Vict. c. 97	The Customs Tariff Act, 1855	The whole Act.
19 & 20 Vict. c. 75	The Customs Laws and Duties Amendment Act, 1856.	The whole Act, except section 6.
20 Vict. c. 15 -	The Customs Duties Amendment Act, 1857.	The whole Act.
20 & 21 Vict. c. 61	The Customs and Excise Duties Act, 1857.	The whole Act.
20 & 21 Vict. c. 62	The Customs Amendment Act, 1857.	The whole Act.
21 Vict. c. 12 -	The Customs Duties Act, 1858	The whole Act.
22 & 23 Vict. c. 37	The Customs Amendment Act, 1859.	The whole Act.
23 Vict. c. 22 -	The Customs Tariff Amendment Act, 1860.	The whole Act.
23 & 24 Vict. c. 36	The Customs Inland Bonding Act, 1856.	The whole Act.
24 Vict. c. 20 -	The Customs and Inland Revenue Act, 1861.	So much as relates to Customs.
25 Vict. c. 22 -	The Customs and Inland Revenue Act, 1862.	So much as relates to Customs.
26 Vict. c. 22 -	The Customs and Inland Revenue Act, 1863.	So much as relates to Customs.



A.D. 1876.

SCHEDULE (A.)

Date of Act.	Title of Act.	Extent of Repeal.
27 Vict. c. 18	- The Customs and Inland Revenue Act, 1864.	So much as relates to Customs.
28 Vict. c. 30	- The Customs and Inland Revenue Act, 1865.	So much as relates to Customs.
28 & 29 Vict. c. 95	The Sugar Duties and Drawbacks Act, 1865.	The whole Act.
30 Vict. c. 10	- The Sugar Duties Act, 1867 -	The whole Act.
30 Vict. c. 23	- The Customs and Inland Revenue Act, 1867.	So much as relates to Customs.
30 & 31 Vict. c. 82	The Customs Amendment Act, 1867.	The whole Act.
31 Vict. c. 28	- The Customs and Income Tax Act, 1868.	So much as relates to Customs.
32 & 33 Vict. c. 14	The Customs and Inland Revenue Duties Act, 1869.	So much as relates to Customs.
33 Vict. c. 12	- The Customs (Isle of Man) Act, 1870.	The whole Act.
33 & 34 Vict. c. 32	The Customs and Inland Revenue Act, 1870.	So much as relates to Customs.
34 Vict. c. 21	- The Customs and Income Tax Act, 1871.	So much as relates to Customs.
36 Vict. c. 29	- The Customs Sugar Duties (Isle of Man) Act, 1873.	The whole Act.
37 & 38 Vict. c. 16	The Customs and Inland Revenue Act, 1874.	So much as relates to Customs.

## SCHEDULE (B.) referred to in the foregoing Act.

SCHEDULE (B.)

Form No. 1.

Official Number.

Number of Register.

Date of Registry.

Port of

 { If Sailing Vessel  
 { or Steamer.

## REPORT.

Ship's Name.	Tonnage.	British or Foreign ; if British, Port of Registry ; if Foreign, Country to which she belongs.	Number of Crew.		Name of Master, and whether a British or Foreign Subject.	Port or Place from whence arrived.
			British Seamen.	Foreign Seamen.		
<i>Here state the particulars according to the above headings.</i>						
		Total - -				



A.D. 1876.

## CARGO.

SCHEDULE (B.)

1.	2.	3.	4.	5.	6.	7.
Name or Names of Places where laden in order of Time.	Marks.	Nos.	Packages and Descriptions of Goods, Particulars of Goods stowed loose, and General Denomination of Contents of each Package of Tobacco, Cigars, or Snuff intended to be imported at this Port.	Particulars of Packages and Goods (if any) for any other Port in the United Kingdom.	Goods (if any) to be transhipped or to remain on board for Exportation.	Name of Consignee.
Here state the particulars according to the above headings, or if in Ballast, state "in Ballast only."						
If any wreck fallen in with or picked up, to be stated.						

## STORES.

Surplus stores remaining on board, viz. :—

Number of alien passengers (if any) —

Pilot's names —

At what station ship lying —

Agent's name and address —

I declare that the above is a just report of my ship and of her lading, and that the particulars therein inserted are true to the best of my knowledge, and that I have not broken bulk or delivered any goods out of my said ship since her departure from the last foreign place of loading (except, if so, at \_\_\_\_\_, stating where).

(Signed)

Master.

Signed and declared this

day of

187 .

In presence of

Collector.

Form No. 2.

## ENTRY FOR HOME USE.

Whether Prime or Post, and if Post date of Prime Entry \_\_\_\_\_

Port of Importation \_\_\_\_\_

Dock or Station \_\_\_\_\_

Merchant in whose  
name the goods  
are entered

Importer's Name \_\_\_\_\_

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.
Here state the particulars according to the above headings.			



A.D. 1876.

SCHEDULE(B.)

Marks.	Numbers.	Number of Packages, quantity and description and, if a Prime Entry, value of Goods, in accordance with the requirements of the Official Import List.
<i>Here state the particulars of the goods according to the above headings.</i>		

Total amount of duty payable on this entry - £

Dated this                      day of                      187 .

(Signed) \_\_\_\_\_

Importer or his Agent.

Form No. 3.

## ENTRY FOR WAREHOUSING.

Port \_\_\_\_\_

Dock or Station \_\_\_\_\_

Importer's Name \_\_\_\_\_

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.
<i>Here state the particulars according to the above headings.</i>			

Marks.	Numbers.	Number of Packages, quantity, description, and value of Goods, in accordance with the requirements of the Official Import List.
<i>Here state the particulars of the goods according to the above headings.</i>		

I enter the above goods to be warehoused at \_\_\_\_\_

Dated this                      day of                      187 .

(Signed) \_\_\_\_\_

Importer or his Agent.



A.D. 1876. Form No. 4.

SCHEDULE(B.)

## ENTRY BY BILL OF SIGHT.

Port \_\_\_\_\_

Dock or Station \_\_\_\_\_

Importer's Name \_\_\_\_\_

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.

Marks.	Numbers.	Number of Packages with the best Description the Importer is able to give.
<i>State the particulars according to the respective headings given above.</i>		

I, \_\_\_\_\_ the importer (or agent to the importer) of the goods above mentioned, do hereby declare (if importer) that I have not, or (if agent) that, to the best of my knowledge, he has not received sufficient invoice, bill of lading, or other advice from whence the quality, quantity, or value of the goods above mentioned can be ascertained.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 187 .

(Signed) \_\_\_\_\_

Importer or his Agent.

(Signed) \_\_\_\_\_

Collector or proper Officer of Customs.

Form No. 5.

## ENTRY FOR FREE GOODS.

Port \_\_\_\_\_

Dock or Station \_\_\_\_\_

Importer's Name \_\_\_\_\_

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.
<i>Here insert the particulars according to the above headings.</i>			



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A.D. 1876.

SCHEDULE (B.)

Marks.	Numbers.	Number of Packages, and quantity, description, and value of Goods, in accordance with the requirements of the Official Import List.
<i>Here state the particulars of the goods according to the above headings.</i>		

I enter the above goods as free of duty, and declare the above particulars to be true.

Dated this                      day of                      187 .

(Signed) \_\_\_\_\_

Importer or his Agent.

Form No. 6.

### ENTRY OUTWARDS.

Port of \_\_\_\_\_

Ship's Name		Tonnage.	Master's Name.	Port of Destination.
If British, Name of Port of her Registry.	If Foreign, Name of Country to which she belongs.			

Lying at \_\_\_\_\_ Dock or Station.  
(Signed) \_\_\_\_\_

Master or Agent.

Date of Entry.

If ship shall have commenced her  
lading at any other port }  
(name of such port).

Form No. 7.

### SHIPPING BILL. For Drawback Goods.

Ship's Name.	Whether British or Foreign; if Foreign, the Country.	Master's Name.	Port or Place of Destination.



SCHEDULE (B.)

I claim drawback on { Here state the quantity and description in words at length of any goods in respect of which drawback is claimed.

Station of Clearance.

Searcher.

day of

187

SPECIFICATION for Foreign Goods free of duty or on which all duties have been paid.

I declare that the particulars set forth above are correctly stated.

adding "exporter" or "agent," as the case may be.

Address

187 .

(Countersigned)

Searcher.



Form No. 9.

A.D. 1876.

## SPECIFICATION for British and Irish Goods only.

SCHEDULE(B.)

Port of Ship's Name		Master Port or Place of Destination		
Marks.	Numbers.	Description of Packages.	Quantity and Description of British and Irish Goods, in accordance with the requirements of the Official Export List.	Value.

I declare that the particulars set forth above are correctly stated.

Signed \_\_\_\_\_

Adding "Exporter" or "Agent,"  
as the case may be.

Address \_\_\_\_\_

Dated \_\_\_\_\_ 187 .

(Countersigned) \_\_\_\_\_

Searcher or proper Officer.

Form No. 10.

## CONTENT.

Port of \_\_\_\_\_

Ship's Name and Destination.	Number of Tons.	Number of Boats.	If British, Port of Registry. If Foreign, the Country.	Number of Crew.	Name of Master.	With or without Passengers or Troops.

## WAREHOUSED, TRANSHIPMENT, DRAWBACK, AND RESTRICTED GOODS.

Marks and Numbers, if any, of Packages.	Number and Description of Packages.

*Particulars to be stated according to the above headings.*

Cleared \_\_\_\_\_

Examined  
(Signed) \_\_\_\_\_

Searcher.

Dated \_\_\_\_\_



A.D. 1876.

SCHEDULE (B.)

I do declare that the above content is a true account of all goods above described, shipped, and intended to be shipped on board the above-named ship, and correct in all particulars.

Signed \_\_\_\_\_

Master.

Signed and declared this  
before me,

day of

(Signed)

Collector or proper Officer of Customs.

Form No. 11.

TRANSIRE.

Port of

Ship's Name.	Tonnage.	Port of Registry.	Master's Name.	Whither Bound.

Foreign Goods, distinguishing Warehoused Goods removed under Bond.	Quantities of Corn, Grain, Meal, Flour, or Malt.	Goods liable to Duty of Excise or entitled to Drawback thereof.	Here state "Sundry other Goods" or "No other Goods," as the case may be.

(Signed) \_\_\_\_\_

Master.

Cleared the

day of

187 .

(Signed)

Collector or other proper Officer.

SCHEDULE (C.)

## SCHEDULE (C.) referred to in the foregoing Act.

## FORM OF INFORMATION.

Be it remembered, that *A.B.*, an officer of Customs, under the direction of the Commissioners of Customs, informs me, one of Her Majesty's justices of the peace in and for the \_\_\_\_\_ of \_\_\_\_\_

## COUNT I.

That *C.D.*, to wit, on the \_\_\_\_\_ day of \_\_\_\_\_ 18 , did import, or bring, or unship, or deliver, or carry, or remove, or harbour, or deal with,



*or was concerned in importing, or unshipping, or delivering, or carrying, or removing, or harbouring, or dealing with to evade the payment of the duties due thereon, or to evade the prohibition or restriction relating to the importation and delivery of, certain uncustomed, or prohibited, or restricted goods, to wit [describe them].*

A.D. 1876.

SCHEDULE(C.)

## COUNT II.

That *C.D.*, to wit, on the            day of            18   , was found, or discovered to have been, on board a ship, or boat, within three leagues of the United Kingdom, or the Channel Islands.

## COUNT III.

That *C.D.*, to wit, on the            day of            18   , was found, or discovered to have been, on board a ship or boat, within a port, or bay, or harbour, or river, or creek, of the United Kingdom, or "the Channel Islands" [*as the case may be*].

## COUNT IV.

That *C.D.*, to wit, on the            day of            18   , was found, or discovered to have been, on board a ship, or boat, part of the cargo of which was thrown overboard, or staved, or destroyed, to prevent seizure.

## COUNT V.

That *C.D.*, to wit, on the            day of            18   , was found on board, or discovered to have been on board, the ship            , being one of Her Majesty's ships, or in Her Majesty's employment or service, or the ship            being a foreign post office packet employed in carrying mails between a foreign country and the United Kingdom [*as the case may be*].

## COUNT VI.

That *C.D.* did, to wit, on the            day of            18   , make and subscribe a false declaration, or document, purporting to be [*here state the nature of the document generally*], the same being false and untrue.

## COUNT VII.

That *C.D.* did, to wit, on the            day of            18   , counterfeit or falsify, or wilfully use when counterfeited or falsified [*as the case may be*], a certain document purporting to be [*here state the nature of the document generally*].

## COUNT VIII.

That *C.D.* did, to wit, on the            day of            18   , alter a certain document, or instrument, after the same had been officially issued, to wit, [*here state the nature of the document generally*].

## COUNT IX.

That *C.D.* did, to wit, on the            day of            18   , counterfeit the seal, or signature, or initials, or mark, of or used by, an officer of Customs for [*here state the purport*].



## COUNT X.

A.D. 1876. That C.D. was, to wit, on the                      day of                      18   , driving or  
conducting a cart, or waggon, or conveyance, and refused to stop, or to allow  
the examination thereof, when required in the Queen's name.

## COUNT XI.

That C.D., on the                      day of                      18   , did obstruct  
being a person employed for the prevention of smuggling and in the execution  
of his duty, or was concerned in the rescue of, or in the endeavour to rescue,  
or in the destruction of, or in the endeavour to destroy, seized goods, or in  
the rescue of, or endeavour to rescue a person, to wit, one E.F., who had  
then been apprehended for an offence punishable by fine or imprisonment  
under the Customs Acts, or prevented, or endeavoured to prevent, the appre-  
hension of one E.F., who had been, to wit, on the                      day of  
18   , guilty of an offence punishable by fine or imprisonment under the  
Customs Acts.

## COUNT XII.

That C.D., to wit, on the                      day of                      18   , denied the  
possession of certain foreign goods, to wit [*here mention generally the goods*],  
which were afterwards found to be, or to have been [*as the case may be*], in  
his possession.

## COUNT XIII.

That C.D., a person required by the Customs Acts to answer questions put  
to him by an officer of the Customs, to wit, on the                      day of  
18   , did untruly answer, or did refuse to answer, a certain question put to  
him by an officer of Customs.

## COUNT XIV.

That C.D., being summoned as a witness, did neglect, or refused, to appear,  
or and having appeared in obedience to such summons, did refuse to take  
oath, or affirm, or give evidence, or answer,

contrary to section [*here insert in figures the section creating the offence*] of  
"The Customs Consolidation Act, 1876," whereby the said C.D. has forfeited  
the sum of                     , being treble the value of the goods, or  
the penalty of one hundred pounds [*as the case may be*], for which the  
Commissioners of Customs have elected to sue, or the sum of  
pounds, or a sum not exceeding one hundred pounds, or a sum not exceeding  
pounds, or has become liable to be imprisoned [*here insert  
the penalty, or period of imprisonment, imposed by the section under which  
the offence is charged*].

*For goods only.*

That certain goods, to wit [*here mention generally the goods or things*],  
were seized on the                      day of                      18   , for being  
dealt with contrary to section [*here insert the section in figures*] of "The



Customs Consolidation Act, 1876," whereby the said goods have become liable to forfeiture, and that C.D., of \_\_\_\_\_, has claimed the same. A.D. 1876.

SCHEDULE (C.)

Exhibited to and before me, }  
the day of , }  
in the year of our Lord }

#### FORM OF SUMMONS ON INFORMATION.

To [C.D.]

Whereas an information has been exhibited by [A.B.] an officer of  
to wit. } Customs, under the direction of the Commissioners of Customs,  
before me , one of Her Majesty's justices of the peace  
for the of , in the following form [*here*  
*copy the information*].

This is therefore to require you personally to appear before me, or such  
other justice or justices of the peace as may be present, at  
in the of , on the day of  
next ensuing, at the hour of o'clock in the forenoon  
of said day, to answer the said information.

Given under my hand and seal at in the  
of this day of in the year of our  
Lord

#### FORM OF SUMMONS ON INFORMATION FOR CONDEMNATION OF SEIZURES.

To of in the  
of

An information having been preferred by [A.B.] an officer of  
to wit. } Customs, under the direction of the Commissioners of Customs,  
before me , one of Her Majesty's justices of the peace  
for the of , for the condemnation  
of [*here state the goods*] seized on the day of  
in the year of our Lord , for being dealt  
with contrary to section of "The Customs Consolidation Act, 1876,"  
and claimed by you.

This is to require you to appear before me, or such other justice or justices  
of the peace as may be present at , in the  
of on the day of next ensuing,  
at the hour of o'clock in the forenoon of said day, to show cause why  
the said goods should not be condemned as forfeited.

Given under my hand and seal at , in the  
of this day of in the year of our  
Lord



A.D. 1876.

## FORM OF SUMMONS FOR WITNESSES.

SCHEDULE(C.)

To

to wit. } You are hereby required personally to be and appear on the  
 of day of next ensuing, at the hour  
 of o'clock in the forenoon, at in the  
 of before me, or such other of Her Majesty's justices of the  
 peace for the said of as may be then and  
 there present, to give evidence and testify the truth, according to your  
 knowledge, concerning the facts alleged in a certain information exhibited  
 against C.D. under "The Customs Consolidation Act, 1876," and herein fail  
 not, under the penalty therein provided.

Given under my hand and seal at in the  
 of this day of in the year of our  
 Lord

## FORM OF CONVICTION.

to wit. } Be it remembered, that on this day of  
 of in the year of our Lord at in the  
 of C.D. is convicted before me [or us, as the case may be,] of  
 Her Majesty's justices of the peace for the of  
 for that he the said C.D., within three years now last past [here state the  
 offence as in the information], and [where the party has been convicted of an  
 offence punishable by pecuniary penalty and imprisonment in default of  
 payment,] I, or we, adjudge the said C.D. for his said offence to forfeit and  
 pay the sum of , which [if such be the case,] I, or we,  
 mitigate to the sum of ; and if the said sum of  
 be not forthwith paid, I, or we, adjudge the said C.D. to be im-  
 prisoned in Her Majesty's gaol at in the  
 of until the same be paid, [or where it shall have been  
 so adjudicated add, instead of the words "until the same be paid," for the  
 period of months,] unless he shall sooner pay the said sum of  
 or [where the party has been convicted of an offence punishable by imprison-  
 ment with hard labour,] I, or we, adjudge the said C.D. for his said offence  
 [and where the party has been previously convicted insert here, "he having  
 been previously convicted,"] to be imprisoned in Her Majesty's house of  
 correction at in the of , and  
 there kept to hard labour for the period of months.

Given under hand and seal at in the  
 of , this day of in the year of our Lord

## FORM OF COMMITMENT FOR NONPAYMENT OF A PECUNIARY PENALTY.

to wit. } To [A.B.] an officer of Customs, and to the gaoler or keeper of the  
 of gaol at in the of  
 [C.D.] having been this day convicted before me [or us, as the  
 case may be,] of Her Majesty's justices of the peace in and



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for the \_\_\_\_\_ of \_\_\_\_\_ upon the information of [A.B.] A.D. 1876.  
 an officer of Customs, under the direction of the Commissioners of Customs, of SCHEDULE (C.)  
 having, within three years now last past, [*here state the offence generally, and the date thereof,*] I [*or we, as the case may be,*] did adjudge that the said [C.D.] had forfeited for his said offence the sum of \_\_\_\_\_, [*adding, if mitigated,*] which I [*or we, as the case may be,*] mitigated to the sum of \_\_\_\_\_, which has not been paid.

This is to command you forthwith to convey the said [C.D.] to the gaol at \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_, and to deliver him into the custody of the gaoler or keeper of the said gaol.

And I [*or we,*] the said justice *or* justices [*as the case may be*] do hereby authorise and require you, the said gaoler or keeper of the said gaol, to receive the said [C.D.] into your custody, and him safely to keep in your said gaol until he shall duly pay the said sum of \_\_\_\_\_ or be discharged according to law [*or, if it be so adjudicated, insert, instead of what follows the word "gaol," for the period of \_\_\_\_\_ months, unless he shall sooner pay the said sum of \_\_\_\_\_*].

Given under \_\_\_\_\_ hand and seal at \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

#### FORM OF COMMITMENT TO HARD LABOUR.

To [A.B.] an officer of Customs, and to the gaoler or keeper of the }  
 to wit. } house of correction at \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_

C.D. having been this day duly convicted before me [*or us, as the case may be,*] \_\_\_\_\_ of Her Majesty's justices of the peace for the \_\_\_\_\_ of \_\_\_\_\_ upon the information of [A.B.] an officer of Customs, under the direction of the Commissioners of Customs, of having, within three years now last past, [*here state the offence generally and date thereof,*] I [*or we, as the case may be,*] did adjudge that the said [C.D.] should for his said offence [*if previously convicted, say "he having been previously convicted,"*] be imprisoned in the house of correction at \_\_\_\_\_ in the said \_\_\_\_\_ of \_\_\_\_\_, and be there kept to hard labour for the period of \_\_\_\_\_ months.

This is to command you forthwith to convey the said [C.D.] to the house of correction at \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_, and to deliver him into the custody of the gaoler or keeper of the said house of correction, and I [*or we,*] the said justice *or* justices, [*as the case may be,*] do hereby authorise and require you the said gaoler or keeper of the said house of correction, to receive and take the said [C.D.] into your custody, and him safely to keep to hard labour in your said house of correction for the period of \_\_\_\_\_ months.

Given under \_\_\_\_\_ hand and seal, at \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_



A.D. 1876.

## FORM OF CONDEMNATION OF SEIZED GOODS.

SCHEDULE(C.)

Be it remembered, that an information having been exhibited by to wit. } [A.B.] an officer of Customs, under the direction of the Commissioners of Customs, before me , one of Her Majesty's justices of the peace for the said of , for the condemnation of [here state the goods.] for being dealt with contrary to section of "The Customs Consolidation Act, 1876," whereby the same became liable to forfeiture, and which said goods having been claimed by [C.D.] of , who was duly summoned to show cause why the same should not be condemned as forfeited, and the forfeiture thereof having been duly proved before me, or us, [as the case may be,] I, or we, [as the case may be,] do adjudge the same to be forfeited, and to condemn the same accordingly.

Given under hand and seal at in the of , this day of in the year of our Lord

## TABLE OF FEES.

Each information with or without oath on application for summons against defendant, or for warrant for apprehension of a defendant, or for a warrant for remand, if already detained -	£	s.	d.
Summons to compel appearance of a defendant or of a witness	-	0	2 0
Duplicate thereof -	-	0	1 0
Search warrant -	-	0	2 6
Warrant for apprehension or for remand -	-	0	2 6
Taking examinations or depositions of witnesses, per folio -	-	0	0 8
Copies for Revenue Solicitor when required by him, per folio -	-	0	0 4
Taking down statement of defendant, if any -	-	0	1 0
Warrant of commitment after conviction or for trial -	-	0	2 6
Copy thereof for Revenue Solicitor if required by him -	-	0	1 0
Each recognizance for a defendant's appearance -	-	0	2 6
Recognizance to prosecute and give evidence when necessary -	-	0	2 6
Recording conviction or acquittal -	-	0	1 0
Engrossing conviction on parchment and filing same when required by Revenue Solicitor -	-	0	6 0

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# Housing of the Working Classes Act, 1890.

[53 & 54 VICT. CH. 70.]

## ARRANGEMENT OF SECTIONS.

A.D. 1890.

Section.

1. Short title of Act.

### PART I.

#### UNHEALTHY AREAS.

2. Definitions.
3. Application of Part I. of Act.

#### *Scheme by Local Authority.*

4. Local authority on being satisfied by official representation of the unhealthiness of district to make scheme for its improvement.
5. Official representation, by whom to be made.
6. Requisites of improvement scheme of local authority.

#### *Confirmation of Scheme.*

7. Publication of notices. Service of notices.
8. Making and confirmation of provisional Order.
9. Costs to be awarded in certain cases.
10. Inquiry on refusal of local authority to make an improvement scheme.

#### *Provision of Dwelling Accommodation for Working Classes displaced by Scheme.*

11. Requisites of improvement scheme as to accommodation of working classes.

#### *Execution of Scheme by Local Authority.*

12. Duty of local authority to carry scheme, when confirmed, into execution.
13. Completion of scheme on failure by local authority.

[Price 10½d.]

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A.D. 1890. Section.

14. Notice to occupiers by placards.  
15. Power of confirming authority to modify authorised scheme.

*Inquiries with respect to Unhealthy Areas.*

16. Inquiry on default of medical officer in certain cases.  
17. Proceedings on local inquiry.  
18. Notice of inquiry to be publicly given.  
19. Power to administer oath.

*Acquisition of Land.*

20. Acquisition of land.  
21. Special provision as to compensation.  
22. Extinction of rights of way and other easements.  
23. Application of lands for accommodation of working classes.

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24. Formation of improvement fund for purposes of Act.  
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27. Power of confirming authority as to advertisements and notices.  
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" Closing Order."

*Buildings unfit for Human Habitation.*

30. Representation by medical officer of health.  
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*Closing Order and Demolition.*

Section.

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55. Provisions in case of adoption by rural sanitary authority.

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61. Management to be vested in local authority.  
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63. Disqualification of tenants of lodging houses on receiving parochial relief.  
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- 86. Orders, notices, &c.
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Section.

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## CHAPTER 70.

An Act to consolidate and amend the Acts relating to Artizans and Labourers Dwellings and the Housing of the Working Classes. A.D. 1890.  
[18th August 1890.]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Housing of the Working Classes Act, 1890. Short title  
of Act.

### PART I.

#### UNHEALTHY AREAS.

2. In this part of this Act—

The expression “this part of this Act” includes any confirming Act, and

Definitions.

The expression “the Acts relating to nuisances” means—

as respects the county of London and city of London, the Nuisances Removal Acts as defined by the Sanitary Act, 1866, and any Act amending these Acts ; and

as respects any urban sanitary district in England, the Public Health Acts ; 29 & 30 Vict.  
c. 90, s. 14.

and in the case of any of the above-mentioned areas, includes any local Act which contains any provisions with respect to nuisances in that area.

3. This part of this Act shall not apply to rural sanitary districts. Application  
of Part I. of  
Act.



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*Scheme by Local Authority.*

Local  
authority  
on being  
satisfied by  
official repre-  
sentation of  
the un-  
healthiness  
of district  
to make  
scheme for  
its improve-  
ment.

4. Where an official representation as herein-after mentioned is made to the local authority that within a certain area in the district of such authority either—

(a.) any houses, courts, or alleys are unfit for human habitation,  
or

(b.) the narrowness, closeness, and bad arrangement, or the bad condition of the streets and houses or groups of houses within such area, or the want of light, air, ventilation, or proper conveniences, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings in the said area or of the neighbouring buildings ;

and that the evils connected with such houses, courts, or alleys, and the sanitary defects in such area cannot be effectually remedied otherwise than by an improvement scheme for the re-arrangement and reconstruction of the streets and houses within such area, or of some of such streets or houses, the local authority shall take such representation into their consideration, and if satisfied of the truth thereof, and of the sufficiency of their resources, shall pass a resolution to the effect that such area is an unhealthy area, and that an improvement scheme ought to be made in respect of such area, and after passing such resolution they shall forthwith proceed to make a scheme for the improvement of such area.

Provided always, that any number of such areas may be included in one improvement scheme.

Official re-  
presentation,  
by whom to  
be made,

5.—(1.) An official representation for the purposes of this part of this Act shall mean a representation made to the local authority by the medical officer of health of that authority, and in London made either by such officer or by any medical officer of health in London.

(2.) A medical officer of health shall make such representation whenever he sees cause to make the same ; and if two or more justices of the peace acting within the district for which he acts as medical officer of health, or twelve or more persons liable to be rated to the local rate complain to him of the unhealthiness of any area within such district, it shall be the duty of the medical officer of health forthwith to inspect such area, and to make an official representation stating the facts of the case, and whether in his opinion the said area or any part thereof is an unhealthy area or is not an unhealthy area.



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6.—(1.) The improvement scheme of a local authority shall be accompanied by maps, particulars, and estimates, and

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Requisites  
of improve-  
ment scheme  
of local  
authority.

- (a.) may exclude any part of the area in respect of which an official representation is made, or include any neighbouring lands, if the local authority are of opinion that such exclusion is expedient or inclusion is necessary for making their scheme efficient for sanitary purposes; and
- (b.) may provide for widening any existing approaches to the unhealthy area or otherwise for opening out the same for the purposes of ventilation or health; and
- (c.) shall provide such dwelling accommodation, if any, for the working classes displaced by the scheme as is required to comply with this Act; and
- (d.) shall provide for proper sanitary arrangements.

(2.) The scheme shall distinguish the lands proposed to be taken compulsorily.

(3.) The scheme may also provide for the scheme or any part thereof being carried out and effected by the person entitled to the first estate of freehold in any property comprised in the scheme or with the concurrence of such person, under the superintendence and control of the local authority, and upon such terms and conditions to be embodied in the scheme as may be agreed upon between the local authority and such person.

#### *Confirmation of Scheme.*

7. Upon the completion of an improvement scheme the local authority shall—

Publication  
of notices.

- (a.) publish, during three consecutive weeks in the month of September, or October, or November, in some one and the same newspaper circulating within the district of the local authority, an advertisement stating the fact of a scheme having been made, the limits of the area comprised therein, and naming a place within such area or in the vicinity thereof where a copy of the scheme may be seen at all reasonable hours; and
- (b.) during the month next following the month in which such advertisement is published serve a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of any lands proposed to be taken compulsorily, so far as such persons can reasonably be ascertained, stating that such lands are proposed to be taken compulsorily for the purpose of an

Service of  
notices.



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improvement scheme, and in the case of any owner or reputed owner, lessee or reputed lessee, requiring an answer stating whether the person so served dissents or not in respect of taking such lands ;

(c.) Such notice shall be served—

(i.) by delivery of the same personally to the person required to be served, or if such person is absent abroad, or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the premises ; or,

(ii.) by leaving the same at the usual or last known place of abode of such person as aforesaid ; or,

(iii.) by post addressed to the usual or last known place of abode of such person.

(d.) One notice addressed to the occupier or occupiers without naming him or them, and left at any house, shall be deemed to be a notice served on the occupier or on all the occupiers of any such house.

Making and  
confirmation  
of provi-  
sional order.

8.—(1.) Upon compliance with the foregoing provisions with respect to the publication of an advertisement and the service of notices, the local authority shall present a petition, if it relates to any part of the county or city of London, to a Secretary of State, and if it relates to any other place, to the Local Government Board, praying that an order may be made confirming such scheme.

(2.) The petition shall be accompanied by a copy of the scheme, and shall state the names of the owners or reputed owners, lessees or reputed lessees, who have dissented in respect of the taking their lands, and shall be supported by such evidence as the Secretary of State or Local Government Board, according to the circumstances of the case (in this part of this Act referred to as the confirming authority), may from time to time require.

(3.) If, on consideration of the petition and on proof of the publication of the proper advertisements and the service of the proper notices, the confirming authority think fit to proceed with the case, they shall direct a local inquiry to be held in, or in the vicinity of, the area comprised in the scheme, for the purpose of ascertaining the correctness of the official representation made as to the area and the sufficiency of the scheme provided for its improvement, and any local objections to be made to such scheme.

(4.) After receiving the report made upon such inquiry, the confirming authority may make a provisional order declaring the limits of the area comprised in the scheme and authorising such scheme to be carried into execution.



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(5.) Such provisional order may be made either absolutely or with such conditions and modifications of the scheme as the confirming authority may think fit, so that no addition be made to the lands proposed in the scheme to be taken compulsorily, and it shall be the duty of the local authority to serve a copy of any provisional order so made in the manner and upon the persons in which and upon whom notices in respect of lands proposed to be taken compulsorily are required by this part of this Act to be served, except tenants for a month or a less period than a month.

(6.) A provisional order made in pursuance of this section shall not be of any validity unless and until it has been confirmed by Act of Parliament; and it shall be lawful for the confirming authority, as soon as conveniently may be, to obtain such confirmation, and any Act confirming any provisional order made in pursuance of this part of this Act, with such modifications as may seem fit to Parliament, shall be a public General Act of Parliament, and is in this part of this Act referred to as the confirming Act.

(7.) The confirming authority may make such order as they think fit in favour of any person whose lands were proposed by the scheme to be taken compulsorily for the allowance of the reasonable costs, charges, and expenses properly incurred by him in opposing such scheme.

(8.) All costs, charges, and expenses incurred by the confirming authority in relation to any provisional order under this part of this Act shall, to such amount as the confirming authority think proper to direct, and all costs, charges, and expenses of any person to such amount as may be allowed to him by the confirming authority in pursuance of the aforesaid power, shall be deemed to be an expense incurred by the local authority under this part of this Act, and shall be paid to the confirming authority and to such person respectively, in such manner and at such times and either in one sum or by instalments as the confirming authority may order, with power for the confirming authority to direct interest to be paid at such rate not exceeding five pounds in the hundred by the year as the confirming authority may determine, upon any sum for the time being due in respect of such costs, charges, and expenses as aforesaid.

(9.) Any order made by the confirming authority in pursuance of this section may be made a rule of a superior court, and be enforced accordingly.

9.—(1.) Where any Bill for confirming a provisional order authorising an improvement scheme is referred to a Committee of either

Costs to be  
awarded in  
certain cases.



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House of Parliament upon the petition of any person opposing such Bill, the Committee shall take into consideration the circumstances under which such opposition is made to the Bill, and whether such opposition was or was not justified by such circumstances, and shall award costs accordingly to be paid by the promoters or the opponents of the Bill as the Committee may think just.

(2.) Any costs under this section may be taxed and recovered in the manner in which costs may be taxed and recovered under the Act of the session of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter twenty-seven.

(3.) The decision of the majority of the members of the Committee for the time being present and voting on any question under this section shall be deemed to be the decision of the Committee.

Inquiry on refusal of local authority to make an improvement scheme.

10. Where an official representation is made to the local authority with a view to their passing a resolution in favour of an improvement scheme, and they fail to pass any resolution in relation to such representation, or pass a resolution to the effect that they will not proceed with such scheme, the local authority shall, as soon as possible, send a copy of the official representation, accompanied by their reasons for not acting upon it, to the confirming authority, and, upon the receipt thereof, the confirming authority may direct a local inquiry to be held, and a report to be made to them with respect to the correctness of the official representation made to the local authority, and any matters connected therewith on which the confirming authority may desire to be informed.

*Provision of Dwelling Accommodation for Working Classes displaced by Scheme.*

Requisites of improvement scheme as to accommodation of working classes.

11.—(1.) Subject as herein-after mentioned, every scheme comprising an area in the county or city of London shall provide for the accommodation of at the least as many persons of the working class as may be displaced in the area comprised therein, in suitable dwellings, which, unless there are any special reasons to the contrary, shall be situate within the limits of the same area, or in the vicinity thereof.

Provided that—

(a.) Where it is proved to the satisfaction of the confirming authority on an application to authorise a scheme that equally convenient accommodation can be provided for any persons of the working classes displaced by the scheme at some place



other than within the area or the immediate vicinity of the area comprised in the scheme, and that the required accommodation has been or is about to be forthwith provided, either by the local authority or by any other person or body of persons, the confirming authority may authorise such scheme, and the requirements of this section with respect to providing accommodation for persons of the working class shall be deemed to have been complied with to the extent to which accommodation is so provided; and

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(b.) Where the local authority apply for a dispensation under this section, and the officer conducting the local inquiry directed by the confirming authority reports that it is expedient, having regard to the special circumstances of the locality and to the number of artisans and others belonging to the working class dwelling within the area, and being employed within a mile thereof, that a modification should be made, the confirming authority, without prejudice to any other powers conferred on it by this part of this Act, may in the Provisional Order authorising the scheme, dispense altogether with the obligation of the local authority to provide for the accommodation of the persons of the working class who may be displaced by the scheme to such extent as the confirming authority may think expedient, having regard to such special circumstances as aforesaid, but not exceeding one half of the persons so displaced.

(2.) Where a scheme comprises an area situate elsewhere than in the county or city of London, it shall, if the confirming authority so require (but it shall not otherwise be obligatory on the local authority so to frame their scheme), provide for the accommodation of such number of those persons of the working classes displaced in the area with respect to which the scheme is proposed in suitable dwellings to be erected in such place or places either within or without the limits of the same area as the said authority on a report made by the officer conducting the local inquiry may require.

*Execution of Scheme by Local Authority.*

12.—(1.) When the confirming Act authorising any improvement scheme of a local authority under this part of this Act has been passed by Parliament, it shall be the duty of that authority to take

Duty of local authority to carry scheme when confirmed, into execution ;



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(2.) They may sell or let all or any part of the area comprised in the scheme to any purchasers or lessees for the purpose and under the condition that such purchasers or lessees will, as respects the land so purchased by or leased to them, carry the scheme into execution; and in particular they may insert in any grant or lease of any part of the area provisions binding the grantee or lessee to build thereon as in the grant or lease prescribed, and to maintain and repair the buildings, and prohibiting the division of buildings, and any addition to or alteration of the character of buildings without the consent of the local authority, and for the re-vesting of the land in the local authority, or their re-entry thereon, on breach of any provision in the grant or lease.

(3.) The local authority may also engage with any body of trustees, society, or person, to carry the whole or any part of such scheme into effect upon such terms as the local authority may think expedient, but the local authority shall not themselves, without the express approval of the confirming authority, undertake the rebuilding of the houses or the execution of any part of the scheme, except that they may take down any or all of the buildings upon the area, and clear the whole or any part thereof, and may lay out, form, pave, sewer, and complete all such streets upon the land purchased by them as they may think fit, and all streets so laid out and completed shall thenceforth be public streets, repairable by the same authority as other streets in the district.

(4.) Provided that in any grant or lease of any part of the area which may be appropriated by the scheme for the erection of dwellings for the working classes the local authority shall impose suitable conditions and restrictions as to the elevation, size, and design of the houses, and the extent of the accommodation to be afforded thereby, and shall make due provision for the maintenance of proper sanitary arrangements.

(5.) If the local authority erect any dwellings out of funds to be provided under this part of this Act, they shall, unless the confirming authority otherwise determine, sell and dispose of all such dwellings within ten years from the time of the completion thereof.

(6.) The local authority may, where they think it expedient so to do, without themselves acquiring the land, or after or subject to their



acquiring any part thereof, contract with the person entitled to the first estate of freehold in any land comprised in an improvement scheme for the carrying of the scheme into effect by him in respect of such land.

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13. If within five years after the removal of any buildings on the land set aside by any scheme authorised by a confirming Act as sites for working men's dwellings, the local authority have failed to sell or let such land for the purposes prescribed by the scheme, or have failed to make arrangements for the erection of the said dwellings, the confirming authority may order the said land to be sold by public auction or public tender, with full power to fix a reserve price, subject to the conditions imposed by the scheme, and to any modifications thereof which may be made in pursuance of this part of this Act, and to a special condition on the part of the purchaser to erect upon the said land dwellings for the working classes, in accordance with plans to be approved by the local authority, and subject to such other reservations and regulations as the confirming authority may deem necessary.

Completion of scheme on failure by local authority.

14. The local authority shall, not less than thirteen weeks before taking any fifteen houses or more, make known their intention to take the same by placards, handbills, or other general notices placed in public view upon or within a reasonable distance of such houses, and the local authority shall not take any such houses until they have obtained a certificate of a justice of the peace that it has been proved to his satisfaction that the local authority have made known, in manner required by this section, their intention to take such houses.

Notice to occupiers by placards.

15.—(1.) The confirming authority, on application from the local authority, and on its being proved to their satisfaction that an improvement can be made in the details of any scheme authorised by a confirming Act, may permit the local authority to modify any part of their improvement scheme which it may appear inexpedient to carry into execution, but any part of the scheme respecting the provision of dwelling accommodation for persons of the working class, when so modified, shall be such as might have been inserted in the original scheme.

Power of confirming authority to modify authorised scheme.

(2.) A statement of any modifications permitted to be made in any part of an improvement scheme in pursuance of this section shall be laid by the confirming authority before both Houses of Parliament as soon as practicable after the permission is given, if



A.D. 1890. — Parliament be then sitting, and if not, within one month after the next meeting of Parliament.

Provided always, that if such modification requires a larger public expenditure than that sanctioned by the former scheme, or the taking of any property otherwise than by agreement, or affects injuriously other property in a manner different to that proposed in the former scheme without the consent of the owner and occupier of any such property, the modification must be made by a provisional order to be confirmed by Act of Parliament in the manner provided by this part of this Act on the completion of an improvement scheme.

