



CHAPTER ciii.

An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Doncaster with reference to their water and gas undertakings to make further and better provision with regard to the improvement health local government and finance of the said borough and for other purposes.

A.D. 1904.

[22nd July 1904.]

WHEREAS the borough of Doncaster in the West Riding of the county of York is under the management and control of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation") :

And whereas it is expedient that the Corporation should be empowered to widen and improve certain streets and places within the borough and to acquire the lands in this Act respectively mentioned or referred to :

And whereas by the Doncaster Corporation Waterworks Act 1873 (in this Act referred to as "the Act of 1873") as amended by an Order confirmed by the Local Government Board's Provisional Orders Confirmation (Aysgarth Union &c.) Act 1879 (in this Act referred to as "the Order of 1879") the Corporation are authorised to supply water within the parishes townships and places mentioned therein respectively all of which are now comprised in the borough of Doncaster the parishes and urban districts of Balby-with-Hexthorpe and Wheatley and the parishes of Warmsworth Carr House-and-Elmfield Bentley-with-Arksey Loversall Conisborough Denaby and a portion of the parish of Kirk Sandall :

And whereas it is expedient that the limits for the supply of water by the Corporation should be extended so as to include

A.D. 1904.

therein in addition to the area comprised in their said existing limits the parishes of Armthorpe Sprotborough and Cantley and so much of the parish of Kirk Sandall as is not included in their existing limits and that the Corporation should be authorised to make and maintain additional waterworks as provided by this Act:

And whereas in or about the year one thousand eight hundred and fifty-eight the Corporation acquired the gas undertaking of the Doncaster Gas Light Company and have since that time supplied gas within the borough and elsewhere and it is expedient to define the area in which the Corporation shall be authorised to supply gas and that powers should be conferred upon them in relation to such supply:

And whereas there remains still due and owing on bonds under the seal of the Corporation (in this Act called "the existing gas bonds") the sum of twelve thousand pounds in respect of the said gas undertaking and it is expedient that provisions should be made in reference thereto as contained in this Act:

And whereas it is expedient that further and better provision be made with reference to buildings streets and sanitary matters and for the improvement health local government and finance of the borough and that the powers of the Corporation in relation thereto should be enlarged and extended:

And whereas the Corporation have in the exercise of their statutory powers from time to time borrowed various sums of money which bear different rates of interest and are subject to different conditions as to time of repayment and otherwise and it is expedient that provision should be made for equating the periods for repayment of some or all of the sums so borrowed as herein-after provided and that the period of repayment of moneys borrowed for waterworks purposes should be extended as provided by this Act:

And whereas it is expedient that the Corporation should be enabled to raise moneys for the purposes of this Act:

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows:—

For the purchase of land for and for the street	£
works and improvements by this Act authorised	50000

For and in relation to waterworks purposes in- cluding the construction of the works by this Act authorised and the purchase of minerals under part of the existing reservoir -	£	45000
For and in relation to gasworks purposes -	£	40000

A.D. 1904.

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas plans and sections showing the lines and levels of the proposed street works and waterworks authorised by this Act and a book of reference to the plans containing the names of the owners or reputed owners and lessees or reputed lessees and of the occupiers of the lands required for the purposes of this Act were duly deposited with the clerk of the peace for the West Riding of the county of York which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

And whereas an absolute majority of the whole number of the council at a meeting held on the first day of December one thousand nine hundred and three after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Doncaster Gazette a local newspaper circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that it was expedient to promote the Bill for this Act:

And whereas such resolution was published twice in the said Doncaster Gazette and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further-special meeting held in pursuance of a similar notice on the first day of January one thousand nine hundred and four being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule of the Borough Funds Act 1903 have been observed:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and

A.D. 1904. with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Doncaster Corporation Act 1904.

Act divided into Parts.

