

**The provisions of the Contagious Diseases (Animals) Act, 1886. :
Transferring to the Sanitary Authorities all powers and duties under the
dairies, cow-sheds, and milk-shops orders of 1885 and 1886, and the text
of these orders, with introduction and notes / by Alexander MacMorran.**

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THE PROVISIONS OF
THE CONTAGIOUS DISEASES (ANIMALS)
ACT, 1886.

TRANSFERRING TO THE SANITARY AUTHORITIES ALL
POWERS AND DUTIES UNDER

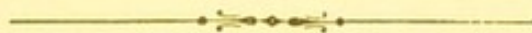
THE DAIRIES, COW-SHEDS, AND MILK-SHOPS
ORDERS OF 1885 AND 1886,

AND THE TEXT OF THESE ORDERS,

WITH INTRODUCTION AND NOTES.

BY ALEXANDER MACMORRAN, M.A.,
BARRISTER-AT-LAW.

Second Edition.



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INTRODUCTION.

BY the Contagious Diseases (Animals) Act, 1878, the administration of the law as to the contagious diseases of animals was entrusted to the Privy Council and the Local Authorities named in the Act. These local authorities were—In counties the justices in quarter sessions; in the City of London, the Corporation of the City; in the rest of the metropolis, the Metropolitan Board of Works; in municipal boroughs, the Corporations; in other boroughs, the Commissioners; and in the district of the Local Board of Oxford, the Local Board. Section 34 of the Act enabled the Privy Council to make orders relating to dairies, cow-sheds, and milk-shops, and an Order was

accordingly made on the 15th June, 1885, entitled the Dairies, Cow-sheds, and Milk-shops Order of 1885. By that Order the several local authorities were empowered to make regulations for certain purposes, and many local authorities made such regulations accordingly.

The Contagious Diseases (Animals) Act, 1886, transferred from the Privy Council to the Local Government Board all their powers under section 34 of the Act of 1878, and the latter body alone can henceforth make Orders relating to dairies, cow-sheds, and milk-shops; but a further and more important transfer has been made. The Corporation of the City of London and the Metropolitan Board of Works retain their jurisdiction in the City of London and the Metropolis respectively. But throughout the rest of

the country the duties prescribed by Orders of the Local Government Board are transferred to the existing urban and rural sanitary authorities as constituted by the Public Health Act, 1875. These bodies and their officers will henceforth see to the carrying out of the Orders of the central authority, and will make regulations as empowered by these Orders.

The Act makes provision for the expenses of carrying the new powers into execution. Such expenses will be defrayed in the City of London out of the Consolidated Rate, and in the rest of the metropolis out of the Metropolitan Consolidated Rate. The expenses of urban authorities will be defrayed out of the General District Fund; those of rural authorities are to be deemed general expenses.

Special provision is made for the admission to dairies, cow-sheds, and milk-shops of the officers of the local authority. The Act does not expressly state what officers are referred to, but the duties will probably devolve upon the medical officers of health and the inspectors of nuisances. In some districts the duties may be considerable, and the officers in question may have a fair claim to additional remuneration. Power is not expressly given for the appointment of an officer for the express purpose of carrying the Act and Orders into execution, but as the local authorities may appoint as many officers as may be necessary for the purposes of the Public Health Act, 1875, they may avoid the difficulty by appointing officers under that Act, and assigning to such officers the new duties relating to dairies, cow-sheds, and

milk-shops. It will be remembered that under section 190 of the Public Health Act, 1875, a rural authority may appoint more than one Inspector of Nuisances. The district may, if necessary, be divided for the purposes of the duties of several inspectors.

The Act goes on to provide for the continued operation of the Dairies, Cow-sheds, and Milk-shops Order of 1885, already mentioned, which is now to be deemed to have been made by the Local Government Board. The regulations already made in the City of London, in the metropolis, and in boroughs will continue in force ; for it is to be observed that, in these places no change has been made in the local authority, the former local authority in boroughs

being the same body as the urban authority. In counties, however, the local authority were the justices in quarter sessions, and it is accordingly provided that the regulations already made in a county shall be deemed to have been made by the local authorities (other than boroughs) within the limits of the county.

In the first edition of this work it was pointed out that local authorities would be unable to recover penalties for infringement of the Dairies, Cow-sheds, and Milk-shops Order of 1885, as that Order contained no provision as to penalties, and some provision of that kind was necessary if the Order was to be enforced like bye-laws under the Public Health Act, 1875. To amend this defect the Local Government Board issued a general

Order on the 1st November, 1886, whereby a person guilty of an offence against the Order is to be liable to a penalty of £5, and a further penalty of 40s. for each day after written notice of the offence from the local authority. It is necessary to observe, however, that this Order does not in any way affect the regulations made by the local authority. These are to be enforced as bye-laws, and no penalty can be recovered in respect of breaches of them, except such as may be imposed by the regulations themselves. It is therefore necessary in every case to make provisions for penalties for such breaches, and where the local authorities avail themselves of previously existing regulations, these should be re-issued with the addition of some such provisions as are here suggested.

In framing regulations, the attention of the local authorities is directed to the draft regulations prepared by Shirley F. Murphy, Esq., M.R.C.S. The draft has already been extensively adopted throughout the country, and is of an eminently practical character.

The text of the Act and Order is set out in the following pages, with such few explanatory Notes as the author has considered likely to be of use in practice. For the most part, the provisions of the Act and Order require little annotation. It may be observed, however, that some of the terms used in the Order are not defined either by the Order itself or by the Act of 1878. Among these terms the most important is that of "purveyor of milk." This phrase is used as distinct from cowkeeper or dairy-

man on the one hand, and keeper of a milk-store or shop on the other. The question may, therefore, arise whether the person who merely keeps a milk-store or milk-shop requires to be registered as a purveyor of milk. If he does, and if such a person is included in the term, it is difficult to see why in Art. 13 of the Order the trades of purveyor of milk and of milk-shop or store-keeper are both mentioned. On the other hand, one would imagine that milk-shops and stores were as much within the mischiefs provided against, or some of them, as dairies and cow-sheds. The construction of the Order on this point must be admitted to be doubtful, and in the event of a new Order being issued, it is to be hoped that the doubt may be removed by express provision. It is submitted, however, that the term "purveyor of milk" is wide enough to