*Inquiries with respect to Unhealthy Areas.*

Inquiry on  
default of  
medical  
officer in  
certain  
cases.

16.—(1.) Where in any district twelve or more ratepayers have complained to a medical officer of health of the unhealthiness of any area within that district, and the medical officer of health has failed to inspect such area, or to make an official representation with respect thereto, or has made an official representation to the effect that in his opinion the area is not an unhealthy area, such ratepayers may appeal to the confirming authority, and upon their giving security to the satisfaction of that authority for costs, the confirming authority shall appoint a legally qualified medical practitioner to inspect such area, and to make representation to the confirming authority, stating the facts of the case, and whether, in his opinion, the area or any part thereof is or is not an unhealthy area. The representation so made shall be transmitted by the confirming authority to the local authority, and if it states that the area is an unhealthy area the local authority shall proceed therein in the same manner as if it were an official representation made to that authority.

(2.) The confirming authority shall make such order as to the costs of the inquiry as they think just, with power to require the whole or any part of such costs to be paid by the appellants where the medical practitioner appointed is of opinion that the area is not an unhealthy area, and to declare the whole or any part of such costs to be payable by the local authority where he is of opinion that the area or any part thereof is an unhealthy area.

(3.) Any order made by the confirming authority in pursuance of this section may be made a rule of a superior court, and be enforced accordingly.



17. Where a local inquiry is directed, an officer shall be sent by the confirming authority to the area to which such inquiry relates for the purpose of making an inquiry into the correctness of the official representation made to the local authority as to such area being an unhealthy area, and into the sufficiency of the scheme provided for its improvement, and into any local objections to be made to such scheme, and to any other matter into which he is directed by this Act or the confirming authority to inquire for the purposes of this Act.

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Proceedings  
on local  
inquiry.

18. Before commencing such inquiry the officer appointed to conduct the same shall make public by advertisement or otherwise in such manner as he thinks best calculated to give information to the persons residing in the area his intention to make such inquiry, and a statement of a time and place at which he will be prepared to hear all persons desirous of being heard before him upon the subject of the inquiry.

Notice of  
inquiry to  
be publicly  
given.

19. The officer conducting such inquiry shall have power to administer an oath; he shall report the result of the inquiry to the confirming authority, who shall deal with such report in such manner as they think expedient.

Power to  
administer  
oath.

#### *Acquisition of Land.*

20. The clauses of the Lands Clauses Acts, with respect to the purchase and taking of lands otherwise than by agreement shall not, except to the extent set forth in the Second Schedule to this Act, apply to any lands taken in pursuance of this part of this Act, but save as aforesaid the said Lands Clauses Acts, as amended by the provisions contained in the said schedule, shall regulate and apply to the purchase and taking of lands, and shall for that purpose be deemed to form part of this part of this Act in the same manner as if they were enacted in the body thereof; subject to the provisions of this part of this Act and to the provisions following; that is to say,

Acquisition  
of land.

- (i.) This part of this Act shall authorise the taking by agreement of any lands which the local authority may require for the purpose of carrying into effect the scheme authorised by any confirming Act, but it shall authorise the taking by the exercise of any compulsory powers of such lands only as are proposed by the scheme in the confirming Act to be taken compulsorily:



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(ii.) In the construction of the Lands Clauses Acts, and the provisions in the Second Schedule to this Act, this part of this Act shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking; and the period after which the powers for the compulsory purchase or taking of lands shall not be exercised shall be three years after the passing of the confirming Act.

Special provision as to compensation.

**21.—(1.)** Whenever the compensation payable in respect of any lands or of any interests in any lands proposed to be taken compulsorily in pursuance of this part of this Act requires to be assessed—

(a) the estimate of the value of such lands or interests shall be based upon the fair market value, as estimated at the time of the valuation being made of such lands, and of the several interests in such lands, due regard being had to the nature and then condition of the property, and the probable duration of the buildings in their existing state, and to the state of repair thereof, without any additional allowance in respect of the compulsory purchase of an area or of any part of an area in respect of which an official representation has been made, or of any lands included in a scheme which, in the opinion of the arbitrator, have been so included as falling under the description of property which may be constituted an unhealthy area under this part of this Act; and

(b) in such estimate any addition to or improvement of the property made after the date of the publication in pursuance of this part of this Act of an advertisement stating the fact of the improvement scheme having been made shall not (unless such addition or improvement was necessary for the maintenance of the property in a proper state of repair) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made so as to increase the amount of compensation to be paid for the lands; and

(2.) On the occasion of assessing the compensation payable under any improvement scheme in respect of any house or premises situate within an unhealthy area evidence shall be receivable by the arbitrator to prove—

(1st) that the rental of the house or premises was enhanced by reason of the same being used for illegal purposes or being so



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overcrowded as to be dangerous or injurious to the health of the inmates; or

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(2ndly) that the house or premises are in such a condition as to be a nuisance within the meaning of the Acts relating to nuisances, or are in a state of defective sanitation, or are not in reasonably good repair; or

(3rdly) that the house or premises are unfit, and not reasonably capable of being made fit, for human habitation;

and, if the arbitrator is satisfied by such evidence, then the compensation—

(a) shall in the first case so far as it is based on rental be based on the rental which would have been obtainable if the house or premises were occupied for legal purposes and only by the number of persons whom the house or premises were under all the circumstances of the case fitted to accommodate without such overcrowding as is dangerous or injurious to the health of the inmates; and

(b) shall in the second case be the amount estimated as the value of the house or premises if the nuisance had been abated, or if they had been put into a sanitary condition, or into reasonably good repair, after deducting the estimated expense of abating the nuisance, or putting them into such condition or repair, as the case may be; and

(c) shall in the third case be the value of the land, and of the materials of the buildings thereon.

**22.** Upon the purchase by the local authority of any lands required for the purpose of carrying into effect any scheme, all rights of way, rights of laying down or of continuing any pipes, sewers, or drains on, through, or under such lands, or part thereof, and all other rights or easements in or relating to such lands, or any part thereof, shall be extinguished, and all the soil of such ways, and the property in the pipes, sewers, or drains, shall vest in the local authority, subject to this provision, that compensation shall be paid by the local authority to any persons or bodies of persons proved to have sustained loss by this section, and such compensation shall be determined in the manner in which compensation for lands is determinable under this part of this Act, or as near thereto as circumstances admit.

Extinction  
of rights of  
way and  
other ease-  
ments.

**23.** A local authority may, for the purpose of providing accommodation for persons of the working classes displaced by any

Application  
tion of lands  
for accom-



A.D. 1890.  
modation of  
working  
classes.

improvement scheme, appropriate any lands for the time being belonging to them which are suitable for the purpose, or may purchase by agreement any such further lands as may be convenient.

### *Expenses.*

Formation  
of improve-  
ment fund  
for purposes  
of Act.

**24.—**(1.) The receipts of a local authority under this part of this Act shall form a fund (in this Act referred to as “the Dwelling-house Improvement Fund”), and their expenditure shall be defrayed out of such fund.

(2.) The moneys required in the first instance to establish such fund, and any deficiency for the purposes of this part of this Act from time to time appearing in such fund by reason of the excess of expenditure over receipts, shall be supplied out of the local rates or out of moneys borrowed in pursuance of this Act.

(3.) In settling any accounts of the local authority in respect of any transactions under this part of this Act, care shall be taken that as far as may be practicable all expenditure shall ultimately be defrayed out of the property dealt with under this part of this Act; and any balances of profit made by the local authority under this part of this Act shall be applicable to any purposes to which the local rate is for the time being applicable.

(4.) Any limit imposed on or in respect of local rates by any other Act of Parliament shall not apply to any rate required to be levied for the purpose of defraying any expenses under this part of this Act.

(5.) The local authority may carry to the account of the Dwelling-house Improvement Fund any such money or produce of any property, as is legally applicable to purposes similar to the purposes of this part of this Act; and in case of doubt as to whether, in any particular case, the purposes are so similar the confirming authority may decide such doubt, and such decision shall be conclusive.

Power of  
borrowing  
money for  
the purposes  
of Part I.  
of Act.

**25.—**(1.) A local authority may, in manner in this section mentioned, borrow such money as is required for the purposes of this part of this Act on the security of the local rate.

(2.) For the purpose of such borrowing, the London County Council may, with the assent of the Treasury, create consolidated stock under the Metropolitan Board of Works Loans Acts, 1869 to 1871, but all moneys required for the payment of the



dividends on and the redemption of the consolidated stock created for the purposes of this part of this Act shall be charged to the special county account to which the expenditure for the purposes of this part of this Act is chargeable. A.D. 1890.

(3.) For the purpose of such borrowing, the Commissioners of Sewers for the City of London may borrow and take up at interest such money on the credit of the local rates, or any of them, as they may require for the purposes of this part of this Act, and may mortgage any such rate or rates to the persons by or on behalf of whom such money is advanced for securing the repayment to them of the sums borrowed, with interest thereon, and for the purposes of any mortgages so made by the Commissioners of Sewers, the clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners shall be incorporated with this part of this Act; and in the construction of that Act "the special Act" shall mean this part of this Act; "the commissioners" shall mean the Commissioners of Sewers; "the clerk of the commissioners" shall include any officer appointed for the purpose by the Commissioners of Sewers by this part of this Act; and the mortgagees or assignees of any mortgage made as last aforesaid may enforce payment of the arrears of principal and interest due to them by the appointment of a receiver. 10 & 11 Vict. c. 16.

(4.) For the purpose of such borrowing, the urban sanitary authority shall have the same power of borrowing as they have under the Public Health Acts for the purpose of defraying any expenses incurred by them in the execution of those Acts.

(5.) The Public Works Loan Commissioners, may, on the recommendation of the confirming authority, lend to any local authority any money required by them for purposes of this part of this Act, on the security of the local rate. Such loan shall be repaid within such period, not exceeding fifty years, as may be recommended by the confirming authority.

#### *General Provisions.*

26. In case of the illness or unavoidable absence of a medical officer of health, the authority, board, or vestry who appointed him may (subject to the approval of the confirming authority) appoint a duly qualified medical practitioner, for the period of six months, or any less period to be named in the appointment. Provision in case of absence of medical officer of health.



A.D. 1890.

Power of  
confirming  
authority as  
to adver-  
tisements  
and notices.

27. The confirming authority may by order prescribe the forms of advertisements and notices under this part of this Act; it shall not be obligatory on any persons to adopt such forms, but the same, when adopted, shall be deemed sufficient for all the purposes of this part of this Act.

Power of  
confirming  
authority to  
dispense  
with notices  
in certain  
cases.

28. The confirming authority may, on the consideration of any petition of a local authority for an order confirming a scheme, dispense with the publication of any advertisement, or the service of any notice, proof of which publication or service is not given to them as required by this part of this Act, where reasonable cause is shown to their satisfaction why such publication or service should be dispensed with, and such dispensation may be made by the confirming authority, either unconditionally or upon such condition as to the publication of other advertisements and the service of other notices or otherwise as the confirming authority may think fit, due care being taken by the confirming authority to prevent the interest of any person being prejudiced by the fact of the publication of any advertisement or the service of any notice being dispensed with in pursuance of this section.



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PART II.

A.D. 1890.

UNHEALTHY DWELLING-HOUSES.

*Preliminary.*

**29.** In this part of this Act, unless the context otherwise requires— Definitions :

The expression "street" includes any court, alley, street, square, "Street."  
or row of houses :

The expression "dwelling-house" means any inhabited building, "Dwelling-  
and includes any yard, garden, outhouses, and appurtenances house."  
belonging thereto or usually enjoyed therewith, and includes  
the site of the dwelling-house as so defined.

The expression "owner," in addition to the definition given by "Owner."  
the Lands Clauses Acts, includes all lessees or mortgagees of  
any premises required to be dealt with under this part of this  
Act, except persons holding or entitled to the rents and profits  
of such premises for a term of years, of which twenty-one years  
do not remain unexpired :

The expression "closing order" means an order prohibiting the "Closing  
use of premises for human habitation made under the enact- order."  
ments set out in the Third Schedule in this Act.

*Buildings unfit for Human Habitation.*

**30.** It shall be the duty of the medical officer of health of every district to represent to the local authority of that district any dwelling-house which appears to him to be in a state so dangerous or injurious to health as to be unfit for human habitation. Representation by medical officer of health.

**31.—(1.)** If in any district any four or more householders living in or near to any street complain in writing to the medical officer of health of that district that any dwelling-house in or near that street is in a condition so dangerous or injurious to health as to be unfit for human habitation, he shall forthwith inspect the same, and transmit to the local authority the said complaint, together with his opinion thereon, and if he is of opinion that the dwelling-house is in the condition aforesaid, shall represent the same to the local authority, but the absence of any such complaint shall not excuse him from inspecting any dwelling-house and making a representation thereon to the local authority. Representation on householders' complaint.

(2.) If within three months after receiving the said complaint and opinion or representation of the medical officer, the local authority, not being in the administrative county of London, or not being a rural sanitary authority in any other county, declines or neglects to take any proceedings to put this part of this Act in force, the householders who signed such complaint may petition the Local Government Board for an inquiry, and the said Board after causing



A.D. 1890. — an inquiry to be held may order the local authority to proceed under this part of this Act, and such order shall be binding on the local authority.

*Closing Order and Demolition.*

Duty of local authority as to closing of dwelling-house unfit for human habitation.

**32.**—(1.) 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 whether any dwelling-house therein is in a state so dangerous or injurious to health as to be unfit for human habitation, and, if on the representation of the medical officer, or of any officer of such authority, or information given, any dwelling-house appears to them to be in such state, to forthwith take proceedings against the owner or occupier for closing the dwelling-house under the enactments set out in the Third Schedule to this Act.

(2.) Any such proceedings may be taken for the express purpose of causing the dwelling-house to be closed whether the same be occupied or not, and upon such proceedings the court of summary jurisdiction may impose a penalty not exceeding twenty pounds, and make a closing order, and the forms for the purposes of this section may be those in the Fourth Schedule to this Act, or to the like effect, and the enactments respecting an appeal from a closing order shall apply to the imposition of such penalty as well as to a closing order.

(3.) Where a closing order has been made as respects any dwelling-house, the local authority shall serve notice of the order on every occupying tenant of the dwelling-house, and within such period as is specified in the notice, not being less than seven days after the service of the notice, the order shall be obeyed by him, and he and his family shall cease to inhabit the dwelling-house, and in default he shall be liable to a penalty not exceeding twenty shillings a day during his disobedience to the order. Provided that the local authority may make to every such tenant such reasonable allowance on account of his expenses in removing, as may have been authorised by the court making the closing order, which authority the court is hereby authorised to give, and the amount of the said allowance shall be a civil debt due from the owner of the dwelling-house to the local authority, and shall be recoverable summarily.

Order for demolition of house unfit for habitation.

**33.**—(1.) Where a closing order has been made in respect of any dwelling-house, and not been determined by a subsequent order, then the local authority, if of opinion that the dwelling-house has not been rendered fit for human habitation, and that the necessary steps are not being taken with all due diligence to render it so fit,



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and that the continuance of any building being or being part of the dwelling-house is dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling-houses, shall pass a resolution that it is expedient to order the demolition of the building. A.D. 1890.

(2.) The local authority shall cause notice of such resolution to be served on the owner of the dwelling-house, and such notice shall specify the time and place appointed by the local authority for the further consideration of the resolution, not being less than one month after the service of the notice, and any owner of the dwelling-house shall be at liberty to attend and state his objections to the demolition.

(3.) If upon the consideration of the resolution and the objections the local authority decide that it is expedient so to do, then, unless an owner undertakes to execute forthwith the works necessary to render the dwelling-house fit for human habitation, the local authority shall order the demolition of the building.

(4.) If an owner undertakes as aforesaid to execute the said works, the local authority may order the execution of the works, within such reasonable time as is specified in the order, and if the works are not completed within that time or any extended time allowed by the local authority or a court of summary jurisdiction, the local authority shall order the demolition of the building.

34.—(1.) Where an order for the demolition of a building has been made, the owner thereof shall within three months after service of the order proceed to take down and remove the building, and if the owner fails therein the local authority shall proceed to take down and remove the building and shall sell the materials, and after deducting the expenses incident to such taking down and removal, pay over the balance of money (if any) to the owner. Execution of an order for demolition, and provision as to site.

(2.) Where a building has been so taken down and removed, no house or other building or erection which will be dangerous or injurious to health shall be erected on all or any part of the site of such building; and if any house, building, or erection is erected contrary to the provisions of this section, the local authority may at any time order the owner thereof to abate the same, and in the event of non-compliance with the order, may at the expense of the owner abate or alter the same.

35.—(1.) Any person aggrieved by an order of the local authority under this part of this Act, may appeal against the same to a court of quarter sessions, and no work shall be done nor proceedings Appeal against order of local authority.



A.D. 1890. taken under any order until after the appeal is determined or  
42 & 43 Vict. ceases to be prosecuted; and section thirty-one of the Summary  
c. 49. Jurisdiction Act, 1879, respecting appeals from courts of summary  
jurisdiction to courts of quarter sessions shall apply with the  
necessary modifications as if the order of the local authority were  
an order of a court of summary jurisdiction.

(2.) Provided that—

(a.) Notice of appeal may be given within one month after  
notice of the order of the local authority has been served on  
such person;

(b.) The court shall, at the request of either party, state the  
facts specially for the determination of a superior court,  
in which case the proceedings may be removed into that  
court.

Grant of  
charges by  
way of  
annuity to  
owner on  
completion  
of works.

**36.**—(1.) Where any owner has completed in respect of any  
dwelling-house any works required to be executed by an order of  
a local authority under this part of this Act, he may apply to the  
local authority for a charging order, and shall produce to the local  
authority the certificate of their surveyor or engineer that the  
works have been executed to his satisfaction, and also the accounts  
of and vouchers for the costs, charges, and expenses of the works,  
and the local authority, when satisfied that the owner has duly  
executed such works and of the amount of such costs, charges, and  
expenses, and of the costs of obtaining the charging order which  
have been properly incurred, shall make an order accordingly,  
charging on the dwelling-house an annuity to repay the amount.

(2.) The annuity charged shall be a sum of six pounds for every  
one hundred pounds of the said amount and so in proportion for  
any less sum, and shall commence from the date of the order, and  
be payable for a term of thirty years to the owner named in such  
order, his executors, administrators, or assigns.

(3.) Every such annuity may be recovered by the person for the  
time being entitled to it by the same means and in the like manner  
in all respects as if it were a rentcharge granted by deed out of the  
dwelling-house by the owner thereof.

(4.) Charging orders made under this section shall be made  
according to the Form marked A. in the Fifth Schedule to this Act,  
or as near thereto as the circumstances of the case will admit.

Incidence of  
charge.

**37.**—(1.) Every charge created by a charging order under this  
part of this Act shall be a charge on the dwelling-house specified  
in the order, having priority over all existing and future estates,  
interests, and incumbrances, with the exception of quitrents and



other charges incident to tenure, tithe commutation rentcharge, and any charge created under any Act authorising advances of public money; and where more charges than one are charged under this part of this Act on any dwelling-house such charges shall, as between themselves, take order according to their respective dates. A.D. 1890.

(2.) A charging order shall be conclusive evidence that all notices, acts, and proceedings by this part of this Act directed with reference to or consequent on the obtaining of such order, or the making of such charge, have been duly served, done, and taken, and that such charge has been duly created, and that it is a valid charge on the dwelling-house declared to be subject thereto.

(3.) Every such charging order, if it relates to a dwelling-house in the area to which the enactments relating to the registration of land in Middlesex apply or to a dwelling-house in Yorkshire, shall be registered in like manner as if the charge were made by deed by the absolute owner of the dwelling-house.

(4.) Copies of the charging order and of the certificate of the surveyor or engineer, and of the accounts as passed by the local authority, certified to be true copies by the clerk of the local authority, shall within six months after the date of the order be deposited with the clerk of the peace of the county in which the dwelling-house is situate, and be by him filed and recorded.

(5.) The benefit of any such charge may be from time to time transferred in like manner as a mortgage or rentcharge may be transferred. Any transfer may be in the Form marked B. in the Fifth Schedule to this Act, or in any other convenient form.

#### *Obstructive Buildings.*

**38.**—(1.) If a medical officer of health finds that any building within his district, although not in itself unfit for human habitation, is so situate that by reason of its proximity to or contact with any other buildings it causes one of the following effects, that is to say,—

(a.) It stops ventilation, or otherwise makes or conduces to make such other buildings to be in a condition unfit for human habitation or dangerous or injurious to health; or

(b.) It prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings;

in any such case, the medical officer of health shall represent to the local authority the particulars relating to such first-

Power to local authority to purchase houses for opening alleys, &c.



A.D. 1890. — mentioned building (in this Act referred to as “an obstructive building”) stating that in his opinion it is expedient that the obstructive building should be pulled down.

(2.) Any four or more inhabitant householders of a district may make to the local authority of the district a representation as respects any building to the like effect as that of the medical officer under this section.

(3.) The local authority on receiving any such representation as above in this section mentioned shall cause a report to be made to them respecting the circumstances of the building and the cost of pulling down the building and acquiring the land, and on receiving such report shall take into consideration the representation and report, and if they decide to proceed, shall cause a copy of both the representation and report to be given to the owner of the lands on which the obstructive building stands, with notice of the time and place appointed by the local authority for the consideration thereof; and such owner shall be at liberty to attend and state his objections, and after hearing such objections the local authority shall make an order either allowing the objection or directing that such obstructive building shall be pulled down, and such order shall be subject to appeal in like manner as an order of demolition of the local authority under the foregoing provisions of this part of this Act.

(4.) Where an order of the local authority for pulling down an obstructive building is made under this section and either no appeal is made against the order, or an appeal is made and either fails or is abandoned, the local authority shall be authorised to purchase the lands on which the obstructive building is erected in like manner as if they had been authorised by a special Act to purchase the same; and for the purpose of such purchase the provisions of the Lands Clauses Acts, with respect to the purchase and taking of lands otherwise than by agreement shall be deemed to be incorporated in this part of this Act (subject nevertheless to the provisions of this part of this Act), and for the purpose of the provisions of the Lands Clauses Acts this part of this Act shall be deemed to be the special Act, and the local authority to be the promoters of the undertaking, and such lands may be purchased at any time within one year after the date of the order, or if it was appealed against after the date of the confirmation.

(5.) The owner of the lands may within one month after notice to purchase the same is served upon him declare that he desires to retain the site of the obstructive building and undertake either to



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pull down or to permit the local authority to pull down the obstructive building, and in such case the owner shall retain the site and shall receive compensation from the local authority for the pulling down of the obstructive building.

A.D. 1890.

(6.) The amount of such compensation, and also the amount of any compensation to be paid on the purchase of any lands under this section, shall in case of difference be settled by arbitration in manner provided in this part of this Act.

(7.) Where the local authority is empowered to purchase land compulsorily, it shall not be competent for the owner of a house or manufactory to insist on his entire holding being taken, where part only is proposed to be taken as obstructive, and where such part proposed to be taken can, in the opinion of the arbitrator to whom the question of disputed compensation is submitted, be severed from the remainder of the house or manufactory without material detriment thereto, provided that compensation may be awarded in respect of the severance of the part so proposed to be taken in addition to the value of that part.

(8.) Where in the opinion of the arbitrator the demolition of an obstructive building adds to the value of such other buildings as are in that behalf mentioned in this section, the arbitrator shall apportion so much of the compensation to be paid for the demolition of the obstructive building as may be equal to the increase in value of the other buildings amongst such other buildings respectively, and the amount apportioned to each such other building in respect of its increase in value by reason of the demolition of such obstructive building shall be deemed to be private improvement expenses incurred by the local authority in respect of such building, and such local authority may, for the purpose of defraying such expenses, make and levy improvement rates on the occupier of such premises accordingly; and the provisions of the Public Health Acts relating to private improvement expenses and to private improvement rates, shall so far as circumstances admit, apply accordingly in the same manner as if such provisions were incorporated in this Act.

(9.) If any dispute arises between the owner or occupier of any building (to which any amount may be apportioned in respect of private improvement expenses) and the arbitrator by whom such apportionment is made, such dispute shall be settled by two justices in manner provided by the Lands Clauses Acts, in cases where the compensation claimed in respect of lands does not exceed fifty pounds.

(10.) Where the owner retains the site or any part thereof, no house or other building or erection which will be dangerous or



A.D. 1890. — injurious to health, or which will be an obstructive building within the meaning of this section, shall be erected upon such site or any part thereof; and if any house, building, or erection is erected on the site contrary to the provisions of this section the local authority may at any time order the owner to abate or alter the said house, building, or erection; and in the event of non-compliance with such order may, at the expense of the owner thereof, abate or alter the same.

(11.) Where the lands are purchased by the local authority the local authority shall pull down the obstructive building, or such part thereof as may be obstructive within the meaning of this section, and keep as an open space the whole site, or such part thereof as may be required to be kept open for the purpose of remedying the nuisance or other evils caused by such obstructive building, and may, with the assent of the Local Government Board, and upon such terms as that Board think expedient, sell such portion of the site as is not required for the purpose of carrying this section into effect.

(12.) A local authority may, where they so think fit, dedicate any land acquired by them under the authority of this section as a highway or other public place.

*Scheme for Reconstruction.*

Scheme for  
area com-  
prising  
houses closed  
by closing  
order.

**39.**—(1.) In any of the following cases, that is to say—

(a) where an order for the demolition of a building has been made in pursuance of this part of this Act, and it appears to the local authority that it would be beneficial to the health of the inhabitants of the neighbouring dwelling-houses if the area of the dwelling-house of which such building forms part were used for all or any of the following purposes, that is to say, either—

- (i) dedicated as a highway or open space, or
- (ii) appropriated, sold, or let for the erection of dwellings for the working classes, or
- (iii) exchanged with other neighbouring land which is more suitable for the erection of such dwellings, and on exchange will be appropriated, sold, or let for such erection; or

(b) where it appears to the local authority that the closeness, narrowness, and bad arrangement or bad condition of any buildings, or the want of light, air, ventilation, or proper conveniences, or any other sanitary defect in any buildings is dangerous or prejudicial to the health of the inhabitants either of the said buildings or of the neighbouring buildings, and



A.D. 1890.

that the demolition or the reconstruction and re-arrangement of the said buildings or of some of them is necessary to remedy the said evils, and that the area comprising those buildings and the yards, outhouses, and appurtenances thereof, and the site thereof, is too small to be dealt with as an unhealthy area under Part I. of this Act,

the local authority shall pass a resolution to the above effect and direct a scheme to be prepared for the improvement of the said area.

(2.) Notice of the scheme may at any time after the preparation thereof be served in manner provided in Part I. of this Act with respect to notices of lands proposed to be taken compulsorily under a scheme made in pursuance of that part of this Act, on every owner or reputed owner, lessee or reputed lessee, and occupier of any part of the area comprised in the scheme, so far as those persons can reasonably be ascertained.

(3.) The local authority shall, after service of such notice, petition the Local Government Board for an order sanctioning the scheme, and the Board may cause a local inquiry to be held, and, if satisfied on the report of such local inquiry that the carrying into effect of the scheme either absolutely, or subject to conditions or modifications would be beneficial to the health of the inhabitants of the said buildings or of the neighbouring dwelling-houses, may by order sanction the scheme with or without such conditions or modifications.

(4.) Upon such order being made, the local authority may purchase by agreement the area comprised in the scheme as so sanctioned, and if they agree for the purchase of the whole area, the order, save so far as it provides for the taking of land otherwise than by agreement, shall take effect without confirmation. If they do not so agree, the order shall be published by the local authority by inserting a notice thereof in the London Gazette, and by serving notice thereof on the owners of every part of the area.

(5.) Any owner may, within two months after such publication, petition the Local Government Board against the order, and if such petition is presented and is not withdrawn, the order shall be provisional unless it is confirmed by Act of Parliament.

(6.) If the Local Government Board are satisfied that the order has been duly published, and that two months after such publication have expired, and that either a petition has not been presented, or if presented has been withdrawn, they shall confirm the order, and thereupon such order shall come into operation, and have effect as if it were enacted by this Act.



A.D. 1890. (7.) The order may incorporate the provisions of the Lands  
—  
Clauses Acts, and for the purpose of those provisions this Act shall be deemed to be the special Act, and the local authority to be the promoters of the undertaking, and the area shall be acquired within three years after the date of the confirmation of the order: Provided that the amount of compensation shall, in case of difference, be settled by arbitration in manner provided by this part of this Act.

(8.) The provisions of Part I. of this Act relating to costs to be awarded in certain cases by a committee of either House of Parliament, to the duty of a local authority to carry a scheme when confirmed into execution, to the completion of a scheme on failure by a local authority, and to the extinction of rights of way and other easements, shall, with the necessary modifications, apply for the purpose of any scheme under this section in like manner as if it were a scheme under Part I. of this Act.

(9.) The Local Government Board, on being satisfied by the local authority that an improvement can be made in the details of any scheme under this section, may by order permit the local authority to modify any part of the scheme which it may appear inexpedient to carry into execution: Provided that—

- (a) if the order sanctioning the scheme was confirmed by Parliament, a statement of such modification shall be laid by the Local Government Board before both Houses of Parliament as soon as practicable; and
- (b) in any case, if the modification requires a larger expenditure than that sanctioned by the original scheme, or authorises the taking of any property otherwise than by agreement, or injuriously affects any property in a manner different from that proposed in the original scheme, without the consent of the owner or occupier of such property, notice of the order authorising the modification shall be published, and the order may be petitioned against and shall be subject to confirmation in like manner as if it were an order sanctioning an original scheme under this section.

Provisions  
for accom-  
modation of  
persons of  
the working  
classes.

40. The Local Government Board shall in any order sanctioning a scheme under this part of this Act require the insertion in the scheme of such provisions (if any) for the dwelling accommodation of persons of the working classes displaced by the scheme as seem to the Board required by the circumstances.



*Settlement of Compensation.*

A.D. 1890.

41. In all cases in which the amount of any compensation is, in pursuance of this part of this Act, to be settled by arbitration, the following provisions shall have effect; (namely,

Provisions  
as to arbi-  
tration.

(1.) The amount of compensation shall be settled by an arbitrator to be appointed and removable by the Local Government Board.

(2.) In settling the amount of any compensation—

(a.) The estimate of the value of the dwelling-house shall be based on the fair market value as estimated at the time of the valuation being made of such dwelling-house, and of the several interests in such dwelling-house, due regard being had to the nature and then condition of the property and the probable duration of the buildings in their existing state, and to the state of repair thereof, and without any additional allowance in respect of compulsory purchase; and

(b.) The arbitrator shall have regard to and make an allowance in respect of any increased value which, in his opinion, will be given to other dwelling-houses of the same owner by the alteration or demolition by the local authority of any buildings.

(3.) Evidence shall be receivable by the arbitrator to prove—

(1st) that the rental of the dwelling-house was enhanced by reason of the same being used for illegal purposes or being so overcrowded as to be dangerous or injurious to the health of the inmates; or

(2ndly) that the dwelling-house is in a state of defective sanitation, or is not in reasonably good repair; or

(3rdly) that the dwelling-house is unfit, and not reasonably capable of being made fit, for human habitation;

and, if the arbitrator is satisfied by such evidence, then the compensation—

(a) shall in the first case so far as it is based on rental be based on the rental which would have been obtainable if the dwelling-house was occupied for legal purposes and only by the number of persons whom the dwelling-house was under all the circumstances of the case fitted to accommodate without such overcrowding as is dangerous or injurious to the health of the inmates; and



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—

(b) shall in the second case be the amount estimated as the value of the dwelling-house if it had been put into a sanitary condition, or into reasonably good repair, after deducting the estimated expense of putting it into such condition or repair; and

(c) shall in the third case be the value of the land, and of the materials of the buildings thereon.

(4.) On payment or tender to the person entitled to receive the same of the amount of compensation agreed or awarded to be paid in respect of the dwelling-house, or on payment thereof in manner prescribed by the Lands Clauses Acts, the owner shall, when required by the local authority, convey his interest in such dwelling-house to them, or as they may direct; and in default thereof, or if the owner fails to adduce a good title to such dwelling-house to the satisfaction of the local authority, it shall be lawful for the local authority, if they think fit, to execute a deed poll in such manner and with such consequences as are mentioned in the Lands Clauses Acts.

8 & 9 Vict.  
c. 18.

(5.) Sections thirty-two, thirty-three, thirty-five, thirty-six, and thirty-seven of the Lands Clauses Consolidation Act, 1845, shall apply, with any necessary modifications, to an arbitration and to an arbitrator appointed under this part of this Act.

(6.) The arbitrator may, by one award, settle the amount or amounts of compensation payable in respect of all or any of the dwelling-houses included in one or more order or orders made by the local authority; but he may, and, if the local authority request him so to do, shall, from time to time make an award respecting a portion only of the disputed cases brought before him.

(7.) In the event of the death, removal, resignation, or incapacity, refusal, or neglect to act of any arbitrator before he shall have made his award, the Local Government Board may appoint another arbitrator, to whom all documents relating to the matter of the arbitration which were in the possession of the former arbitrator shall be delivered.

(8.) The arbitrator may, where he thinks fit, on the request of any party by whom any claim has been made before him, certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the local authority.



- (9.) The arbitrator shall not give such certificate where the arbitrator has awarded the same or a less sum than has been offered by the local authority in respect of such claim before the appointment of the arbitrator, and need not give such certificate to any party where he considers that such party neglected, after due notice from the local authority, to deliver to that authority a statement in writing within such time, and containing such particulars respecting the compensation claimed, as would have enabled the local authority to make a proper offer of compensation to such party before the appointment of the arbitrator. A.D. 1890.
- (10.) If within seven days after demand the amount so certified be not paid to the party entitled to receive the same, such amount shall be recoverable as a debt from the local authority with interest at the rate of five per cent. per annum for any time during which the same remains unpaid after such seven days as aforesaid.
- (11.) The award of the arbitrator shall be final and binding on all parties.

*Expenses and Borrowing.*

42.—(1.) All expenses incurred by a local authority in the execution of this part of this Act shall be defrayed by them out of the local rate; and that authority, notwithstanding any limit contained in any Act of Parliament respecting a local rate, may levy such local rate, or any increase thereof, for the purposes of this part of this Act. Expenses of local authority.

(2.) Any expenses incurred by a rural sanitary authority under this part of this Act, other than the expenses incurred in and incidental to proceedings for obtaining a closing order, shall be charged as special expenses on the contributory place in respect of which they are incurred.

43.—(1.) A local authority may borrow for the purpose of raising sums required for purchase money or compensation payable under this part of this Act in like manner, and subject to the like conditions, as for the purpose of defraying the expenses of the execution by such authority of the Public Health Acts. Provision as to borrowing.

(2.) The Public Works Loan Commissioners may, if they think fit, lend to any local authority the sums borrowed in pursuance of this part of this Act.



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Annual  
account to  
be presented  
by the local  
authority.

44. Every local authority shall every year present to the Local Government Board, in such form as they may direct, an account of what has been done, and of all moneys received and paid by them during the previous year, with a view to carrying into effect the purposes of this part of this Act.

*Powers of County Councils.*Powers of  
county  
councils.

45.—(1.) Where the medical officer of health or any inhabitant householders make a representation or complaint, or give information to any vestry or district board in the administrative county of London or to the local board of Woolwich, or to any rural sanitary authority elsewhere (which vestry, board, or authority is in this Act referred to as the district authority) or to the medical officer of such authority either respecting any dwelling-house being in a state so dangerous or injurious to health as to be unfit for human habitation, or respecting an obstructive building, and also where a closing order has been made as respects any dwelling-house, the district authority shall forthwith forward to the county council of the county in which the dwelling-house or building is situate, a copy of such representation, complaint, information, or closing order, and shall from time to time report to the council such particulars as the council require respecting any proceedings taken by the authority with reference to such representation, complaint, information, or dwelling-house.

(2.) Where the county council—

(a) are of opinion that proceedings for a closing order as respects any dwelling-house ought to be instituted, or that an order ought to be made for the demolition of any buildings forming or forming part of any dwelling-house as to which a closing order has been made, or that an order ought to be made for pulling down an obstructive building specified in any representation under this part of this Act; and

(b) after reasonable notice, not being less than one month, of such opinion has been given in writing to the district authority, consider that such authority have failed to institute or properly prosecute proceedings, or to make the order for demolition, or to take steps for pulling down an obstructive building;

the council may pass a resolution to that effect, and thereupon the powers of the district authority as respects the said dwelling-house and building under this part of this Act (otherwise than in respect of a scheme), shall be vested in the county council, and if a



closing order or an order for demolition or for pulling down an obstructive building is made, and not disallowed on appeal, the expenses of the council incurred as respects the said dwelling-house and building, including any compensation paid, shall be a simple contract debt to the council from the district authority. A.D. 1890.

(3.) Any debt to the council under this section shall be defrayed by the district authority as part of their expenses in the execution of this part of this Act.

(4.) The county council and any of their officers shall, for the purposes of this section, have the same right of admission to any premises as any district authority or their officers have for the purpose of the execution of their duties under the enactments relating to public health, and a justice may make the like order for enforcing such admission.

*Special Provisions as to London.*

46. This part of this Act shall apply to the administrative county of London with the following modifications :—

Application  
of part of  
Act to  
London.

(1.) The provisions of the Public Health Acts relating to private improvement expenses and to private improvement rates shall, for the purpose of this part of this Act, extend to the county and to the city of London, and in the construction of the said provisions, as respects the county of London, any local authority in that county, and as respects the city of London the Commissioners of Sewers, shall be deemed to be the urban authority.

(2.) The raising of sums required for purchase money or compensation payable under this part of this Act shall be a purpose for which the London County Council or the Commissioners of Sewers of the city of London, may borrow under Part One of this Act, and a purpose for which a vestry or district board may borrow under the Metropolis Management Act, 1855, and the provisions of Part One of this Act with respect to borrowing, and sections one hundred and eighty-three to one hundred and ninety-one of the Metropolis Management Act, 1855, shall apply and have effect accordingly.

18 & 19 Vict.  
c. 120.

(3.) The London County Council may, if they think fit, lend to a local authority in the administrative county of London the sums borrowed in pursuance of this part of this Act.

(4.) For the purpose of the assent required for the sale of any portion of the site of an obstructive building by a local authority,



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and of the account to be presented by a local authority of what has been done by them and of moneys received and paid by them during the previous year a Secretary of State shall be substituted for the Local Government Board.

- (5.) Where it appears to the county council, whether in the exercise of the powers of a vestry or district board or on the representation of a vestry or district board or otherwise, that a scheme under this part of this Act ought to be made, the council may take proceedings for preparing and obtaining the confirmation of a scheme, and the provisions of this Act respecting the scheme shall apply in like manner as if they were the vestry or district board, and all expenses of and incidental to the scheme and carrying the same into effect shall, save as herein-after mentioned, be borne by the county fund.
- (6.) Where the council consider that such expenses, or a contribution in respect of them, ought to be paid or made by a vestry or district board, they may apply to a Secretary of State, and the Secretary of State, if satisfied that, having regard to the size of the area, to the number, position, structure, sanitary condition, and neighbourhood of the buildings to be dealt with, the vestry or district board ought to pay, or make a contribution in respect of, the said expenses, the Secretary of State may order such payment or contribution to be made, and the amount thereof shall be a simple contract debt from the vestry or district board to the council.
- (7.) The county council may, if they think fit, pay or contribute to the payment of the expenses of carrying into effect a scheme under this part of this Act by a vestry or district board, and if a vestry or district board consider that the expenses of carrying into effect any scheme under this part of this Act, or a contribution in respect of those expenses, ought to be paid or made by the county council, and the county council decline or fail to agree to pay or make the same, the vestry or district board may apply to a Secretary of State, and if the Secretary of State is satisfied that, having regard to the size of the area, to the number, position, structure, sanitary condition, and neighbourhood of the buildings to be dealt with, the council ought to pay or make a contribution in respect of the said expenses, he may order such payment or contribution to be made, and the amount thereof shall be a simple contract debt from the council to the vestry or district board.



- (8.) In the application of this section to Woolwich, the local board of health shall be deemed to be a district board, but the raising of any sums required for purchase money or compensation payable under this part of this Act shall be a purpose for which they may borrow under the Public Health Acts, and the Public Health Acts shall apply accordingly. A.D. 1890.