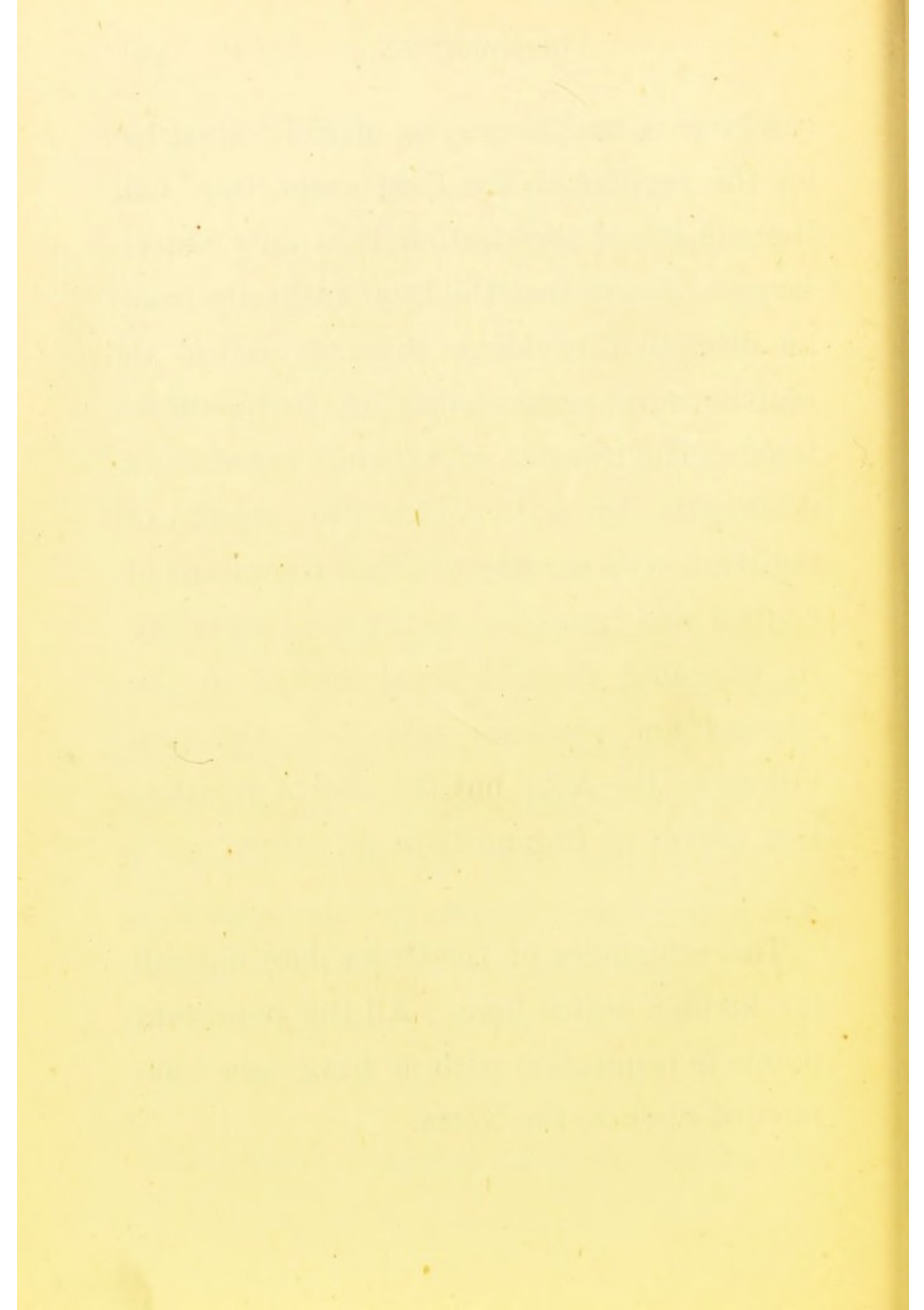
cover the keeper of a milk-store or shop. The term is not used in the Act, as it is in Art. 13 of the Order, side by side with that of "the occupier of a milk-store or milk-shop." On the contrary, it is rather to be inferred from section 34, sub-section iii., that the milk-stores and shops therein mentioned are stores and shops kept by dairymen, cowkeepers, and purveyors of milk.

Under Art. 14, as it stood after the passing of the Act of 1886, it appeared that notwithstanding the transfer of the duties of the Privy Council to the Local Government Board, it would still have been necessary to submit all regulations made by local authorities to the former department. This has been remedied by the Order of the 1st November, 1886, already referred to.

The Order requires that all dairymen,

cowkeepers, and purveyors of milk must be on the register of the local authority. On the subject of registration it is only necessary to observe that the local authority have no discretion enabling them to refuse to register any person applying to be registered. The transfer of existing registers is dealt with by s. 9 (6) *b*. The object of registration is merely to afford the means of control and inspection to the local authority by affording them information as to the persons and premises subject to the provisions of the Act; but the fact of registration affords no immunity or privilege.

The remainder of the Order does not call for further notice here. All the important points in connection with it have been commented upon in the Notes.



THE CONTAGIOUS DISEASES (ANIMALS) ACT, 1886.

49 & 50 VICT. c. 32.

*An Act to Amend the Contagious
Diseases (Animals) Act, 1878.*

[25th June, 1886.]

BE it enacted by the Queen's most
Excellent Majesty, by and with the
advice and consent of the Lords Spi-
ritual and Temporal, and Commons, in
this present Parliament assembled, and
by the authority of the same, as fol-
lows :

Sect. 1. **1.** (1.) This Act may be cited as the
Short title,
construc- Contagious Diseases (Animals) Act,
tion and
citation 1886, and, so far as is consistent with
of Acts.
41 & 42 the tenor thereof, shall be construed
Vict. c. 74. as one with the Contagious Diseases
 (Animals) Act, 1878 (in this Act re-
 ferred to as “the principal Act”), and
 shall apply to Scotland and Ireland
 with the modifications and subject to
 the provisions contained in Parts III.
 and IV. respectively of the principal
 Act.

47 & 48 (2.) The Contagious Diseases (Ani-
Vict. c. 13. mals) Acts, 1878 and 1884, the Con-
47 & 48 tagious Diseases (Animals) Transfer of
Vict. c. 47. Parts of Districts Act, 1884, and this
 Act, may be together cited as the
 Contagious Diseases (Animals) Acts,
 1878 to 1886.

9. (1.) The powers vested in the Sect. 9.
 Privy Council of making general or ^{Transfer}
 special Orders under section thirty-four ^{to Local}
 of the principal Act (*a*), for the pur- ^{Govern-}
^{ment}
^{Board of}
^{powers of}
^{Privy}

(*a*) The Contagious Diseases (Animals) Act, 1878, 41 & 42 Vict. c. 74, s. 34, is as follows, substituting the Local Government Board for the Privy Council:—

The Local Government Board may from time to time make such general or special Orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them:—

- (i.) For the registration with the local authority of all persons carrying on the trade of cowkeepers, dairymen, or purveyors of milk.
- (ii.) For the inspection of cattle in dairies, and for prescribing and regulating the lighting, ventilation, cleansing, drainage, and water supply of dairies and cow-sheds in the occupation of persons following the trade of cowkeepers or dairymen.

Sect. 9. poses in that section mentioned, are
Council
under
section 34. hereby transferred to and shall hence-
forth be exerciseable by the Local
Government Board; every such Order
shall have effect as if enacted in this
section, and shall be published in such
manner as the Local Government Board

- (iii.) For securing the cleanliness of milk-stores,
milk-shops, and of milk vessels used for
containing milk for sale by such persons.
- (iv.) For prescribing precautions to be taken for
protecting milk against infection or con-
tamination.
- (v.) For authorising a local authority to make
regulations for the purposes aforesaid, or
any of them, subject to such conditions,
if any, as the Local Government Board
may prescribe.

Under the above section, the Privy Council
issued the Dairies, Cow-sheds, and Milk-shops Order
of 1885, as to the operation and administration of
which see *post*.

may direct, and the said Board may Sect. 9.
from time to time alter or revoke any
such Order.

(2.) For the purposes of the said section (*b*) and this section, and of any Order in force thereunder (*c*), the expression local authority, unless the context otherwise requires, in the metropolis has the same meaning as in the principal Act (*d*), and elsewhere has the same

(*b*) *i.e.*, of 41 & 42 Vict. c. 64, s. 34, *ante*.

(*c*) The only Order in force is the Dairies, Cow-sheds, and Milk-shops Order of 1885, *post*. The phrase "local authority" will in that Order have the meaning here assigned to it.

(*d*) By the 41 & 42 Vict. c. 74, s. 7, "metropolis" has the same meaning as in the Metropolis Management Act, 1855, 18 & 19 Vict. c. 120. In the City of London and the liberties thereof the Corporation of London are the local authority; elsewhere in the metropolis the Metropolitan Board of Works are the local authority.

Sect. 9. meaning as in the Public Health Act,
^{38 & 39}
_{c. 55.} 1875 (*a*).

(3.) Any expenses incurred by a local authority in the metropolis in pursuance of section thirty-four of the principal Act, as amended by this section, shall be defrayed out of the local rate applicable to their expenses under the principal Act (*b*); and any expenses so incurred by any other local authority

(*a*) Therefore outside the metropolis the local authority will be the urban and rural sanitary authorities of the several sanitary districts, urban and rural, in England and Wales. See the Public Health Act, 1875, sections 4, 5, and 6.

(*b*) By the 41 & 42 Vict. c. 74, s. 9, and Schedule II., the local rate in the City of London and the liberties thereof is the Consolidated Rate; in the rest of the metropolis, the Metropolitan Consolidated Rate. The expenses in question will continue to be paid out of these rates.

shall be defrayed as if they were incurred in the execution of the Public Health Act, 1875, and in the case of a rural sanitary authority shall be deemed to be general expenses (*c*). Sect. 9.

(4.) The local authority and their officers (*d*), for the purpose of enforcing

(*c*) The expenses incurred by an urban authority will be paid out of the General District Fund, as to which see section 210 of the Public Health Act, 1875. The expenses of a rural authority, as here stated, will be general expenses (see section 229 of the same Act); in other words, they will fall on the district as a whole and not upon special parts of it.

(*d*) The officers of the local authority who will have most to do with the administration of this Act will be the medical officer of health and the inspector of nuisances, especially the latter. As to the appointment of a special officer to carry into effect the provisions of the above Act and the Orders made under it, see the observations in the Introduction, *ante*.

Sect. 9. the said Orders and any regulations made thereunder (*a*), shall have the same right to be admitted to any premises as the local authority, within the meaning of the Public Health Act, 1875, and their officers have, under section one hundred and two of that Act, for the purpose of examining as to the existence of any nuisance thereon (*b*);

(*a*) As to the regulations which may be made by a local authority, see the Dairies, &c., Order of 1885, Art. 13, *post*.

(*b*) Section 102 of the Public Health Act, 1875, provides that the local authority or any of their officers shall be admitted into any premises (for the purpose of enforcing the said Orders and any regulations made thereunder) at any time between the hours of *nine* in the forenoon and six in the afternoon, or in the case of a nuisance arising in respect of any business, then at any hour when such business is in progress or is usually carried on.

and if such admission is refused the Sect. 9.
like proceedings may be taken, with the
like incidents and consequences as to
orders for admission, penalties, costs,
expenses, and otherwise, as in the case
of a refusal to admit to premises for
any of the purposes of the said section
one hundred and two, and as if the
local authority mentioned in the said
Act included a local authority in the
metropolis as defined in this section (c).

(c) If admission is refused the officer may give reasonable notice in writing of his intention to make complaint to a justice. This notice must be given to the person having custody of the premises. He may then make a complaint *on oath* before a justice, and the justice may by order under his hand require the person having the custody of the premises to admit the local authority or their officer during the hours between 9 a.m. and 6 p.m., and if no person having custody of the premises can be found, the

Sect. 9. Provided that nothing in this section shall authorise any person, except with the permission of the local authority under the principal Act, to enter any cow-shed or other place in which an animal affected with any disease is kept, and which is situate in a place declared to be infected with such disease (*a*).

justice on oath made before him of that fact shall by order under his hand authorise the local authority or any of their officers to enter the premises during the hours aforesaid. The order remains in force until the work for which the entry was necessary has been done. Any person who refuses to obey the order is liable to a penalty not exceeding 5*l*. See the Public Health Act, 1875, ss. 102, 103.