*Supplemental.*

47.—(1.) Where an owner of any dwelling-house is not the person in receipt of the rents and profits thereof, he may give notice of such ownership to the local authority, and thereupon the local authority shall give such owner notice of any proceedings taken by them in pursuance of this part of this Act in relation to such dwelling-house. Provision as to superior landlord.

(2.) If it appears to a court of summary jurisdiction on the application of any owner of the dwelling-house that default is being made in the execution of any works required to be executed on any dwelling-house in respect of which a closing order has been made, or in the demolition of any building or any dwelling-house or in claiming to retain any site, in pursuance of this part of this Act, and that the interests of the applicant will be prejudiced by such default, and that it is just to make the order, the court may make an order empowering the applicant forthwith to enter on the dwelling-house, and within the time fixed by the order to execute the said works, or to demolish the building or to claim to retain the site, as the case may be, and where it seems to the court just so to do, the court may make a like order in favour of any other owner.

(3.) A court of summary jurisdiction may in any case by order enlarge the time allowed under any order for the execution of any works or the demolition of a building, or the time within which a claim may be made to retain the site of a building.

(4.) Before an order is made under this section notice of the application shall be given to the local authority.

48. Nothing in this part of this Act shall prejudice or interfere with the right or remedies of any owner for the breach, non-observance, or non-performance of any covenant or contract entered into by a tenant or lessee in reference to any dwelling-house in respect of which an order is made by a local authority under this part of this Act; and if any owner is obliged to take possession of any dwelling-house in order to comply with any such order, the Remedies of owner for breach of covenant, &c. not to be prejudiced.



A.D. 1890. — taking possession shall not affect his right to avail himself of any such breach, non-observance, or non-performance that may have occurred prior to his so taking possession.

Service of  
notices.

**49.**—(1.) Where the owner of any dwelling-house and his residence or place of business are known to the local authority, it shall be the duty of the clerk of the local authority, if the residence or place of business is within the district of such local authority, to serve any notice by this part of this Act required to be served on the owner, by giving it to him, or for him, to some inmate of his residence or place of business within the district; and in any other case it shall be the duty of the clerk of the local authority to serve the notice by post in a registered letter addressed to the owner at his residence or place of business.

(2.) Where the owner of the dwelling-house or his residence or place of business is not known to, and after diligent inquiry cannot be found by the local authority, then the clerk of the local authority may serve the notice by leaving it, addressed to the owner, with some occupier of the dwelling-house, or if there be not an occupier, then by causing it to be put up on some conspicuous part of the dwelling-house.

(3.) Notice served upon the agent of the owner shall be deemed notice to the owner.

Description  
of owner in  
proceedings.

**50.** Where in any proceedings under this part of this Act it is necessary to refer to the owner of any dwelling-house, it shall be sufficient to designate him as the "owner" thereof without name or further description.

Penalty for  
preventing  
execution of  
Act.

**51.**—(1.) If any person being the occupier of any dwelling-house prevents the owner thereof, or being the owner or occupier of any dwelling-house prevents the medical officer of health, or the officers, agents, servants, or workmen of such owner or officer from carrying into effect with respect to the dwelling-house any of the provisions of this part of this Act, after notice of the intention so to do has been given to such person, any court of summary jurisdiction on proof thereof may order such person to permit to be done on such premises all things requisite for carrying into effect, with respect to such dwelling-house, the provisions of this part of this Act.

(2.) If at the expiration of ten days after the service of such order such person fails to comply therewith, he shall for every day during which the failure continues be liable on summary conviction



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to a fine not exceeding twenty pounds : Provided that if any such failure is by the occupier, the owner, unless assenting thereto, shall not be liable to such fine. A.D. 1890. —

52. A representation from the medical officer of health of any county submitted to the county council and forwarded by that council to the local authority of any district in the county, not being a borough as defined by the Municipal Corporations Act, 1882, shall, for the purposes of this part of this Act, have the like effect as a representation from the medical officer of health of the district. Report to local authority by county medical officer. 45 & 46 Vict. c. 50.



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## PART III.

## WORKING CLASS LODGING HOUSES.

*Adoption of Part III.*Definition of  
purposes of  
Labouring  
Classes  
Lodging  
Houses Acts.

**53.**—(1.) The expression “lodging houses for the working classes” when used in this part of this Act shall include separate houses or cottages for the working classes, whether containing one or several tenements, and the purposes of this part of this Act shall include the provision of such houses and cottages.

(2.) The expression “cottage” in this part of this Act may include a garden of not more than half an acre, provided that the estimated annual value of such garden shall not exceed three pounds.

Adoption of  
this part of  
Act.

**54.** This part of this Act may be adopted in the several districts mentioned in the First Schedule to this Act by the local authorities in that behalf in that schedule mentioned: Provided that in the case of any rural sanitary district in England, the adoption shall be only after such certificate and such delay as herein-after mentioned.

Provisions  
in case of  
adoption  
by rural  
sanitary  
authority.

**55.**—(1.) A rural sanitary authority in any district desiring to adopt this part of this Act may apply to the county council of the county in which the area herein-after mentioned is wholly or as to the larger part thereof in extent situate for the certificate required for such adoption, and shall specify in such application the area in which they consider that accommodation is necessary for the housing of the working classes, and thereupon the county council shall direct a local inquiry to be held by a member of the council or any officer or person appointed by the council for the purpose, and if after such local inquiry the person holding the inquiry certifies that accommodation is necessary in such area for the housing of the working classes, and that there is no probability that such accommodation will be provided without the execution of this part of this Act, and that having regard to the liability which will be incurred by the rates, it is under all the circumstances prudent for the said authority to undertake the provision of the said accommodation under the powers of this part of this Act, the county council may if they think fit publish that certificate in one or more local



newspapers circulating in the district, and thereupon the sanitary authority may adopt this part of this Act: Provided that— A.D. 1890.

- (a) unless the county council state in publishing such certificate that, by reason of the date of the next ordinary election of members of such authority or otherwise, an emergency renders it necessary to adopt this part of this Act immediately, such adoption in pursuance of the certificate shall not take place before the ordinary election of members of such authority which is held next after the date of the local inquiry; and
- (b) after the end of twelve months from the date of the certificate, this part of this Act shall not be adopted without a fresh certificate; and
- (c) no land shall be acquired, nor buildings erected under this part of this Act outside of the area mentioned in the certificate except after a fresh application, inquiry, and certificate.

(2.) Where the rural sanitary authority think it just that the burden of the expenses of the execution of this part of this Act should be borne by some contributory place or places only in their district, instead of by the whole of their district, the authority may in their application to the county council request permission to limit the burden of such expenses to such contributory place or places, and thereupon the justice of such limitation shall be inquired into at the local inquiry, and the county council, if satisfied after the local inquiry that the circumstances of the contributory place or places and of the rest of the district render such limitation just, may make an order to that effect, and thereupon the expenses of the execution of this part of this Act in the area mentioned in the order shall be borne by the contributory place or places named in the order instead of by the whole district. The provisions of this enactment with respect to the burden of the expenses shall apply upon every application for a fresh certificate.

(3.) Any expenses incurred by a county council in holding a local inquiry under this part of this Act shall be a simple contract debt to the council from the rural sanitary authority, and shall be defrayed as part of the expenses of such authority in the execution of this part of this Act.

*Execution of Part III. by Local Authority.*

56. Where this part of this Act has been adopted in any district, the local authority shall have power to carry it into execution (subject to the provisions of this part of this Act with respect to

Powers of  
local authority.



A.D. 1890. rural sanitary authorities), and for that purpose may exercise the same powers whether of contract or otherwise as in the execution of their duties in the case of the London county council under the  
18 & 19 Vict. c. 120. Metropolis Management Act, 1855, and the Acts amending the  
38 & 39 Vict. c. 55. same, or in the case of sanitary authorities under the Public Health Acts, or in the case of the Commissioners of Sewers under the Acts conferring powers on such Commissioners.

Acquisition of land. **57.**—(1.) Land for the purposes of this part of this Act may be acquired by a local authority in like manner as if those purposes  
38 & 39 Vict. c. 55. were purposes of the Public Health Act, 1875, and sections one hundred and seventy-five to one hundred and seventy-eight, both inclusive, of that Act (relating to the purchase of lands), shall apply accordingly, and shall for the purposes of this part of this Act extend to London in like manner as if the Commissioners of Sewers and London County Council respectively were a local authority in the said sections mentioned, and a Secretary of State were substituted for the Local Government Board.

(2.) The local authority may, if they think fit, contract for the purchase or lease of any lodging houses for the working classes already, or hereafter to be built and provided.

(3.) The local authority may, if not a rural sanitary authority with the consent of the Local Government Board, and if a rural sanitary authority with the consent of the county council of the county in which the land is situate, appropriate, for the purposes of this part of this Act, any lodging houses so purchased or taken on lease, and any other land which may be for the time being vested in them, or at their disposal.

Local authority may purchase existing lodging houses. **58.** The trustees of any lodging houses for the working classes for the time being provided in any district by private subscriptions or otherwise, may, with the consent of a majority of the committee or other persons by whom they were appointed, trustees, sell or lease the lodging houses to the local authority of the district, or make over to them the management thereof.

Erection of lodging houses. **59.** The local authority may, on any land acquired or appropriated by them, erect any buildings suitable for lodging houses for the working classes, and convert any buildings into lodging houses for the working classes, and may alter, enlarge, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite furniture, fittings, and conveniences.

Sale and exchange of lands. **60.** A local authority may, if not a rural sanitary authority with the consent of the Local Government Board, and if a rural



sanitary authority with the consent of the county council of the county in which the land is situate, sell any land vested in them for the purposes of this part of this Act, and apply the proceeds in or towards the purchase of other land better adapted for those purposes, and may in like manner and with the like consent exchange any land so vested in them for land better adapted to the purposes of this part of this Act, either with or without paying or receiving any money for equality of exchange.

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*Management of Lodging Houses.*

61.—(1.) The general management, regulation, and control of the lodging houses established or acquired by a local authority under this part of this Act shall be vested in and exercised by the local authority.

Management to be vested in local authority.

(2.) The local authority may make such reasonable charges for the tenancy or occupation of the lodging houses provided under this part of this Act as they may determine by regulations.

62.—(1.) The local authority may make byelaws for the management, use, and regulation of the lodging houses, and it shall be obligatory on the local authority, except in the case of a lodging house which is occupied as a separate dwelling, by such byelaws to make sufficient provision for the several purposes expressed in the Sixth Schedule to this Act.

Byelaws for regulation of lodging houses.

(2.) A printed copy or sufficient abstract of the byelaws relating to the management, use, and regulation of the lodging houses shall be put up and at all times kept in every room therein.

63. Any person who, or whose wife or husband, at any time while such person is a tenant or occupier of any such lodging house, or any part of such a lodging house, receives any relief under the Acts relating to the relief of the poor other than relief granted on account only of accident or temporary illness, shall thereupon be disqualified for continuing to be such a tenant or occupier.

Disqualification of tenants of lodging houses on receiving parochial relief.

64. Whenever any lodging houses established for seven years or upwards under the authority of this part of this Act are determined by the local authority to be unnecessary or too expensive to be kept up, the local authority may, if not a rural sanitary authority with the consent of the Local Government Board, and if a rural sanitary authority with the consent of the county council of the county in which the lodging-houses are situate, sell the same for the best price that can reasonably be obtained for the same, and the local authority shall convey the same accordingly.

When lodging houses are considered too expensive they may be sold.



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*Expenses and Borrowing of Local Authorities.*Payment of  
expenses.

**65.** All expenses incurred by a local authority in the execution of this part of this Act shall be defrayed—

- (i.) in the case of an authority in the administrative county of London, out of the Dwelling House Improvement Fund under Part I. of this Act;
- (ii.) in the case of an urban sanitary authority, as part of the general expenses of their execution of the Public Health Acts; and
- (iii.) in the case of a rural sanitary authority, as special expenses incurred in the execution of the Public Health Acts, and, save where the burden of such expenses is by order of the county council who published the certificate to be borne by one contributory place only, shall be deemed to be incurred for the common benefit of all the contributory places liable to bear such expenses.

Provided that if on the application of the rural sanitary authority it is so declared at the time of the publication of the certificate by the county council who published the same, then the said expenses of the rural sanitary authority shall be defrayed as general expenses of the said authority in the execution of the Public Health Acts, and if such expenses are not to be borne by the whole of the district, shall be paid out of a common fund to be raised in manner provided by the Public Health Act, 1875, but as if the contributory places which are to bear those expenses constituted the whole of the district.

Borrowing  
for purposes  
of Part III.

**66.** The London County Council and the Commissioners of Sewers may borrow for the purpose of the execution of this part of this Act, in like manner and subject to the like conditions as they may borrow for the purposes of Part I. of this Act, and a sanitary authority may borrow for the purpose of the execution of this part of this Act in like manner and subject to the like conditions as for the purpose of defraying the above-mentioned general or special expenses.

*Loans to and Powers of Companies, Societies, and Individuals.*Loans by  
Public

**67.**—(1.) In addition to the powers conferred upon them by any other enactment, the Public Works Loan Commissioners may, out



of the funds at their disposal, advance on loan to any such body or proprietor as herein-after mentioned ; namely,—

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Works Com-  
missioners.

(a.) any railway company or dock or harbour company, or any other company, society, or association established for the purpose of constructing or improving, or of facilitating or encouraging the construction or improvement of dwellings for the working classes, or for trading or manufacturing purposes (in the course of whose business, or in the discharge of whose duties persons of the working classes are employed) ;

(b.) any private person entitled to any land for an estate in fee simple, or for any term of years absolute, whereof not less than fifty years shall for the time being remain unexpired ;

and any such body or proprietor may borrow from the Public Works Loan Commissioners such money as may be required for the purpose of constructing or improving, or of facilitating or encouraging the construction or improvement of dwellings for the working classes.

(2.) Such loans shall be made in manner provided by the Public Works Loans Act, 1875, subject to the following provisions :—

38 & 39 Vict.  
c. 89.

(a.) Any such advance may be made whether the body or proprietor receiving the same has or has not power to borrow on mortgage or otherwise, independently of this Act ; but nothing in this Act shall repeal or alter any regulation, statutory or otherwise, whereby any company may be restricted from borrowing until a definite portion of capital is subscribed for, taken, or paid up.

(b.) The period for the repayment of the sums advanced shall not exceed forty years.

(c.) No money shall be advanced on mortgage of any land or dwellings solely, unless the estate therein proposed to be mortgaged shall be either an estate in fee simple, or an estate for a term of years absolute, whereof not less than fifty years shall be unexpired at the date of the advance.

(d.) The money advanced on the security of a mortgage of any land or dwellings solely shall not exceed one moiety of the value, to be ascertained to the satisfaction of the Public Works Loan Commissioners, of the estate or interest in such land or dwellings proposed to be mortgaged ; but advances may be made by instalments from time to time as the building of the dwellings on the land mortgaged progresses, so that the total



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advance do not at any time exceed the amount aforesaid; and a mortgage may be accordingly made to secure such advances so to be made from time to time.

(3.) For the purpose of constructing or improving or facilitating or encouraging the construction or improvement of dwellings for the working classes, every such body as aforesaid is hereby authorised to purchase, take, and hold land, and if not already a body corporate shall, for the purpose of holding such land under this part of this Act, and of suing and being sued in respect thereof, be nevertheless deemed a body corporate with perpetual succession.

Powers to  
companies.

68. Any railway company, or dock or harbour company or any other company, society, or association, established for trading or manufacturing purposes in the course of whose business or in the discharge of whose duties persons of the working class are employed, may and are hereby (notwithstanding any Act of Parliament, or charter, or any rule of law or equity to the contrary) authorised at any time to erect, either on their own land or on any other land (which they are hereby authorised to purchase and hold for the purpose, and to pay for out of any funds at their disposal), dwellings for the accommodation of all or any of the persons of the working class employed by them.

Power to  
water and  
gas com-  
panies to  
supply water  
and gas to  
lodging  
houses.

69. Any commissioners of waterworks, trustees of waterworks, water companies, gas companies, and other corporations, bodies, and persons having the management of any waterworks, reservoirs, wells, springs, or streams of water, and gasworks respectively, may, in their discretion, grant and furnish supplies of water or gas for lodging-houses provided under this part of this Act, either without charge or on such other favourable terms as they think fit.

Inspection  
of lodging  
houses.

70. A lodging house established in any district under this part of this Act, shall be at all times open to the inspection of the local authority of that district or of any officer from time to time authorised by such authority.

Application  
of penalties.

71. Any fine for the breach of any byelaw under this part of this Act shall be paid to the credit of the funds out of which the expenses of this part of this Act are defrayed.



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PART IV.

SUPPLEMENTAL.

72. Where an official representation made to the London county council in pursuance of Part I. of this Act relates to not more than ten houses, the London county council shall not take any proceedings on such representation, but shall direct the medical officer of health making the same to represent the case to the local authority under Part II. of this Act, and it shall be the duty of the local authority to deal with such case in manner provided by that part of this Act.

Limit of  
area to be  
dealt with  
on official  
representa-  
tion.

73.—(1.) In either of the following cases :

- (a.) Where a medical officer of health has represented to any local authority in the county of London under Part II. of this Act that any dwelling-houses are in a condition so dangerous or injurious to health, as to be unfit for human habitation, or that the pulling down of any obstructive buildings would be expedient, and such authority resolve that the case of such dwelling-houses or buildings is of such general importance to the county of London that it should be dealt with by a scheme under Part I. of this Act; or
- (b.) Where an official representation as mentioned in Part I. of this Act has been made to the London county council in relation to any houses, courts, or alleys within a certain area, and that council resolve that the case of such houses, courts, or alleys is not of general importance to the county of London and should be dealt with under Part II. of this Act;

Provisions  
as to parts of  
Act under  
which  
reports are  
to be dealt  
with in  
county of  
London.

such local authority or council may submit such resolution to a Secretary of State, and thereupon the Secretary of State may appoint an arbitrator, and direct him to hold a local inquiry, and such arbitrator shall hold such inquiry, and report to the Secretary of State as to whether, having regard to the size of the area, to the number of houses to be dealt with, to the position, structure, and sanitary condition of such houses, and of the neighbourhood thereof, and to the provisions of Part I. of this Act, the case is either wholly or partially of any and what importance to the county of London, with power to such arbitrator to report that in the event of the case being dealt with under Part II. of this Act, the London county council ought to make a contribution in respect of the expense of dealing with the case.



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(2.) The Secretary of State, after considering the report of the arbitrator, may, according as to him seems just, decide that the case shall be dealt with either under Part II. of this Act, or under Part I. of this Act, and the medical officer of health or other proper officer shall forthwith make the representation necessary for proceedings in accordance with such decision.

Amend-  
ment of  
45 & 46 Vict.  
c. 38.  
as regards  
erection of  
buildings  
for working  
classes.

**74.**—(1.) The Settled Land Act, 1882, shall be amended as follows:—

(a.) Any sale, exchange, or lease of land in pursuance of the said Act, when made for the purpose of the erection on such land of dwellings for the working classes, may be made at such price, or for such consideration, or for such rent, as having regard to the said purpose, and to all the circumstances of the case, is the best that can be reasonably obtained, notwithstanding that a higher price, consideration, or rent might have been obtained if the land were sold, exchanged, or leased for another purpose.

(b.) The improvements on which capital money may be expended, enumerated in section twenty-five of the said Act, and referred to in section thirty of the said Act, shall, in addition to cottages for labourers, farm servants, and artizans whether employed on the settled land or not, include any dwellings available for the working classes, the building of which in the opinion of the Court is not injurious to the estate.

(2.) Any body corporate holding land may sell, exchange, or lease the land for the purpose of the erection of dwellings for the working classes at such price, or for such consideration, or for such rent as having regard to the said purpose and to all the circumstances of the case is the best that can reasonably be obtained, notwithstanding that a higher price, consideration, or rent might have been obtained if the land were sold, exchanged, or leased for another purpose.

Condition to  
be implied  
on letting  
houses for  
the working  
classes.

**75.** In any contract made after the fourteenth day of August one thousand eight hundred and eighty-five for letting for habitation by persons of the working classes a house or part of a house, there shall be implied a condition that the house is at the commencement of the holding in all respects reasonably fit for human habitation. In this section the expression "letting for habitation by persons of the working classes" means the letting for habitation of a house or part of a house at a rent not exceeding in England the sum named as the limit for the composition of rates



by section three of the Poor Rate Assessment and Collection Act, 1869, and in Scotland or Ireland four pounds.

A.D. 1890.  
32 & 33 Vict.  
c. 41.

**76.**—(1.) The London county council may, with the consent of a Secretary of State, at any time appoint one or more legally qualified practitioner or practitioners, with such remuneration as they think fit, for the purpose of carrying into effect any part of this Act.

Medical  
officer of  
health in  
county of  
London.

(2.) Any medical officer of health appointed by the London county council, and any officer appointed under this section by the London county council, shall be deemed to be a medical officer of health of a local authority within the meaning of this Act.

**77.** Any person authorised by the local authority may at all reasonable times of the day, on giving twenty-four hours notice in writing to the occupier of his intention so to do, enter any dwelling-house, premises, or building which the local authority are authorised to purchase compulsorily under Part I. or Part II. of this Act for the purpose of surveying and valuing such dwelling-house, premises, or building.

Power to  
local  
authority to  
enter and  
value  
premises.

**78.** Where a building or any part of a building purchased by the local authority in pursuance of a scheme under Part I. or Part II. of this Act is not closed by a closing order, and is occupied by any tenant whose contract of tenancy is for less than a year, the local authority, if they require him to give up possession of such building or part for the purpose of pulling down the building, may make to the said tenant a reasonable allowance on account of his expenses in removing.

Compensation to  
tenants for  
expense of  
removal.

**79.**—(1.) Anything which under Part I. or Part II. of this Act is authorised or required to be done by or to a medical officer of health may be done by or to any person authorised to act temporarily as such medical officer of health.

Duties of  
medical  
officer of  
health.

(2.) Every representation made by a medical officer of health in pursuance of this Act shall be in writing.

**80.**—(1.) Separate accounts shall be kept by the local authority and their officers of their receipts and expenditure under each part of this Act.

Accounts  
and audit.

(2.) Such accounts shall be audited in the like manner and with the like power to the officer auditing the same, and with the like incidents and consequences, as the accounts of the local authority are for the time being required to be audited by law.



A.D. 1890.

Power of  
local author-  
ity to  
appoint  
committees.

**81.** For the purposes of this Act, a local authority acting under this Act may 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 authorised 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.

Application  
of purchase  
money.

**82.** Where a local authority sell any land acquired by them for any of the purposes of this Act, the proceeds of the sale shall be applied for any purpose, including repayment of borrowed money, for which capital money may be applied, and which is approved by the Local Government Board.

Rates of  
loans by  
Public  
Works Loan  
Commis-  
sioners.  
38 & 39 Vict.  
c. 89.

**83.** Any loan advanced by the Public Works Loan Commissioners in pursuance of this Act or for labourers dwellings in pursuance of the Public Works Loans Act, 1875, or any Act amending the same, shall bear such rate of interest not less than three pounds two shillings and sixpence per cent. per annum, as the Treasury may from time to time authorise as being in their opinion sufficient to enable such loans to be made without loss to the Exchequer.

Application  
of certain  
provisions as  
to byelaws.  
18 & 19 Vict.  
c. 120.

**84.** With respect to byelaws authorised by this Act to be made—

(a) sections two hundred and two and two hundred and three of the Metropolis Management Act, 1855, where such byelaws are made by the London county council, or any nuisance authority in the administrative county of London; and

38 & 39 Vict.  
c. 55.

(b) the provisions of the Public Health Act, 1875, relating to byelaws, where such byelaws are made by a sanitary authority, shall apply to such byelaws, and a fine or penalty under any such byelaw may be recovered on summary conviction.

Local  
inquiries.

**85.**—(1.) For the purposes of the execution of their duties under this Act the Local Government Board may cause such local inquiries to be held as the Board see fit, and the costs incurred in relation to any such local inquiry, and to any local inquiry which any other confirming authority holds or causes to be held, including the salary or remuneration of any inspector or officer of or person employed by the Board or confirming authority engaged in the inquiry not exceeding three guineas a day, shall be paid by the local authorities and persons concerned in the inquiry, or by such of them and in such proportions as the Board or confirming authority may



direct, and that Board or authority may certify the amount of the costs incurred, and any sum so certified and directed by that Board or authority to be paid by any local authority or person shall be a debt to the Crown from such local authority or person. A.D. 1890.

(2.) Sections two hundred and ninety-three to two hundred and ninety-six and section two hundred and ninety-eight of the Public Health Act, 1875, shall apply for the purpose of any order to be made by the Local Government Board or any local inquiry which that Board cause to be held in pursuance of any part of this Act.

**86.**—(1.) An order in writing made by a local authority under this Act shall be under their seal and authenticated by the signature of their clerk or his lawful deputy. Orders, notices, &c.

(2.) A notice, demand, or other written document proceeding from the local authority under this Act shall be signed by their clerk or his lawful deputy.

**87.** Any notice, summons, writ or other proceeding at law or otherwise required to be served on a local authority in relation to carrying into effect the objects or purposes of this Act, or any of them, may be served upon that authority by delivering the same to their clerk, or leaving the same at his office with some person employed there. Service of notice, &c. on the local authority.

**88.**—(1.) A person shall not vote as member of a local authority or county council or any committee thereof upon any resolution or question which is proposed or arises in pursuance of Part I. or Part II. of this Act, if it relates to any dwelling-house, building, or land in which he is beneficially interested. Prohibition on persons interested voting as members of local authority.

(2.) If any person votes in contravention of this section he shall, on summary conviction, be liable for each offence to a fine not exceeding fifty pounds; but the fact of his giving the vote shall not invalidate any resolution or proceeding of the local authority or county council.

**89.** Where any person obstructs the medical officer of health, or any officer of the local authority, or of the confirming authority mentioned in Part I. of this Act, in the performance of anything which such officer or authority is by this Act required or authorised to do, such person shall, on summary conviction, be liable to a fine not exceeding twenty pounds. Penalty for obstructing the execution of Act.

**90.** Offences under this Act punishable on summary conviction may be prosecuted and fines recovered in manner provided by the Summary Jurisdiction Acts. Punishment of offences and recovery of fines.



A.D. 1890.  
Powers of  
Act to be  
cumulative.

**91.** 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 a local authority shall not, by reason of any local Act relating to a place within its jurisdiction, be exempted from the performance of any duty or obligation to which such authority are subject under any part of this Act.

Definition of  
local autho-  
rity, dis-  
tricts, local  
rate.

**92.** In this Act, unless the context otherwise requires, "district," "local authority," and "local rate," mean respectively the areas, bodies of persons, and rates specified in the table contained in the First Schedule to this Act, but in Part III. of this Act and in reference to any power given by that part, or any act to be done in pursuance thereof shall mean such area, bodies of persons, and rate only in cases where that part of this Act is adopted or being adopted.

Definitions :

"Land."

**93.** In this Act, unless the context otherwise requires—

The expression "land" includes any right over land :

"Sanitary district."

The expression "sanitary district" means the district of a sanitary authority :

"Sanitary authority."

The expression "sanitary authority" means an urban sanitary authority or a rural sanitary authority :

"Urban and rural sanitary authority";

The expressions "urban sanitary authority" and "rural sanitary authority" and "contributory place" have respectively the same meanings as in the Public Health Act, 1875 :

"contributory place."

The expression "superior court" means the Supreme Court :

"Superior court."

The expression "county of London," except where specified to be the administrative county of London, means the county of London exclusive of the city of London.

"County of London."



PART V.

A.D. 1890.

APPLICATION OF ACT TO SCOTLAND.

In the application of this Act to Scotland the following provisions shall have effect,—

94.—(1.) A reference to any sections of the Lands Clauses Consolidation Act, 1845, shall be construed to mean a reference to the corresponding sections of the Lands Clauses Consolidation (Scotland) Act, 1845. Modification as respects reference to Scotch Acts.

(2.) Where a dispute under this Act is to be settled by two justices in manner provided by the Lands Clauses Acts in cases where the compensation claimed in respect of lands does not exceed fifty pounds such dispute shall be settled in Scotland by the sheriff in manner provided by the Lands Clauses Consolidation (Scotland) Act, 1845, in similar cases. 8 & 9 Vict. c. 19.

(3.) The Public Health (Scotland) Act, 1867, and the Acts amending the same shall be substituted for the Public Health Acts and in particular— 30 & 31 Vict. c. 101.

(a.) With respect to the purchase of land a reference to section ninety of the said Public Health (Scotland) Act, 1867, shall be substituted for a reference to sections one hundred and seventy-five to one hundred and seventy-eight of the Public Health Act, 1875 :

(b.) Local inquiries by the Board of Supervision shall be held under sections ten to thirteen of the Public Health (Scotland) Act, 1867, and local inquiries by the Secretary for Scotland under the Local Government (Scotland) Act, 1889, and the provisions of sub-section one of section eighty-five of this Act shall apply to such inquiries by the Board of Supervision : 52 & 53 Vict. c. 50.

(c.) The provisions as to private improvement expenses and the defraying thereof shall not apply to Scotland ; and the local authority shall be entitled to recover in a summary manner the amount apportioned to any building in respect of its increase in value by reason of the demolition of any obstructive building, from the owner or occupier thereof, according to their respective interests in such increase of value.

(4.) The Acts relating to nuisances mean, as respects any place in Scotland, the Public Health (Scotland) Act, 1867, and any Act amending the same, and the Local Government (Scotland) Act, 1889, and any local Act which contains any provisions with respect to nuisances in that place.



A.D. 1890.  
Modifica-  
tions as  
regards legal  
proceedings  
in Scotland.

**95.**—(1.) A charging order under Part II. of this Act shall be recorded in the appropriate register of sasines.

(2.) Superior court means in Scotland the Court of Session, and where any order, certificate, or other act under this Act may be made a rule of a superior court, the Court of Session in Scotland may, on the application of the Lord Advocate, on behalf of the confirming authority, or on the application of any person interested, interpose their authority to any such order, certificate, or act, and grant decree conform thereto upon which execution and diligence may proceed in common form.

(3.) An appeal from an order of a local authority under Part II. of this Act shall, in Scotland, be to the sheriff, and the same procedure shall apply as on an appeal from the sheriff substitute to the sheriff, but with the same provisos as apply to the appeal in England from the order of the local authority to a court of quarter sessions.

(4.) Offences under this Act punishable on summary conviction may be prosecuted and fines recovered before the sheriff or two justices or in burghs before the magistrates in manner provided by the Summary Jurisdiction (Scotland) Acts, and all necessary jurisdiction is hereby conferred on such sheriff or two justices, or any two magistrates of a burgh.

Miscella-  
neous modi-  
fications.

**96.**—(1.) This Act shall be read and construed as if for the expression "the Local Government Board," wherever it occurs therein, the expression "the Secretary for Scotland" were substituted, except that the provisions of this Act with respect to the adoption and execution of Part III. of this Act by a rural sanitary authority shall apply to the adoption and execution thereof by a local authority, being a district committee, and the Board of Supervision for the Relief of the Poor in Scotland shall be substituted in the said Part for the county council.

(2.) The expenses incurred by a local authority under this Act may be defrayed in the same manner as general expenses under section ninety-four, sub-section two, of the Public Health (Scotland) Act, 1867, and money may be borrowed for the purposes of this Act in the same manner and subject to the same conditions as nearly as may be as money may be borrowed for the erection of hospitals under the Public Health (Scotland) Amendment Act, 1871; provided that the assessment therefor shall be levied only within the parish or parishes in respect of which such expenses are incurred.



(3.) The Edinburgh Gazette shall be substituted for the London Gazette. A.D. 1890.

(4.) The expression "medical officer of health" means medical officer.

(5.) The expression "person entitled to the first estate of freehold in" means owner of.

(6.) The expression "court of quarter sessions" means the sheriff.

(7.) The expression "urban sanitary authority" means the local authority under the Public Health (Scotland) Act, 1867, being a town council or police commissioners or trustees exercising the functions of police commissioners.

(8.) The expression "rural sanitary authority" means a district committee, or where a county has not been divided into districts under the Local Government (Scotland) Act, 1889, the county council.

(9.) The expression "contributory place" means a parish.

(10.) The expression "court of summary jurisdiction" means the sheriff or any two justices of the peace sitting in open court, or any magistrate or magistrates within the meaning of the Summary Jurisdiction Acts.

(11.) The expression "executors, administrators, or assigns" means heirs, executors, or assignees.

(12.) The expression "mortgage" means bond and disposition in security.

(13.) The reference to quitrents and other charges incident to tenure, and to tithe commutation rentcharge shall be read as applicable to feu duties, casualties, and teinds.

(14.) With respect to byelaws authorised by this Act to be made, the provisions of the Public Health (Scotland) Act, 1867, relating to rules and regulations for common lodging houses shall apply to such byelaws with the necessary variations, and a fine or penalty under any such byelaw may be recovered on summary conviction.

(15.) An order in writing made by a local authority under this Act, where such local authority have not a seal, shall be authenticated by the signature of any two or more members of the local authority and of their clerk or his lawful deputy.

(16.) The provisions of Part II. of this Act with respect to the powers of county councils shall not apply to Scotland.



A.D. 1890.

Provision as  
to superior  
of lands for  
purpose of  
Part II.

**97.**—(1.) The superior of any lands and heritages may give notice of his right of superiority to the local authority, and thereupon the local authority shall give such superior notice of any proceedings taken by them in pursuance of Part II. of this Act in relation to such lands and heritages;

(2.) If it appears to the sheriff, on the application of such superior, that default is being made in the execution of any works required to be executed on such lands and heritages in respect of which a closing order has been made, or in the demolition of a building on such lands and heritages, or in claiming to retain any site, in pursuance of Part II. of this Act, and that the interests of the applicant will be prejudiced by such default, and that it is just to make the order, the sheriff may make an order empowering the applicant forthwith to enter on the lands and heritages, and within the time fixed by the order to execute the said works, or to demolish the building, or to claim to retain the site, as the case may be:

(3.) The sheriff may in any case, by order, enlarge the time allowed under any order for the execution of any works or the demolition of a building, or the time within which a claim may be made to retain the site of a building;

(4.) Before an order is made under this section notice of the application shall be given to the local authority.



PART VI.

A.D. 1890.

APPLICATION OF ACT TO IRELAND.

**98.** In the application of this Act to Ireland the following provisions shall have effect—

Modification  
in applica-  
tion of Act  
to Ireland.

41 & 42 Vict.  
c. 52.

- (1.) The Public Health (Ireland) Act, 1878, shall be substituted for the Public Health Act, 1875, and in particular the references in this Act to sections one hundred and seventy-five, one hundred and seventy-six and one hundred and seventy-seven of the Public Health Act, 1875, shall be respectively taken to be references to sections two hundred and two, two hundred and three, and two hundred and four, respectively, of the Public Health (Ireland) Act, 1878, and the reference to sections two hundred and ninety-three to two hundred and ninety-six, two hundred and ninety-eight of the Public Health Act, 1875, shall be taken to be a reference to sections two hundred and nine, two hundred and ten, two hundred and twelve, two hundred and thirteen, and two hundred and fifteen of the Public Health (Ireland) Act, 1878.

- (2.) The Acts relating to nuisances mean as respects any place in Ireland the Public Health (Ireland) Act, 1878, and any local Act which contains any provisions with respect to nuisances in that place.

- (3.) The expression "quarter sessions" means, in towns and boroughs where there are separate quarter sessions, the quarter sessions of the said towns and boroughs, and in towns and boroughs where there are no separate quarter sessions, the quarter sessions of the division of the counties in which such towns or boroughs are situate.

- (4.) The provisions of section twenty-four of the Petty Sessions (Ireland) Act, 1851, respecting appeals from courts of summary jurisdiction authorised by that section, and any enactment amending the same, shall in Ireland apply in the case of appeals from an order of a local authority to a court of quarter sessions under Part II. of this Act, as if such order was an order of a court of summary jurisdiction, but with the same provisos as apply under this Act in the case of such an appeal in England.

14 & 15 Vict.  
c. 93.

- (5.) The Local Government Board for Ireland shall be substituted for the Local Government Board.



A.D. 1890.

- (6.) The Commissioners of Public Works in Ireland acting with the consent of the Treasury shall be substituted for the Public Works Loan Commissioners.
- (7.) The medical officer of health in Ireland shall include the medical superintendent officer of health appointed under the Public Health (Ireland) Act, 1878.
- (8.) The Dublin Gazette shall be substituted for the London Gazette.
- (9.) Every charging order under Part II. of this Act shall be registered in the office for registering deeds, conveyances, and wills in Ireland.
- (10.) An order in writing made by a local authority under this Act, where such local authority have not a seal, shall be authenticated by the signature of any two or more members of the local authority and of their clerk or his lawful deputy.
- (11.) The accounts of the local authority under this Act shall be audited in the like manner and with the like power to the officer auditing the same, and with the like incidents and consequences, as the accounts of that authority as a sanitary authority are for the time being required to be audited by law.
- (12.) The consent of the Treasury shall in Ireland be substituted for the consent of the Local Government Board required under Part III. of this Act to the appropriation of land for lodging houses, to the sale and exchange of land, and to the sale of lodging houses when considered too expensive.

Adoption of  
Part III. of  
Act by  
town com-  
missioners of  
small towns  
in Ireland.

**99.**—(1.) In a town not being an urban sanitary district Part III. of this Act may be adopted by any town commissioners for the time being existing for the paving, lighting, or cleansing of that town under any Public Act of Parliament or any charter, and the Act when adopted shall be carried into execution by such town commissioners, and for that purpose they shall be deemed to be a local authority within the meaning of the said part.

(2.) Such commissioners shall give not less than twenty-eight nor more than forty-two days public notice of their intention to take into consideration the propriety of adopting the said part of this Act, and of the time and place for holding the meeting when they will take it into consideration.

(3.) If at that meeting there is presented to the commissioners a memorial in writing signed by not less one one-tenth in value of the persons liable to be rated to rates made by such commissioners requesting them to postpone the said consideration for a period of one year, then the consideration shall be so postponed,



and shall be entered upon as soon after the expiration of the year A.D. 1890.  
as the commissioners think fit.

(4.) If the said part of this Act is adopted, the local rate shall be any rate which the commissioners have power to impose for the purpose of paving, lighting, cleansing, or otherwise improving the town, and such rate may, with the approval of the Treasury, be increased for the purpose.

(5.) The net income arising from any lodging-houses or dwellings provided by the commissioners in pursuance of the said part of this Act, after the payment of all out-goings, including the interest and instalments of principal of any loan, shall be paid to the town commissioners fund, or otherwise in aid of the rates which have been applied to the payment of the expenses.

**100.** Sections fifty-six to sixty-four, both inclusive, and sections ninety-nine to one hundred and three, both inclusive, of the Commissioners Clauses Act, 1847, shall be incorporated with Part III. of this Act, so far as regards any town commissioners or any dock or harbour company or commissioners; and in the construction of the said sections for the purposes of the part of this Act with which they are so incorporated, the expression "commissioners" shall mean any such commissioners or company as aforesaid, and the expression "special Act" shall mean this Act.

Incorporation of sections of 10 & 11 Vict. c. 16. for purposes of Part III. of Act.

**101.—(1.)** Any company, society, or association establishing lodging-houses in pursuance of Part III. of this Act shall have the same power of making byelaws for the regulation of such lodging-houses as a local authority have under the said part.

Power of making byelaws for labourers dwellings in Ireland.

(2.) Any byelaw made for the regulation of lodging-houses in pursuance of Part III. of this Act shall not be valid until approved by the Local Government Board, and a production of a copy of the byelaws purporting to be sealed with the seal of the Local Government Board and signed by the President or by the Under Secretary to the Lord Lieutenant or by the Vice-President, or by two other members of the Board both signing, shall be sufficient evidence of such approval in all courts of justice and elsewhere.

(3.) Where a byelaw has been so approved, any fine imposed by the same may be recovered before a court of summary jurisdiction; and one-half of any fine so recovered shall be paid to the informer and the other half to the authority who made the byelaw, and shall be applied by them in aid of the expenses of the lodging-houses.



A.D. 1890.

## PART VII.

## REPEAL AND TEMPORARY PROVISIONS.

Repeal of  
Acts.

**102.** The Acts mentioned in the Seventh Schedule to this Act are hereby repealed to the extent in the third column of that schedule specified.