(*a*) Reference is here made to places declared to be infected by Orders under the Contagious Diseases (Animals) Act, 1878. Such places can only be entered with the permission of the local authority entrusted with the administration of that Act, *i.e.*, in counties the justices in quarter sessions, and in

(5.) The like penalties for offences Sect. 9.
against Orders or regulations made for
the purposes of section thirty-four of
the principal Act as amended by this
section may be imposed by the Local
Government Board or local authority
making the same, and such offences
may be prosecuted and penalties re-
covered in a summary manner, and
subject to the like provisions, as if such
Orders or regulations were bye-laws of a
local authority under the Public Health
Act, 1875, and as if the local authority
mentioned in that Act included a local
authority in the metropolis as defined
in this section (*b*).

boroughs the corporations or the committees
appointed by such local authorities.

(*b*) By the Public Health Act, 1875, s. 183, a
local authority may, by their bye-laws, impose on

Sect. 9. (6.) Whereas under the powers of the principal Act the Privy Council have made an Order known as the Dairies, Cow-sheds, and Milk-shops Order of 1885 (*a*), and certain authorities have made regulations under that Order, or having effect in pursuance thereof; and it is expedient by reason of the foregoing provisions of this section to make provision respecting

offenders against such bye-laws penalties, not exceeding 5*l.* for each offence, and in the case of a continuing offence a further penalty not exceeding 40*s.* for each day after written notice of the offence from the local authority. As to penalties for offences against the Order of 1885, see the Order of 1886 (Nov. 1st) *post.* As to penalties for offences against the regulations, see the observations in the Introduction, *ante.*

(*a*) See this Order, *post.*

such Order and regulations: Be it Sect. 9.
therefore enacted as follows:—

(a.) The Dairies, Cow-sheds, and Milk-shops Order of 1885, and any regulations thereunder, or having effect in pursuance thereof, made by any local authority under the principal Act, other than the local authority of a county, shall be deemed to have been made respectively by the Local Government Board and by a local authority under this section; and any such regulations made by the local authority of a county, within the meaning of the principal Act, shall, so far as they ex-

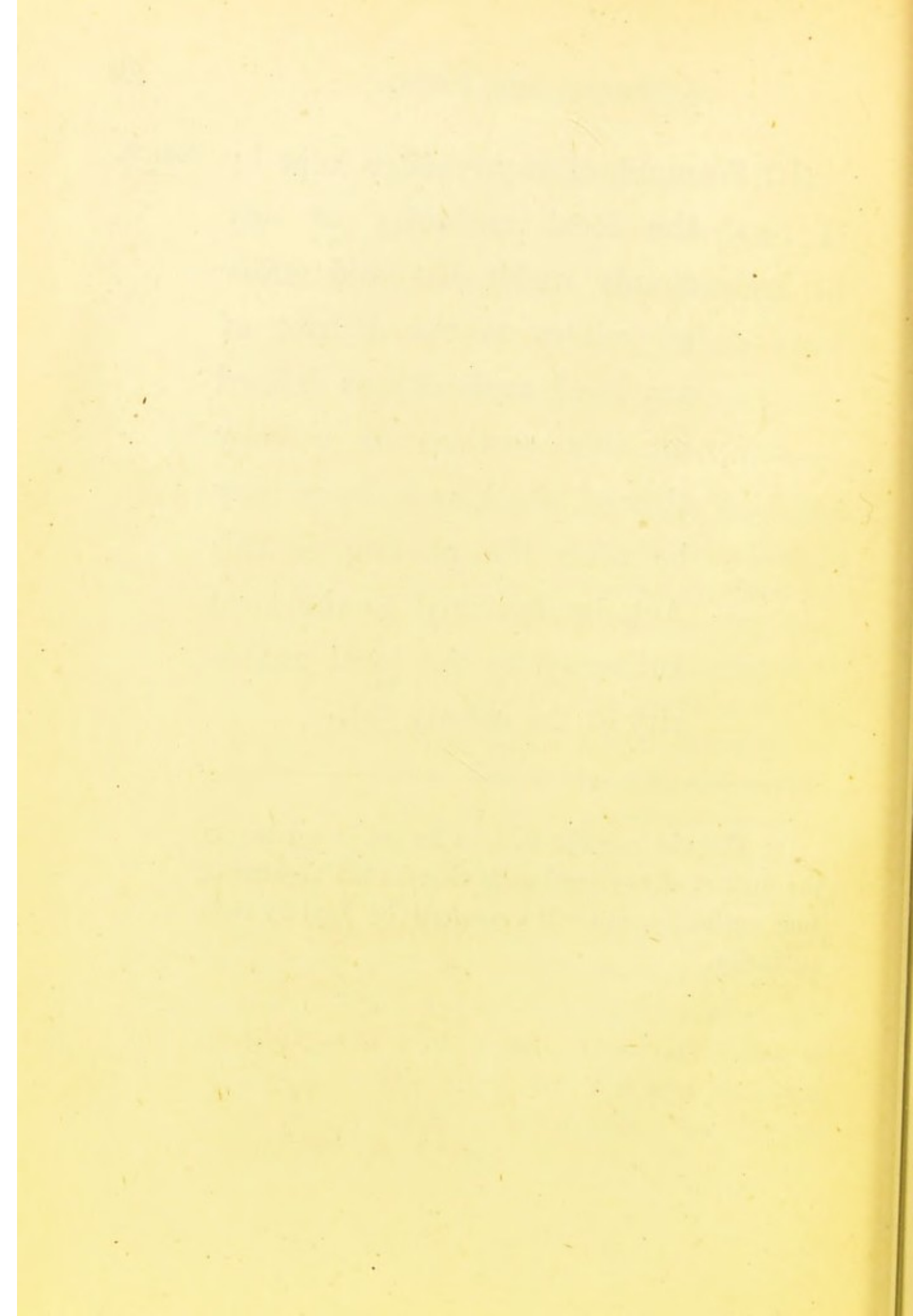
Sect. 9.

tend to the district of any local authority as defined in this section, be deemed to have been made by such local authority (*a*).