Provided that:—

- (1.) Where the Labouring Classes Lodging Houses Acts, 1851 to 1885, have been adopted in any district, that adoption shall be deemed to be an adoption of Part III. of this Act, and this Act shall apply accordingly ;
- (2.) Any officer appointed under any enactment hereby repealed shall continue and be deemed to be appointed under this Act ;
- (3.) Any dwelling houses acquired by the local authority under the Artizans Dwellings Acts, 1868 to 1885, and vested in them at the commencement of this Act, shall be held by such local authority as if they had been acquired under the provisions of Part III. of this Act, and any land or premises other than dwelling houses so acquired and held by them at the commencement of this Act shall be held as if the same had been acquired as a site of an obstructive building in pursuance of Part II. of this Act, but may with the consent of the authority authorised by the said part of this Act to consent to the sale of land so acquired be appropriated for the purposes of Part III. of this Act.

Temporary  
provisions.

**103.** The provisions of this Act relating to compensation, to the power of the local authority to enter and value premises, to the compensation of tenants for expense of removal, shall be applicable in the case of all improvement schemes which have been confirmed by Act of Parliament during the session in which this Act is passed.



# SCHEDULES.

A.D. 1890.

## FIRST SCHEDULE.

Sections 54, 92.

### ENGLAND AND WALES.

District.	Local Authority.	Local Rate.
<i>Throughout Act.</i>		
Urban sanitary district -	The urban sanitary authority.	The rate out of which the general expenses of the execution of the Public Health Acts are defrayed.
The city of London -	The Commissioners of Sewers.	The sewer rate and the consolidated rate levied by such Commissioners, or either of such rates.
(1.) <i>For the purpose of Parts I. and III.</i>		
The county of London -	The County Council of London.	The county fund and the amount payable shall be deemed to be required for special county purposes.

### (2.) *For the purposes of Part II.*

A parish other than the parish of Woolwich mentioned in Schedule A. to the Metropolis Management Act, 1855, as amended by the Metropolis Management (Amendment) Act, 1885, and the Metropolis Management (Battersea and Westminster) Act, 1887.	The Vestry elected under the Metropolis Management Act, 1855.	The general rate leviable by such vestry or board under the Metropolis Management Act, 1855.
A district mentioned in Schedule B. to the Metropolis Management Act, 1855, as amended by the Metropolis Management (Amendment) Act, 1885, and the Metropolis Management (Battersea and Westminster) Act, 1887.	The Board of Works for the district elected under the Metropolis Management Act, 1855.	
Parish of Woolwich -	The local board of health -	The district fund and general district rate.

### (3.) *For the purposes of Parts II. and III.*

Rural sanitary district -	The rural sanitary authority.	The rate out of which the "general" or "special" expenses, as the case may be, of the execution of the Public Health Acts are defrayed.
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A.D. 1890.

## SCOTLAND.

*Throughout Act.*

District.	Local Authority.	Local Rate.
Districts under the Public Health (Scotland) Act, 1867, exclusive of parishes or parts thereof over which the jurisdiction of a town council or of police commissioners or trustees exercising the functions of police commissioners does not extend.	The local authorities under the Public Health (Scotland) Act, 1867, in those districts.	The public health rate.
<i>Under Parts II. and III.</i>		
Districts under the Public Health (Scotland) Act, 1867, as amended by the Local Government (Scotland) Act, 1889.	The local authorities under the Public Health (Scotland) Act, 1867, in those districts.	The public health rate.

## IRELAND.

*Under Parts I. and III.*

Urban sanitary district -	The urban sanitary authority.	The rate out of which the general expenses of the execution of the Public Health (Ireland) Act, 1878, are defrayed in these districts.
<i>Under Part II.</i>		
Urban sanitary district -	The urban sanitary authority.	The rate out of which the general expenses of the execution of the Public Health (Ireland) Act, 1878, are defrayed in the district.
Rural sanitary district -	The rural sanitary authority.	The rate out of which the special expenses of the execution of the Public Health (Ireland) Act, 1878, are defrayed in the district.

*Note.*

In any case in the United Kingdom where an urban sanitary authority does not levy a borough rate or any general district rate, but is empowered by a Local Act or Acts to borrow money and to levy a rate or rates throughout the whole of their district for purposes similar to those or to some of those for which a general district rate is leviable, it shall be lawful for such sanitary authority to defray the expenses incurred in the execution of Part III. of this Act by means of money to be borrowed, and a rate or rates to be levied, under such Local Act or Acts.



SECOND SCHEDULE.

A.D. 1890.

PROVISIONS WITH RESPECT TO THE PURCHASE AND TAKING OF LANDS IN ENGLAND OTHERWISE THAN BY AGREEMENT, AND OTHERWISE AMENDING THE LANDS CLAUSES ACTS. Section 20.

*Deposit of Maps and Plans.*

(1.) The local authority shall as soon as practicable after the passing of the confirming Act cause to be made out, and to be signed by their clerk or some other principal officer appointed by them, maps and schedules of all lands proposed to be taken compulsorily, (which lands are herein-after referred to as the scheduled lands,) together with the names, so far as the same can be reasonably ascertained, of all persons interested in such lands as owners or reputed owners, lessees or reputed lessees, or occupiers. 1-4. 38 & 39  
Viet. c. 36,  
Sch.

(2.) The maps made by the local authority shall be upon such scale and be framed in such manner as may be prescribed by the confirming authority.

(3.) The local authority shall deposit such maps and schedules at the office of the confirming authority, and shall deposit and keep copies of such maps and schedules at the office of the local authority.

*Appointment of Arbitrator.*

(4.) After such deposit at the office of the confirming authority as aforesaid, it shall be lawful for the confirming authority, upon the application of the local authority, to appoint an arbitrator between the local authority, and the persons interested in such of the scheduled lands, or lands injuriously affected by the execution of such scheme, so far as compensation for the same has not been made the subject of agreement.

*Proceedings on Arbitration.*

(5.) Before any arbitrator enters upon any inquiry he shall, in the presence of a justice of the peace, make and subscribe the following declaration; that is to say, 45 & 46 Viet.  
c. 54. Sch.  
(1.) a-f.

‘ I A.B. do solemnly and sincerely declare, that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the Housing of the Working Classes Act, 1890.

A.B.

‘ Made and subscribed in the presence of

And such declaration shall be annexed to the award when made; and if any arbitrator, having made such declaration wilfully act contrary thereto, he shall be guilty of a misdemeanor.



A.D. 1890.

(6.) As soon as an arbitrator has been appointed as aforesaid, the confirming authority shall deliver to him the maps and schedules deposited at their office, and the local authority shall publish once in each of three successive weeks the following particulars:—

(1.) The appointment of the arbitrator; and

(2.) The deposit at the office of the local authority of the copies of such maps and schedules as aforesaid, with a description of the situation of such office, and a statement of the time at which such copies may be inspected by any person desirous of inspecting the same.

42 & 43 Vict.  
c. 63. Sch.  
Art. 1.

Such publication shall be made not only by advertisement, but also by placards and handbills affixed in conspicuous places on or near the lands to be taken, and also by leaving a notice thereof at each house proposed to be taken, and also by sending a notice thereof by post to the persons interested in such lands as owners or reputed owners, lessees or reputed lessees, so far as they can be reasonably ascertained.

(7.) In every case in which compensation is payable under Part I. of this Act, by the local authority to any claimant, and which compensation has not been made the subject of agreement (in this Act referred to as "a disputed case"), the arbitrator shall ascertain in such manner as he thinks most convenient the amount of compensation demanded by the claimant, and the amount which the local authority may be willing to pay; and after hearing all such parties interested in each disputed case as may appear before him at a time and place of which notice has been given as in Part I. of this Act mentioned, he shall proceed to decide on the amount of compensation to which he may consider the claimant to be entitled in each case.

(8.) The arbitrator shall give notice to the claimants in disputed cases by causing such notice to be published or otherwise in such manner as he thinks advisable, of a time and place at which the difference between the claimants and the local authority in disputed cases as to the amount of compensation to be paid will be decided by the arbitrator.

(9.) After the arbitrator has arrived at a decision on all the disputed cases brought before him he shall make an award under his hand and seal, and such award shall be final, and be binding and conclusive (subject to the provisions concerning an appeal herein-after contained) upon all persons whomsoever, and no such award shall be set aside for irregularity in matter of form, but the arbitrator may and, if the local authority request him so to do, shall from time to time make an award respecting a portion only of the disputed cases brought before him.

(10.) Such award as aforesaid shall be deposited at the office of the confirming authority, and a copy thereof shall be deposited at the office of the local authority, and the local authority shall thereupon publish once in each of three successive weeks notice of the deposit having been made at the office of the local authority of a copy of the award, and a further notice requiring all persons claiming to have any right to or interest in the lands (the compensation to be paid in respect of which is ascertained by such award) to deliver to the local



authority on or before a day to be named in such notice (such day not being earlier than twenty-one days from the date of the last publication of the notice), a short statement in writing of the nature of such claim, and a short abstract of the title on which the same is founded; and such statement and abstract shall be paid for by the local authority. Such abstract of title, in the case of a person claiming a fee simple interest in the land, shall commence twenty years previous to the date of the claim, except there has been an absolute conveyance on sale within twenty years, and more than ten years previous to the claim when the abstract shall commence with such conveyance.

A.D. 1890.

*Special Powers of Arbitration.*

(11.) The arbitrator shall have the same power of apportioning any rent-service rentcharge, chief or other rent, payment, or incumbrance, or any rent payable in respect of lands comprised in a lease, as two justices have under the Lands Clauses Consolidation Act, 1845.

Power of arbitrator as to apportionment.  
42 & 43 Vict.  
c. 63. Sch. (2).

(12.) Notwithstanding anything in section ninety-two of the Lands Clauses Consolidation Act, 1845, the arbitrator may determine that such part of any house, building, or manufactory as is proposed to be taken by the local authority can be taken without material damage to such house, building, or manufactory, and if he so determine may award compensation in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the party interested shall be required to sell and convey to the local authority such part, without the local authority being obliged to purchase the greater part or the whole of such house, building, or manufactory.

Amendment respecting severance of properties.  
8 & 9 Vict.  
c. 18.  
42 & 43 Vict.  
c. 63. Sch. (3).

The local authority, or any person interested, if dissatisfied with a determination under this enactment, may, in manner provided with respect to appeals to a jury in respect of compensation for land by this schedule, submit the question of whether the said part can be taken without material damage, as well as the question of the proper amount of compensation, to a jury; and the notice of intention to appeal shall be given within the same time as notice of intention to appeal against the amount of compensation awarded is required to be given.

(13.) The amount of purchase money or compensation to be paid in pursuance of section one hundred and twenty-four of the Lands Clauses Consolidation Act, 1845, in respect of any estate, right, or interest in or charge affecting any of the scheduled lands which the local authority have through mistake or inadvertence failed or omitted duly to purchase or make compensation for, shall be awarded by the arbitrator and be paid, in like manner, as near as may be, as the same would have been awarded and paid if the claim of such estate, right, interest, or charge had been delivered to the arbitrator before the day fixed for the delivery of statements of claims.

Omitted interests.  
42 & 43 Vict.  
c. 63. Sch. (4).

If the arbitrator is satisfied that the failure or omission to purchase the said estate, right, interest, or charge, arose from any default on the part either of the claimant or of the local authority, he may direct the costs to be paid by the party so in default.



[CH. 70.]      *Housing of the Working Classes* [53 & 54 VICT.]  
*Act, 1890.*

A.D. 1890.

Arts. 14-24.  
 See 38 & 39  
 Vict. c. 36.  
 Sch.

*Payment of Purchase Money.*

(14.) Within thirty days from the delivery of such statement and abstract as aforesaid to the local authority, the local authority shall, where it appears to them that any person so claiming is absolutely entitled to the lands, estate, or interest claimed by him, deliver to such person, on demand, a certificate stating the amount of the compensation to which he is entitled under the said award.

(15.) Every such certificate shall be prepared by and at the cost of the local authority; and where any agreement has been entered into as to the compensation payable in respect of the interest of any person in any lands, the local authority may, where it appears to them that such person is absolutely entitled, deliver to such person a like certificate.

(16.) The local authority shall, thirty days after demand, pay to the party to whom any such certificate is given, or otherwise as herein provided in the cases herein-after mentioned, the amount of moneys specified to be payable by such certificate to the party to whom or in whose favour such certificate is given, his or her executors, administrators, or assigns.

(17.) If the local authority wilfully make default in such payment as aforesaid, then the party named in such certificate shall be entitled to enter up judgment against the local authority in the High Court, for the amount of the sums specified in such certificate, in the same manner in all respects as if he had been, by warrant of attorney from the local authority, authorised to enter up judgment for the amount mentioned in the certificate, with costs, as is usual in like cases; and all moneys payable under such certificates, or to be recovered by such judgments as aforesaid, shall at law and in equity be taken as personal estate as from the time of the local authority entering on any such lands as aforesaid.

(18.) When and so soon as the local authority have paid to the party to whom any such certificate as aforesaid is given, or otherwise, as herein provided, in the cases herein-after mentioned, the amount specified to be payable by such certificate to the party to whom or in whose favour the certificate is given, his executors, administrators, or assigns, it shall be lawful for the local authority, upon obtaining such receipt as herein-after mentioned, from time to time to enter upon any lands in respect of which such certificate is given, and thenceforth to hold the same for the estate or interest in respect of which the amount specified in such certificate was payable.

(19.) In every case in which any moneys are paid by any local authority under this Act for such compensation as aforesaid, the party receiving such moneys shall give to the local authority a receipt for the same, and such receipt shall have the effect of a grant, release, and conveyance of all the estate and interest of such party, and of all parties claiming under or through him, in the lands in respect of which such moneys are paid, provided such receipt has an ad valorem stamp of the same amount impressed thereon in respect of the purchase moneys mentioned in such certificate as would have been necessary if such receipt had been an actual conveyance of such estate or interest, every such receipt to be prepared by and at the cost of the local authority.

(20.) If it appear to the local authority, from any such statement and abstract as aforesaid, or otherwise, that the person making any such claim as aforesaid is



not absolutely entitled to the lands, estate, or interest in respect of which his claim is made, or is under any disability, or if the title to such lands, estate, or interest be not satisfactorily deduced to the local authority, then and in every such case the amount to be paid by the local authority in respect of such lands, estate, or interest as aforesaid shall be paid and applied as provided by the clauses of the Lands Clauses Consolidation Act, 1845, as amended by the Court of Chancery Funds Act, 1872, "with respect to the purchase money or " compensation coming to parties having limited interests, or prevented from " treating, or not making title."

A.D. 1890.

(21.) Where any person claiming any right or interest in any lands refuses to produce his title to the same, or where the local authority have under the provisions of Part I. of this Act taken possession of any lands in respect of the compensation whereof, or of any estate or interest wherein, no claim has been made within one year from the time of the local authority taking possession, or if any party to whom any such certificate has been given or tendered refuses to receive such certificate, or to accept the amount therein specified as payable to him, then and in any such case the amount payable by the local authority in respect of such lands, estate, or interest, or the amount specified in such certificate, shall be paid into the Bank of England, in manner provided by the last-mentioned clauses of the Lands Clauses Consolidation Act, 1845, as amended by the Court of Chancery Funds Act, 1872, and the amount so paid into the said Bank shall be accordingly dealt with as by the said Act provided.

(22.) Nothing herein contained shall prevent the local authority from requiring any further abstract or evidence of title respecting any lands included in any such award as aforesaid, in addition to the abstract or statement herein-before mentioned, if they think fit, so as the same be obtained at the cost of the local authority.

(23.) If from any reason whatever the local authority does not deliver the certificate aforesaid to any party claiming to be entitled to any interest in any lands the possession whereof has been taken by the local authority as aforesaid, then the right to have a certificate according to the provisions of this Act may, at the cost and charge of the local authority, be enforced by any party or parties, by application to the High Court, in a summary way by petition, and all other rights and interests of any party or parties arising under the provisions of this Act may be in like manner enforced against the local authority by such application as aforesaid.

*Entry on Lands on making Deposit.*

(24.) Where the local authority are desirous, for the purposes of their works, of entering upon any lands before they would be entitled to enter thereon under the provisions herein-before contained, it shall be lawful for the local authority, at any time after the arbitrator has framed his award, upon depositing in the Bank of England such sum as the arbitrator may certify to be in his opinion the proper amount to be so deposited in respect of any lands authorised to be purchased or taken by the local authority, and mentioned in such award, to enter upon and use such lands for the purposes of the improvement scheme of the local authority: and the arbitrator shall, upon the request of the local authority at any time after he has framed such



A.D. 1890.

award, certify under his hand the sum which, in his opinion, should be so deposited by the local authority in respect of any lands mentioned in such award before they enter upon and use the same as aforesaid, and the sum to be so certified shall be the sum or the amount of the several sums set forth in such award as the sum or sums to be paid by the local authority in respect of such lands, or such greater amount as to the arbitrator, under the circumstances of the case, may seem proper; and, notwithstanding such entry as aforesaid, all proceedings for and in relation to the completion of the award, the delivery of certificates, and other proceedings under Part I. of this Act, shall be had, and payments made, as if such entry and deposit had not been made;

Provided that the local authority shall, where they enter upon any lands by virtue of this present provision, pay interest at the rate of five pounds per centum per annum upon the compensation money payable by them in respect of any lands so entered upon, from the time of their entry until the time of the payment of such money and interest to the party entitled thereto, or where, under the provisions of Part I. of this Act, such compensation is required to be paid into the Bank of England, then until the same, with such interest, is paid into such Bank accordingly; and where under this provision interest is payable on any compensation money the certificate to be delivered by the local authority in respect thereof shall specify that interest is so payable, and the same shall be recoverable in like manner as the principal money mentioned in such certificate.

(25.) The money so deposited as last aforesaid shall be paid into the Bank of England to such account as may from time to time be directed by any regulation or Act for the time being in force in relation to moneys deposited in the bank in similar cases, or to such account as may be directed by any order of the High Court, and remain in the bank by way of security to the parties interested in the lands which have been so entered upon for the payment of the money to become payable by the local authority in respect thereof under the award of the arbitrator; and the money so deposited may, on the application by petition of the local authority, be ordered to be invested in Bank Annuities or Government securities, and accumulated: and upon such payment as aforesaid by the local authority it shall be lawful for the High Court, upon a like application, to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the local authority, or, in default of such payment as aforesaid by the local authority, it shall be lawful for the said court to order the same to be applied in such manner as it thinks fit for the benefit of the parties for whose security the same shall so have been deposited.

*Appeal.*

(26.) In the following cases, namely,—

(a.) Where the party named in any certificate issued under the provisions herein-before contained of the amount of the compensation ascertained by any award under Part I. of this Act (or any party claiming under the party so named) is dissatisfied with the amount in such certificate certified to be payable, and such amount exceeds one thousand pounds, and

See 45 & 46  
Vict. c. 54.  
Sch. (G).



(b.) Where any party claiming any interest in any moneys so paid into court as aforesaid is dissatisfied with the amount of the price or compensation in respect of which such moneys are paid into court, and such amount exceeds one thousand pounds; also

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(c.) Where the local authority is dissatisfied with the amount of compensation which the arbitrator appointed under the provisions of Part I. of this Act has awarded to be paid by the local authority to any person in respect of any estate or interest in lands, and such amount exceed the sum of one thousand pounds:

the party dissatisfied may, upon obtaining the leave of the High Court, which leave may be granted by such court or any judge thereof at chambers in a summary manner, and upon being satisfied that a failure of justice will take place if the leave is not granted, submit the question of the proper amount of compensation to a jury, provided that such party give notice in writing to the other party of their intention to appeal within ten days after the cause of appeal has arisen.

The cause of appeal shall be deemed to have arisen,—

- (1.) Where a certificate has been issued as aforesaid, at the date of the issue of the certificate;
- (2.) Where moneys have been paid into court, at the date of the payment into court;
- (3.) Where the local authority appeals, at the date of the making of the award.

(27.) Where a notice has been given under Part I. of this Act of an appeal to a jury in respect of compensation for land, or any interest in land, a question of disputed compensation required to be determined by the verdict of a jury shall be deemed to have arisen within the meaning of the Lands Clauses Consolidation Act, 1845, and all the provisions of that Act contained in sections thirty-eight to fifty-seven, both inclusive, shall be deemed to apply, except sections forty-seven and fifty-one: Provided also, that—

8 & 9 Vict.  
c. 18.

- (1.) Where the local authority appeals that authority shall be deemed to be the plaintiff and the party entitled to compensation to be the defendant; and
- (2.) Where the party claiming compensation appeals, then, in case the verdict of the jury is for a sum exceeding the award of the arbitrator, the local authority shall pay to such party the costs of the trial, such costs to be taxed and ascertained in the same manner as costs are by law ascertained on the trial of issues tried in the High Court; but in case the verdict of the jury is for a sum not exceeding the award of the arbitrator, the party appealing shall pay to the local authority the costs of the trial to be taxed and ascertained in manner aforesaid.
- (3.) Where the local authority is the appellant,—
  - (a.) Notwithstanding the verdict of the jury may be for a sum less than that awarded by the arbitrator, the local authority shall pay to the other party such sum not exceeding twenty pounds for the costs of the trial as the sheriff or other officer before whom the same is tried shall direct; and



A.D. 1890.

(b.) In case the verdict of the jury is for a sum equal to or exceeding the award of the arbitrator, the local authority shall pay to the other party the costs of the trial, such costs to be taxed and ascertained in manner aforesaid.

(c.) The amount of compensation awarded by the arbitrator shall not be communicated to the jury, but they shall be required to make an independent assessment of the amount of compensation to which the party claiming compensation is entitled.

*Costs of Arbitration.*

See 45 & 46  
Vict. c. 54.  
Sch. (H).

(28.) The salary or remuneration, travelling, and other expenses of the arbitrator, and all costs, charges, and expenses (if any) which may be incurred by the confirming authority in carrying the provisions of Part I. of this Act into execution, shall, after the amount thereof shall have been certified under this article, be paid by the local authority; and the amount of such costs charges, and expenses shall from time to time be certified by the confirming authority after first hearing any objections that may be made to the reasonableness of any such costs, charges and expenses by or on behalf of the local authority; and every certificate of the said confirming authority certifying the amount of such costs, charges, and expenses shall be taken as proof in all proceedings at law or in equity of the amount of such respective costs, charges, and expenses, and the amount so certified shall be a debt due from the local authority to the Crown, and shall be recoverable accordingly.

Further, any such certificate may be made a rule of a superior court on the application of any party named therein, and may be enforced accordingly.

(29.)—(1.) It shall be lawful for the arbitrator, where he thinks fit, upon the request of any party by whom any claim has been made before him, to certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the local authority;

Provided that—

See  
45 & 46 Vict.  
c. 54. Sch. (I.)

(a.) The arbitrator shall not be required to certify the amount of costs in any case where he considers such costs are not properly payable by the local authority;

(b.) The arbitrator shall not be required to certify the amount of costs incurred by any party in relation to the arbitration, in any case where he considers that such party neglected, after due notice from the local authority, to deliver to that authority a statement in writing within such time, and containing such particulars respecting the compensation claimed, as would have enabled the local authority to make a proper offer of compensation to such party before the appointment of the arbitrator.

(c.) No certificate shall be given where the arbitrator has awarded the same or a less sum than has been offered by the local authority in respect of the claim before the appointment of the arbitrator.

(2.) If within seven days after demand the amount certified be not paid to the party entitled to receive the same, such amount shall be recoverable as a debt from the local authority with interest at the rate of five per cent. per



annum for any time during which the same remains unpaid after such seven days as aforesaid. A.D. 1890.

*Miscellaneous.*

(30.) The arbitrator may call for the production of any documents in the possession or power of the local authority, or of any party making any claim under the provisions of Part I. of this Act, which such arbitrator may think necessary for determining any question or matter to be determined by him under Part I. of this Act, and may examine any such party and his witnesses, and the witnesses for the local authority, on oath, and administer the oaths necessary for that purpose.

(31.) If any arbitrator appointed in pursuance of Part I. of this Act die, or refuse, decline, or become incapable to act, the confirming authority may appoint an arbitrator in his place, who shall have the same powers and authorities as the arbitrator first appointed; and upon the appointment of any arbitrator in the place of an arbitrator dying, or refusing, declining, or becoming incapable to act, all the documents relating to the matter of the arbitration which were in the possession of such arbitrator shall be delivered to the arbitrator appointed in his place, and the local authority shall publish notice of such appointment in the London Gazette.

(32.) All notices required by this schedule to be published shall be published in some one and the same newspaper circulating within the jurisdiction of the local authority, and where no other form of service is prescribed all notices required to be served or given by the local authority under this schedule or otherwise upon any persons interested in or entitled to sell lands, shall be served in manner in which notices of lands proposed to be taken compulsorily for the purpose of an improvement scheme are directed by Part I. of this Act to be served upon owners or reputed owners, lessees or reputed lessees, and occupiers.

*Application of Schedule to Scotland.*

The provisions of this schedule shall apply to Scotland, with the following modifications:—

Application of  
schedule to  
Scotland.

(33.)—(a.) In any reference in this schedule to “an abstract of title” there shall be substituted “a legal progress of the title deeds”:

(b.) In articles sixteen and eighteen of this schedule the words heirs, executors, or assignees shall be substituted for the words “executors, administrators, or assigns”:

(c.) In articles twenty and twenty-one the words “as amended by the Court of Chancery Funds Act, 1872,” shall be omitted:

(d.) Any reference to payment of money into the Bank of England shall be construed to be payment into any one of the incorporated or chartered banks of Scotland:

(e.) Any reference to the High Court shall be construed as a reference to the Court of Session:

(f.) Any money ordered to be invested under article twenty-five of this schedule shall be invested only in Government securities:



A.D. 1890.

(g.) Any reference to payment of money into court shall be construed as payment into bank :

(h.) A reference to plaintiff and defendant shall be construed as a reference to pursuer and defender :

(i.) The Edinburgh Gazette shall be substituted for the London Gazette.

(34.) In lieu of articles 11, 17, and 19 of this schedule the following provisions shall be substituted :—

(i.) The arbitrator shall have the same power of apportioning any feu duty, ground annual, casualty or superiority, or any rent or other annual or recurring payment or incumbrance, or any rent payable in respect of lands comprised in a lease, as the sheriff has under the Lands Clauses Consolidation (Scotland) Act, 1845.

(ii.) If the local authority wilfully make default in such payment as aforesaid, then the party named in such certificate shall be entitled to record the same in the books of council and session, or other judge's books competent, and to have a decree interponed thereto, and to be extracted with a view to execution, in the like manner as if a formal clause of registration had been contained therein ; and all diligence and execution shall be competent thereon in the like manner and to all effects as upon any bond containing such formal clause of registration ; and all moneys payable under such certificates, or to be recovered by such execution and diligence as aforesaid, shall be taken as personal estate as from the time of the local authority entering on any such lands as aforesaid.

(iii.) In every case in which any moneys are paid by any local authority under this Act for such compensation as aforesaid, the party receiving such moneys shall give to the local authority a conveyance of the lands in respect of which such moneys are paid, or of all the estate and interest of such party, and of all parties claiming under or through him, in such lands, and every such conveyance shall be prepared by and at the costs of the local authority.

#### *Application of Schedule to Ireland.*

(35.) The provisions of this schedule shall apply to Ireland, with the following modifications :—

13 & 14 Vict.  
c. 51.

(a.) In articles twenty and twenty-one the words and figures " the Act of the " session of the thirteenth and fourteenth years of the reign of Her present " Majesty, chapter fifty-one, intituled ' An Act for the transfer of the " ' equitable jurisdiction of the Court of Exchequer to the Court of " ' Chancery in Ireland, and any subsequent enactment ' " shall be substituted for the words and figures " the Court of Chancery Funds Act, 1872."

(b.) The Bank of Ireland shall be substituted for the Bank of England ;

(c.) The Dublin Gazette shall be substituted for the London Gazette.



THIRD SCHEDULE.

A.D. 1890.

ENACTMENTS APPLIED for the purpose of PROCEEDINGS for CLOSING PREMISES in ENGLAND, SCOTLAND, and IRELAND respectively. Sections 29, 32.

ENGLAND.

*Administrative County of London.*

SANITARY ACT, 1866 (Section 21).

29 & 30 Vict.  
c. 90.

NUISANCES REMOVAL ACT, 1855 (Sections 8, 12, and 13).

18 & 19 Vict.  
c. 121.

SANITARY ACT, 1866 (Section 21).

s. 21. The nuisance authority \* \* \* shall, previous to taking proceedings before a justice under the twelfth section of the Nuisances Removal Act, 1855, serve a notice \* \* \* on the owner or occupier of the premises on which the nuisance arises, to abate the same, and for that purpose to execute such works, and to do all such things as may be necessary within a time to be specified in the notice: Provided,

As to proceedings of nuisance authority under s. 12 of 18 & 19 Vict. c. 121.

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:

\* \* \* \*

NUISANCES REMOVAL ACT, 1855 (Sections 8, 12, and 13).

s. 8. The word nuisances under this Act shall include—

Any premises in such a state as to be a nuisance or injurious to health  
\* \* \* \*

s. 12. In any case where a nuisance is so ascertained by the local authority to exist, or where the nuisance in their opinion did exist at the time when the notice was given, and, although the same may have been since removed or discontinued, is, in their opinion, likely to recur or to be repeated on the same premises or any part thereof, they shall cause complaint thereof to be made before a justice of the peace, and such justice shall thereupon issue a summons requiring \* \* \* the owner or occupier of the premises on which the nuisance arises, to appear before any two justices, in petty sessions assembled, at their usual place of meeting, who shall proceed to inquire into the said complaint; \* \* \*

Proceedings by local authority before justices in case of nuisances likely to recur, &c.



A.D. 1890. s. 13. \* \* \* \* \* and if the nuisance proved to exist be such as to render a house or building, in the judgment of the justices, unfit for human habitation, they may prohibit the using thereof for that purpose until it is rendered fit for that purpose in the judgment of the justices, and on their being satisfied that it has been rendered fit for such purpose, they may determine their previous order by another declaring such house habitable, from the date of which other order such house may be let or inhabited.

*Elsewhere than London.*

## PUBLIC HEALTH ACT, 1875 (Sections 91, 94, 95, and 97).

38 & 39 Vict.  
c. 55.

s. 91. For the purposes of this Act—

(1.) Any premises in such a state as to be a nuisance or injurious to health

shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act.

s. 94.

Local authority to serve notice requiring abatement of nuisance.

\* \* \* the local authority shall \* \* \* \* \*  
serve a notice \* \* \* \* \*  
\* \* \* \* \* 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:

On non-compliance with notice complaint to be made to justice.

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

Order of prohibition in case of house unfit for human habitation.

s. 97. Where the nuisance proved to exist is such as to render a house or building, in the judgment of the court unfit for human habitation, the court may prohibit the using thereof for that purpose until, in its judgment, the house or building is rendered fit for that purpose; and on the court being satisfied that it has been rendered fit for that purpose, the court may determine its previous order by another, declaring the house or building habitable, and from the date thereof such house or building may be let or inhabited.



SCOTLAND.

A.D. 1890.

PUBLIC HEALTH (SCOTLAND) ACT, 1867 (Sections 16, 18, and 19).

30 & 31 Vict.  
c. 101.

s. 16. The word "nuisance" under this Act shall include—

(a.) Any insufficiency of size, defect of structure, defect of ventilation, want of repair or proper drainage, or suitable watercloset, or privy accommodation or cesspool, and any other matter or circumstance rendering any inhabited house, building, premises, or part thereof, injurious to the health of the inmates or unfit for human habitation or use—

\* \* \* \* \*

s. 18. In any case where the existence of a nuisance is ascertained to their satisfaction by the local authority,

Proceedings by local authority when nuisances are ascertained to exist.

\* \* \* \* \* and, although the same may have been since removed or discontinued, is in their opinion likely to recur or to be repeated, they may apply to the sheriff or to any magistrate or justice, by summary petition in manner herein-after directed, and if it appear to his satisfaction that the nuisance exists, or, if removed or discontinued since the demand of admission was made or the certificate was given, that it is likely to recur or to be repeated, he shall decern for the removal or remedy or discontinuance or interdict of the nuisance. \* \* \* \* \*

s. 19. \* \* \* \* \* and if the nuisance proved to exist be such as to render a house or building unfit for human habitation, he† may prohibit the using thereof for that purpose until it is rendered fit for that purpose, or do otherwise as the case may in his judgment require.

† i.e., the sheriff, magistrate, or justice.

IRELAND.

PUBLIC HEALTH (IRELAND) ACT, 1878 (Sections 107, 110, 111, and 113).

41 & 42 Vict.  
c. 52.

s. 107. For the purposes of this Act—

(1.) Any premises in such a state as to be a nuisance or injurious to health \* \* \* \* \* shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act.

s. 110. \* \* \* \* \* the sanitary authority shall \* \* \* \* \* serve a notice \* \* \* \* \* 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—

Sanitary authority to serve notice requiring abatement of nuisance.

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:

\* \* \* \* \*

s. 111. 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

On non-compliance with notice, complaint to be made to justice.



A.D. 1890. — notice, is, in the opinion of the sanitary authority, likely to recur on the same premises, the sanitary 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.

Order of prohibition in case of house unfit for human habitation.

s. 113. 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.

#### FOURTH SCHEDULE.

Section 32.

#### FORMS.

##### FORM A.

##### *Form of Notice requiring Premises to be made fit for Habitation.*

To [person causing the premises to be unfit for habitation, or owner or occupier of the premises, as the case may be].

Take notice that under the provisions of the Public Health Act, 1875, and the Housing of the Working Classes Act, 1890, the [describe the local authority], being satisfied that the following premises, that is to say [describe premises or place where the nuisance exists], are in a state so dangerous or injurious to health as to be unfit for human habitation, do hereby require you within from the service of this notice to make the said premises fit for human habitation.

If you make default in complying with the requisitions of this notice proceedings will be taken before a court of summary jurisdiction for prohibiting the use of the premises for human habitation.

Dated this

day of

18

Signature of officer  
of local authority



FORM B.

A.D. 1890.

*Form of Summons for Closing Order.*

To the owner or occupier of [*describe premises,*] situate at [*insert such a description as may be sufficient to identify the premises*].

County of [*or borough*]  
of , *or district* } You are required to appear before [*describe the court*  
of , *or as the* } of *summary jurisdiction*] at the petty sessions [*or*  
*case may be*] to wit. } court] holden at on the day  
of next, at the hour of in the

noon, to answer the complaint this day made to me by  
that the premises above mentioned are used as a dwelling-house and are in a  
state so dangerous or injurious to health as to be unfit for human habitation.

Given under my hand and seal this day of 18 .

FORM C.

*Form of Closing Order.*

To the owner [*or occupier*] of [*describe the premises*] situated [*give such description as may be sufficient to identify the premises*].

County of  
[*or borough, &c. of* ] } WHEREAS on the day of  
*or* } complaint was made before Esquire,  
district of } one of Her Majesty's justices of the peace acting in  
*or as the case may be*. } and for the county [*or other jurisdiction*] stated in  
the margin, [*or as the case may be,*] by

that certain premises situated at in the district under the  
Public Health Act, 1875, of [*describe the local authority*], were in a state so  
dangerous or injurious to health as to be unfit for human habitation;

And whereas the owner [*or occupier*] within the  
meaning of the said Public Health Act, 1875, 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 and the Housing of the Working  
Classes Act, 1890:



A.D. 1890. Now on proof here had before us [*or me*] that the said premises are in a state so dangerous or injurious to health as to be unfit for human habitation, we [*or I*], in pursuance of the said Acts, do prohibit the using of the premises for the purpose of human habitation until in our [*or my*] judgment they are rendered fit for that purpose.

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.)

### FIFTH SCHEDULE.

Section 36.

#### FORM MARKED A.

*The Housing of the Working Classes Act, 1890.*

County of  
Parish of  
No.

#### *Charging Order.*

Insert description of local authority.

The    being the local authority under the above-mentioned Act, do, by this Order under their hands and seal, charge the inheritance or fee of the premises mentioned in the schedule hereto with the payment to    of the sum of    pounds payable yearly on the    day of    for the term of    years, and being in consideration of an expenditure of    pounds incurred by him in respect of the said premises.



FORM MARKED B.

A.D. 1890.

*Form of Assignment of Charge. To be endorsed on Charging Order.*

Section 37.

Dated the \_\_\_\_\_ day of \_\_\_\_\_  
 I, the within-named \_\_\_\_\_ in pursuance  
 of the Housing of the Working Classes Act, 1890, and in consideration of \_\_\_\_\_  
 pounds this day paid to me, hereby assign to  
 the within-mentioned charge.

Insert description of premises charged.

(Signed)

## SIXTH SCHEDULE.

BYELAWS TO BE MADE IN ALL CASES (EXCEPT WHERE A LODGING  
 HOUSE IS USED AS A SEPARATE DWELLING).

Section 62.

For securing that the lodging-houses shall be under the management and control of the officers, servants, or others appointed or employed in that behalf by the local authority.

For securing the due separation at night of men and boys above eight years old from women and girls.

For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour and nuisances.

For determining the duties of the officers, servants, and others appointed by the local authority.



A.D. 1890.

## SEVENTH SCHEDULE.

Section 102.

## ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
14 & 15 Vict. c. 34.	- The Labouring Classes Lodging Houses Act, 1851.	The whole Act.
18 & 19 Vict. c. 88.	- The Dwelling Houses (Scotland) Act, 1855.	The whole Act.
29 & 30 Vict. c. 28.	- The Labouring Classes Dwelling Houses Act, 1866.	The whole Act.
29 & 30 Vict. c. 44.	- The Labouring Classes Lodging Houses and Dwellings Act (Ireland), 1866.	The whole Act.
30 & 31 Vict. c. 28.	- The Labouring Classes Dwelling Houses Act, 1867.	The whole Act.
31 & 32 Vict. c. 130.	- The Artizans and Labourers Dwellings Act, 1868.	The whole Act.
38 & 39 Vict. c. 36.	- The Artizans and Labourers Dwellings Improvement Act, 1875.	The whole Act.
38 & 39 Vict. c. 49.	- The Artizans and Labourers Dwellings Improvement (Scotland) Act, 1875.	The whole Act.
42 & 43 Vict. c. 63.	- The Artizans and Labourers Dwellings Improvement Act, 1879.	The whole Act.
42 & 43 Vict. c. 64.	- The Artizans and Labourers Dwellings Act (1868) Amendment Act, 1879.	The whole Act.
42 & 43 Vict. c. 77.	- The Public Works Loans Act, 1879.	Section six.
43 Vict. c. 2.	- The Artizans and Labourers Dwellings Improvement (Scotland) Act, 1880.	The whole Act.
43 Vict. c. 8.	- An Act to explain and amend the twenty-second section of the Artizans and Labourers Dwellings Act (1868) Amendment Act, 1879.	The whole Act.



[53 & 54 VICT.] *Housing of the Working Classes*  
*Act, 1890.*

[CH. 70.]

Session and Chapter	Short Title.	Extent of Repeal.
45 & 46 Vict. c. 54.	- The Artizans Dwellings Act, 1882.	The whole Act.
48 & 49 Vict. c. 72.	- The Housing of the Working Classes Act, 1885.	The whole Act except sections three and seven to nine, and except section ten so far as it relates to byelaws authorised by those sections.

A.D. 1890.

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Name of the Person	Date of Birth	Date of Death	Place of Birth
Theodore Roosevelt	1858	1900	New York
Theodore Roosevelt	1858	1900	New York
Theodore Roosevelt	1858	1900	New York
Theodore Roosevelt	1858	1900	New York
Theodore Roosevelt	1858	1900	New York

THEODORE ROOSEVELT

1858

THEODORE ROOSEVELT

THEODORE ROOSEVELT



233

# Public Health (London) Act, 1891.

[54 & 55 VICT. CH. 75.]

## ARRANGEMENT OF SECTIONS.

A.D. 1891.

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12. Power of individual to complain to justice of nuisance.
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18. Power to prohibit keeping of animals in unfit place.

### *Offensive Trades.*

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20. Licensing of cow-houses and slaughter-houses.

[Price 1s.]

A

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## Section.

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|-----|---|------------|
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A.D. 1891.

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143. Commencement of Act.
144. Short title.

SCHEDULES.



1880. The following is a list of the names of the persons who have been appointed to the various offices of the State of New York, for the year 1880.

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## CHAPTER 76.

An Act to consolidate and amend the Laws relating to Public Health in London. A.D. 1891.  
[5th August 1891.]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. It shall be the duty of every sanitary 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 for the purpose of abating the same, and otherwise to put in force the powers vested in them relating to public health and local government, so as to secure the proper sanitary condition of all premises within their district.