(*a*) Existing regulations made under the Order will thus continue in force, but it will be advisable that they should be re-issued, making provision for the imposing of penalties for offences. No such provision was formerly necessary, for by section 61 of the Act of 1878 any person doing anything in contravention of the regulation of a local authority was guilty of an offence against that Act, and punishable under section 60 by a penalty not exceeding 20*l*. But under the last preceding sub-section, penalties must be imposed by the local authority as if such regulations were bye-laws; in other words, the regulations must themselves provide for penalties, otherwise it is very doubtful whether any penalty could be recovered. Since the issuing of the Order of 1886 (*post*) this difficulty no longer exists in connection with penalties for offences against the Order of 1885.

(*b.*) So much of any register kept by Sect. 9. the local authority of any county under the said Order as relates to the district of any local authority as defined in this section, or a copy thereof, shall, as soon as may be after the passing of this Act, be delivered to the local authority by the local authority of the county (*b*).

(*b*) The old register will, so far as it relates to the district of any local authority, be the register of such authority, and will henceforth be kept by such authority.



THE DAIRIES, COW-SHEDS, AND
MILK-SHOPS ORDER OF 1885.

At the Council Chamber, Whitehall,
the 15th day of June, 1885.

Order,
1885.

By Her Majesty's Most Honourable
Privy Council.

PRESENT :

Lord President.

Mr. Trevelyan.

The Lords and others of Her Majesty's
Most Honourable Privy Council, by
virtue and in exercise of the powers in
them vested under the Contagious
Diseases (Animals) Act, 1878, and of
every other power enabling them in

Order, 1885.
— this behalf, do order, and it is hereby ordered, as follows :—

Short Title.

1. This Order may be cited as The Dairies, Cow-sheds, and Milk-shops Order of 1885 (*a*).

Extent.

2. This Order extends to England and Wales and Scotland only.

Commencement.

3. This Order shall commence and take effect from and immediately after the thirtieth day of June, one thousand eight hundred and eighty-five.

(*a*) This Order is now to be deemed to have been made by the Local Government Board. 49 & 50 Vict. c. 32, s. 9, sub-sect. (6).

*Interpretation.*Order,
1885.
—

4. In this Order—

The Act of 1878 means the Contagious Diseases (Animals) Act, 1878.

Other terms have the same meaning as in the Act of 1878 (*b*).

Revocation of former Order.

5. The Dairies, Cow-sheds, and Milk-shops Order of July, 1879, is hereby

(*b*) Except that the Local Government Board is substituted for the Privy Council, and the local authority referred to throughout the Order means the urban and rural sanitary authorities throughout the country. 49 & 50 Vict. c. 32, s. 9, sub-sects. (1), (2). See also Art. 14, *post*, and the note thereto.

Order,
1885.

revoked: Provided that nothing in this Order shall be deemed to revive any Order of Council thereby revoked or to invalidate or make unlawful anything done before the commencement of this Order, or interfere with the institution or prosecution of any proceeding in respect of any offence committed against, or any penalty incurred under, the said Order hereby revoked.

Registration of Dairymen and others.

6. (1.) It shall not be lawful for any person to carry on in the district of any local authority the trade of cowkeeper, dairyman, or purveyor of milk (a) unless

(a) As to the meaning of the term purveyor of milk, see the observations in the Introduction.

he is registered as such therein in accordance with this article (*b*). Order,
1885.
—

(2.) Every local authority shall keep a register of persons from time to time carrying on in their district the trade of cowkeepers, dairymen, or purveyors of milk, and shall from time to time revise and correct the register (*c*).

(3.) The local authority shall register every such person (*d*), but the fact of such registration shall not be deemed to

(*b*) As to the penalty for a breach of this article, see Order of 1st Nov., 1886, *post*.

(*c*) As to the transfer of the old register, see 49 & 50 Vict. c. 32, s. 9, sub-sect. (6), (*b*), *ante*.

(*d*) Note that the local authority cannot refuse to register any person applying for that purpose; but such registration does not afford any protection in respect of the keeping of a dairy, &c., in such a way as to contravene the provisions of the Order in other respects, or of any regulations made under it.

Order,
1885.

authorise such person to occupy as a dairy or cow-shed any particular building or in any way preclude any proceedings being taken against such person for non-compliance with or infringement of any of the provisions of this Order or any regulation made thereunder.

(4.) The local authority shall, from time to time, give public notice by advertisement in a newspaper circulating in their district and, if they think fit, by placards, hand-bills, or otherwise, of registration being required, and of the mode of registration (*a*).

(*a*) Forms of placards and circulars have been prepared and published by Messrs. Shaw and Sons, of Fetter Lane, which may be used in compliance with this requirement.

(5.) A person who carries on the trade of cow-keeper or dairyman for the purpose only of making and selling butter or cheese, or both, and who does not carry on the trade of purveyor of milk, shall not, for the purposes of registration, be deemed to be a person carrying on the trade of cow-keeper or dairyman, and need not be registered (*b*).

Order,
1885.
—

(6.) A person who sells milk of his own cows in small quantities to his workmen or neighbours, for their accommodation, shall not, for the purposes of registration, be deemed,

(*b*) See, as to the meaning of the term “purveyor of milk,” the provisions in the Introduction, *ante*. There must apparently be a supplying or selling of milk in order to necessitate registration.

Order, 1885. by reason only of such selling, to be a person carrying on the trade of cow-keeper, dairyman, or purveyor of milk, and need not, by reason thereof, be registered (a).

Construction of Water-Supply of New Dairies and Cow-sheds.

7.—(1.) It shall not be lawful for any person following the trade of cow-keeper or dairyman to begin to occupy as a dairy or cow-shed any building

(a) This exception appears to extend to all persons who sell milk otherwise than as part of their trade or business. The object of registration is to secure supervision of all persons whose business consists wholly or in part of supplying or selling milk. Thus, a person who keeps one or two cows

not so occupied at the commencement of this Order, unless and until he first makes provision, to the reasonable satisfaction of the local authority, for the lighting and the ventilation, including air-space, and the cleansing, drainage, and water-supply of the same, while occupied as a dairy or cow-shed.

Order,
1885.

(2.) It shall not be lawful for any such person to begin so to occupy any such building without first giving

for the supply of milk for his own household does not require to be registered merely because he sells his surplus milk to his neighbours. On the other hand, a person who keeps cows for the purpose of selling his milk must be registered. It may be difficult, in some cases, to decide whether a person is entitled to the benefit of this exemption.

Order, 1885. one month's notice in writing to the local authority of his intention so to do (a).

Sanitary State of all Dairies and Cow-sheds (b).

8. It shall not be lawful for any person following the trade of cow-keeper or dairyman to occupy as a dairy or cow-shed any building, whether so occu-

(a) This article applies only to new dairies and cow-sheds. It does not apply to dairies and cow-sheds already occupied. The several requirements of the article should be carefully noticed.

(b) This article applies both to old and to new dairies and cow-sheds. It is presumably for the local authority to decide whether the lighting, ventilation, &c., are reasonable and proper. The regulations made under Art. 13 should prescribe what the local authority consider reasonable and proper.

Order.
1885.
—

pieced at the commencement of this Order or not, if and as long as the lighting, and the ventilation, including air-space, and the cleansing, drainage, and water-supply thereof are not such as are necessary or proper—

- (a.) for the health and good condition of the cattle therein; and
- (b.) for the cleanliness of milk-vessels used therein for containing milk for sale; and
- (c.) for the protection of the milk therein against infection or contamination.

Contamination of Milk.

9. It shall not be lawful for any person following the trade of cow-

Order,
1885.
—

keeper or dairyman or purveyor of milk, or being the occupier of a milk-store or milk-shop (*a*)—

(*a.*) To allow any person suffering from a dangerous infectious disorder (*b*), or having recently been in contact with a person so suffering, to milk cows or to handle vessels used for containing milk for sale, or in any way to take part or assist in the conduct of the

(*a*) The purveyor of milk is here mentioned as if he were a distinct person from the mere retail seller. But see the observations in the Introduction, *ante*.

(*b*) Note the word *dangerous*. It means, apparently, dangerous to life, and applies to such diseases as small-pox, scarlet fever, and the like. It probably also applies to measles.

trade or business of the cow-keeper or dairyman, purveyor of milk, or occupier of a milk-store or milk-shop, so far as regards the production, distribution, or storage of milk ;
or

Order,
1885.

- (b.) If himself so suffering or having recently been in contact as aforesaid, to milk cows, or handle vessels used for containing milk for sale, or in any way to take part in the conduct of his trade or business, as far as regards the production, distribution, or storage of milk—

until in each case all danger therefrom of the communication of infection to

Order,
1885.
— the milk or of its contamination has
ceased (*a*).

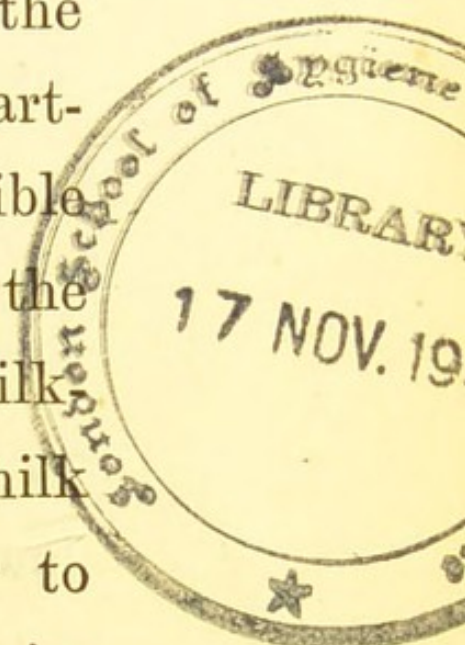
10. It shall not be lawful for any person following the trade of cowkeeper or dairyman or purveyor of milk, or being the occupier of a milk-store or milk-shop, after the receipt of notice of not less than one month from the local authority calling attention to the provisions of this article, to permit any water-closet, earth-closet, privy, cess-pool, or urinal to be within, communicate directly with, or ventilate into, any dairy or any room used as a milk-store or milk-shop (*b*).

(*a*) It will be prudent in all cases to obtain medical advice as to whether the danger has ceased.

(*b*) Notice under this article must proceed from the local authority. Notice from an officer will not

11. It shall not be lawful for any ^{Order, 1885.}
person following the trade of cow-keeper
or dairyman or purveyor of milk, or
being the occupier of a milk-store or
milk-shop to use a milk-store or milk-
shop in his occupation, or permit the
same to be used as a sleeping apart-
ment, or for any purpose incompatible
with the proper preservation of the
cleanliness of the milk-store or milk-
shop, and of the milk-vessels and milk
therein, or in any manner likely to
cause contamination of the milk therein.

be sufficient unless first directed to be given by the
local authority. See *St. Leonard, Shoreditch*, v,
Holmes, 50 J. P. 132. The notice should be in
writing, though the text does not so require, in
order that there may be no dispute as to its terms
should legal proceedings be afterwards founded
upon it.



Order,
1885.
—

12. It shall not be lawful for any person following the trade of cowkeeper or dairyman or purveyor of milk to keep any swine in any cow-shed or other building used by him for keeping cows, or in any milk-store or other place used by him for keeping milk for sale.

Regulations of Local Authority (a).

13. A local authority may from time to time make regulations for the following purposes, or any of them (*b*):—

(*a.*) For the inspection of cattle in dairies.

(*a*) The regulations prepared by Shirley F. Murphy, Esq., M.R.C.S., and published by Shaw and Sons, Fetter Lane, E.C., may be adopted by local authorities.

(*b*) These regulations do not require confirma-

- (b.) For prescribing and regulat-
ing the lighting, ventilation,
cleansing, drainage, and water
supply of dairies and cow-
sheds in the occupation of
persons following the trade of
cowkeepers or dairymen.
- (c.) For securing the cleanliness of
milk-stores, milk-shops, and
of milk-vessels used for con-
taining milk for sale by such
persons.
- (d.) For prescribing precautions to
be taken by purveyors of milk

tion, except as provided by the next article. They should be adopted by resolution, and the resolution should be entered on the Minutes. The regulations should be identified by the Minute, and sealed with the seal of the local authority.