Sanitary  
authority to  
inspect dis-  
trict for  
detection of  
nuisances.

### Nuisances (General).

*Nuisances*  
(General).

2.—(1.) For the purposes of this Act,—

- (a.) Any premises in such a state as to be a nuisance or injurious or dangerous to health ;
- (b.) Any pool, ditch, gutter, watercourse, cistern, watercloset, earth closet, privy, urinal, cesspool, drain, dung-pit, or ashpit so foul or in such a state as to be a nuisance or injurious or dangerous to health ;
- (c.) Any animal kept in such place or manner as to be a nuisance or injurious or dangerous to health ;
- (d.) Any accumulation or deposit which is a nuisance or injurious or dangerous to health ;
- (e.) Any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates, whether or not members of the same family ;

What  
nuisances  
may be  
abated  
summarily.



A.D. 1891.  
*Nuisances*  
*(General).*  
 34 & 35 Vict.  
 c. 113.

41 & 42 Vict.  
 c. 16.

(f.) Any such absence from premises of water fittings as is a nuisance by virtue of section thirty-three of the Metropolis Water Act, 1871, set out in the First Schedule to this Act; and

(g.) Any factory, workshop, or workplace which is not a factory subject to the provisions of the Factory and Workshop Act, 1878, relating to cleanliness, ventilation, and overcrowding, and

(i.) is not kept in a cleanly state and free from effluvia arising from any drain, privy, earth closet, watercloset, urinal, or other nuisance, or

(ii.) is 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 or dangerous to health, or

(iii.) is so overcrowded while work is carried on as to be injurious or dangerous to the health of those employed therein,

shall be nuisances liable to be dealt with summarily under this Act.

(2.) Provided that—

(i.) Any accumulation or deposit necessary for the effectual carrying on of any business or manufacture shall not be punishable as a nuisance under this section, if it is 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; and

(ii.) In considering whether any dwelling-house or part of a dwelling-house which is used also as a factory, workshop, or workplace, or whether any factory, workshop, or workplace used also as a dwelling-house, is a nuisance by reason of overcrowding, the court shall have regard to the circumstance of such other user.

Information  
 of nuisances  
 to sanitary  
 authority.

3. Information of a nuisance liable to be dealt with summarily under this Act in the district of a sanitary authority may be given to that authority by any person, and it shall be the duty of every officer of that authority and of every relieving officer, in accordance with the regulations of the authority having control over him, to give that information; and it shall be the duty of the said authority to make the said regulations, and also the duty of the sanitary authority to give such directions to their officers as will



secure the existence of the nuisance being immediately brought to the notice of any person who may be required to abate it, and the officer shall do so by serving a written intimation.

A.D. 1891.  
*Nuisances*  
(General).

4.—(1.) On the receipt of any information respecting the existence of a nuisance liable to be dealt with summarily under this Act the sanitary 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 occupier or owner of the premises on which the nuisance arises, requiring him to abate the same within the time specified in the notice, and to execute such works and do such things as may be necessary for that purpose, and, if the sanitary authority think it desirable (but not otherwise) specifying any works to be executed.

Notice  
requiring  
abatement of  
nuisance.

(2.) The sanitary authority may also by the same or another notice served on such occupier, owner, or person require him to do what is necessary for preventing the recurrence of the nuisance, and, if they think it desirable, specify any works to be executed for that purpose, and may serve that notice notwithstanding that the nuisance may for the time have been abated, if the sanitary authority consider that it is likely to recur on the same premises.

(3.) Provided that—

(a.) where the nuisance arises from any want or defect of a structural character, or where the premises are unoccupied, the notice shall be served on the owner :

(b.) 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 occupier or owner of the premises, the sanitary authority may themselves abate the same and may do what is necessary to prevent the recurrence thereof :

(c.) where the medical officer of health certifies to the sanitary authority that any house or part of a house in their district is so overcrowded as to be injurious or dangerous to the health of the inmates, whether or not members of the same family, the sanitary authority shall take proceedings under this section for the abatement of such nuisance :

(d.) where the nuisance is such absence of water-fittings as is declared a nuisance by section thirty-three of the Metropolis Water Act, 1871 (set out in the First Schedule to this Act), such absence shall be deemed to render the premises unfit for human habitation unless and until the contrary is shown to the satisfaction of the court.

34 & 35 Vict.  
c. 113.



A.D. 1891.

*Nuisances*  
(General).

(4.) Where a notice has been served on a person under this section, and either—

(a.) the nuisance arose from the wilful act or default of the said person ; or

(b.) such person makes default in complying with any of the requisitions of the notice within the time specified,  
he shall be liable to a fine not exceeding ten pounds for each offence, whether any such nuisance order as in this Act mentioned is or is not made upon him.On non-com-  
pliance with  
notice, order  
to be made.

5.—(1.) If either—

(a.) the person on whom a notice to abate a nuisance has been served as aforesaid makes default in complying with any of the requisitions thereof within the time specified ; or

(b.) the nuisance, although abated since the service of the notice, is, in the opinion of the sanitary authority, likely to recur on the same premises,

the sanitary authority shall make a complaint, and the petty sessional court hearing the complaint may make on such person a summary order (in this Act referred to as a nuisance order).

(2.) A nuisance order may be an abatement order, a prohibition order, or a closing order, or a combination of such orders.

(3.) An abatement order may require a person 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.

(4.) A prohibition order may prohibit the recurrence of a nuisance.

(5.) An abatement order or prohibition order shall, if the person on whom the order is made so requires, or the court considers it desirable, specify the works to be executed by such person for the purpose of abating or preventing the recurrence of the nuisance.

(6.) A closing order may prohibit a dwelling-house from being used for human habitation.

(7.) A closing order shall only be made where it is proved to the satisfaction of the court that by reason of a nuisance a dwelling-house is unfit for human habitation, and if such proof is given the court shall make a closing order, and may impose a fine not exceeding twenty pounds.

(8.) A petty sessional court, when satisfied that the dwelling-house has been rendered fit for human habitation, may declare that it is so satisfied and cancel the closing order.

(9.) If a person fails to comply with the provisions of a nuisance order with respect to the abatement of a nuisance, he shall, unless



he satisfies the court that he has used all due diligence to carry out such order, be liable to a fine not exceeding twenty shillings a day during his default; and if a person knowingly and wilfully acts contrary to a prohibition or closing order he shall be liable to a fine not exceeding forty shillings a day during such contrary action; moreover the sanitary authority may enter the premises to which a nuisance order relates, and abate or remove the nuisance, and do whatever may be necessary in execution of such order.

A.D. 1891.  
*Nuisances*  
(*General*).

6.—(1.) Where a person appeals to the court of quarter sessions against a nuisance order, no liability to a fine shall arise, nor, save as in this section mentioned, shall any proceedings be taken or work done under such order until after the determination or abandonment of such appeal.

Provision as  
to appeal  
against order.

(2.) There shall be no appeal to quarter sessions against a nuisance order, unless it is or includes a prohibition or closing order, or requires the execution of structural works.

(3.) Where a nuisance order is made and a person does not comply with it and appeals against it to the court of quarter sessions, and such appeal is dismissed or is abandoned, the appellant shall be liable to a fine not exceeding twenty shillings a day during the non-compliance with the order, unless he satisfies the court before whom proceedings are taken for imposing a fine that there was substantial ground for the appeal, and that the appeal was not brought merely for the purpose of delay, and where the appeal is heard by the court of quarter sessions, that court may, on dismissing the appeal, impose the fine as if the court were a petty sessional court.

(4.) Where a nuisance order is made on any person and appealed against, and the court which made the order is of opinion that the continuance of the nuisance will be injurious or dangerous to health, and that the immediate abatement thereof will not cause any injury which cannot be compensated by damages, the court may authorise the sanitary authority immediately to abate the nuisance; but the sanitary authority, if they do so, and the appeal is successful, shall pay the cost of such abatement and the damages (if any) sustained by the said person by reason of such abatement; but, if the appeal is dismissed or abandoned, the sanitary authority may recover the cost of the abatement in a summary manner from the said person.

7. Where two convictions for offences relating to the overcrowding of a house or part of a house in any district have taken place within a period of three months (whether the persons convicted were or were not the same), a petty sessional court may, on

Provision in  
case of two  
convictions  
for over-  
crowding.



A.D. 1891.

*Nuisances  
(General).*In certain  
cases order  
may be  
addressed  
to sanitary  
authority.

the application of the sanitary authority, order the house to be closed for such period as the court may deem necessary.

8. Whenever it appears to the satisfaction of the petty sessional court that the person by whose act, default, or sufferance, a nuisance liable to be dealt with summarily under this Act arises or the owner or occupier of the premises is not known or cannot be found, then the nuisance order may be addressed to, and if so addressed shall be executed by, the sanitary authority.

Power to sell  
manure, &c.

9. Any matter or thing removed by the sanitary authority in abating, or doing what is necessary to prevent the recurrence of, a nuisance liable to be dealt with summarily under this Act may be sold by public auction or, if the authority think the circumstances of the case require it, may be sold otherwise, or be disposed of without sale; and the money arising from the sale may be retained by the sanitary 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.

Power of  
entry.

10. The sanitary authority shall have a right to enter from time to time any premises—

- (a) for the purpose of examining as to the existence thereon of any nuisance liable to be dealt with summarily under this Act, at any hour by day, or in the case of a nuisance arising in respect of any business, then at any hour when that business is in progress or is usually carried on, and
- (b) where under this Act a nuisance has been ascertained to exist, or a nuisance order has been made, then at any such hour as aforesaid, until the nuisance is abated, or the works ordered to be done are completed, or the closing order is cancelled, as the case may be, and
- (c) where a nuisance order has not been complied with, or has been infringed, at all reasonable hours, including all hours during which business therein is in progress or is usually carried on, for the purpose of executing the order.

Costs of  
execution of  
provisions  
relating to  
nuisances.

11.—(1.) All reasonable costs and expenses incurred in serving notice, making a complaint, or obtaining a nuisance order, or in carrying the order 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 sanitary authority, or, if no order is made, but the nuisance is proved to have existed when the notice was served or the complaint made, then of the person by whose act, default, or sufferance, 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.

A.D. 1891.  
*Nuisances*  
(*General*).

(2.) Such costs and expenses, and any fines incurred in relation to any such nuisance, may be recovered in a summary manner or in the county court or High Court, and the court shall have power to divide costs, expenses, and fines between persons by whose acts, defaults, or sufferance a nuisance is caused, as to it may seem just.

12.—(1.) Complaint of the existence of a nuisance liable to be dealt with summarily under this Act on any premises within the district of any sanitary authority may be made by any person, and thereupon the like proceedings shall be had with the like incidents and consequences as to making of orders, fines for disobedience of orders, appeal, and otherwise, as in the case of a like complaint by the sanitary authority.

Power of  
individual to  
complain to  
justice of  
nuisance.

(2.) Provided that the court may, if it thinks fit,—

(a.) adjourn the hearing or further hearing of the complaint for the purpose of having an examination of the premises where the nuisance is alleged to exist, and may authorise the entry into such premises of any constable or other person for that purpose; and

(b.) authorise any constable or other person to do all necessary acts for executing an order made on a complaint under this section, and to recover the expenses from the person on whom the order is made in a summary manner.

(3.) Any constable or other person authorised under this section shall have the like powers, and be subject to the like restrictions as if he were an officer of the sanitary authority authorised under the foregoing provisions of this Act to enter any premises and do any acts thereon.

13. The sanitary authority may, if in their opinion summary proceedings would afford an inadequate remedy, cause any proceedings to be taken against any person in the High Court to enforce the abatement or prohibition of any nuisance liable to be dealt with summarily under this Act, or for the recovery of any fines from, or for the punishment of, any persons offending against the provisions of this Act relating to such nuisances, and may pay as expenses of the execution of this Act their expenses of and incident to all such proceedings.

Proceedings  
in High  
Court for  
abatement of  
nuisances.

14.—(1.) Where a nuisance liable to be dealt with summarily under this Act appears to be wholly or partially caused by some

Power to  
proceed  
where cause



A.D. 1891.

*Nuisances  
(General).*  
of nuisance  
arises with-  
out district.

act, default, or sufferance committed or taking place without the district the inhabitants of which are affected by the nuisance, the sanitary authority for that district may take or cause to be taken against any person in respect of such act, default, or sufferance any proceedings in relation to nuisances by this Act authorised, with the same incidents and consequences as if such act, default, or sufferance 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, default, or sufferance is alleged to be committed or take place.

38 & 39 Vict.  
c. 55.

(2.) Section one hundred and eight of the Public Health Act, 1875, set out in the First Schedule to this Act, shall continue to extend to London, with the substitution of a sanitary authority under this Act for any nuisance authority mentioned in the said section, and any reference in that section to a nuisance in the metropolis shall include a nuisance within the meaning of this Act.

Penalty for  
injuring  
closet, &c.  
so as to  
cause a  
nuisance.

15. If a person causes any drain, watercloset, earth closet, privy, or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same, or any water-supply, apparatus, pipe, or work connected therewith, or by otherwise wilfully stopping up, or wilfully interfering with, or improperly using the same, or any such water-supply, apparatus, pipe, or work, he shall be liable to a fine not exceeding five pounds.

*Penalties  
in respect  
of particular  
Nuisances.*

Byelaws  
by sanitary  
authority  
and county  
council as to  
cleansing  
streets and  
prevention of  
nuisances.

*Penalties in respect of particular Nuisances.*

16.—(1.) Every sanitary authority shall make byelaws—

(a.) for the prevention of nuisances arising from any snow, ice, salt, dust, ashes, rubbish, offal, carrion, fish, or filth, or other matter or thing in any street; and

(b.) for preventing nuisances arising from any offensive matter running out of any manufactory, brewery, slaughter-house, knackers' yard, butcher's or fishmonger's shop, or dunghill, into any uncovered place, whether or not surrounded by a wall or fence; and

(c.) for the prevention of the keeping of animals on any premises in such place or manner as to be a nuisance or injurious or dangerous to health; and

(d.) as to the paving of yards and open spaces in connexion with dwelling-houses.

(2.) The county council shall make bye-laws—

(a.) for prescribing the times for the removal or carriage by road or water of any fœcal or offensive or noxious matter or liquid



in or through London, and providing that the carriage or vessel used therefor shall be properly constructed and covered so as to prevent the escape of any such matter or liquid, and as to prevent any nuisance arising therefrom; and

A.D. 1891.  
*Penalties  
in respect  
of particular  
Nuisances.*

- (b.) as to the closing and filling up of cesspools and privies, and as to the removal and disposal of refuse, and as to the duties of the occupier of any premises in connexion with house refuse, so as to facilitate the removal of it by the scavengers of the sanitary authority.

(3.) It shall be the duty of every sanitary authority to observe and enforce any byelaws made under this section.

(4.) Except as otherwise provided by the byelaws, a constable may arrest without warrant and take before a justice any person whom he finds committing an offence against such byelaws and who refuses to give his true name and address.

(5.) Provided that the byelaws shall not make it an offence to lay sand or other material in any street in time of frost to prevent accidents, or litter or other matter to prevent the freezing of water in pipes, or in case of sickness to prevent noise, if the same is laid, and when the occasion ceases duly removed, in accordance with the byelaws.

17.—(1.) A person shall not—

Penalty for  
keeping  
swine in  
unfit place.

- (a.) feed or keep any swine in any locality, premises, or place which is unfit for the keeping of swine, or in which the feeding or keeping of swine may create a nuisance or be injurious to health, or

- (b.) permit any swine to stray or go about in any street or public place.

(2.) If any person acts in contravention of this section he shall be liable to a fine not exceeding forty shillings, and to forfeit the swine, and to a further fine not exceeding ten shillings for every day during which he continues such offence after notice from the sanitary authority to discontinue the same.

(3.) Any swine found straying or going about in any street or public place may be seized and removed by any constable.

(4.) Any premises within forty yards of any street or public place shall be deemed for the purposes of this section to be a place unfit for keeping swine.

18. Where it is proved to the satisfaction of a petty sessional court that any locality, premises, or place are or is unfit for the keeping of any animal, the court may by summary order prohibit the using thereof for that purpose for the future.

Power to  
prohibit  
keeping of  
animals in  
unfit place.



A.D. 1891.

*Offensive Trades.**Offensive Trades.*

Prohibition  
and regu-  
lation of  
establishing  
anew certain  
offensive  
businesses,  
and byelaws  
as to  
offensive  
businesses.

**19.—(1.)** If any person—

(a.) establishes anew the following businesses, or any of them; that is to say, the business of blood boiler, bone boiler, manure manufacturer, soap boiler, tallow melter, or knacker; or

(b.) establishes anew, without the sanction of the county council, the following businesses, or any of them; that is to say, the business of fellmonger, tripe boiler, slaughterer of cattle or horses, or any other business which the county council may declare by order confirmed by the Local Government Board and published in the London Gazette to be an offensive business,

he shall be liable to a fine not exceeding fifty pounds in respect of the establishment thereof, and any person carrying on the same when established shall be liable to a fine not exceeding fifty pounds for every day during which he so carries on the same :

(2.) Provided that this enactment shall not render any person liable to a fine for establishing anew with the sanction of the county council, or carrying on, the business of soap boiler, if and as long as that business is a business in which tallow or any animal fat or oil other than olein is not used by admixture with alkali for the production of soap.

(3.) The county council shall give their sanction by order, but, at least fourteen days before making any such order, shall make public the application for it, by serving on the sanitary authority within whose district the premises on which the business is proposed to be established are situate, and by advertising, notice of the application and of the time and place at which they will be willing to hear all persons objecting to the order, and by causing a copy of the notice to be affixed in a conspicuous part of the said premises; and they shall consider any objections made at that time and place, and shall grant or withhold their sanction as they think expedient.

(4.) The county council may make byelaws for regulating the conduct of any businesses specified in this section, which are for the time being lawfully carried on in London, and the structure of the premises on which any such business is being carried on, and the mode in which the said application is to be made.

(5.) Any such byelaw may empower a petty sessional court by summary order to deprive any person, either temporarily or permanently, of the right of carrying on any business to which such byelaw relates, as a punishment for breaking the same, and any person disobeying such order shall be liable to a fine not exceeding fifty pounds for every day during which such disobedience continues.



(6.) Any sanitary authority or person aggrieved by any proposed byelaw under this section, or by any proposed alteration or repeal of a byelaw, may forward notice of his objection to the Local Government Board, who shall consider the same.

A.D. 1891.

*Offensive  
Trades.*

(7.) There shall be charged for an order of the county council under this section, and carried to the county fund, such fee not exceeding forty shillings as the county council may fix.

(8.) For the purposes of this section a business shall be deemed to be established anew not only if it is established newly, but also if it is removed from any one set of premises to any other premises, or if it is renewed on the same set of premises after having been discontinued for a period of nine months or upwards, or if any premises on which it is for the time being carried on are enlarged without the sanction of the county council; but a business shall not be deemed to be established anew on any premises by reason only that the ownership of such premises is wholly or partially changed, or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

(9.) Nothing in this section shall render an order of the county council necessary to authorise the slaughter of cattle at the Metropolitan Cattle Market, or at the cattle market at Deptford, or shall authorise the making of byelaws affecting either of those markets or the slaughter-houses erected thereat either before or after the commencement of this Act.

(10.) In the application of this section to the City of London, the commissioners of sewers shall be substituted for the county council, and the consolidated rate for the county fund.

20.—(1.) A person carrying on the business of a slaughterer of cattle or horses, knacker, or dairyman, shall not use any premises in London (outside the City of London) as a slaughter-house, or knacker's yard, or a cow-house or place for the keeping of cows, without a licence from the county council, and if he does he shall for each offence be liable to a fine not exceeding five pounds, and the fact that cattle have been taken into unlicensed premises shall be *primâ facie* evidence that an offence under this section has been committed.

Licensing  
of cow-  
houses and  
slaughter-  
houses.

(2.) A licence under this section shall expire on such day in every year as the county council fix, and when a licence is first granted shall expire on the day so fixed which secondly occurs after the grant of the licence, and a fee not exceeding five shillings to be carried to the county fund may be charged for the licence.



A.D. 1891.

*Offensive  
Trades.*

(3.) Not less than fourteen days before a licence for any premises is granted or renewed under this section, notice of the intention to apply for it shall be served on the sanitary authority of the district in which the premises are situate, and that sanitary authority, if they think fit, may show cause against the grant or renewal of the licence.

(4.) An objection shall not be entertained to the renewal of a licence under this section, unless seven days previous notice of the objection has been served on the applicant, save that, on an objection being made of which notice has not been given, the county council may, if they think it just so to do, direct notice thereof to be served on the applicant, and adjourn the question of the renewal to a future day, and require the attendance of the applicant on that day, and then hear the case, and consider the objection, as if the said notice had been duly given.

(5.) Where a committee of the county council determine to refuse, or to recommend the council to refuse, the renewal of any licence under this section, the county council shall, on written application made within seven days after such determination is made known to the applicant, hear the applicant against such refusal.

(6.) For the purposes of this section a licence shall be deemed to be renewed where a further licence is granted in immediate succession to a prior licence for the same premises.

(7.) The sanitary authority shall have a right to enter any slaughter-house or knacker's yard at any hour by day or at any hour when business is in progress or is usually carried on therein, for the purpose of examining whether there is any contravention therein of this Act or of any byelaw made thereunder.

(8.) Nothing in this section shall extend to slaughter-houses erected before or after the commencement of this Act in the Metropolitan Cattle Market under the authority of the Metropolitan Market Act, 1851, or the Metropolitan Market Act, 1857.

Duty of  
sanitary  
authority to  
complain to  
justice of  
nuisance  
arising from  
offensive  
trade.

21.—(1.) Where any manufactory, building, or premises used for any trade, business, process, or manufacture, causing effluvia, is certified to the sanitary 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 authority, to be a nuisance or injurious or dangerous to the health of any of the inhabitants of the district, such authority shall make a complaint, and if it appears to the petty sessional court hearing the complaint that the trade, business, process, or manufacture carried on by the person complained of is a nuisance, or causes any effluvia which is a nuisance or injurious or dangerous to the health of any of the inhabitants of



the district, then, unless it is shown that such person has used the best practicable means for abating the nuisance, or preventing or counteracting the 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 fine not exceeding fifty pounds.

A.D. 1891.

*Offensive  
Trades.*

(2.) 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 practicable, and order to be carried into effect, for abating the nuisance, or mitigating or preventing the injurious effects of the effluvia.

(3.) The sanitary authority may, if they think fit, on such certificate as is in this section mentioned, cause to be taken any proceedings in the High Court against any person in respect of the matters alleged in such certificate.

(4.) The sanitary authority may take proceedings under this section in respect of a manufactory, building, or premises situate without their district, so, however, that the summary proceedings shall be had before a court having jurisdiction in the district where the manufactory, building, or premises are situate.

(5.) Section one hundred and fifteen of the Public Health Act, 1875 (set out in the First Schedule to this Act), shall continue to extend to London, with the substitution of a sanitary authority under this Act for a nuisance authority mentioned in the said section, and any reference in that section to a nuisance in the metropolis or to any building, manufactory, or place in the metropolis which is injurious to health, shall include any nuisance within the meaning of this Act, and any manufactory, building, or place which is dangerous to health.

38 & 39 Vict.  
c. 55.

**22.—**(1.) The removal of house refuse and street refuse by a sanitary authority when collected or deposited by that authority shall be deemed to be a business carried on by that authority within the meaning of the last preceding section, and a complaint or proceedings under that section in relation to any such business may be made or taken by the county council in like manner as if the council were a sanitary authority.

Provision as  
to nuisance  
created by  
sanitary  
authority in  
dealing with  
refuse.

(2.) Any premises used by a sanitary authority for the treatment or disposal of any street refuse or house refuse, as distinct from the removal thereof, which are a nuisance or injurious or dangerous to health, shall be a nuisance liable to be dealt with summarily under this Act, and for the purpose of the application thereto of the provisions of this Act relating to such nuisances the county council shall be deemed to be a sanitary authority.



A.D. 1891.

*Smoke Consumption.*Furnaces  
and steam  
vessels to  
consume  
their own  
smoke.*Smoke Consumption.*

**23.**—(1.) Every furnace employed in the working of engines by steam, and every furnace employed in any public bath or washhouse, or in any mill, factory, printing house, dyehouse, iron foundry, glasshouse, distillery, brewhouse, sugar refinery, bakehouse, gas-works, waterworks, or other buildings used for the purpose of trade or manufacture (although a steam engine be not used or employed therein), shall be constructed so as to consume or burn the smoke arising from such furnace.

(2.) If any person being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier—

- (a) uses any such furnace which is not constructed so as to consume or burn the smoke arising therefrom ; or
  - (b) so negligently uses any such furnace as that the smoke arising therefrom is not effectually consumed or burnt ; or
  - (c) carries on any trade or business which occasions any noxious or offensive effluvia, or otherwise annoys the neighbourhood or inhabitants, without using the best practicable means for preventing or counteracting such effluvia or other annoyance ;
- such person shall be liable to a fine not exceeding five pounds, and on a second conviction to a fine of ten pounds, and on each subsequent conviction to a fine double the amount of the fine imposed on the last preceding conviction.

(3.) Every steam engine and furnace used in the working of any steam vessel on the River Thames, either above London Bridge, or plying to and fro between London Bridge and any place on the River Thames westward of the Nore light, shall be constructed so as to consume or burn the smoke arising from such engine and furnace ; and if any such steam engine or furnace is not so constructed, or being so constructed is wilfully or negligently used so that the smoke arising therefrom is not effectually consumed or burnt, the owner or master of such vessel shall be liable to a fine not exceeding five pounds, and on a second conviction to a fine of ten pounds, and on every subsequent conviction to a fine of double the amount of the fine imposed on the last preceding conviction.

(4.) Provided that in this section the words “consume or burn the smoke” shall not be held in all cases to mean “consume or burn all the smoke,” and the court hearing an information against a person may remit the fine if of opinion that such person has so constructed his furnace as to consume or burn, as far as possible, all the smoke arising from such furnace, and has carefully attended to the same,



and consumed or burned, as far as possible, the smoke arising from such furnace. A.D. 1891.

*Smoke Consumption.*

(5.) It shall be the duty of every sanitary authority to enforce the provisions of this section, and an information shall not be laid for the recovery of any fine under this section except under the direction of a sanitary authority.

(6.) The provisions of this Act with respect to the admission of the sanitary authority into any premises for any purposes in relation to nuisances, and with respect to the giving of information of a nuisance, shall apply in like manner as if they were herein re-enacted, and in terms made applicable to this section.

(7.) This section shall extend to the port of London, and as respects the port shall be enforced by the port sanitary authority.

(8.) Nothing in this section shall alter or repeal any of the provisions of the City of London Sewers Act, 1851, or of the Whitechapel Improvement Act, 1853.

14 & 15 Vict.  
c. 75.  
16 & 17 Vict.  
c. cxli.

## 24.—

(a.) Any fireplace or furnace which does not, as far as practicable, consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse, or gaswork, or in any manufacturing or trade process whatsoever; and

Summary proceedings for abatement of nuisance

(b.) 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 nuisances liable to be dealt with summarily under this Act, and the provisions of this Act relating to those nuisances shall apply accordingly:

Provided that the court, hearing a complaint against a person 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, shall hold that no nuisance is created, and dismiss the complaint, if 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.

## *Workshops and Bakehouses.*

*Workshops and Bakehouses.*

25.—(1.) Where, on the certificate of a medical officer of health or sanitary inspector, it appears to any sanitary authority that the limewashing, cleansing, or purifying of any workshop (other than a bakehouse), or of any part thereof, is necessary for the health of

Limewashing and washing of workshops.



A.D. 1891.

*Workshops  
and Bake-  
houses.*

the persons employed therein, the sanitary authority shall serve notice in writing on the owner or occupier of the workshop to lime-wash, cleanse, or purify the workshop or part as the case requires, within the time specified in the notice; and, if the person on whom notice is so served fails to comply therewith, he shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding ten shillings for every day during which he continues to make default after conviction; and the sanitary authority may, if they think fit, cause the workshop or part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person on whom the notice was served.

41 & 42 Vict.  
c. 16.

(2.) This section shall apply to any factory which is not subject to the provisions of the Factory and Workshop Act, 1878, and the Acts amending the same, and to any workplace, in like manner as it applies to a workshop.

Enactments  
respecting  
bakehouses.  
41 & 42 Vict.  
c. 16.  
46 & 47 Vict.  
c. 53.

**26.**—(1.) Sections thirty-four, thirty-five, and eighty-one of the Factory and Workshop Act, 1878, and sections fifteen and sixteen of the Factory and Workshop Act Amendment Act, 1883 (which relate to cleanliness, ventilation, and other sanitary conditions), shall, as respects every bakehouse which is a workshop, be enforced by the sanitary authority of the district in which the bakehouse is situate, and they shall be the local authority within the meaning of those sections.

(2.) For the purposes of this section, the provisions of this Act with respect to the admission of the sanitary authority and their officers into any premises for any purpose in relation to nuisances shall apply in like manner as if they were herein re-enacted and in terms made applicable to this section; and every person refusing or failing to allow the sanitary authority or their officer to enter any premises in pursuance of those provisions for the purposes of this section shall be subject to a fine.

Notice to  
factory  
inspector  
respecting  
child or  
woman in  
workshop.

**27.** If any child, young person, or woman is employed in a workshop, and the medical officer of the sanitary authority becomes aware thereof, he shall forthwith give written notice thereof to the factory inspector for the district.

*Dairies.**Dairies.*

Orders and  
regulations  
for dairies.

**28.**—(1.) The Local Government Board may make such general or special orders as they think fit for the following purposes, or any of them, that is to say,—

(a.) for the registration with the county council of all persons carrying on the trade of dairymen;



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- (b.) for the inspection of cattle in dairies, and for prescribing and regulating the lighting, ventilation, cleansing, drainage, and water supply of dairies in the occupation of persons carrying on the trade of dairymen ;
- (c.) for securing the cleanliness of milk-vessels used for containing milk for sale by such persons ;
- (d.) for prescribing precautions to be taken for protecting milk against infection or contamination ;
- (e.) for authorising the county council to make byelaws for the purposes aforesaid, or any of them.

A.D. 1891.  
*Dairies.*

(2.) The county council for the purpose of enforcing the said orders and any byelaws made thereunder shall have the same right to be admitted to any premises as a sanitary authority have under this Act for the purpose of examining as to the existence of a nuisance liable to be dealt with summarily, and the provisions of this Act shall apply accordingly as if they were herein re-enacted and in terms made applicable to this section, and in particular with the substitution of the county council for the sanitary authority.

(3.) The Local Government Board may by any such order impose the like fines for offences against orders made under this section as may be imposed for offences against the byelaws of a sanitary authority under this Act.

(4.) In the application of this section to the City of London, the mayor, commonalty, and citizens of the city acting by the council shall be substituted for the county council, and their expenses in the execution of this section shall be paid out of the consolidated rate.

### *Removal of Refuse.*

29.—(1.) It shall be the duty of every sanitary authority to keep the streets of their district, which are repairable by the inhabitants at large, including the footways, properly swept and cleansed so far as is reasonably practicable, and to collect and remove from the said streets, so far as is reasonably practicable, all street refuse.

*Removal of  
Refuse.*  
Duty of  
sanitary  
authority to  
clean streets.

(2.) If any such street in the district of any sanitary authority, including the footway, is not properly swept and cleansed, or the street refuse is not collected and removed from any such street, so far as is reasonably practicable, as required by this section, the sanitary authority shall be liable to a fine not exceeding twenty pounds.

(3.) So much of any Act as requires the occupier or owner of any premises in London to cause the footways and watercourses adjoining the premises to be swept and cleansed is hereby repealed.



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*Removal of  
Refuse.*Removal of  
house refuse.**30.**—(1.) It shall be the duty of every sanitary authority—

(a) to secure the due removal at proper periods of house refuse from premises, and the due cleansing out and emptying at proper periods of ashpits, and of earth closets, privies, and cesspools (if any), in their district, and the giving of sufficient notice of the times appointed for such removal, cleansing out, and emptying, and

(b) where the house refuse is not removed from any premises in the district at the ordinary period, or any ashpit, earth-closet, privy, or cesspool in or under any building in the district is not cleansed out or emptied at the ordinary period, and the occupier of the premises serves on the authority a written notice requiring the removal of such refuse, or the cleansing out and emptying of the ashpit, earth-closet, privy, or cesspool, as the case may be, to comply with such notice within forty-eight hours after that service, exclusive of Sundays and public holidays.

(2.) If a sanitary authority fail without reasonable cause to comply with this section, they shall be liable to a fine not exceeding twenty pounds.

(3.) If any person in the employ of the sanitary authority, or of any contractor with the sanitary authority, demands from an occupier or his servant any fee or gratuity for removing any house refuse from any premises, he shall be liable to a fine not exceeding twenty shillings.

Sanitary  
authority to  
appoint  
scavengers.

**31.** Every sanitary authority shall employ a sufficient number of scavengers, or contract with any scavengers, whether a company or individuals, for the execution of the duties of the sanitary authority under this Act with respect to the sweeping and cleansing of the several streets within their district, and the collection and removal of street refuse and house refuse, and the cleansing out and emptying of ash-pits, earth-closets, privies, and cesspools.

Disposal of  
refuse.

**32.** All street refuse and house refuse collected by or on behalf of a sanitary authority shall be the property of that authority, and the authority shall have full power to sell and dispose of the same for the purposes of this Act as they may think proper, and the person purchasing the same shall have full power to take, carry away, and dispose of the same for his own use, and the money arising from the sale thereof shall be applied toward defraying the expenses of the execution of this Act.

Owners, &c.  
to pay for  
removal of

**33.**—(1.) If the sanitary authority are required by the owner or occupier of any premises to remove any trade refuse, that



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authority shall do so, and the owner or occupier shall pay to that authority a reasonable sum for such removal, and such sum, in case of dispute, shall be settled by the order of a petty sessional court.

*Removal of Refuse.*

refuse of trades.

(2.) If any dispute or difference of opinion arises between the owner or occupier and the sanitary authority as to what is to be considered as trade refuse, a petty sessional court, on complaint made by either party, may by order determine whether the subject matter of dispute is or is not trade refuse, and the decision of that court shall be final.

**34.—**(1.) If the sanitary authority, or any persons employed by them, neglect for the space of seven days to remove all such house refuse as they are required by or in pursuance of this Act to remove, then an occupier of premises (after twenty-four hours' notice given by him to the sanitary authority requiring them to remove the same), may without prejudice to any other proceeding under this Act give away or sell his house refuse; and any person who in pursuance of such gift or sale removes the said house refuse shall not be liable to any fine for so doing.

Provision on neglect of scavengers to remove dust.

(2.) Save as aforesaid, if any person other than the sanitary authority or their contractors or servants receives, carries away, or collects any house refuse or street refuse from any premises or street, such person shall be liable to a fine not exceeding five pounds.

**35.—**(1.) Where it appears to a sanitary inspector that any accumulation of any obnoxious matter, whether manure, dung, soil, filth, or other matter, ought to be removed, and it is not the duty of the sanitary authority to remove the same, he shall serve notice on the owner thereof, or on the occupier of the premises on which it exists, requiring him to remove the same, and if the notice is not complied with within forty-eight hours from the service thereof, exclusive of Sundays and public holidays, the matter referred to shall be the property of the sanitary authority, and be removed and disposed of by them, and the proceeds (if any) of such disposal shall be applied in payment of the expenses incurred with reference to the matter removed, and the surplus (if any) shall be paid on demand to the former owner of the matter.

Removal of filth on requisition of sanitary inspector.

(2.) The expenses of such removal and disposal, so far as not covered by such proceeds, may be recovered by the sanitary authority in a summary manner from the former owner of the matter removed, or from the occupier, or, where there is no occupier, the owner, of the premises.

**36.—**(1.) The sanitary authority, if they think fit, may employ a sufficient number of scavengers, or contract with any scavengers,

Removal of refuse from



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*Removal of  
Refuse.*stables, cow-  
houses, &c.

whether a company or individuals, for collecting and removing the manure and other refuse matter from any stables and cowhouses within their district, the occupiers of which signify their consent in writing to such removal; provided that—

(a) such consent shall not be withdrawn or revoked without one month's previous notice to the sanitary authority, and

(b) no person shall be hereby relieved from any fine to which he may be subject for placing dung or manure upon any footways or carriageways, or for having any accumulation or deposit of manure or other refuse matter so as to be a nuisance or injurious or dangerous to health.

(2.) Notice may be given by a sanitary authority (by public announcement in the district or otherwise) requiring the periodical removal of manure or other refuse matter from stables, cowhouses, or other premises; and, where any such notice has been given, if any person to whom the manure or other refuse matter belongs fails to comply with the notice, he shall be liable without further notice to a fine not exceeding twenty shillings for each day during which such non-compliance continues.

*Regulations  
as to Water-  
closets, &c.*Obligation  
to provide  
waterclosets,  
&c.*Regulations as to Waterclosets, &c.*

37.—(1.) 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 ashpit furnished with proper doors and coverings, and one or more proper and sufficient waterclosets according as circumstances may require, furnished with suitable water supply and water supply apparatus, and with suitable trapped soilpan and other suitable works and arrangements, so far as may be necessary to ensure the efficient operation thereof.

(2.) If any person offends against the foregoing enactment of this section, he shall be liable to a fine not exceeding twenty pounds.

(3.) If at any time it appears to the sanitary authority that any house, whether built before or after the commencement of this Act, is without such ashpit or waterclosets as aforesaid, the sanitary authority shall cause notice to be served on the owner or occupier of the house, requiring him forthwith, or within such reasonable time as is specified in the notice, to provide the same in accordance with the directions in the notice; and, if the notice is not complied with, the said owner or occupier shall be liable to a fine not exceeding five pounds, and a further fine not exceeding forty shillings for



each day during which the offence continues; or the sanitary authority, if they think fit, in lieu of proceeding for a fine, may enter on the premises and execute such works as the case may require, and may recover the expenses incurred by them in so doing from the owner of the house.

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*Regulations  
as to Water-  
closets, &c.*

(4.) Provided that—

(a) where sewerage or water supply sufficient for a watercloset is not reasonably available, this section shall be complied with by the provision of a privy or earth-closet; and

(b) where a watercloset has before the commencement of this Act been and is used in common by the inmates of two or more houses, and in the opinion of the sanitary authority may continue to be properly so used, they need not require a watercloset to be provided for each house.

(5.) Any person who thinks himself aggrieved by any notice or act of a sanitary authority under this section may appeal to the county council, whose decision shall be final.

**38.—**(1.) Every factory, workshop, and workplace, whether erected before or after the passing of this Act, shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in or in attendance at such building, and also where persons of both sexes are, or are intended to be, employed, or in attendance, with proper separate accommodation for persons of each sex.

*Sanitary  
conveni-  
ences for  
manufac-  
tories, &c.*

(2.) Where it appears to a sanitary authority that this section is not complied with in the case of any factory, workshop, or workplace, the sanitary authority shall, by notice served on the owner or occupier of such factory, workshop, or workplace, require him to make the alterations and additions necessary to secure such compliance, and if the person served with such notice fails to comply therewith he shall be liable to a fine not exceeding twenty pounds, and to a fine not exceeding forty shillings for every day after conviction during which the non-compliance continues.

**39.—**(1.) The county council shall make byelaws with respect to waterclosets, earth closets, privies, ashpits, cesspools, and receptacles for dung, and the proper accessories thereof in connexion with buildings, whether constructed before or after the passing of this Act.

*Byelaws as  
to water-  
closets, &c.*

(2.) Every sanitary authority shall make byelaws with respect to the keeping of waterclosets supplied with sufficient water for their effective action.

(3.) It shall be the duty of every sanitary authority to observe and enforce the byelaws under this section; and any directions given by



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 Regulations  
 as to Water-  
 closets, &c.

Power for  
 sanitary  
 authority  
 to authorise  
 examination  
 of water-  
 closets, &c.

the sanitary authority under this Act shall be in accordance with the said byelaws, and so far as they are not so in accordance shall be void.

**40.—(1.)** The sanitary authority may examine any of the following works, that is to say, any watercloset, earth closet, privy, ashpit, or cesspool, and any water supply, sink, trap, siphon, pipe, or other works or apparatus connected therewith, upon any premises within their district, and for that purpose, or for the purpose of ascertaining the course of a drain, may at all reasonable times by day, after twenty-four hours' notice has been served on the occupier of the premises, or if they are unoccupied on the owner, or in case of emergency without notice, enter on any premises, and cause the ground to be opened in any place they think fit, doing as little damage as may be.

(2.) If any such work as aforesaid is found on examination to be in accordance with this Act and the byelaws of the county council and sanitary authority and directions of the sanitary authority given in any notice under this Act, and in proper order and condition, the sanitary authority shall cause the same to be reinstated and made good as soon as may be, and shall defray the expenses of examination, reinstating, and making good the same, and pay full compensation for all damages or injuries done or occasioned by the examination; but if on examination any such work is found not to be in proper order or condition, or not to have been made or provided by any person according to the said byelaws and directions, or to be contrary to this Act, the reasonable expenses of the examination shall be repaid to the sanitary authority by the person offending, and may be recovered by that authority in a summary manner.

Penalty on  
 persons  
 improperly  
 making or  
 altering  
 waterclosets,  
 &c.

**41.—(1.)** In any of the following cases—

- (a) if, on such examination as in the preceding section mentioned, any such work as therein mentioned is found not to have been made or provided by any person according to the byelaws of the county council and sanitary authority, and the directions of the sanitary authority given in any notice under this Act, or to be contrary to this Act, or
- (b) if a person, without the consent of the sanitary authority, constructs or rebuilds any watercloset, earth closet, privy, ashpit, or cesspool which has been ordered by them either not to be made, or to be demolished, or
- (c) if a person discontinues any water supply without lawful authority, or



- (d) if a person destroys any sink, trap, siphon, pipe, or any connected works or apparatus as aforesaid either without lawful authority or so that the destruction creates a nuisance or is injurious or dangerous to health,

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*Regulations  
as to Water-  
closets, &c.*

every person so offending shall be liable to a fine not exceeding ten pounds; and if he does not, within fourteen days after notice is served on him by the sanitary authority, or within any further time allowed by that authority or appearing to a petty sessional court necessary for the execution of the works, cause such water-closet, earth closet, privy, ashpit, or cesspool to be altered or reinstated in conformity with the said byelaws and directions, or, as the case may be, to be demolished, or such water supply to be renewed, or such sink, trap, siphon, pipe or other connected works or apparatus to be restored, such person shall be liable to a fine not exceeding twenty shillings for each day during which the offence continues; or the sanitary authority, if they think fit, in lieu of proceeding for a fine, may enter on the premises and cause the work to be done, and the expenses thereof shall be paid by the person who has so offended.

(2.) If, on such examination as aforesaid, any watercloset, earth closet, privy, ashpit, or cesspool, or any water supply, sink, trap, siphon, pipe, or any of the connected works or apparatus as aforesaid, appears to be in bad order and condition, or to require cleansing, alteration, or amendment, or to be filled up, the sanitary authority shall cause notice to be served on the owner or occupier of the premises, upon or in respect of which the inspection was made, requiring him forthwith, or within a reasonable time specified in the notice, to do what is necessary to place the work in proper order and condition; and if such notice is not complied with, the said owner or occupier shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding forty shillings for each day during which the offence continues; or the sanitary authority, if they think fit, in lieu of proceeding for a fine, may enter on the premises and execute the works, and the expenses incurred by them in so doing shall be paid to them by the owner or occupier of the premises.

(3.) Any person who thinks himself aggrieved by any notice or act of a sanitary authority under this section in relation to any watercloset, earth closet, privy, ashpit, or cesspool, may appeal to the county council, whose decision shall be final.

42. If a watercloset or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health, the person who undertook or executed such construction or repair shall, unless he shows that such construction or repair was not due to any wilful

Improper  
construction  
or repair of  
watercloset  
or drain.



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*Regulations  
 as to Water-  
 closets, &c.*

act, neglect, or default, be liable to a fine not exceeding twenty pounds :

Provided that where a person is charged with an offence under this section he shall be entitled, upon information duly laid by him, to have any other person, being his agent, servant, or workman, whom he charges as the actual offender, brought before the court at the time appointed for hearing the charge, and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence, and that the said other person committed the offence without his knowledge, consent, or connivance, he shall be exempt from any fine, and the said other person may be summarily convicted of the offence.

Sanitary  
 authority  
 to cause  
 offensive  
 ditches,  
 drains, &c.  
 to be cleansed  
 or covered.

**43.—(1.)** Every sanitary authority—

- (a) shall drain, cleanse, cover, or fill up, or cause to be drained, cleansed, covered, or filled up, all ponds, pools, open ditches, drains, and places containing or used for the collection of any drainage, filth, water, matter, or thing of an offensive nature, or likely to be prejudicial to health, which may be situate in their district ; and
- (b) shall cause notice to be served on the person causing any such nuisance, or on the owner or occupier of any premises whereon the same exists, requiring him, within the time specified in such notice, to drain, cleanse, cover, or fill up such pond, pool, ditch, drain, or place, or to construct a proper drain for the discharge of such filth, water, matter, or thing, or to execute such other works as the case may require.

(2.) If the person on whom such notice is served fails to comply therewith, he shall be liable to a fine not exceeding five pounds, and a further fine not exceeding forty shillings for each day during which the offence continues ; or the sanitary authority, if they think fit, in lieu of proceeding for a fine, may enter on the premises and execute such works as may be necessary for the abatement of the nuisance, and may recover the expenses thereby incurred from the owner of the premises : Provided that—

- (a) the sanitary authority, where they think it reasonable, may defray all or any portion of the said expenses, as expenses of sewerage are to be defrayed by that authority ; and
- (b) where any work which a sanitary authority does or requires to be done in pursuance of this section interferes with or prejudicially affects any ancient mill, or any right connected therewith, or other right to the use of water, the sanitary authority shall make full compensation to all persons sustaining



damage thereby, in manner provided by the Metropolis Management Act, 1855, or if they think fit, may purchase such mill, or any such right connected therewith, or other right to the use of water; and the provisions of the said Act with respect to purchases by the sanitary authority shall be applicable to every such purchase as aforesaid.

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*Regulations  
as to Water-  
closets, &c.*  
18 & 19 Vict.  
c. 120.

(3.) Any person who thinks himself aggrieved by any notice or act of a sanitary authority under this section in relation to the construction, covering, filling up, or other alteration of any drain may appeal to the county council, whose decision shall be final.

44.—(1.) Every sanitary authority may provide and maintain public lavatories and ashpits and public sanitary conveniences other than privies, in situations where they deem the same to be required, and may supply such lavatories and sanitary conveniences with water, and may defray the expense of providing such lavatories, ashpits, and sanitary conveniences, and of any damage occasioned to any person by the erection or construction thereof, and the expense of keeping the same in good order, as if they were expenses of sewerage.

Power to  
sanitary  
authority to  
provide  
public con-  
veniences.

(2.) For the purpose of such provision the subsoil of any road, exclusive of the footway adjoining any building or the curtilage of a building, shall be vested in the sanitary authority.

45.—(1.) Where a sanitary authority provide and maintain any public lavatories, ashpits, or sanitary conveniences, such authority may—

Regulations  
as to public  
sanitary  
conveni-  
ences.

- (a) make regulations with respect to the management thereof, and byelaws as to the decent conduct of persons using the same; and
- (b) let the same for any term not exceeding three years at such rent and subject to such conditions as they may think fit; and
- (c) charge such fees for the use of any lavatories or waterclosets provided by them as they may think proper.

(2.) No public lavatory, ashpit, or sanitary convenience shall be erected in or accessible from any street without the consent in writing of the sanitary authority, who may give their consent upon such terms as to the use thereof or the removal thereof at any time, if required by the sanitary authority, as they may think fit.

(3.) If any person erects a lavatory, ashpit, or sanitary convenience in contravention of this section, and after notice to that effect served by the sanitary authority does not remove the same, he shall be liable to a fine not exceeding five pounds, and to a fine not exceeding twenty shillings for every day during which the offence continues after a conviction for the offence.



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*Regulations  
as to Water-  
closets, &c.*Sanitary  
conveniences  
used in  
common.

(4.) Nothing in this section shall extend to any lavatory or sanitary convenience now or hereafter erected by any railway company within their railway station yard or the approaches thereto.

46. The following provisions shall have effect with respect to any sanitary convenience used in common by the occupiers of two or more separate dwelling-houses, or by other persons :—

- (1.) If any person injures or improperly fouls any such sanitary convenience, or anything used in connexion therewith, he shall for each offence be liable to a fine not exceeding ten shillings ;
- (2.) If any such sanitary convenience or the approaches thereto, or the walls, floors, seats, or fittings thereof, is or are in the opinion of the sanitary authority or of their sanitary inspector or medical officer of health in such a state as to be a nuisance or annoyance to any inhabitant of the district for want of the proper cleansing thereof, such of the persons having the use thereof in common as may be in default, or, in the absence of proof satisfactory to the court as to which of the persons having the use thereof in common is in default, each of those persons, shall be liable to a fine not exceeding ten shillings, and to a fine not exceeding five shillings for every day during which the offence continues after a conviction for the offence.

*Unsound  
Food.*Inspection  
and destruc-  
tion of  
unsound  
meat, &c.*Unsound Food.*

47.—(1.) Any medical officer of health or sanitary inspector may at all reasonable times enter any premises and inspect and examine

- (a) any animal intended for the food of man which is exposed for sale, or deposited in any place for the purpose of sale, or of preparation for sale, and
- (b) any article, whether solid or liquid, intended for the food of man, and sold or exposed for sale or deposited in any place for the purpose of sale or of preparation for sale,

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 person charged ; and if any such animal or article 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.

(2.) If it appears to a justice that any animal or article which has been seized or is liable to be seized under this section 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 sale or exposure for sale, or deposit for the purpose of sale or of preparation for sale, or in whose possession or on whose premises the same was found, shall be liable on summary conviction to a fine not exceeding fifty pounds for every animal, or article, or if the article consists of fruit, vegetables, corn, bread, or flour, for every parcel thereof so condemned, or, at the discretion of the court, without the infliction of a fine, to imprisonment for a term of not more than six months with or without hard labour.

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*Unsound  
Food.*

(3.) Where it is shown that any article liable to be seized under this section, and found in the possession of any person was purchased by him from another person for the food of man, and when so purchased was in such a condition as to be liable to be seized and condemned under this section, the person who so sold the same shall be liable to the fine and imprisonment above mentioned, unless he proves that at the time he sold the said article he did not know, and had no reason to believe, that it was in such condition.

(4.) Where a person convicted of an offence under this section has been within twelve months previously convicted of an offence under this section, the court may, if it thinks fit, and finds that he knowingly and wilfully committed both such offences, order that a notice of the facts be affixed, in such form and manner, and for such period not exceeding twenty-one days, as the court may order, to any premises occupied by that person, and that the person do pay the costs of such affixing; and if any person obstructs the affixing of such notice, or removes, defaces, or conceals the notice while affixed during the said period, he shall for each offence be liable to a fine not exceeding five pounds.

(5.) If the occupier of a licensed slaughter-house is convicted of an offence under this section, the court convicting him may cancel the licence for such slaughter-house.

(6.) If any person obstructs an officer in the performance of his duty under any warrant for entry into any premises granted by a justice in pursuance of this Act for the purposes of this section, he shall, if the court is satisfied that he obstructed with intent to prevent the discovery of an offence against this section, or has within twelve months previously been convicted of such obstruction, be liable to imprisonment for any term not exceeding one month in lieu of any fine authorised by this Act for such obstruction.

(7.) A justice may act in adjudicating on an offender under this section, whether he has or has not acted in ordering the animal or article to be destroyed or disposed of.

(8.) Where a person has in his possession any article which is unsound or unwholesome or unfit for the food of man, he may, by



A.D. 1891. — written notice to the sanitary authority, specifying such article, and containing a sufficient identification of it, request its removal, and the sanitary authority shall cause it to be removed as if it were trade refuse.

*Provisions  
as to Water.*

Provisions  
as to house  
without  
proper water  
supply.

*Provisions as to Water.*

48.—(1.) An occupied house without a proper and sufficient supply of water shall be a nuisance liable to be dealt with summarily under this Act, and, if it is a dwelling-house, shall be deemed unfit for human habitation.

(2.) A house which after the commencement of this Act is newly erected, or is pulled down to or below the ground floor and rebuilt, shall not be occupied as a dwelling-house until the sanitary authority have certified that it has a proper and sufficient supply of water, either from a water company or by some other means.

(3.) If the sanitary authority refuse such certificate, or fail to give it within one month after written request for the same from the owner of the house, the owner of the house may apply to a petty sessional court, and that court, after hearing or giving the sanitary authority an opportunity to be heard, may, if they think the certificate ought to have been granted, make an order authorising the occupation of the house; but, unless such order is made, an owner who occupies or permits to be occupied the house as a dwelling-house without such certificate shall be liable to a fine not exceeding ten pounds, and to a fine not exceeding twenty shillings for every day during which it is so occupied until a proper and sufficient supply of water is provided; but the imposition of such fine shall be without prejudice to any proceedings for obtaining a closing order.

Notice to  
sanitary  
authority  
of water  
supply being  
cut off.

49.—(1.) Where a water company may lawfully cut off the water supply to any inhabited dwelling-house and cease to supply such dwelling-house with water for non-payment of water rate or other cause, the company shall in every case, within twenty-four hours after exercising the said right, give notice thereof in writing to the sanitary authority of the district in which the house is situated.

(2.) Any company which neglects to comply with the foregoing provision shall be liable to a fine not exceeding ten pounds, and it shall be the duty of the sanitary authority to take proceedings against any company in default.

(3.) This section shall apply to every water company which is a trading company supplying water for profit.

Cleansing of  
cisterns.

50. Every sanitary authority shall make byelaws for securing the cleanliness and freedom from pollution of tanks, cisterns, and other receptacles used for storing of water used or likely to be used



by man for drinking or domestic purposes, or for manufacturing drink for the use of man.

A.D. 1891.

*Provisions  
as to Water.*

51.—(1.) All existing public cisterns, reservoirs, wells, fountains, pumps, and works used for the gratuitous supply of water to the inhabitants of the district of any sanitary authority, and not vested in any person or authority other than the sanitary authority, shall vest in and be under the control of the sanitary authority; and that authority may maintain the same and plentifully supply them with pure and wholesome water, or may substitute, maintain, and plentifully supply with pure and wholesome water other such works equally convenient, and may maintain and supply with water as aforesaid other public cisterns, reservoirs, wells, fountains, pumps, and other such works within their district.

Power of  
sanitary  
authority  
as to public  
fountains.

(2.) The sanitary authority may provide and maintain public wells, pumps, and drinking fountains in such convenient and suitable situations as they may deem proper.

(3.) If any person wilfully damages any of the said wells, pumps, or fountains, or any part thereof, he shall, in addition to any punishment to which he is liable, pay to the sanitary authority the expenses of repairing or reinstating such well, fountain, pump, or part thereof.

52.—(1.) If any person engaged in the manufacture of gas—

Penalty for  
causing  
water to be  
corrupted by  
gas wash-  
ings.

(a) causes or suffers to be brought or to flow into any source of water supply, or into any drain or pipe communicating therewith, any washing or other substance produced in making or supplying gas; or,

(b) wilfully or negligently does any act connected with the making or supplying of gas whereby the water in any source of water supply is fouled,

he shall for every such offence be liable to a fine of two hundred pounds, and, after the expiration of twenty-four hours notice from the sanitary authority or the person to whom the water belongs in that behalf, to a further fine of twenty pounds for every day during which the offence continues.

(2.) Every such fine may be recovered, with full costs of action, in the High Court, in the case of water belonging to or under the control of the sanitary authority by that authority, and in any other case by the person into whose water such washing or other substance is brought 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 sanitary authority of their intention to proceed for such fine, by the sanitary authority; but such fine shall not be recoverable unless it is sued for during the continuance of the offence, or within six months after it has ceased.



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*Provisions  
as to Water.*Penalty for  
foaling  
water.

53. If any person does any act whereby any fountain or pump is wilfully or maliciously damaged, or is guilty of any act or neglect whereby the water of any well, fountain, or pump used or likely to be used by man for drinking or domestic purposes, or for manufacturing drink for the use of man, is polluted or fouled, he shall be liable to a fine not exceeding five pounds for each offence, and a further fine not exceeding twenty shillings for every day during which the offence continues after notice is served on him by the sanitary authority in relation thereto, but this section shall not extend to offences against the last preceding section by persons engaged in the manufacture of gas.

Power to  
close polluted  
wells, &c.

54.—(1.) On the representation of any person to a sanitary authority that within their district the water in any well, tank, or cistern, public or private, or supplied from any public pump, is used or likely to be used by man for drinking or domestic purposes, or for manufacturing drink for the use of man, and is so polluted, or is likely to be so polluted, as to be injurious or dangerous to health, a petty sessional court, on complaint by such authority and after hearing the person who is the owner or occupier of the premises to which the well, tank, or cistern belongs, if it be private, or in the case of a public well, tank, cistern, or pump, is alleged in the complaint to be interested in the same, or after giving him an opportunity of being heard, may by summary order direct the well, tank, cistern, or pump to be permanently or temporarily closed, or make such other order as appears to the court requisite to prevent injury or danger to the health of persons drinking the water.

(2.) The court may, if they see fit, cause the water complained of to be analysed at the cost of the sanitary authority complaining.

(3.) If the person on whom the order is made fails to comply therewith, he shall be liable to a fine not exceeding twenty pounds, and a petty sessional court on complaint by the sanitary authority may authorise that authority to execute the order, and any expenses incurred by them in so doing may be recovered in a summary manner from the said person.

*Infectious  
Diseases.—  
Notification.*Notification  
of infectious  
disease.*Infectious Diseases.—Notification.*

55.—(1.) Where an inmate of any house within the district of a sanitary authority is suffering from an infectious disease to which this section applies, the following provisions shall have effect, that is to say :—

(a.) The head of the family to which such inmate (in this section referred to as the patient) belongs, and in his default the



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nearest relatives of the patient present in the house or being in attendance on the patient, and in default of such relatives, every person in charge of or in attendance on the patient, and in default of any such person the master of the house, shall, as soon as he becomes aware that the patient is suffering from an infectious disease to which this section applies, send notice thereof to the medical officer of health of the district :

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*Infectious Diseases.—Notification.*

- (b.) Every medical practitioner attending on or called in to visit the patient shall forthwith, on becoming aware that the patient is suffering from an infectious disease to which this section applies, send to the medical officer of health of the district a certificate stating the full name and the age and sex of the patient, the full postal address of the house, and the infectious disease from which in the opinion of such medical practitioner the patient is suffering, and stating also whether the case occurs in the private practice of such practitioner or in his practice as a medical officer of any public body or institution, and where the certificate refers to the inmate of a hospital it shall specify the place from which and the date at which the inmate was brought to the hospital, and shall be sent to the medical officer of health of the district in which the said place is situate :

Provided that, in the case of a hospital of the Metropolitan Asylum Managers, a notice or certificate need not be sent respecting any inmate with respect to whom a copy of the certificate has been previously forwarded by the medical officer of health of the district to the said Managers.

(2.) Every person required by this section to send a notice or certificate, who fails forthwith to send the same, shall be liable to a fine not exceeding forty shillings : Provided that if a person is not required to send notice in the first instance, but only in default of some other person, he shall not be liable to any fine if he satisfies the court that he had reasonable cause to suppose that the notice had been duly sent.

(3.) The Local Government Board may prescribe forms for the purpose of certificates to be sent in pursuance of this section, and if such forms are so prescribed, they shall be used in all cases to which they apply. The sanitary authority shall gratuitously supply forms of certificate to any medical practitioner residing or practising in their district who applies for the same, and shall pay to every medical practitioner for each certificate duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice, and of one shilling if the



A.D. 1891. case occurs in his practice as medical officer of any public body or institution.

*Infectious  
Diseases.—  
Notification.*

(4.) Where a medical officer of health receives a certificate under this section relating to a patient within the Metropolitan Asylum district, he shall, within twelve hours after such receipt, send a copy thereof to the Metropolitan Asylum Managers, and to the head teacher of the school attended by the patient (if a child), or by any child who is an inmate of the same house as the patient. The Metropolitan Asylum Managers shall repay to the sanitary authority the fees paid by that authority in respect of the certificates whereof copies have been so sent to the Managers. The Managers shall send weekly to the county council, and to every medical officer of health, such return of the infectious diseases of which they receive certificates in pursuance of this section as the county council require.

(5.) Where in any district of a sanitary authority there are two or more medical officers of health of that authority, a certificate under this section shall be sent to such one of those officers as has charge of the area in which is the patient referred to in the certificate, or to such other of those officers as the sanitary authority may direct.

(6.) A notice or certificate to be sent to a medical officer in pursuance of this section may be sent to such officer at his office or residence.

(7.) This section shall apply to every building, vessel, tent, van, shed, or similar structure used for human habitation, in like manner as nearly as may be as if it were a house; but nothing in this section shall extend to any house, building, vessel, tent, van, shed, or similar structure belonging to Her Majesty the Queen, or to any inmate thereof, nor to any vessel belonging to any foreign government.

(8.) In this section the expression "infectious disease to which this section applies" means any of the following diseases, namely, small-pox, cholera, diphtheria, membranous croup, erysipelas, the disease known as scarlatina or scarlet fever, and the fevers known by any of the following names, typhus, typhoid, enteric, relapsing, continued, or puerperal, and includes as respects any particular district any infectious disease to which this section has been applied by the sanitary authority of the district in manner provided by this Act.

Power of  
sanitary  
authority to  
add to

**56.**—(1.) The sanitary authority of any district may, by resolution passed at a meeting of that authority of which such notice has been given as in this section mentioned, order that the



foregoing section with respect to the notification of infectious disease shall apply in their district to any infectious disease other than a disease specifically mentioned in that section; any such order may be permanent or temporary, and, if temporary, the period during which it is to continue in force shall be specified therein, and any such order may be revoked or varied by the sanitary authority which made the same.

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*Infectious Diseases.—Notification.*

number of infectious diseases of which notification is required.

(2.) Fourteen clear days at least before the meeting at which such resolution is proposed special notice of the meeting, and of the intention to propose the making of such order, shall be given to every member of the sanitary authority, and the notice shall be deemed to have been duly given to a member if it is given in the mode in which notices to attend meetings of the sanitary authority are usually given.

(3.) An order under this section and the revocation and variation of any such order shall not be of any validity until it has been approved by the Local Government Board, and when it is so approved the sanitary authority shall give public notice thereof by advertisement in a local newspaper, and by handbills, and otherwise in such manner as the sanitary authority think sufficient for giving information to all persons interested; they shall also send a copy thereof to each legally qualified medical practitioner whom, after due inquiry, they ascertain to be residing or practising in their district.

(4.) The said order shall come into operation at such date not earlier than one week after the publication of the first advertisement of the approved order as the sanitary authority may fix, and upon the order coming into operation, and during the continuance thereof, an infectious disease mentioned in the order shall, within the district of the authority, be an infectious disease to which the foregoing section with respect to the notification of infectious disease applies.

(5.) In the case of emergency three clear days notice of the meeting and of the intention to propose the making of the order shall be sufficient, and the resolution shall declare the cause of the emergency and shall be for a temporary order, and a copy thereof shall be forthwith sent to the Local Government Board and advertised, and the order shall come into operation at the expiration of one week from the date of the advertisement; but unless approved by the Local Government Board shall cease to be in force at the expiration of one month after it is passed, or any earlier date fixed by the Local Government Board; if it is approved



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by the Local Government Board that approval shall be conclusive evidence that the case was one of emergency.

(6.) The county council shall, as respects London, have the same power of extending the foregoing section by order to any infectious disease, and the same power of revoking and varying the order, as a sanitary authority have under this section as respects their district; and the foregoing section when so extended by the county council shall be construed as if it had been applied under this section as respects every district in London by the sanitary authority thereof.

Non-dis-  
qualification  
of medical  
officer by  
receipt of  
fees.

57.—(1.) A payment made to any medical practitioner in pursuance of the provisions of this Act with respect to the notification of infectious disease shall not disqualify that practitioner for serving as member of the county council, or of a sanitary authority, or as guardian of a poor law union, or in any other public office.

(2.) Where a medical practitioner attending on a patient is himself the medical officer of health of the district, he shall be entitled to the same fee as if he were not such medical officer.

*Infectious  
Diseases.—  
Prevention.*

Application  
of special  
provisions  
to certain  
infectious  
diseases.

*Infectious Diseases.—Prevention.*

58. The following provisions of this Act relating to dangerous infectious diseases shall apply to the infectious diseases specifically mentioned in the foregoing enactment of this Act relating to the notification of infectious disease, and all or any of such provisions may be applied by order to any other infectious disease in the same manner as that enactment may be applied to such disease, subject to the same power of revoking and varying the order, and every such infectious disease is in this Act referred to as a dangerous infectious disease.

Provision of  
means for  
disinfecting  
of bedding,  
&c.

59.—(1.) Every sanitary authority shall provide, either within or without their district, proper premises with all necessary apparatus and attendance for the destruction and for the disinfection, and carriages or vessels for the removal, of articles (whether bedding, clothing, or other) which have become infected by any dangerous infectious disease, and may provide the same for the destruction, disinfection, and removal of such articles when infected by any other disease; and shall cause any such articles brought for destruction or disinfection, whether alleged to be infected by any dangerous infectious disease or by any other disease, to be destroyed or to be disinfected and returned, and may remove, and may destroy, or disinfect and return, such articles free of charge.

(2.) Any sanitary authorities may execute their duty under this section by combining for the purposes thereof, or by contracting for the use by one of the contracting authorities of any premises



provided for the purpose of this section by another of such contracting authorities, and may so combine or contract upon such terms as may be agreed upon.

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*Infectious Diseases.—Prevention.*

60.—(1.) Where the medical officer of health of any sanitary authority, or any other legally qualified medical practitioner, certifies that the cleansing and disinfecting of any house, or part thereof, and of any articles therein likely to retain infection, or the destruction of such articles, would tend to prevent or check any dangerous infectious disease, the sanitary authority shall serve notice on the master, or where the house or part is unoccupied on the owner, of such house or part that the same and any such articles therein will be cleansed and disinfected or (as regards the articles) destroyed, by the sanitary authority, unless he informs the sanitary authority within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the house or part and any such articles or destroy such articles to the satisfaction of the medical officer of health, or of any other legally qualified medical practitioner, within a time fixed in the notice.

Cleansing and disinfecting of premises, &c.

(2.) If either—

(a) within twenty-four hours from the receipt of the notice, the person on whom the notice is served does not inform the sanitary authority as aforesaid, or

(b) having so informed the sanitary authority he fails to have the house or part thereof and any such articles disinfected or such articles destroyed as aforesaid within the time fixed in the notice, or

(c) the master or owner without such notice gives his consent, the house or part and articles shall be cleansed and disinfected or such articles destroyed by the officers and at the cost of the sanitary authority under the superintendence of the medical officer of health.

(3.) For the purpose of carrying into effect this section the sanitary authority may enter by day on any premises.

(4.) The sanitary authority shall provide, free of charge, temporary shelter or house accommodation with any necessary attendants for the members of any family in which any dangerous infectious disease has appeared, who have been compelled to leave their dwellings, for the purpose of enabling such dwellings to be disinfected by the sanitary authority.

(5.) When the sanitary authority have disinfected any house, part of a house, or article, under the provisions of this section, they shall compensate the master or owner of such house, or part of a house, or the owner of such article, for any unnecessary damage



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*Infectious  
Diseases.—  
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of bedding,  
&c.

thereby caused to such house, part of a house, or article; and when the authority destroy any article under this section they shall compensate the owner thereof; and the amount of any such compensation shall be recoverable in a summary manner.

**61.—(1.)** Any sanitary authority may serve a notice on the owner of any bedding, clothing, or other articles which have been exposed to the infection of any dangerous infectious disease, requiring the delivery thereof to an officer of the sanitary authority for removal for the purpose of destruction or disinfection; and if any person fails to comply with such notice he shall, on the information of the sanitary authority, be liable to a fine not exceeding ten pounds.

(2.) The bedding, clothing, and articles if so disinfected by the sanitary authority shall be brought back and delivered to the owner free of charge, and if any of them suffer any unnecessary damage the authority shall compensate the owner for the same, and the authority shall also compensate the owner for any articles destroyed; and the amount of compensation shall be recoverable in a summary manner.

Infectious  
rubbish  
thrown into  
ash-pits, &c.,  
to be disin-  
fected.

**62.—(1.)** If a person knowingly casts, or causes or permits to be cast, into any ash-pit any rubbish infected by a dangerous infectious disease without previous disinfection, he shall be liable to a fine not exceeding five pounds, and, if the offence continues, to a further fine not exceeding forty shillings for every day during which the offence so continues after the notice hereafter in this section mentioned.

(2.) The sanitary authority shall cause their officers to serve notice of the provisions of this section on the master of any house or part of a house in which they are aware that there is a person suffering from a dangerous infectious disease, and on the request of such master shall provide for the removal and disinfection or destruction of the aforesaid rubbish.

Penalty on  
letting houses  
in which in-  
fected per-  
sons have  
been lodging.

**63.—(1.)** Any person who knowingly lets for hire any house, or part of a house, in which any person has been suffering from any dangerous infectious disease, without having such house 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, or (as regards the articles) destroyed, shall be liable to a fine not exceeding twenty pounds.

(2.) 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.



**64.** 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, as to the fact of there being, or within six weeks previously having been, therein any person suffering from any dangerous infectious disease, knowingly makes a false answer to such question, shall be liable, at the discretion of the court, to a fine not exceeding twenty pounds, or to imprisonment, with or without hard labour, for a period not exceeding one month.

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*Infectious Diseases.—Prevention.*

Penalty on persons letting houses making false statements as to infectious disease.

**65.—(1.)** Where a person ceases to occupy any house, or part of a house, in which any person has within six weeks previously been suffering from any dangerous infectious disease, and either—

Penalty on ceasing to occupy house without disinfection or notice to owner, or making false answer.

(a.) fails to have such house, 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, or such articles destroyed, or

(b.) fails to give to the owner or master of such house, or part of a house, notice of the previous existence of such disease, or

(c.) on being questioned by the owner or master of, or by any person negotiating for the hire of, such house or part of a house, as to the fact of there having within six weeks previously been therein any person suffering from any dangerous infectious disease, knowingly makes a false answer to such question,

he shall be liable to a fine not exceeding ten pounds.

(2.) The sanitary authority shall cause their officers to serve notice of the provisions of this section on the master of any house or part of a house in which they are aware that there is a person suffering from a dangerous infectious disease.

**66.—(1.)** A person suffering from any dangerous infectious disease, who is without proper lodging or accommodation, or is lodged in a tent or van, or is on board a vessel, may, on a certificate signed by a legally qualified medical practitioner, and with the consent of the superintending body of the hospital to which he is to be removed, be removed by order of a justice, and at the cost of the sanitary authority of the district where such person is found, to any hospital in or within a convenient distance of London.

Removal to hospital of infected persons without proper lodging.

(2.) The order may be addressed to such constable or officer of the sanitary authority as the justice making the same thinks expedient; and if any person wilfully disobeys or obstructs the execution of such order he shall be liable to a fine not exceeding ten pounds.



A.D. 1891. (3.) Any sanitary authority may make byelaws for removing to any hospital to which that authority are entitled to remove patients, and for keeping in that hospital so long as may be necessary, any persons brought within their district by any vessel who are infected with a dangerous infectious disease.

*Infectious Diseases.—Prevention.*

Detention of infected person without proper lodging in hospital.

**67.**—(1.) A justice, on being satisfied that a person suffering from any dangerous infectious disease is in a hospital, and would not on leaving the hospital be provided with lodging or accommodation in which proper precautions could be taken to prevent the spreading of the disease by such person, may direct such person to be detained in the hospital at the cost of the Metropolitan Asylum Managers during the time limited by the justice. Any justice may enlarge the time as often as appears to him necessary for preventing the spread of the disease.

(2.) The direction may be carried into execution by any officer of any sanitary authority, or of the Metropolitan Asylum Managers, or by any inspector of police, or any officer of the hospital.

Penalty on exposure of infected persons and things.

**68.**—(1.) If any person—

(a.) while suffering from any dangerous infectious disease wilfully exposes himself without proper precautions against spreading the said disease in any street, public place, shop, or inn; or

(b.) being in charge of any person so suffering, so exposes such sufferer; or

(c.) gives, lends, sells, transmits, removes, or exposes, without previous disinfection, any bedding, clothing, or other articles which have been exposed to infection from any such disease;

he shall be liable to a fine not exceeding five pounds.

(2.) Provided that proceedings under this section shall not be taken against persons transmitting with proper precautions any bedding, clothing, or other articles for the purpose of having the same disinfected.

Prohibition on infected person carrying on business.

**69.** A person who knows himself to be suffering from a dangerous infectious disease shall not milk any animal or pick fruit, and shall not engage in any occupation connected with food or carry on any trade or business in such a manner as to be likely to spread the infectious disease, and if he does so he shall be liable to a fine not exceeding ten pounds.

Prohibition on conveyance of infected person in public conveyance.

**70.** It shall not be lawful for any owner or driver of a public conveyance knowingly to convey, or for any other person knowingly to place, in any public conveyance, a person suffering from any dangerous infectious disease, or for a person suffering from any such disease to enter any public conveyance, and if he does so he shall



be liable to a fine not exceeding ten pounds; and, if any person so suffering is conveyed in any public conveyance, the owner or driver thereof, as soon as it comes to his knowledge, shall give notice to the sanitary authority, and shall cause such conveyance to be disinfected, and if he fails so to do he shall be liable to a fine not exceeding five pounds, and the owner or driver of such conveyance shall be entitled to recover in a summary manner from the person so conveyed by him, or from the person causing that person to be so conveyed, a sum sufficient to cover any loss and expense incurred by him in connexion with such disinfection. It shall be the duty of the sanitary authority, when so requested by the owner or driver of such public conveyance, to provide for the disinfection of the same, and they may do so free of charge.

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*Infectious Diseases.—Prevention.*

71.—(1.) If the medical officer of health of any district has evidence that any person in the district is suffering from a dangerous infectious disease attributable to milk supplied within the district from any dairy situate within or without the district, or that the consumption of milk from such dairy is likely to cause any such infectious disease to any person residing in the district, such medical officer shall, if authorised by an order of a justice having jurisdiction in the place where the dairy is situate, have power to inspect the dairy, and if accompanied by a veterinary inspector or some other properly qualified veterinary surgeon to inspect the animals therein; and, if on such inspection the medical officer of health is of opinion that any such infectious disease is caused from consumption of the milk supplied therefrom, he shall report thereon to the sanitary authority, and his report shall be accompanied by any report furnished to him by the said veterinary inspector or veterinary surgeon, and the sanitary authority may thereupon serve on the dairyman notice to appear before them within such time, not less than twenty-four hours, as may be specified in the notice, to show cause why an order should not be made requiring him not to supply any milk therefrom within the district until the order has been withdrawn by the sanitary authority.

Inspection of dairies, and power to prohibit supply of milk.

(2.) The sanitary authority, if in their opinion he fails to show such cause, may make the said order, and shall forthwith serve notice of the facts on the county council of the county in which the dairy is situate, and on the Local Government Board, and, if the dairy is situate within the district of another sanitary authority, on such authority.

(3.) The said order shall be forthwith withdrawn on the sanitary authority or their medical officer of health on their behalf being



A.D. 1891. satisfied that the milk supply has been changed, or that the cause of the infection has been removed.

*Infectious  
Diseases.—  
Prevention.*

(4.) If any person refuses to permit the medical officer of health, on the production of a justice's order under this section, to inspect any dairy, or if so accompanied as aforesaid to inspect the animals kept there, or, after any such order has been made, supplies any milk within the district in contravention of the order or sells it for consumption therein, he shall, on the information of the sanitary authority, be liable to a fine not exceeding five pounds, and, if the offence continues, to a further fine not exceeding forty shillings for every day during which the offence continues.

(5.) Provided that—

(a.) proceedings in respect of the offence shall be taken before a court having jurisdiction in the place where the dairy is situate, and

(b.) a dairyman shall not be liable to an action for breach of contract if the breach be due to an order under this section.

(6.) Proceedings may be taken under this section in respect of a dairy situate in the district of a local authority under the Public Health Acts, and the notice of the facts shall be served on the local authority as if they were a sanitary authority within the meaning of this Act.

(7.) Nothing in or done under this section shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts, 1878 to 1886, or this Act, or of any order, licence, or act of the Board of Agriculture or the Local Government Board thereunder, or of any order, byelaw, regulation, licence, or act of a local authority made, granted, or done under any such order of the Board of Agriculture or the Local Government Board, or exempt any dairy, building, or thing or any person from the provisions of any general Act relating to dairies, milk, or animals.

Prohibition  
of retention  
of dead body  
in certain  
cases.

72.—(1.) A person shall not without the sanction in writing of the medical officer of health, or of a legally qualified medical practitioner, retain unburied for more than forty-eight hours elsewhere than in a room not used at the time as a dwelling-place, sleeping place, or workroom, the body of any person who has died of any dangerous infectious disease.

(2.) If a person acts in contravention of this section he shall, on the information of the sanitary authority, be liable to a fine not exceeding five pounds.

Body of  
person dying  
of infectious

73.—(1.) If a person dies in a hospital from any dangerous infectious disease, and the medical officer of health, or any legally



qualified medical practitioner, certifies that in his opinion it is desirable, in order to prevent the risk of communicating such infectious disease, that the body be not removed from such hospital except for the purpose of being forthwith buried, it shall not be lawful for any person to remove the body except for that purpose; and the body when taken out of such hospital shall be forthwith taken direct to the place of burial, and there buried.

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*Infectious Diseases.—Prevention.* disease in hospital, &c. to be removed only for burial.

(2.) If any person wilfully offends against this section he shall, on the information of the sanitary authority, be liable to a fine not exceeding ten pounds.

(3.) Nothing in this section shall prevent the removal of a dead body from a hospital to a mortuary, and such mortuary shall, for the purposes of this section, be deemed part of such hospital.

**74. If—**

(a.) a person hires or uses a public conveyance other than a hearse for conveying the body of a person who has died from any dangerous infectious disease, without previously notifying to the owner or driver of the conveyance that such person died from infectious disease, or

Disinfection of public conveyances if used for carrying corpses.

(b.) the owner or driver does not, immediately after the conveyance has to his knowledge been used for conveying such body, provide for the disinfection of the conveyance,

he shall, on the information of the sanitary authority, be liable to a fine not exceeding five pounds, and if the offence continues to a further fine not exceeding forty shillings for every day during which the offence continues.

*Hospitals and Ambulances.*

*Hospitals and Ambulances.*

**75.—(1.)** Any sanitary authority may provide for the use of the inhabitants of their district hospitals temporary or permanent, and for that purpose may—

Power of sanitary authority to provide hospitals.

(a.) themselves build such hospitals, or

(b.) contract for the use of any hospital or part of a hospital, or

(c.) 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.

(2.) Two or more sanitary authorities may combine in providing a common hospital.

Recovery of cost of maintenance of non-infectious patient in hospital.

**76.** Any expenses incurred by a sanitary authority in maintaining in a hospital (whether or not belonging to that authority) a patient who is not a pauper, and is not suffering from an



A.D. 1891. *Hospitals and Ambulances.* infectious disease, shall be a simple contract debt due to the sanitary authority from that patient, or from any person liable by law to maintain him, but proceedings for its recovery shall not be commenced after the expiration of six months from the discharge of the patient, or if he dies in such hospital from the date of his death.

Power to provide temporary supply of medicine. 77. Any sanitary 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.

Provision of conveyance for infected persons. 78. A sanitary authority may provide and maintain carriages suitable for the conveyance of persons suffering from any infectious disease, and pay the expense of conveying therein any person so suffering to a hospital or other place of destination.

Power for Metropolitan Asylum Board to provide landing-places, vessels, ambulances, &c. 79.—(1.) The Metropolitan Asylum Managers shall continue to maintain the wharves, landing-places, and approaches thereto heretofore provided by them, whether within or without London, and may use the same for the embarkation and landing of persons removed to or from any hospital belonging to the Managers, and for any other purpose in relation thereto.

(2.) The Managers may also provide and maintain vessels for use in connexion with the said wharves or landing-places, and with the hospitals of the Managers, and also carriages suitable for the conveyance of persons suffering from any dangerous infectious disease, and shall cause the vessels and carriages to be from time to time properly cleansed and disinfected, and may provide and maintain such buildings and horses, and employ such persons, and do such other things as are necessary or proper for the purposes of such conveyance.