Order,
1885.

and persons selling milk by retail against infection or contamination (*a*).

Provisions as to Regulations of Local Authority.

14. The following provisions shall apply to regulations made by a local authority under this Order:—

- (1.) Every regulation shall be published by advertisement in a newspaper circulating in the district of the local authority (*b*).

(*a*) The regulations should also provide for the imposing of penalties. See the note to 49 & 50 Vict. c. 32, s. 9, sub-sect. (5), *ante*.

(*b*) It may be advisable also to publish them by placards.

(2.) The local authority shall send Order.
1885.
—
to the Privy Council (*c*) a
copy of every regulation
made by them not less than
one month before the date
named in such regulation
for the same to come into
force.

(3.) If at any time the Privy
Council (*c*) are satisfied on
inquiry, with respect to any
regulation, that the same is of
too restrictive a character, or
otherwise objectionable, and
direct the revocation thereof,
the same shall not come into

(*c*) Now the Local Government Board. See the
order of 1st. November, 1886, *post*.

Order,
1885.

operation, or shall thereupon cease to operate, as the case may be.

Existence of Disease among Cattle.

15. If at any time disease (*a*) exists among the cattle in a dairy or cow-shed, or other building or place, the milk of a diseased cow therein—

- (*a.*) Shall not be mixed with other milk; and
- (*b.*) Shall not be sold or used for human food; and
- (*c.*) Shall not be sold or used for food of swine or other animals, unless and until it has been boiled.

(*a*) 'The word "disease" has the meaning assigned to it by the Act of 1878 (see s. 4 of this order, *ante*), it therefore means only cattle plague, pleuropneumonia, and foot and mouth disease.

Acts of Local Authorities.

16. (1.) All orders and regulations made by a local authority under The Dairies, Cow-Sheds, and Milk-Shops Order of July, 1879, or any Order revoked thereby, and in force at the making of this Order shall, as far as the same are not varied by or inconsistent with this Order, remain in force until altered or revoked by the local authority.

Order,
1885.

(2.) Forms of Registers and other forms which have been before the making of this Order prepared for use by a local authority under The Dairies, Cow-sheds, and Milk-shops Order of July, 1879, or any Order revoked thereby,

Order, 1885. — may be used, as far as they are suitable,
for the purposes of this Order.

Scotland.

17. Nothing in this Order shall be deemed to interfere with the operation of The Cattle Sheds in Burghs (Scotland) Act, 1866.

THE DAIRIES, COW-SHEDS, AND MILK-
SHOPS AMENDING ORDER, 1886.

[1st November, 1886.]

To the mayor and commonalty and citizens of the City of London, acting by the mayor, aldermen, and commons of that city in common council assembled; to the Metropolitan Board of Works; to the several urban and rural sanitary authorities for the time being in England and Wales; and to all others whom it may concern.

Order,
1886.

Whereas by section 34 of the Contagious Diseases (Animals) Act, 1878 (hereinafter referred to as “the principal Act”), it was enacted that Her Majesty’s Most Honorable Privy Council (hereinafter referred to as “the Privy Council”) might from time to time make such general or special orders as they should think fit, subject and according to the provisions of the Act, for the purposes specified in that section ;

And whereas on the 15th day of June, 1885, the Privy Council, in pursuance of the powers vested in them by the principal Act, made a general order known as “the Dairies, Cow-sheds, and Milk-shops Order of 1885 ” (hereinafter

referred to as “the Order of 1885”); Order,
1886.
and such Order extends to the whole of
England and Wales ;

And whereas by Art. 14 of the Order of 1885 it is provided that a copy of every regulation therein referred to shall be sent to the Privy Council, and that if at any time the Privy Council are satisfied on inquiry with respect to any regulation that the same is of too restrictive a character, or otherwise objectionable, and direct the revocation thereof, the same shall not come into operation, or shall thereupon cease to operate, as the case may be.

And whereas by section 9 of the Contagious Diseases (Animals) Act, 1886

Order, 1886.
— (hereinafter referred to as “ the Act of 1886 ”), it is enacted as follows :

“(1.) The powers vested in the Privy Council of making general or special orders under section 34 of the principal Act, for the purposes in that section mentioned, are hereby transferred to and shall henceforth be exerciseable by the Local Government Board; every such order shall have effect as if enacted in this section, and shall be published in such manner as the Local Government Board may direct, and the said board may from time to time alter or revoke any such order.”

“(2.) For the purposes of the said section and this section, and of any

order in force thereunder, the expression
local authority, unless the context other-
wise requires, in the metropolis has the
same meanings as in the principal Act,
and elsewhere has the same meanings
as in the Public Health Act, 1875.”

Order,
1886.

* * * * *

“(5.) The like penalties for offences
against orders or regulations made for
the purposes of section 34 of the princi-
pal act as amended by this section may
be imposed by the Local Government
Board or local authority making the
same, and such offences may be prose-
cuted and penalties recovered in a sum-
mary manner, and subject to the like
provisions, as if such orders or regula-
tions were bye-laws of a local authority

Order,
1886.

under the Public Health Act, 1875, and as if the local authority mentioned in that Act included a local authority in the metropolis as defined in this section.”

* * * * *

“ 6 (a). The Dairies, Cow-sheds, and Milk-shops Order of 1885, and any regulations thereunder, or having effect in pursuance thereof, made by any local authority under the principal Act, other than the local authority of a county, shall be deemed to have been made respectively by the Local Government Board and by a local authority under this section.”

And whereas it is expedient that the order of 1885 should be altered as

hereinafter mentioned, and that penalties should be imposed for offences against such order : Order,
1886.
—

Now therefore, we, the Local Government Board, in pursuance of the powers vested in us by the Act of 1886, hereby order as follows : —

Art. 1.—This order may be cited as “ the Dairies, Cow-sheds, and Milk-shops Amending Order of 1886.”