(3.) The Metropolitan Asylum Managers may allow any of the said carriages with the necessary attendants to be also used for the conveyance of persons suffering from any dangerous infectious disease to and from hospitals and places other than hospitals provided by the Managers, and may make a reasonable charge for that use.

Reception of non-pauper fever and small-pox patients into hospital in metropolitan district. 80.—(1.) The Metropolitan Asylum Managers, subject to such regulations and restrictions as the Local Government Board prescribe, may admit any person, who is not a pauper, and is reasonably believed to be suffering from fever or small-pox or diphtheria, into a hospital provided by the Managers.

(2.) The expenses incurred by the Managers for the maintenance of any such person shall be paid by the board of guardians of the poor law union from which he is received.

(3.) The said expenses shall be repaid to the board of guardians out of the metropolitan common poor fund.



(4.) The admission of a person suffering from an infectious disease into any hospital provided by the Metropolitan Asylum Managers, or the maintenance of any such person therein, shall not be considered to be parochial relief, alms, or charitable allowance to any person, or to the parent or husband of any person; nor shall any person or his or her parent or husband be by reason thereof deprived of any right or privilege, or be subjected to any disability or disqualification.

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*Hospitals  
and  
Ambulances.*

81.—(1.) Where the London School Board send any child to an industrial school which is provided by them outside London, such child shall for the purpose of the enactments relating to the Metropolitan Asylum Managers be deemed to continue to be an inhabitant of London, and if such child is sent to any hospital of those Managers he shall be deemed to have been sent from that place in London from which he was sent to the said industrial school.

Reception  
into hos-  
pital in  
Metropolitan  
district of  
child from  
school out-  
side London.

(2.) This section shall apply to that part of London which is not within the Metropolitan Asylum district as if it were within that district, and the board of guardians of the poor law union comprising that part shall pay for such child accordingly.

*Prevention of Epidemic Diseases.**Prevention  
of Epidemic  
Diseases.*

82.—(1.) The sanitary authority of any district within which or part of which regulations issued by the Local Government Board in pursuance of section one hundred and thirty-four of the Public Health Act, 1875, set out in the First Schedule to this Act (in this Act referred to as the epidemic regulations) are 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 disease to which the regulations relate, or for superintending or aiding in the execution of such regulations, or for executing the same, as the case may require.

Sanitary  
authority  
to execute  
epidemic  
regulations.  
38 & 39 Viet.  
c. 55.

(2.) The sanitary authority may direct any prosecution or legal proceedings for or in respect of the wilful violation or neglect of any such regulation.

(3.) The sanitary authority shall have power to enter on any premises or vessel for the purpose of executing or superintending the execution of any of the epidemic regulations.

83.—(1.) Whenever, in compliance with the epidemic regulations, 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 poor law union for which he is appointed; and such charges shall

Poor law  
medical  
officers en-  
titled to costs  
of attendance  
on board  
vessels.



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*Prevention  
of Epidemic  
Diseases.*

be paid by the master of the vessel on behalf of the owners thereof, together with any reasonable expenses for the treatment of the sick.

(2.) Where such service is rendered by any medical practitioner who is not a poor law medical officer, he shall be entitled to charge for the service with extra remuneration on account of distance, at the rate which he is in the habit of receiving from private patients of the class of those attended and treated on shipboard, and such charge shall be paid as aforesaid. Any dispute in respect of such charge may, where the charges do not exceed twenty pounds, be determined by a petty sessional court; and that 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.

*Local  
Government  
Board may  
combine  
sanitary  
authorities.*

84. The Local Government Board may, if they think fit, by order authorise or require any two or more sanitary authorities to act together for the purposes of the epidemic regulations and prescribe the mode of such joint action, and of defraying the cost thereof, and generally may make any regulations necessary or proper for carrying into execution this section.

*Metropolitan  
Asylum  
Managers a  
sanitary  
authority for  
prevention of  
epidemic  
diseases.*

85.—(1.) The Metropolitan Asylum Managers shall within their district have for the purpose of the epidemic regulations such powers and duties of a sanitary authority as may be assigned to them by the regulations; and the Local Government Board may make regulations for that purpose and thereby provide for the adjustment of the functions of the Managers relatively to those of any sanitary authorities.

(2.) Subject to such regulations the Metropolitan Asylum Managers may use any of their property, real or personal, and their staff, for the execution of any powers or duties conferred or imposed on them under this section.

*Power to let  
hospitals, &c.*

86. Any authority or body of persons having the management and control of any hospital, infirmary, asylum, or workhouse may let the same or any part thereof to the Metropolitan Asylum Managers, and enter into and carry into effect contracts with those Managers for the reception, treatment, and maintenance therein of persons suffering from cholera or choleraic diarrhoea within the district of the Managers:

Provided that the power conferred by this section shall not, without the consent of the Local Government Board, be exercised with respect to any asylum under the Metropolitan Poor Act, 1867, or any workhouse.

30 & 31 Vict.  
c. 6.



87. The amount expended in pursuance of the epidemic regulations by any sanitary authority in providing any building for the reception of patients or other persons shall, to such extent as may be determined by the Local Government Board, together with two thirds of the salaries or remuneration of any officers or servants employed in any such building under this Act, be repaid to such sanitary authority from the metropolitan common poor fund by the receiver of that fund, out of any moneys for the time being in his hands, on the precept of the said Board, to be issued after the production of such evidence in support of the expenditure as they may deem satisfactory, and the said Board may require contributions for the purpose of raising the sums so repayable.

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*Prevention of Epidemic Diseases.*

Repayment to sanitary authorities of certain expenses.

*Mortuaries, &c.**Mortuaries, &c.*

88. Every sanitary authority 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 byelaws with respect to the management and charges for the use of the same; they may also provide for the decent and economical interment, at charges to be fixed by such byelaws, of any dead body received into a mortuary.

Power of local authority to provide mortuaries.

89.—(1.) Where either—

(a.) the body of a person who has died of any infectious disease is retained in a room in which persons live or sleep; or

(b.) the body of a person who has died of any dangerous infectious disease is retained without the sanction of the medical officer of health or any legally qualified medical practitioner for more than forty-eight hours, elsewhere than in a room not used at the time as a dwelling-place, sleeping-place, or work-room; or

(c.) any dead body is retained in any house or room, so as to endanger the health of the inmates thereof, or of any adjoining or neighbouring house or building,

Power of justice in certain cases to order removal of dead body to mortuary.

a justice may, on a certificate signed by a medical officer of health or other legally qualified medical practitioner, direct that the body be removed, at the cost of the sanitary authority, to any available mortuary, and be buried within the time limited by the justice; and may if it is the body of a person who has died of an infectious disease, or if he considers immediate burial necessary, direct that the body be buried immediately, without removal to the mortuary.

(2.) Unless the friends or relations of the deceased undertake to bury and do bury the body within the time so limited, it shall be the duty of the relieving officer to bury such body, and any



A.D. 1891. expense so incurred shall be paid (in the first instance) by the board of guardians of the poor law union, but may be recovered by them in a summary manner from any person legally liable to pay the expense of such burial.

*Mortuaries,  
&c.*

(3.) If any person obstructs the execution of any direction given by a justice under this section, he shall be liable to a fine not exceeding five pounds.

Power of  
sanitary  
authority to  
provide  
places for  
post-mortem  
examina-  
tions.

90.—(1.) Any sanitary authority may, and if required by the county council shall, provide and maintain a proper building (otherwise than at a workhouse) 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 building.

(2.) Any such building may be provided in connexion with a mortuary, but this enactment shall not authorise the conducting of any post-mortem examination in a mortuary.

Power to  
sanitary  
authorities  
to unite for  
providing  
mortuary.

91. Any sanitary authorities may, with the approval of the county council, execute their duty under this Act with respect to mortuaries and buildings for post-mortem examinations by combining for the purpose thereof, or by contracting for the use by one of the contracting authorities of any such mortuary or building provided by another of such contracting authorities, and may so combine or contract upon such terms as may be agreed upon.

Place for  
holding  
inquests.

92. The county council shall provide and maintain proper accommodation for the holding of inquests, and may by agreement with a sanitary authority provide and maintain the same in connexion with a mortuary or a building for post-mortem examinations provided by that authority, or with any building belonging to that authority, and may do so on such terms as may be agreed on with the authority.

Mortuary  
for un-  
identified  
bodies.

93.—(1.) The county council may provide and fit up in London one or two suitable buildings to which dead bodies found in London and not identified, together with any clothing, articles, and other things found with or on such dead bodies, may on the order of a coroner be removed, and in which they may be retained and preserved with a view to the ultimate identification of such dead bodies.

(2.) A Secretary of State may make regulations as to—

(a.) the manner in which and conditions subject to which any such bodies shall be removed to any such building, and the payments to be made at such building to persons bringing any unidentified dead body for reception ; and



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(b.) the fees and charges to be paid upon the removal or interment of any such dead body which has been identified after its reception, and the persons by whom such fees and payments are to be made, and the manner and method of recovering the same; and

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Mortuaries,  
&c.

(c.) the disposal and interment of any such bodies.

(3.) The county council may provide at the said buildings all such appliances as they think expedient for the reception and preservation of bodies, and may make regulations (subject to the provisions aforesaid) as to the management of the said buildings and the bodies therein, and as to the conduct of persons employed therein or resorting thereto for the purpose of identifying any body.

(4.) Subject to and in accordance with such regulations as may be made by a Secretary of State, any such body found in London may (on the order in writing of a coroner holding or having jurisdiction to hold the inquest on the same) be removed to any building provided under this section, and subject as aforesaid the inquest on any such body shall be held by the same coroner and in the same manner as if the said building were within the district of such coroner.

*Byelaws as to Houses let in Lodgings.*

*Byelaws as to Houses let in Lodgings.*

94.—(1.) Every sanitary authority shall make and enforce such byelaws as are requisite for the following matters; (that is to say,)

Power of sanitary authority to make byelaws as to lodging-houses.

(a.) for fixing the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family, and for the separation of the sexes in a house so let or occupied:

(b.) for the registration of houses so let or occupied:

(c.) for the inspection of such houses:

(d.) for enforcing drainage for such houses, and for promoting cleanliness and ventilation in such houses:

(e.) for the cleansing and lime-washing at stated times of the premises:

(f.) for the taking of precautions in case of any infectious disease.

(2.) This section shall not apply to common lodging-houses within the Common Lodging Houses Act, 1851, or any Act amending the same.

14 & 15 Vict. c. 28.  
16 & 17 Vict. c. 41.

*Tents and Vans.*

*Tents and Vans.*

95.—(1.) A tent, van, shed, or similar structure used for human habitation, which is in such a state as to be a nuisance or injurious

Tents and vans used for human habitation.



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*Tents and  
Vans.*

or dangerous to health, or is so overcrowded as to be injurious or dangerous to the health of the inmates, whether or not members of the same family, shall be a nuisance liable to be dealt with summarily under this Act.

(2.) A sanitary authority may make byelaws for promoting cleanliness in, and the habitable condition of tents, vans, sheds, and similar structures used for human habitation, and for preventing the spread of infectious disease by the persons inhabiting the same, and generally for the prevention of nuisances in connexion with the same.

(3.) Where any person duly authorised by a sanitary authority or by a justice has reasonable cause to suppose either—

(a.) that any tent, van, shed, or similar structure used for human habitation is in such a state or so overcrowded as aforesaid, or that there is any contravention therein of any byelaw made under this section; or

(b.) that there is in any such tent, van, shed, or structure any person suffering from a dangerous infectious disease, he may enter by day such tent, van, shed, or structure, and examine the same and every part thereof in order to ascertain whether such tent, van, shed, or structure is in such a state or so overcrowded as aforesaid, or whether there is therein any such contravention, or a person suffering from a dangerous infectious disease, and the provisions of this Act with respect to the entry into any premises by an officer of the sanitary authority shall apply to the entry by any person duly authorised as aforesaid.

(4.) Nothing in this section shall apply to any tent, van, shed, or structure erected or used by any portion of Her Majesty's naval or military forces.

*Under-  
ground  
Rooms.*

Provisions  
as to the  
occupation  
of under-  
ground  
rooms as  
dwellings.

*Underground Rooms.*

**96.**—(1.) Any underground room, which was not let or occupied separately as a dwelling before the passing of this Act, shall not be so let or occupied unless it possesses the following requisites; that is to say,

(a) unless the room is in every part thereof at least seven feet high measured from the floor to the ceiling, and has at least three feet of its height above the surface of the street or ground adjoining or nearest to the room: Provided that, if the width of the area herein-after mentioned is not less than the height of the room from the floor to the said surface of the street or ground, the height of the room above such surface



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*Under-ground  
Rooms.*

may be less than three feet, but it shall not in any case be less than one foot, and the width of the area need not in any case be more than six feet ;

- (b) unless every wall of the room is constructed with a proper damp course, and, if in contact with the soil, is effectually secured against dampness from that soil ;
- (c) unless there is outside of and adjoining the room and extending along the entire frontage thereof and upwards from six inches below the level of the floor thereof an open area properly paved at least four feet wide in every part thereof : Provided that in the area there may be placed steps necessary for access to the room, and over and across such area there may be steps necessary for access to any building above the underground room, if the steps in each case be so placed as not to be over or across any external window ;
- (d) unless the said area and the soil immediately below the room are effectually drained ;
- (e) unless, if the room has a hollow floor, the space beneath it is sufficiently ventilated to the outer air ;
- (f) unless any drain passing under the room is properly constructed of a gas-tight pipe ;
- (g) unless the room is effectually secured against the rising of any effluvia or exhalation ;
- (h) unless there is appurtenant to the room the use of a water-closet and a proper and sufficient ash-pit ;
- (i) unless the room is effectually ventilated ;
- (j) unless the room has a fire-place with a proper chimney or flue ;
- (k) unless the room has one or more windows opening directly into the external air with a total area clear of the sash frames equal to at least one tenth of the floor area of the room, and so constructed that one half at least of each window of the room can be opened, and the opening in each case extends to the top of the window.

(2.) If any person lets or occupies, or continues to let, or knowingly suffers to be occupied, any underground room contrary to this enactment, he shall be liable to a fine not exceeding twenty shillings for every day during which the room continues to be so let or occupied.

(3.) The foregoing provisions shall at the expiration of six months after the commencement of this Act extend to underground rooms let or occupied separately as dwellings before the passing of this Act, except that the sanitary authority, either by general



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*Under-  
ground  
Rooms.*

regulations providing for classes of underground rooms, or on the application of the owner of such room in any particular case, may dispense with or modify any of the said requisites which involve the structural alteration of the building, if they are of opinion that they can properly do so having due regard to the fitness of the room for human habitation, to the house accommodation in the district, and to the sanitary condition of the inhabitants and to other circumstances, but any requisite which was required before the passing of this Act shall not be so dispensed with or modified.

(4.) The dispensations and modifications may be allowed either absolutely or for a limited time, and may be revoked and varied by the sanitary authority, and shall be recorded together with the reasons in the minutes of the sanitary authority.

(5.) If the owner of any room feels aggrieved by a dispensation or modification not being allowed as regards that room, he may appeal to the Local Government Board, and that Board may refuse the dispensation or modification, or allow it wholly or partly, as if they were the sanitary authority. Such allowance may be revoked or varied by the Board, but not by the sanitary authority.

(6.) Where two or more underground rooms are occupied together, and are not occupied in conjunction with any other room or rooms on any other floor of the same house, each of them shall be deemed to be separately occupied as a dwelling within the meaning of this section.

(7.) Every underground room in which a person passes the night shall be deemed to be occupied as a dwelling within the meaning of this section; and evidence giving rise to a probable presumption that some person passes the night in an underground room shall be evidence, until the contrary is proved, that such has been the case.

(8.) Where it is shown that any person uses an underground room as a sleeping-place, it shall, in any proceeding under this section, lie on the defendant to show that the room is not separately occupied as a dwelling.

(9.) For the purpose of this section the expression "underground room" includes any room of a house the surface of the floor of which room is more than three feet below the surface of the foot-way of the adjoining street, or of the ground adjoining or nearest to the room.

Enforcement  
of provisions  
as to under-  
ground  
rooms.

**97.**—(1.) Any officer of a sanitary authority appointed or determined by that authority for the purpose shall, without any fee or reward, report to the sanitary authority, at such times and in such manner as the sanitary authority may order, all cases in which



underground rooms are occupied contrary to this Act in the district of such authority. A.D. 1891.

(2.) Any such officer or any other person having reasonable grounds for believing that any underground room is occupied in contravention of this Act may enter and inspect the same at any hour by day; and if admission is refused to any person other than an officer of the sanitary authority the like warrant may be granted by a justice under this Act as in case of refusal to admit any such officer.

(3.) A warrant of a justice authorising an entry into an underground room may authorise the entry between any hours specified in the warrant.

98. Where two convictions for an offence relating to the occupation of an underground room as a dwelling have taken place within a period of three months (whether the persons convicted were or were not the same), a petty sessional court may direct the closing of the underground room for such period as the court may deem necessary, or may empower the sanitary authority of the district permanently to close the same, in such manner as they think fit, at their own cost.

Provision in case of two convictions for unlawfully occupying underground room.

#### *Authorities for Execution of Act.*

99.—(1.) Subject to the provisions of this Act, the sanitary authority for the execution of this Act (in this Act referred to as “the sanitary authority”) shall be as follows; (namely,)

- (a) in the City of London the commissioners of sewers; and
- (b) in each of the parishes mentioned in Schedule (A.) to the Metropolis Management Act, 1855, as amended by the Metropolis Management Amendment Act, 1885, and the Metropolis Management (Battersea and Westminster) Act, 1887, other than Woolwich, the vestry of the parish; and
- (c) in each of the districts mentioned in Schedule (B.) to the same Act, as so amended, the district board for the district; and
- (d) in the parish of Woolwich, the local board of health; and
- (e) in any place mentioned in Schedule (C.) to the Metropolis Management Act, 1855, the board of guardians for such place or for any parish or poor law union of which it forms part, or, if there is no such board of guardians, the overseers of the poor for such place, or for the parish in which it is situate, and the said guardians and overseers respectively shall have the

*Authorities for execution of Act.*

Definition of sanitary authority.  
18 & 19 Vict.  
c. 120.  
48 & 49 Vict.  
c. 33.  
50 & 51 Vict.  
c. 17.



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*Authorities  
for execu-  
tion of Act.*

same powers for the purposes of this Act as a vestry or district board have under this Act, and their expenses shall be defrayed in the same manner as the expenses of the execution of the Acts relating to the relief of the poor are defrayed in the said place.

(2.) The area within which this Act is executed by any sanitary authority is in this Act referred to as the district of that authority.

(3.) The purposes for which a committee of a vestry or district board may be appointed under the Metropolis Management Act, 1855, and the Acts amending the same, shall include the purposes of this Act, and the provisions of those Acts with respect to committees shall apply accordingly.

(4.) Where a sanitary authority appoint a committee for the purposes of this Act, that committee, subject to the terms of their appointment, may serve and receive notices, take proceedings, and empower any officer of the authority to make complaints and take proceedings in their behalf, and otherwise to execute this Act.

(5.) A sanitary authority may acquire and hold land for the purposes of their duties without any licence in mortmain.

Power of  
county  
council to  
prosecute on  
default of  
sanitary  
authority.

**100.** The county council, on it being proved to their satisfaction that any sanitary authority have made default in doing their duty under this Act with respect to the removal of any nuisance, the institution of any proceedings, or the enforcement of any byelaw, may institute any proceeding and do any act which the authority might have instituted or done for that purpose, and shall be entitled to recover from the sanitary authority in default all such expenses in and about the said proceeding or act as the county council incur, and are not recovered from any other person, and have not been incurred in any unsuccessful proceeding.

Proceedings  
on complaint  
to Local  
Government  
Board of  
default of  
sanitary  
authority.

**101.—**(1.) Where complaint is made by the county council to the Local Government Board that a sanitary authority have made default in executing or enforcing any provisions which it is their duty to execute or enforce of this Act, or of any byelaw made in pursuance thereof, the Local Government Board, if satisfied after due inquiry that the authority have been guilty of the alleged default, and that the complaint cannot be remedied under the other provisions of this Act, shall make an order limiting a time for the performance of the duty of such authority in the matter of such complaint. If such duty is not performed by the time limited in the order, the order may be enforced by writ of Mandamus, or the Local Government Board may appoint the county council to perform such duty.



(2.) Where such appointment is made, the county council shall, for the purpose of the execution of their duties under the said appointment, have all the powers of the defaulting sanitary authority, and all expenses incurred by the county council in the execution of the said duties, together with the costs of the previous proceedings, so far as not recovered from any other person, shall be a debt from the sanitary authority in default to the county council, and shall be paid by the sanitary authority out of any moneys or rate applicable to the payment of the expenses of performing the duty in which they have made default.

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—  
*Authorities  
for execution  
of Act.*

(3.) For the purpose of recovering such debt the county council, without prejudice to any other power of recovery, shall have the same power of levying the amount by a rate, and of requiring officers of the defaulting authority to pay over money in their hands, as the defaulting authority would have in the case of expenses legally payable out of a rate raised by that authority.

(4.) The county council shall pay any surplus of the rate so levied to or to the order of the defaulting authority.

(5.) If any loan is required to be raised for the purpose of the execution of their duties under the said appointment, the county council with the consent of the Local Government Board may raise the same, and may for that purpose borrow the required sum in the name of the defaulting authority for the same period, on the same security, and on the same terms as that authority might have borrowed, and the principal and interest of such loan shall be a debt due from the defaulting authority, and shall be secured and may be recovered in like manner as if the loan had been borrowed by that authority.

(6.) The surplus (if any) of any loan not applied for the purpose for which it is raised shall, after payment of the expenses of raising the same, be paid to or to the order of the defaulting authority, and be applied as if it were the surplus of a loan raised by that authority.

**102.—**(1.) The provisions of the Public Health Acts, which are set out in the Second Schedule to this Act, except so far as they are superseded by this Act, shall extend to the parish of Woolwich, and to the local board of health thereof, in like manner as they apply to any urban sanitary district elsewhere, and the sanitary authority thereof, without prejudice to the existing effect of the Metropolis Management Act, 1855, and the Acts amending the same, or to the powers, duties, and liabilities of the county council and the local board of health of Woolwich under the latter Acts.

Application  
of Public  
Health Acts  
to Woolwich.



A.D. 1891.

*Authorities  
for execu-  
tion of Act.*Expenses of  
execution of  
Act.

(2.) The Woolwich Local Board may borrow for the purposes of this Act in like manner as if those purposes were purposes of the Public Health Acts.

**103.** The expenses incurred by sanitary authorities in London under this Act shall, save as otherwise in this Act mentioned, be defrayed as follows; (namely,)

In the case of the commissioners of sewers, out of their sewer rate and consolidated rate, or either of such rates:

In the case of any vestry or district board, out of their general rate:

In the case of the local board of health of Woolwich, out of the district fund or general district rate.

Expenses of  
Metropolitan  
Asylum  
Board.

**104.**—(1.) All expenses incurred by the Metropolitan Asylum Managers in the execution of the provisions of this Act relating to the provision and maintenance of carriages, buildings, and horses, and the conveyance in such carriages of persons suffering from any dangerous infectious disease shall to such extent as the Local Government Board may sanction be defrayed out of the metropolitan common poor fund.

30 & 31 Vict.  
c. 6.

(2.) Save as aforesaid, all expenses incurred by the said Managers in the execution of this Act shall so far as they are not recovered from guardians in pursuance of this Act be defrayed in the same manner as the expenses mentioned in section thirty-one of the Metropolitan Poor Act, 1867, are to be defrayed under that section; and shall be raised and be recoverable in the same manner as expenses under that Act.

(3.) The provision of vessels and buildings in pursuance of this Act shall be purposes for which the Metropolitan Asylum Managers may borrow in pursuance of the Metropolitan Poor Act, 1867, and any Acts amending the same.

Power of  
vestries and  
district  
boards to  
borrow.

**105.**—(1.) The provision of hospitals and of mortuaries under this Act, and the purposes of the epidemic regulations under this Act, shall be purposes for which vestries and district boards are authorised to borrow.

(2.) A sanitary authority, with the consent of the Local Government Board, may borrow for the purpose of providing, as required or authorised by this Act—

- (a) sanitary conveniences, lavatories, and ashpits, and
- (b) premises, apparatus, carriages, and vessels for the disinfection, destruction, and removal of infected articles, and
- (c) a building for post-mortem examinations and accommodation for the holding of inquests.



(3.) The purposes for which a sanitary authority are authorised under this Act to borrow shall be purposes for which that authority may borrow under the Acts relating to the execution of the other duties of that authority, and, where the consent of the Local Government Board is required and given to any such loan, the consent of any other authority shall not be required.

A.D. 1891.  
*Authorities  
for execu-  
tion of Act.*

**106.—(1.)** Every sanitary authority shall appoint one or more medical officers of health for their district.

Appointment  
of medical  
officers of  
health.

(2.) The same person may, with the sanction of the Local Government Board, be appointed medical officer of health for two or more districts, by the sanitary authorities of such districts; and the Local Government Board shall 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.

(3.) Every person appointed or re-appointed after the commencement of this Act as medical officer of health of a district shall (except during the two months next after the time of his appointment, or except in cases allowed by the Local Government Board) reside in such district or within one mile of the boundary thereof, and, if while not so residing as required by this enactment he assumes to act or receives any remuneration as such medical officer of health, he shall cease to hold the office.

(4.) A medical officer of health may exercise any of the powers with which a sanitary inspector is invested.

(5.) The annual report of a medical officer of health to the sanitary authority shall be appended to the annual report of the sanitary authority.

**107.—(1.)** Every sanitary authority shall appoint an adequate number of fit and proper persons as sanitary inspectors, and may distribute among them the duties to be performed by sanitary inspectors, and every such inspector shall be a person qualified and competent by his knowledge and experience to perform the duties of his office.

Appointment  
of sanitary  
inspectors

(2.) Where the Local Government Board, on a representation from the county council, and after local inquiry, are satisfied that any sanitary authority have failed to appoint a sufficient number of sanitary inspectors, the Board may order the authority to appoint such number of additional sanitary inspectors and to allow them such remuneration as the order directs, and the sanitary authority shall comply with the order.

(3.) The sanitary inspectors shall report to the sanitary authority the existence of any nuisances; and the sanitary authority shall



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*Authorities  
for execution  
of Act.*

cause a book to be kept in which shall be entered all complaints made of any infringement of the provisions of this Act or of any byelaws made thereunder, or of nuisances; and every such inspector shall forthwith inquire into the truth or otherwise of such complaints, and report upon the same, and such report shall be laid before the sanitary authority at their next meeting, and together with the order of the sanitary authority thereon shall be entered in a book, which shall be kept at their office, and shall be open at all reasonable times to the inspection of any inhabitant of the district, and of any officer either generally or specially authorised for the purpose by the county council; and it shall be the duty of such inspector, subject to the direction of the sanitary authority, or of a committee thereof, to make complaints before justices and take legal proceedings for the punishment of any person for any offence under this Act or any such byelaws.

Provisions  
as to medical  
officers and  
sanitary  
inspectors.

51 & 52 Vict.  
c. 41.

**108.**—(1.) Subject to the provisions of this Act as to existing officers, the Local Government Board shall have the same powers as they have in the case of a district medical officer of a poor law union with regard to the qualification, appointment, duties, salary, and tenure of office of every medical officer of health and sanitary inspector, and one-half of the salary of every such medical officer and sanitary inspector shall be paid by the county council out of the Exchequer contribution account in accordance with section twenty-four of the Local Government Act, 1888, and that section shall be construed as if in subsection two thereof the reference to the Public Health Act, 1875, included a reference to this Act.

(2.) Provided that—

49 & 50 Vict.  
c. 48.

- (a.) A medical officer of health shall be legally qualified for the practice of medicine, surgery, and midwifery, and also either be registered in the Medical Register as the holder of a diploma in sanitary science, public health, or State medicine under section twenty-one of the Medical Act, 1886, or have been during three consecutive years preceding the year one thousand eight hundred and ninety-two a medical officer of a district or combination of districts in London or elsewhere with a population according to the last published census of not less than twenty thousand, or have before the passing of the Local Government Act, 1888, been for not less than three years a medical officer or inspector of the Local Government Board; and
- (b.) A medical officer of health shall be removable by the sanitary authority with the consent of the Local Government Board, or by that Board, and not otherwise:



Provided that the Local Government Board shall take into consideration every representation made by the sanitary authority for the removal of any medical officer, whether based on the general interests of the district, on the conduct of such officer, or on any other ground; and

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—  
*Authorities  
for execu-  
tion of Act.*

(c.) Any such medical officer shall not be appointed for a limited period only; and

(d.) A sanitary inspector appointed after the first day of January one thousand eight hundred and ninety-five shall be holder of a certificate of such body as the Local Government Board may from time to time approve, that he has by examination shown himself competent for such office, or shall have been, during three consecutive years preceding the year one thousand eight hundred and ninety-five, a sanitary inspector or inspector of nuisances of a district in London, or of an urban sanitary district out of London containing according to the last published census a population of not less than twenty thousand inhabitants.

109. A sanitary authority, where occasion requires, may, with the sanction of the Local Government Board, make any temporary arrangement for the performance of all or any of the duties of a medical officer of health or sanitary inspector, and any person appointed by virtue of any such arrangement to perform those duties, or any of them, shall, subject to the terms of his appointment, have all the powers, duties, and liabilities of a medical officer of health or sanitary inspector as the case may be.

Temporary  
arrangement  
for duties  
of medical  
officer or  
sanitary  
inspector.

110.—(1.) For the purposes of this Act any vessel lying in any river or other water within the district of a sanitary authority shall (subject to the provisions of this Act with respect to the port sanitary authority of the port of London) be subject to the jurisdiction of that authority in the same manner as if it were a house within such district.

Jurisdiction  
as to ships.

(2.) The master of any such vessel shall be deemed for the purposes of this Act to be the occupier of such vessel.

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

*Port Sanitary Authority of Port of London.*

*Port  
Sanitary  
Authority  
of Port of  
London.*

111. The Mayor, Commonalty, and Citizens of the City of London shall continue to be the port sanitary authority of the port of London, as established for the purposes of the laws relating to

Port sanitary  
authority  
of port of  
London.



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*Port  
Sanitary  
Authority  
of Port of  
London.*  
Powers of  
port sanitary  
authority of  
port of  
London.  
38 & 39 Vict.  
c. 55.

the customs of the United Kingdom, and shall pay out of their corporate funds all their expenses as such port sanitary authority.

**112.**—(1.) The Local Government Board may by order assign to the port sanitary authority of the port of London any powers, rights, duties, capacities, liabilities, or obligations of a sanitary authority under this Act, or of a sanitary authority under the Public Health Act, 1875, and any Act extending or amending the same respectively, with such modifications and additions (if any) as may appear to the Board to be required, and the order may extend to the said port a byelaw made under this Act otherwise than by the port sanitary authority, and any such byelaw until so extended shall not extend to the said port; and the said port sanitary authority shall have the powers, rights, duties, capacities, liabilities, and obligations assigned by such order in and over all waters within the limits of the said port, and also in and over such districts or parts of districts of riparian authorities as may be specified in any such order, and the order may extend this Act, and any part thereof, and any byelaw made thereunder, to such waters and districts and parts of districts when not situate in London.

(2.) The said port sanitary authority may acquire and hold land for the purposes of their constitution without any licence in mortmain.

(3.) The said port sanitary authority may, with the sanction of the Local Government Board, delegate to any riparian authority the exercise of any powers conferred on the port sanitary authority by the order of the Board, but except in so far as such delegation extends no other authority shall exercise any powers conferred on such port sanitary authority by the order of the Board within the limits of the port of London.

(4.) "Riparian authority" in this section means any sanitary authority under this Act and any sanitary authority under the Public Health Act, 1875, whose district or part of whose district forms part of or abuts on any part of the said port, and any conservators, commissioners, or other persons having authority in or over any part of the said port.

*Application  
of Public  
Health Acts  
as to Cholera,*

*&c.*  
Powers  
of Local  
Government  
Board as to  
epidemic  
diseases.

*Application of Public Health Acts as to Cholera, &c.*

**113.** The sections of the Public Health Acts (relating to regulations and orders of the Local Government Board with respect to cholera, or other epidemic, endemic, or infectious diseases) set out in the First Schedule to this Act, shall extend to London, and shall apply in like manner as if a sanitary authority under this Act were a local authority within the meaning of those sections.



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*Byelaws.*

*Byelaws.*  
*Byelaws.*

114. All byelaws made by the county council or by any sanitary authority under this Act shall be made subject and according to the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, and set forth in the First Schedule to this Act; and those sections shall apply in like manner as if the county council or sanitary authority were a local authority :

38 & 39 Viet.  
c. 55.

Provided that the county council, in making any byelaws which will have to be observed and enforced by any sanitary authority, shall consider any representations made to the council by that authority, and not less than two months before applying to the Local Government Board for the confirmation of any such byelaws shall send a copy of the proposed byelaws to every such authority.

*Legal Proceedings.*

*Legal Pro-  
ceedings.*

115.—(1.) Where a sanitary authority have by virtue of this Act power to examine or enter any premises, whether a building, vessel, tent, van, shed, structure, or place open or enclosed, they may examine or enter by any members of the authority, or by any officers or persons authorised by them, either generally or in any particular case.

General  
provisions as  
to powers of  
entry.

(2.) Where a sanitary authority, or their officers, or any persons acting under such authority, or under any of their officers, have by virtue of any enactment in this Act, a right to enter any premises, whether a building, vessel, tent, van, shed, structure, or place open or enclosed, then, subject to any special provisions contained in such enactment, the following provisions shall apply, that is to say—

- (a.) The person so claiming the right to enter shall, if required, produce some written document, properly authenticated on the part of the sanitary authority, showing the right of the person producing the same to enter;
- (b.) Any person refusing or failing to admit any person who is authorised and claims to enter the premises shall if—
  - (i.) the entry is for the purpose of carrying into effect an order of a court of summary jurisdiction, and either is stated in the said document to be for that purpose or is claimed by an officer of the sanitary authority, or
  - (ii.) it is proved that the refusal or failure is with intent to prevent the discovery of some contravention of this Act or any byelaw under this Act, or



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*Legal Proceedings.*

(iii.) the refusal or failure is declared by the enactment conferring the right of entry to render the person refusing or failing subject to a fine,

be liable to a fine not exceeding five pounds.

(3.) If a justice is satisfied by information on oath—

(a.) that there is reasonable ground for such entry, and that there has been a refusal or failure to admit to such premises, and either that reasonable notice of the intention to apply to a justice for a warrant has been given, or that the giving of notice would defeat the object of the entry, or

(b.) that there is reasonable cause to believe that there is on the said premises some contravention of this Act or of any byelaw under this Act, and that an application for admission or notice of an application for the warrant would defeat the object of the entry,

the justice may by warrant under his hand authorise the sanitary authority or their officers or other person, as the case may require, to enter the premises, and if need be by force, with such assistants as they or he may require, and there execute their duties under this Act.

(4.) Any person obstructing the execution of any such warrant, or of any warrant granted by a justice in pursuance of any other provision of this Act, and authorising the entry by the sanitary authority or their officer or any other person into any premises, shall be liable to a fine not exceeding twenty pounds, or, in a case where a greater punishment is imposed by this Act or any other enactment, either to such fine or to that greater punishment.

(5.) The warrant shall continue in force until the purpose for which the entry is necessary has been satisfied.

(6.) Where a house or part of a house is alleged to be overcrowded so as to be a nuisance liable to be dealt with summarily under this Act, a warrant under this section may authorise an entry into such house or part of a house at any hour of the day or night specified in the warrant.

Penalty on  
obstructing  
execution of  
Act.

**116.—(1.)** If any person—

(a) wilfully obstructs any member or officer of a sanitary authority or any person duly employed in the execution of this Act, or,

(b) destroys, pulls down, injures, or defaces any byelaw, notice, or other matter put up by authority of the Local Government Board or county council, or of a sanitary authority, or any board or other thing upon which such byelaw, notice, or matter is placed or inscribed, or



(c) wilfully damages any works or property belonging to any sanitary authority,  
he shall be liable to a fine not exceeding five pounds.

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*Legal Proceedings.*

(2.) Where the occupier of any premises prevents the owner thereof from obeying or carrying into effect any provision of this Act, a petty sessional court, on complaint, shall by order require such occupier to permit the execution of any works which appear to the court necessary for the purpose of obeying or carrying into effect such provision of this Act; and if within twenty-four hours after service on him of the order such occupier fails to comply therewith, he shall be liable to a fine not exceeding five pounds for every day during the continuance of such non-compliance.

(3.) If the occupier of any premises, when requested by or on behalf of the sanitary authority to state the name and address of the owner of the premises, refuses or wilfully omits to disclose or wilfully misstates the same, he shall (unless he shows cause to the satisfaction of the court for his refusal) be liable to a fine not exceeding five pounds.

**117.**—(1.) All offences, fines, penalties, forfeitures, costs, and expenses under this Act or any byelaw made under this Act directed to be prosecuted or recovered in a summary manner, or the prosecution or recovery of which is not otherwise provided for, may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts.

*Summary proceedings for offences, expenses, &c.*

(2.) Proceedings for the recovery of a demand not exceeding fifty pounds, which a sanitary authority or any person are or is empowered to recover in a summary manner, may, at the option of the authority or person, be taken in the county court as if such demand were a debt.

(3.) A proceeding under this Act shall not be taken by the county council against a sanitary authority save with the sanction of the Local Government Board, unless such proceeding is for the recovery of expenses or of money due from the sanitary authority to the council.

**118.** Any person charged with an offence under this Act, and the wife or husband of such person, may, if such person thinks fit, be called, sworn, examined, and cross-examined as an ordinary witness in the case.

*Evidence by defendant.*

**119.**—(1.) All fines recovered under this Act shall, notwithstanding anything in any other Act, be paid to the sanitary authority and applied by them in aid of their expenses in the execution of this Act, except that any fine imposed on the sanitary authority shall be paid to the county council.

*Application of fines and disposal of things forfeited.*



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*Legal Pro-  
ceedings.*  
Proceedings  
in certain  
cases against  
nuisances.

(2.) All things forfeited under this Act may be sold or disposed of in such manner as the court ordering the forfeiture may direct.

**120.**—(1.) Where any nuisance under this Act appears to be wholly or partially caused by the acts or defaults of two or more persons, the sanitary authority or other complainant may institute proceedings against any one of such persons, or may include all or any two or more of them in one proceeding; and any one or more of such persons may be ordered to abate the nuisance, so far as it 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 the court contribute to the 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 the court may appear fair and reasonable.

(2.) 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.

(3.) Where some only of the persons by whose act or default any nuisance has been caused have been proceeded against under this Act, they shall, without prejudice to any other remedy, be entitled to recover in a summary manner from the other persons who were not proceeded against a proportionate part of the costs of and incidental to such proceedings and abating such nuisance, and of any fine and costs ordered to be paid by the court in such proceedings.

(4.) Whenever in any proceeding under the provisions of this Act relating to nuisances 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.

Recovery of  
expenses by  
sanitary  
authority  
from owner  
or occupier.

**121.** Any costs and expenses which are recoverable under this Act by a sanitary authority from an owner of premises may be recovered from the occupier for the time being of such premises; and the owner shall allow the occupier to deduct any money which he pays under this enactment out of the rent from time to time becoming due in respect of the premises, as if the same had been actually paid to the owner as part of the rent: Provided that—

(a.) the occupier shall not be so required to pay any further sum than the amount of rent which either is for the time being due from him, or which after demand from him of such costs or expenses, and notice not to pay any rent without first deducting the same, becomes payable by him, unless he refuses, on the



application of the sanitary 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 aforesaid amount of rent shall lie on such occupier; and

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*Legal Proceedings.*

(b.) nothing in this section shall affect any contract between any owner and occupier of any premises whereby the occupier agrees to pay or discharge all rates, dues, and sums of money payable in respect of such premises, or shall affect any contract whatsoever between landlord and tenant.

**122.** A judge or justice of the peace shall not be incapable of acting in cases arising under this Act by reason of his being a member of any sanitary 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 a sanitary authority are to be defrayed.

Justice to act though member of sanitary authority or liable to contribute.

**123.** The county council or a sanitary authority may appear before any court or in any legal proceeding by their clerk, or by any officer or member authorised generally or in respect of any special proceeding by resolution of such council or authority; and their clerk, or any officer or member so authorised, shall be at liberty to institute and carry on any proceeding which the county council or sanitary authority are authorised to institute and carry on under this Act.

Appearance of sanitary authority in legal proceedings.

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

Protection of sanitary authority and their officers from personal liability.

Provided that nothing in this section shall exempt any member of the county council or 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 council or authority, and which that member authorised or joined in authorising.



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*Appeal.*Appeal to  
quarter  
sessions.

**125.** Any person who deems himself aggrieved by any conviction or order made by a court of summary jurisdiction on determining any information or complaint under this Act may, save as otherwise provided in this Act, appeal therefrom to a court of quarter sessions.

Provision as  
to appeals  
to county  
council.  
18 & 19 Viet.  
c. 120.

**126.** Any appeal to the county council against a notice or act of a sanitary authority under this Act shall be conducted in accordance with sections two hundred and eleven and two hundred and twelve of the Metropolis Management Act, 1855, which sections, as modified by the Local Government Act, 1888, are set out in the First Schedule to this Act.

*Notices.*Authentica-  
tion of  
notices, &c.

**127.**—(1.) Notices, orders, and other such documents under this Act shall be in writing; and notices and documents other than orders, when issued by the county council or a sanitary authority, shall be sufficiently authenticated if signed by their clerk or by the officer by whom the same are given or served.

(2.) Orders shall be under the seal of the council or authority duly authenticated.

Service of  
notices.

**128.**—(1.) Any notice, order, or other document required or authorised to be served under this Act may be served by delivering the same or a true copy thereof either to or at the usual or last known residence in England of the person to whom it is addressed, or, where addressed to the owner or occupier of premises, then to some person on the premises, or, if there is no person on the premises who can be so served, then by fixing the same or a true copy thereof on some conspicuous part of the premises; it may also be served by sending the same or a true copy thereof by post addressed to a person at such residence or premises as above mentioned.

(2.) Any notice required or authorised for the purposes of this Act to be served on a sanitary authority or on the county council shall be deemed to be duly served if in writing delivered at, or sent by post to, the office of the authority or council, addressed to such authority or council, or their clerk.

(3.) Any notice by this Act required to be given to or served on 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 or served, without further name or description.



*Miscellaneous Provisions.*

A.D. 1891.

**129.** Sections two hundred and ninety-three to two hundred and ninety-six of the Public Health Act, 1875, which are set forth in the First Schedule to this Act, shall apply to all inquiries which the Local Government Board may make in pursuance of or for the purposes of this Act.

*Miscellaneous Provisions.*  
Inquiries by Local Government Board.  
38 & 39 Vict. c. 55.  
Forms.  
42 & 43 Vict. c. 49.

**130.** The forms in the Third Schedule to this Act, or forms to the like effect, varied as circumstances may require, may, unless other forms are prescribed under the Summary Jurisdiction Act, 1879, be used and shall be sufficient for all purposes.

**131.** Where the whole or any part of any expense incurred by the Lewisham District Board of Works, in pursuance of the epidemic regulations, may, under this Act, be repaid to that board out of the metropolitan common poor fund, the amount to be so repaid when ascertained shall be apportioned between the hamlet of Penge and the remainder of the Lewisham district in proportion to the rateable value of such hamlet and remainder, according to the valuation lists in force at the date of the apportionment, and the amount apportioned to the hamlet of Penge shall be repaid to the district board by the board of guardians for the Croydon Union out of the common fund of the union, in pursuance of a precept of the Local Government Board to be issued after the like proceedings and in the like manner as in the case of a repayment from the metropolitan common poor fund; and the amount apportioned to the remainder of the Lewisham district shall be repaid to the district board out of the metropolitan common poor fund.

Provision for apportionment of certain expenses between hamlet of Penge and remainder of Lewisham district.

**132.** This Act shall (save as otherwise expressly provided) extend only to London:

Extent of Act.

Provided that this Act shall extend to places elsewhere so far as is necessary for giving effect to any provisions thereof in their application to London and to any places to which such provisions are expressly applied.

*City of London.*

*City of London.*

**133.** In the application of this Act to the City of London the following modifications shall be made:

Application of Act to City.

(a.) There shall be no appeal under this Act from the commissioners of sewers to the county council:

(b.) The byelaws made by the county council under this Act shall not extend to the city:



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*City of  
London.*

(c.) The county council shall not have power under this Act to require the commissioners of sewers to provide and maintain a building for post-mortem examinations :

(d.) The powers of the county council under this Act to proceed in case of default of a sanitary authority shall not extend to the commissioners of sewers.

Power of  
city police to  
proceed in  
certain cases  
against  
nuisances.

**134.** Where it is proved to the satisfaction of the Local Government Board that the commissioners of sewers have made default in doing their duty in relation to nuisances under this Act, the Board may authorise any officer of police of the city of London to institute any proceeding which the commissioners might institute with regard to such nuisances, and that officer may recover from the commissioners in a summary manner or in the county court or High Court any expenses incurred by him, and not paid by the person proceeded against. Such officer of police shall not for the purpose of this section be at liberty to enter any house or part of a house used as the dwelling of any person without either such person's consent, or the warrant of a justice.

Proceedings  
on complaint  
to Local  
Government  
Board of  
default of  
Commis-  
sioners of  
Sewers.

**135.—(1.)** Where complaint is made to the Local Government Board that the commissioners of sewers have made default in executing or enforcing any provisions of this Act, the Local Government Board, if satisfied, after due inquiry, that those commissioners have 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 the duty is not performed by the time limited in the order, the order may be enforced by writ of Mandamus, or the Local Government Board may appoint some person to perform the duty, and shall by order direct that the expenses of performing the same, together with a reasonable remuneration to the person appointed for superintending the performance, and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the commissioners of sewers, and any order made for the payment of such expenses and costs may be removed into the High Court, and enforced as an order of that court.

(2.) Any person so appointed shall, in the performance and for the purposes of the said duty, be invested with all the powers of the commissioners of sewers other than (save as herein-after provided) the powers of levying rates; and the Local Government Board may by order change any person so appointed.

(3.) Any sum specified in an order of the Local Government Board for payment of the expenses of performing the duty of the commissioners of sewers, together with the costs of the proceedings,



shall be deemed to be expenses properly incurred by those commissioners, and to be a debt due from them, and payable out of any moneys in their hands or the hands of their officers, or out of any rate applicable to the payment of any expenses properly incurred by the commissioners (which rate is in this section referred to as "the local rate"). If the commissioners refuse to pay any such debt 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 (to be specified in the order) as may, in the opinion of the Local Government Board, be sufficient to defray the debt, and all expenses incurred in consequence of the nonpayment thereof.

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*City of  
London.*

(4.) Any person so empowered shall have the same powers of levying the local rate, and requiring all officers of the commissioners of sewers to pay over any money in their hands, as the commissioners would have in the case of expenses legally payable out of a local rate to be raised by them; and the said person, 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 commissioners of sewers.

(5.) The Local Government Board may certify the amount of expenses incurred, or an estimate of the expenses about to be incurred, by any person appointed by the Board under this section to perform the duty of the commissioners; also, the amount of any loan required to defray any expenses so incurred, or estimated as about to be incurred; and the certificate of the Board shall be conclusive as to all matters to which it relates.

(6.) Whenever the Local Government Board so certifies a loan to be required, that 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 the loan, and every such charge shall have the same effect as if the commissioners of sewers were empowered to raise the loan on the security of the local rate, and had duly executed an instrument charging the same on that rate.

(7.) Any principal money or interest for the time being due in respect of a loan under this section shall be a debt due from the commissioners of sewers, and, in addition to any other remedies, may be recovered in the manner in which a debt due from those commissioners may be recovered in pursuance of this section.

(8.) The surplus (if any) of any such loan, after payment of the expenses aforesaid, shall, on the amount thereof being certified by



A.D. 1891. the Local Government Board, be paid to or to the order of the commissioners of sewers.

*City of London.*

(9.) "Expenses," for the purposes of this section, shall include all sums payable under this section by or by the order of the Local Government Board, or the person appointed by that Board.

*Saving Clauses.*

Saving for water rights.

*Saving Clauses.*

**136.** Nothing in this Act shall be construed to authorise any sanitary authority to injuriously affect the navigation of any river or canal, or to divert or diminish any supply of water of right belonging to any river or canal; or 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 person would, if this Act had not been passed, have been entitled by law to prevent or be relieved against the injuriously affecting of such reservoir, canal, river, stream, feeders, or such supply, quality, or fall of water, unless the sanitary authority first obtain the consent in writing of the person so entitled as aforesaid.

Saving for Thames Conservators.  
33 & 34 Vict.  
c. cxlix.

Powers of Act to be cumulative.

**137.** Nothing in this Act shall affect any power of the Conservators of the Thames under the Thames Navigation Act, 1870, or otherwise.

**138.** All powers, rights, and remedies given by this Act shall be in addition to and not in derogation of any other powers, rights, and remedies conferred by any Act of Parliament, law, or custom, and all such other powers, rights, and remedies may be exercised and put in force in the same manner and by the same authority as if this Act had not passed.

*Temporary Provisions.*

Existing officers.

*Temporary Provisions.*

**139.—(1.)** In the case of any medical officer of health or inspector of nuisances who holds office under an appointment made before the commencement of this Act (in this section referred to as an existing officer), the provisions of this Act with respect to his salary and tenure of office shall be qualified as follows; that is to say,

(a.) Where a portion of his salary is paid by the county council out of the Exchequer contribution account, the Local Government Board shall have the same powers as they have in the case of a district medical officer of a poor law union with regard to the qualification, appointment, duties, salary, and tenure of office of such officer:



(b.) In any other case the Local Government Board may prescribe the qualification and duties of a medical officer of health : A.D. 1891.

(c.) Subject to the said powers of the Local Government Board, the sanitary authority may make such payments as they think fit on account of the remuneration and expenses of such officer, and every such officer shall be removable by the sanitary authority at their pleasure :

(d.) Every such inspector of nuisances shall be called a sanitary inspector.

(2.) The requirements of this Act with respect to the qualification of medical officers shall not apply to medical officers appointed before the first day of January one thousand eight hundred and ninety-two; and this Act shall not prevent any person who at the commencement of this Act is both a district medical officer of a union and a medical officer of health from continuing to hold those appointments in like manner as if this Act had not been passed.

140. Those members of the Woolwich Local Board whose term of office, if this Act had not been passed, would have expired in the month of August in any year, shall go out of office on the fifteenth day of April in the same year.

Term of office of existing members of Woolwich board.

*Interpretation.*

141. In this Act, unless the context otherwise requires,—

The expression “London” means the administrative county of London :

The expression “county council” means the London County Council :

The expression “the Metropolitan Asylum Managers” means the Managers of the Metropolitan Asylum District :

The expression “street” includes any highway, and any public bridge, and any road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not, and whether or not there are houses in such street :

The expression “premises” includes messuages, buildings, lands, easements, and hereditaments of any tenure, whether open or enclosed, whether built on or not, and whether public or private, and whether maintained or not under statutory authority :

The expression “house” includes schools, also factories and other buildings in which persons are employed :

*Interpretation.*  
Interpretation of terms.



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*Interpreta-  
tion.*

The expressions "building" and "house" respectively include the curtilage of a building or house, and include a building or house wholly or partly erected under statutory authority :

The expression "bakehouse" means any place in which are baked bread, biscuits, or confectionery, from the baking or selling of which a profit is derived :

The expression "vessel" includes a boat and every description of vessel used in navigation :

The expression "hospital" means any premises or vessels for the reception of the sick, whether permanently or temporarily applied for that purpose, and includes an asylum of the Metropolitan Asylum Managers :

The expression "master" means in the case of a building or part of a building, a person in occupation of or having the charge, management, or control of the building, or part of the building, and in the case of a house the whole of which is let out in separate tenements, or in the case of a lodging-house the whole of which is let to lodgers, includes the person receiving the rent payable by the tenants or lodgers either on his own account or as the agent of another person, and in the case of a vessel means the master or other person in charge thereof :

The expression "house refuse" means ashes, cinders, breeze, rubbish, night-soil, and filth, but does not include trade refuse :

The expression "trade refuse" means the refuse of any trade, manufacture, or business, or of any building materials :

The expression "street refuse" means dust, dirt, rubbish, mud, road-scrappings, ice, snow, and filth :

The expression "owner" means the person for the time being receiving the rackrent of the premises in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such premises were let at a rackrent :

The expression "rackrent" means rent which is not less than two-thirds of the full annual value of the premises out of which the rent arises ; and the full annual value shall be taken to be the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for the premises, if the tenant undertook to pay all usual tenant's rates and taxes, and tithe commutation rentcharge (if any), and if the landlord undertook to bear the cost of the repairs, and insurance, and the other expenses (if any) necessary to maintain the premises in a state to command such rent :



The expression "slaughterer of cattle or horses" means a person whose business it is to kill any description of cattle, or horses, asses, or mules, for the purpose of the flesh being used as butcher's meat; and the expression "slaughter-house" means any building or place used for the purpose of such business:

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—  
*Interpretation.*

The expression "knacker" means a person whose business it is to kill any horse, ass, mule, or cattle which is not killed for the purpose of the flesh being used as butcher's meat; and the expression "knacker's yard" means any building or place used for the purpose of such business:

The expression "cattle" includes sheep, goats, and swine:

The expression "source of water supply" means any stream, reservoir, aqueduct, pond, well, tank, cistern, pump, fountain, or other work or means for the supply of water, whether actually used or capable of being used for the supply of water or not:

The expression "sanitary convenience" includes urinals, water-closets, earth closets, privies, and any similar conveniences:

The expression "day" means the period between six o'clock in the morning and the succeeding nine o'clock in the evening:

The expression "ashpit" means any ashpit, dust-bin, ash-tub, or other receptacle for the deposit of ashes or refuse matter:

The expression "cistern" includes a water-butt:

The expression "dairy" includes any farm, farmhouse, cowshed, milk-store, milk-shop, or other place from which milk is supplied, or in which milk is kept for purposes of sale:

The expression "dairyman" includes any cowkeeper, purveyor of milk, or occupier of a dairy.

### *Repeal.*

### *Repeal.*

142.—(1.) The Acts specified in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule, and shall be so repealed as from the date in that schedule mentioned, and where no date is mentioned as from the commencement of this Act;

Repeal of enactments in schedule.

(2.) Provided that—

(a) where any enactment in the said schedule extends beyond London, such enactment shall not unless otherwise expressed be deemed to be hereby repealed, so far as it applies beyond London:

(b) all securities given under and all orders, byelaws, rules, regulations, and notices duly made or issued under or having



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*Repeal.*

effect in pursuance of any Act hereby repealed shall be of the same validity and effect as if they had been given, made, or issued under this Act, and any penalties recoverable under any such order, byelaw, rule, regulation, or notice may be recovered as if they were imposed by byelaws under this Act.

(3.) Where the county council or a sanitary authority are required by this Act to make byelaws for any purpose for which there are no byelaws of the council or authority in force at the commencement of this Act, the first byelaws made by the county council or sanitary authority for that purpose under this Act shall be submitted to the Local Government Board for sanction not later than six months after the commencement of this Act.

(4.) Any enactment expressed in the Fourth Schedule to this Act to be repealed as from the coming into operation of any byelaw made for the like object shall, although no such byelaw is made, be repealed on the expiration of twelve months next after the commencement of this Act, or such later day, not exceeding eighteen months from such commencement, as may be fixed by Order in Council.

38 & 39 Viet.  
c. 55.  
29 & 30 Viet.  
c. 90.  
35 & 36 Viet.  
c. 79.

(5.) For the removal of doubts it is hereby declared that so much of the Public Health Act, 1875, as re-enacts sections fifty-one and fifty-two of the Sanitary Act, 1866, and sections thirty-four to thirty-six of the Public Health Act, 1872, extends to London.

(6.) Officers appointed under any enactment hereby repealed shall continue in office in like manner as if they were appointed in pursuance of this Act, subject nevertheless to the provisions of this Act respecting existing officers.

(7.) Where in any enactment or in any order made by a Secretary 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 Act or any provisions of an Act are mentioned or referred to which relate to London and are repealed by this Act, such enactment, order, or document shall be read as if this Act or the corresponding provisions of this Act were therein mentioned or referred to instead of such repealed provisions, and as if a sanitary authority under this Act were substituted for any nuisance authority mentioned in such repealed provisions.

Commence-  
ment of Act.

**143.** This Act shall come into operation on the first day of January next after the passing thereof.

Short title.

**144.** This Act may be cited as the Public Health (London) Act, 1891.



## SCHEDULES.

A.D. 1891.

### FIRST SCHEDULE.

#### ENACTMENTS APPLIED.

*Section 33 of the Metropolis Water Act, 1871.*

33. The absence in respect of any premises of the prescribed fittings after the prescribed time shall be a nuisance, within section 11 and sections 12-19 (inclusive) of the Nuisances Removal Act for England, 1855, and within all provisions of the same or any other Act applying, amending, or otherwise relating to those sections; and that nuisance, if in any case proved to exist, shall be presumed to be such as to render the premises unfit for human habitation within section 13 of the Nuisances Removal Act for England, 1855, unless and until the contrary is shown to the satisfaction of the justices acting under that section.

34 & 35 Vict.  
c. 113.

Absence of  
proper water  
fittings in  
premises to be  
a nuisance.

*Sections 108 and 115 of the Public Health Act, 1875,  
relating to Nuisances out of the District.*

38 & 39 Vict.  
c. 55.

108. Where a nuisance under this Act within the district of a local authority appears to be wholly or partially caused by some act or default committed or taking place without their district, the local authority may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances by this Act authorised, 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.

Power to proceed where  
cause of nuisance arises  
without  
district.

This section shall extend to the metropolis so far as to authorise 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.

115. Where any house, building, manufactory, or place which is certified in pursuance of the last preceding section to be a nuisance or injurious to the health of any of the inhabitants of the district of an urban authority is situated without such district, such urban authority may take or cause to be taken any proceedings by that section authorised 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

Power to proceed where  
nuisance arises  
from offensive  
trade carried  
on without  
district.



A.D. 1891. 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 authorise 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.

38 & 39 Vict.  
c. 55.  
52 & 53 Vict.  
c. 64.

*Sections 130, 131, 135, and 140 of the Public Health Act, 1875, and section 2 of the Public Health Act, 1889, relating to regulations and orders of the Local Government Board with respect to cholera, or other epidemic, endemic, or infectious diseases.*

Power of Local  
Government  
Board to make  
regulations.

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

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

Explanation  
of powers of  
Local Govern-  
ment Board to  
make regula-  
tions.

2.—(1.) Regulations of the Local Government Board made in relation to cholera and choleraic diarrhoea in pursuance of section one hundred and thirty of the Public Health Act, 1875, may provide for such regulations being enforced and executed by the officers of Customs as well as by other authorities and officers, and without prejudice to the generality of the powers conferred by the said section may provide for the detention of vessels and of persons on board vessels, and for the duties to be performed by pilots, masters of vessels, and other persons on board vessels;

(2.) Provided that the regulations, so far as they apply to the officers of Customs, shall be subject to the consent of the Commissioners of Her Majesty's Customs;

(3.) The officers of Customs, for the purpose of the execution of any powers and duties under the said regulations, may exercise any powers conferred on such officers by any other Act.

Power of Local  
Government  
Board to make  
regulations for  
prevention of  
diseases.

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

- (1.) For the speedy interment of the dead; and
- (2.) For house to house visitation; 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 ;

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

135. All regulations and orders so made by the Local Government Board shall be published in the London Gazette, and such publication shall be conclusive evidence thereof for all purposes.

Publication of regulations and orders.

140. 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.

Penalty for violating or obstructing the execution of regulations.

*Sections 182–186 of the Public Health Act, 1875, relating to byelaws.*

38 & 39 Vict. c. 55.

182. All byelaws made by a local authority under and for the purposes of this Act shall be under their common seal ; and any such byelaw may be altered or repealed by a subsequent byelaw made pursuant to the provisions of this Act : Provided that no byelaw 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.

Authentication and alteration of byelaws.

183. Any local authority may, by any byelaws 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 byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Power to impose penalties on breach of byelaws.

184. Byelaws 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 byelaws be confirmed—

Confirmation of byelaws.

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 byelaws 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 byelaws 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 byelaws relate, without fee or reward.



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

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

Byelaws to be printed, &amp;c.

185. All byelaws 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 byelaws relate, on his application for the same.

Evidence of byelaws.

186. A copy of any byelaws made under this Act by a local authority, 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 byelaws without further or other proof.

38 & 39 Vict.  
c. 55.

*Sections 293-296 of the Public Health Act, 1875, relating to Inquiries of the Local Government Board.*

Power of Board to direct inquiries.

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

Orders as to costs of inquiries.

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

Orders of Board under this Act.

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

Powers of inspectors of Local Government Board.

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

18 & 19 Vict.  
c. 120.

*Sections 211 and 212 of the Metropolis Management Act, 1855, relating to Appeals to London County Council.*

Power to appeal against orders and acts of vestries and district boards in relation to construction of works.

211. Any person who deems himself aggrieved by any order of any vestry or district board in relation to the level of any building, or any order or act of any vestry or district board in relation to the construction, repair, alteration, stopping or filling up, or demolition of any building, sewer, drain, . . . . ., may, within seven days after notice of any such order to the occupier of the premises affected thereby, or after such act, appeal to the county council against the same; and all such appeals shall stand



referred to the committee appointed by such council for hearing appeals as herein provided; and such committee shall hear and determine all such appeals, and may order any costs of such appeals to be paid to or by the vestry or district board by or to the party appealing, and may, where they see fit, award any compensation in respect of any act done by any such vestry or district board in relation to the matters aforesaid; provided that no such compensation shall be awarded in respect of any such act which may have been done under any of the provisions of this Act on any default to comply with any such order as aforesaid, unless the appeal be lodged within seven days after notice of such order has been given to the occupier of the premises to which the same relates.

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212. The county council shall appoint a committee for the purpose of hearing all such appeals as may be made to the said council as aforesaid, which committee shall have power to hear and decide all such appeals, and the county council shall from time to time fill up any vacancy in such committee, and the chairman of the said council shall, by virtue of his office of chairman, be a member of the said committee in addition to the members appointed by the said council, and shall preside at all meetings of such committee at which he is present; and in case of a vacancy in the office of such chairman, or in his absence, some other member of the committee shall be chosen to preside; and all the powers of such committee may be exercised by any three of them; and any member of such committee may at any time resign his office.

County council  
to appoint a  
committee  
for hearing  
appeals.

## SECOND SCHEDULE.

### PROVISIONS OF PUBLIC HEALTH ACTS EXTENDED TO WOOLWICH.

Enactments.	Subject Matter.
38 & 39 Vict. c. 55.:	
Section four - - - -	Definitions.
Sections five to eight, ten, and twelve -	Authorities for execution of Act.
Sections thirteen to thirty-four - -	Sewerage and drainage.
Section forty-one, so far as it relates to a drain.	Examination, and enforcement of law, as to drain.
Sections fifty-one to sixty-one, sixty-three, and sixty-five.	Water supply.
Sections one hundred and forty-four to one hundred and forty-eight.	Highways.
Sections one hundred and forty-nine to one hundred and fifty-five, and one hundred and fifty-seven to one hundred and sixty.	Streets and buildings.



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Enactments.	Subject Matter.
38 & 39 Vict. c. 55.— <i>cont.</i>	
Sections one hundred and sixty-one to one hundred and sixty-three.	Lighting streets.
Sections one hundred and sixty-four and one hundred and sixty-five.	Public pleasure grounds and clocks.
Sections one hundred and sixty-six to one hundred and sixty-eight.	Markets.
Section one hundred and seventy-two	Licensing of, and byelaws for, horses, boats, &c. let for hire.
Sections one hundred and seventy-three and one hundred and seventy-four.	Contracts.
Sections one hundred and seventy-five to one hundred and seventy-eight.	Purchase of land.
Sections one hundred and seventy-nine to one hundred and eighty-one.	Arbitration.
Sections one hundred and eighty-two to one hundred and eighty-six, and one hundred and eighty-eight.	Byelaws.
Sections one hundred and eighty-nine, and one hundred and ninety-two to one hundred and ninety-six.	Officers.
Sections one hundred and ninety-seven, one hundred and ninety-nine, two hundred, and two hundred and three to two hundred and six.	Mode of conducting business.
Sections two hundred and seven, and two hundred and nine to two hundred and twenty-seven.	Expenses and rates.
Sections two hundred and thirty-three to two hundred and forty-three.	Borrowing.
Sections two hundred and forty-five, two hundred and forty-seven, two hundred and forty-nine, and two hundred and fifty.	Audit.
Sections two hundred and fifty-one, two hundred and fifty-three, two hundred and fifty-four, and two hundred and fifty-six to two hundred and sixty-nine.	Legal proceedings.
Section two hundred and eighty-five	Works outside district.
Sections two hundred and ninety-three to three hundred and four.	Powers of Local Government Board.



Enactments.	Subject Matter.
38 & 39 Vict. c. 55.— <i>cont.</i>	
Sections three hundred and five to three hundred and eleven, and three hundred and thirteen to three hundred and seventeen.	Miscellaneous.
Sections three hundred and twenty-seven to three hundred and thirty-seven, and three hundred and thirty-nine to three hundred and forty-one.	Saving clauses.
The schedules, so far as they are applicable.	—
45 & 46 Vict. c. 23. - - - -	Byelaws for fruit pickers' lodgings.
46 & 47 Vict. c. 37. - - - -	Support of sewers.
47 & 48 Vict. c. 12. - - - -	Confirmation of byelaws.
47 & 48 Vict. c. 74. - - - -	Officers.
48 & 49 Vict. c. 53. - - - -	Members and officers of local authority.
51 & 52 Vict. c. 52. - - - -	Buildings in streets.
53 & 54 Vict. c. 17. - - - -	Rating of orchards.

### THIRD SCHEDULE.

#### FORMS.

#### FORM A.

##### *Form of Notice requiring Abatement of Nuisance.*

To [person causing the nuisance, or owner or occupier of the premises at which the nuisance exists, as the case may be].

Take notice that under the provisions of the Public Health (London) Act, 1891, the [describe the sanitary authority], being satisfied of the existence at [describe premises where the nuisance exists] of a nuisance being [describe the nuisance, for instance, premises in such a state as to be a nuisance or injurious or dangerous to health, or for further instance, a ditch or drain so foul as to be a nuisance or injurious or dangerous to health], do hereby require you within [specify the time] from the service of this notice to abate the same [and to execute such works and do such things as may be necessary for that purpose, or and for that



A.D. 1891. purpose to *specify any works to be executed*], [and the said *[authority]* do hereby require you within the said period to do what is necessary for preventing the recurrence of the nuisance, and for that purpose to &c.]

*Where the nuisance has been abated, but is likely to recur, say, being satisfied that at &c. there existed recently, to wit, on or about the*  
day of \_\_\_\_\_ the following nuisance, namely *[describe nuisance]*, and that although the said nuisance has since the last-mentioned day been abated, the same is likely to recur at the said premises, do hereby require you within *[specify time]*, to do what is necessary for preventing the recurrence of the nuisance [and for that purpose to &c.]

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 before a petty sessional court, to answer a complaint which will be made for the purpose of enforcing the abatement of the nuisance, or prohibiting the recurrence thereof, or both, and for recovering the costs and penalties that may be incurred thereby.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

*Signature of officer  
of sanitary authority* }

#### FORM B.

#### *Form of Summons.*

#### *Summons.*

To *A.B.*, of \_\_\_\_\_ [or to the owner or occupier of] *[describe premises]* situated *[insert such description of the situation as may be sufficient to identify the premises]*,

County of &c., } YOU are required to appear before *[describe the petty*  
to wit. } *sessional court]*, at the court *[or petty sessions]* holden

at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ next  
at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon, to answer the complaint this  
day made to me by \_\_\_\_\_ that at the premises

above mentioned [or at certain premises situated at No. \_\_\_\_\_ in  
street in the parish of \_\_\_\_\_ or insert any other such description or reference as  
may be sufficient to identify the premises], in the district of *[describe the sanitary*  
*authority]*, the following nuisance exists *[describe the nuisance and add, where*  
*the person causing the nuisance is summoned, and that the said nuisance is*  
*caused by the act, default, or sufferance of you, A.B.]*.

*Where the nuisance is discontinued, but is likely to be repeated, say, to*  
answer the complaint &c. that at &c. there existed recently, to wit, on or  
about the \_\_\_\_\_ day of \_\_\_\_\_, the  
following nuisance *[describe the nuisance, and add, where the person causing the*  
*nuisance is summoned, and that the said nuisance was caused, &c.]*, and although  
the said nuisance has since the said last-mentioned day been abated or dis-  
continued, that the same or the like nuisance is likely to recur at the said  
premises.

Given under my hand and seal this \_\_\_\_\_ day of 18 .

J.S. (L.S.)



FORM C.

*Form of Nuisance Order.*

To *A.B.*, of [or to the owner or occupier of] [*describe premises*] situated [*insert such description of the situation as may be sufficient to identify the premises*].

County of, &c. } WHEREAS the said *A.B.* [or the owner or occupier of the  
to wit. } said premises within the meaning of the Public Health  
(London) Act, 1891] has this day appeared before me [or us, *describing the court*], to answer the matter of a complaint made by &c. that at &c. [*follow the words of complaint in summons*] [or in case the party charged do not appear, say, Whereas it has been now proved to my (or our) satisfaction that a summons has been duly served according to the Public Health (London) Act, 1891, requiring the said *A.B.* [or the owner or occupier of the said premises] to appear this day before me [or us] to answer the matter of a complaint made by &c. that at &c.]:

[*Any of the following orders may be made or a combination of any of them as the case seems to require.*]

Now on proof here had before me [or us] that the nuisance so complained of does exist at the said premises [*add, where the order is made on the person causing the nuisance, and that the same is caused by the act, default, or sufferance of A.B.*], I [or we], in pursuance of the Public Health (London) Act, 1891, do order the said *A.B.* [or the said owner or occupier] within [*specify the time*] from the service of this order according to the said Act [*here specify the nuisance to be abated, as, for instance, to prevent the premises being a nuisance or injurious or dangerous to health, or, for further instance, to prevent the ditch or drain being a nuisance or injurious or dangerous to health*] [and state any works to be executed, as, for instance, to whitewash and disinfect the premises, or, for further instance, to clean out the ditch].

Abatement  
Order.

And I [or we] being satisfied that, notwithstanding the said nuisance may be temporarily abated under this order, the same is likely to recur, do therefore prohibit the said *A.B.* [or the said owner or occupier] from allowing the recurrence of the said or a like nuisance [and for that purpose I or we direct the said *A.B.* or the said owner or occupier, *here specify any works to be executed, as, for instance, to fill up the ditch*].

Prohibition  
Order, No. 1.

Now, on proof here had before me [or us] that at or recently before the time of making the said complaint, to wit, on the nuisance so complained of did exist at the said premises, but that the same has since been abated [*add, where the order is made on the person causing the nuisance, and that the nuisance was caused by the act, default, or sufferance of A.B.*], yet, notwithstanding such abatement, I [or we] being satisfied that it is likely that the same or the like nuisance will recur at the said premises, do therefore prohibit [*continue as in Prohibition Order, No. 1*].

Prohibition  
Order, No. 2.

Now, on proof here had before me [or us] that the nuisance is such as to render the dwelling-house [*describe the house*] situated at [*insert such a description of the situation as may be sufficient to identify the dwelling-house*] unfit in my [or our] judgment for human habitation, I [or we] in pursuance of

Closing Order.



A.D. 1891. the Public Health (London) Act, 1891, do hereby prohibit the use of the said dwelling-house for human habitation.

Given under the hand and seal of me [*or the hands and seals of us,*  
*describing the court*].

This                      day of                      18 .  
*J.S.*                      (*L.S.*)  
*J.P.*                      (*L.S.*)

## FORM D.

*Form of Nuisance Order to be executed by Sanitary Authority.*

To the \_\_\_\_\_, [describe the sanitary authority],

County of, &c., }  
to wit. } WHEREAS a complaint has been made by  
that at certain premises situated at No.                      in                      street, in  
the parish of                      [*or insert any other description or reference as  
may be sufficient to identify the premises*] in the district of  
[*describe the sanitary authority*] the following nuisance exists [*describe the  
nuisance*].

And it has been now proved to my [*or our*] satisfaction that such nuisance exists, but that no owner or occupier of the premises, or person by whose act, default, or sufferance the nuisance is caused, is known *or* can be found [*as the case may be*]; Now I [*or we*] in pursuance of the Public Health (London) Act, 1891, do [*continue as in any of the orders in Form C. with the substitution of the name of the sanitary authority for that of A.B. or the owner or occupier*].

Given &c. (as in last form).

## FORM E.

*Warrant of Justice for Entry to Premises.*

WHEREAS *A.B.*, being a person authorised under the Public Health (London) Act, 1891, to enter certain premises [*describe the premises*], has made application to me, *C.D.*, one of Her Majesty's justices of the peace having jurisdiction in and for [*describe the place*], to authorise the said *A.B.* to enter the said premises, and whereas I, *C.D.*, am satisfied by information on oath that there is reasonable ground for such entry, and that there has been a refusal or failure to admit to such premises, and *either* that reasonable notice of the intention to apply to a justice for a warrant has been given, *or* that the giving of notice of the intention to apply to a justice for a warrant would defeat the object of the entry.

[or am satisfied by information on oath that there is reasonable cause to believe that there is on the said premises a contravention of the Public Health (London) Act, 1891, or of a byelaw made under that Act, and that an application for admission or notice of an application for a warrant would defeat the object of the entry.]

Now, therefore, I, the said *C.D.*, do hereby authorise the said *A.B.* to enter the said premises, and if need be by force, with such assistants as he may require, and there execute his duties under the said Act.

Given, &c. (as in last form).



## FOURTH SCHEDULE.

A.D. 1891.

## ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
26 Geo. 3. c. 71.	- An Act for regulating houses and other places kept for the purpose of slaughtering horses.	The whole Act.
57 Geo. 3. c. xxix.	- An Act for better Paving, Improving, and Regulating the Streets of the Metropolis, and Removing and Preventing Nuisances and Obstructions therein.	Section fifty-seven so far as it relates to a cesspool; sections fifty-nine to sixty-one; section sixty-three; section sixty-four from "or shall throw" to "either of such pavements" as from the coming into operation of any byelaw made for the like object; sections sixty-seven and sixty-eight; and sections seventy-three and seventy-four as from the coming into operation of any byelaw made for the like object.
2 & 3 Vict. c. 47.	- An Act for further improving the police in and near the metropolis.	Section sixty, from "or cause any "offensive matter" to "so as "to be a common "nuisance," as from the coming into operation of any byelaw made for the like object; and from "every occupier "of a house" to "reference to "this enactment."
7 & 8 Vict. c. 87.	- An Act to amend the law for regulating places kept for slaughtering horses.	The whole Act.
16 & 17 Vict. c. 128.	- An Act to abate the Nuisance arising from the smoke of Furnaces in the Metropolis and from Steam Vessels above London Bridge.	The whole Act as respects all places without as well as within London.



A.D. 1891.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
18 & 19 Vict. c. 116. -	The Diseases Prevention Act, 1855	The whole Act.
18 & 19 Vict. c. 120. -	The Metropolis Management Act, 1855.	Section eighty-one; sections eighty-two to eighty-five, except so far as they relate to a drain or sewer, or any work or apparatus connected therewith; section eighty-six down to "defrayed under this Act"; sections eighty-eight, one hundred and three, and one hundred and four; section one hundred and sixteen from "and also to cause" to the end of the section; sections one hundred and seventeen, and one hundred and twenty-five; section one hundred and twenty-six, as from the coming into operation of any byelaw made for the like object; sections one hundred and twenty-seven to one hundred and twenty-nine, one hundred and thirty-two, one hundred and thirty-three, and one hundred and thirty-four; section one hundred and ninety-eight from "and to every such report" to "for their parish or district"; section two hundred and two from "for the emptying" to "disposing of refuse" as from the coming into operation of any byelaw made for the like object and; section two hundred and eleven so far as regards any watercloset, privy, ash-pit, or cesspool.



Session and Chapter.	Title or Short Title.	Extent of Repeal.
18 & 19 Vict. c. 121.	The Nuisances Removal Act for England, 1855.	The whole Act.
19 & 20 Vict. c. 107.	An Act to amend the Smoke Nuisance Abatement (Metropolis) Act, 1853.	The whole Act as respects all places without as well as within London.
23 & 24 Vict. c. 77.	An Act to amend the Acts for the Removal of Nuisances and the Prevention of Diseases.	The whole Act.
25 & 26 Vict. c. 102.	The Metropolis Management Amendment Act, 1862.	Sections forty-three and sixty-two; in section sixty-four the word "eighty-first," and the words "and eighty-sixth"; sections sixty-seven, seventy, eighty-nine, ninety-one, ninety-three, ninety-four, and ninety-five and section one hundred and five, from "and all penalties" to "1855."
26 & 27 Vict. c. 117.	The Nuisances Removal Act for England (Amendment) Act, 1863.	The whole Act.
29 & 30 Vict. c. 41.	The Nuisances Removal (No. 1) Act, 1866.	The whole Act.
29 & 30 Vict. c. 90.	The Sanitary Act, 1866	The whole Act, except section forty-one.
31 & 32 Vict. c. 115.	The Sanitary Act, 1868	The whole Act.
32 & 33 Vict. c. 100.	The Sanitary Loans Act, 1869	The whole Act.
33 & 34 Vict. c. 53.	The Sanitary Act, 1870	The whole Act.
35 & 36 Vict. c. 79.	The Public Health Act, 1872	The whole Act.
37 & 38 Vict. c. 67.	The Slaughterhouses, &c. (Metropolis) Act, 1874.	The whole Act.
37 & 38 Vict. c. 89.	The Sanitary Law Amendment Act, 1874.	The whole Act, except so much of sections forty-six and forty-nine as relates to common lodging-houses.



A.D. 1891.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
38 & 39 Vict. c. 55.	- The Public Health Act, 1875 -	Section one hundred and eight from "In this section" to the end of the section; section one hundred and fifteen from "In this section" to the end of the section. Section two hundred and ninety-one, as respects the whole of the Port of London.
41 & 42 Vict. c. 74.	- The Contagious Diseases (Animals) Act, 1878.	Section thirty-four.
42 & 43 Vict. c. 54.	- The Poor Law Act, 1879 -	Sections fifteen and sixteen.
43 & 44 Vict. c. lix.	- The Local Government Board's Provisional Orders Confirmation (Amersham Union, &c.) Act, 1880.	Section two.
46 & 47 Vict. c. 35.	- The Diseases Prevention (Metropolis) Act, 1883.	The whole Act.
46 & 47 Vict. c. 53.	- The Factory and Workshop Act, 1883.	Section seventeen, down to "for the district," being the first two subsections.
47 & 48 Vict. c. 60.	- The Metropolitan Asylum Board (Borrowing Powers) Act, 1884.	The whole Act.
48 & 49 Vict. c. 72.	- The Housing of the Working Classes Act, 1885	Section seven; and section nine from "This section shall apply" to "sanitary authority," being subsection (6).
49 & 50 Vict. c. 32.	- The Contagious Diseases (Animals) Act, 1886.	Section nine.
51 & 52 Vict. c. 41.	- The Local Government Act, 1888 -	Section forty-five; and section eighty-eight, from "Section one hundred and ninety-one" to the end of the section, being subsection (c).



A.D. 1891.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
52 & 53 Vict. c. 56. -	The Poor Law Act, 1889 -	Section three, down to "common poor fund," being subsections (1), (2), and (3); and sections six and seven.
52 & 53 Vict. c. 64. -	The Public Health Act, 1889 -	Section one, from "and as regards" to the end of the section; and in section two the words "or of section fifty-two of the Sanitary Act, 1866."
52 & 53 Vict. c. 72. -	The Infectious Disease (Notification) Act, 1889.	Section two, from "to every London" down to "Act and" being subsection (a); sections ten and twelve; section sixteen, from "the Commissioners of Sewers" down to "Act, 1887," being subsections (a) and (b); and from "The expression 'London district'" down to "local authority is elected."
53 & 54 Vict. c. 34. -	The Infectious Disease (Prevention) Act, 1890.	Section two, from "Local authority" to the end of the section; section three, from "to every London district" to "this Act; and"; and section five, down to "London district, and".
53 & 54 Vict. c. cexliii. -	The London Council (General Powers) Act, 1890.	Sections twenty-two and twenty-four.

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