Art. 2.—Art. 14 of the order of 1885 shall be altered by the substitution therein of the words “ Local Government Board ” for the words “ Privy Council ” occurring therein.

Art. 3.—If any person is guilty of an offence against the order of 1885, he

Order,
1886.
—

shall for every such offence be liable to a penalty of 5*l.*, and in the case of a continuing offence to a further penalty of 40*s.* for each day after written notice of the offence from the local authority.

Provided, nevertheless, that the justices or court before whom any complaint may be made, or any proceedings may be taken in respect of any such offence, may, if they think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this order.

Art. 4.—In this order the expression “local authority” means—

In the City of London and the liberties thereof, the mayor and com-

monalty and citizens of the Order,
1886.
City of London acting by the
mayor, aldermen, and commons
of that city in common council
assembled :

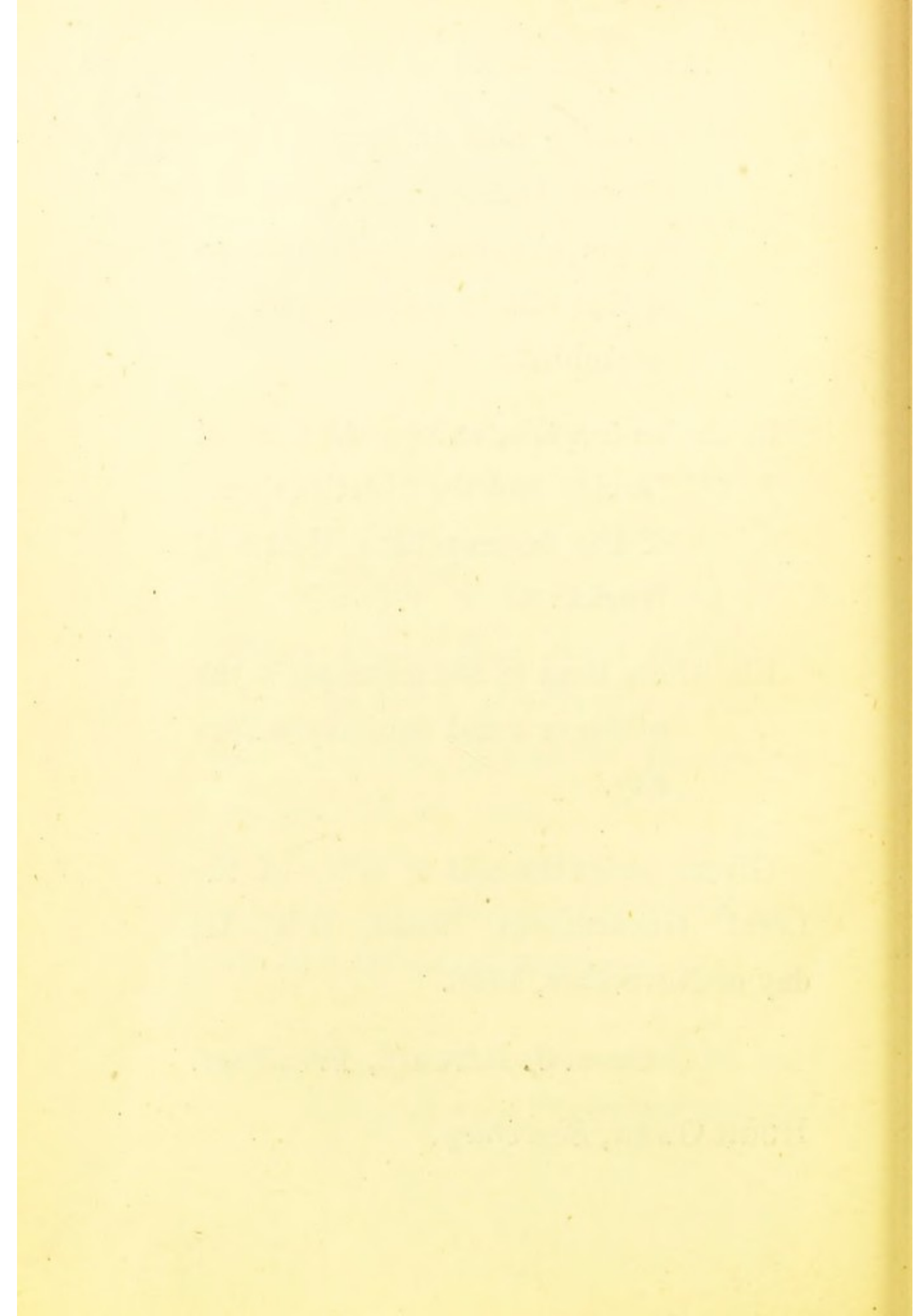
In the metropolis, except the City of
London and the liberties there-
of the Metropolitan Board of
Works :

Elsewhere than in the metropolis, the
urban or rural sanitary autho-
rity.

Given under the seal of office of the
Local Government Board, this 1st
day of November, 1886.

CHAS. J. RITCHIE, *President.*

HUGH OWEN, *Secretary.*



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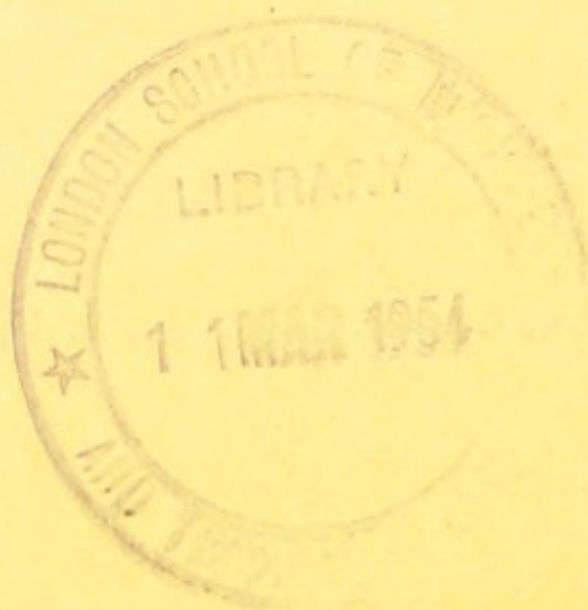
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