2. This Act is divided into Parts as follows:—

- Part I.—Preliminary.
- Part II.—Street Works.
- Part III.—Water.
- Part IV.—Provisions as to Lands &c.
- Part V.—Gas.
- Part VI.—Streets Buildings and Sewers.
- Part VII.—Sky Signs and Hoardings.
- Part VIII.—Sanitary Provisions.
- Part IX.—Infectious Disease &c.
- Part X.—Milk Provisions.
- Part XI.—Common Lodging Houses.
- Part XII.—Hackney Carriages.
- Part XIII.—Police.
- Part XIV.—Fire Brigade.
- Part XV.—Finance.
- Part XVI.—Miscellaneous.

Incorporation of Acts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act (namely):—

(1) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845):

(2) The Waterworks Clauses Acts 1847 and 1863 except—

(A) The words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44 of the Waterworks Clauses Act 1847;

(B) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks

are carried on for their benefit and section 83 relating to accounts: A.D. 1904.

- (3) The Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and with respect to the yearly receipt and expenditure of the undertakers) Provided that section 13 thereof shall be read as if the words "or any premises" were inserted after the words "private building":
- (4) The Gasworks Clauses Act 1871 (except sections 7 8 and 35 thereof).

4. In this Act the several words and expressions to which meanings are assigned by the Public Health Act 1875 have the same respective meanings unless there is something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires— Interpretation.

"The Corporation" means the mayor aldermen and burgesses of the borough of Doncaster:

"The borough" means the borough of Doncaster:

"The council" means the council of the borough:

"The town clerk" "the surveyor" "the medical officer" and the "inspector of nuisances" respectively mean the town clerk the surveyor the medical officer of health and inspector of nuisances appointed by the council in pursuance of the powers of any public Act and "medical officer" shall include any deputy medical officer of health duly appointed:

"The borough fund" "the borough rate" "the district fund" and "the general district rate" mean respectively the borough fund the borough rate (if and when any such rate shall be made in the borough) the district fund and the general district rate of the borough:

"Dairy" means 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:

"Dairyman" means any cowkeeper purveyor of milk or occupier of a dairy:

"The Public Health Acts" means the Public Health Act 1875 and any Act amending the same:

A.D. 1904.

“Sky sign” means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any house building or structure which or any part of which sky sign shall be visible against the sky from some point in any street or public way and includes all and every part of any such post pole standard framework or other support:

The expression “sky sign” shall also include any balloon parachute or other similar device employed wholly or in part for the purposes of any advertisement or announcement on over or above any house building structure or erection of any kind or on or over any street or public way but shall not include—

(1) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purpose of any advertisement or announcement;

(2) Any sign or any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or on the cornice or blocking course of any wall or to the ridge of a roof Provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported;

(3) Any word letter model sign device or representation as aforesaid relating exclusively to the business of a railway company and placed wholly upon or over any railway station yard platform or station approach belonging to a railway company and so placed that it cannot fall into any street or public place:

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough:

“Closet accommodation” means any receptacle for human excreta and the fittings and apparatus connected therewith:

“Daily penalty” means a penalty for every day on which any offence is continued after conviction:

“ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security (not being annuities rentcharges or securities payable to bearer) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or of any local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Corporation :

“ Statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed :

The expression “ railway companies ” shall include two or more railway companies and a committee representing two or more railway companies.

PART II.

STREET WORKS.

5. Subject to the provisions of this Act the Corporation may in the lines and according to the levels shown on the deposited plans and sections relating thereto make the street or road widenings herein-after mentioned and may enter upon and use any of the lands delineated on the said plans and described in the deposited book of reference relating thereto required for those purposes or in connexion therewith or for providing space for the erection of houses and buildings adjoining or near thereto (that is to say) :—

Power to
widen roads.

They may in the borough widen and improve—

(1) Baxter Gate—

On the north-west side for a distance of half a chain or thereabouts in an easterly direction from the house No. 6A Baxter Gate;

A.D. 1904.

(2) Market Place—

On the north-west side for a distance of three quarters of a chain or thereabouts in an easterly direction from the house No: 4 Market Place;

(3) Silver Street—

On the west side between High Street and Sunny Bar;

(4) Scot Lane—

On the north-west side between High Street and Market Place;

(5) St. James Street—

On the south-east side between Victoria Street and Cemetery Road;

(6) St. James Street—

On the north-west side between the back street between Corporation Street and Union Street and Union Street and between Union Street and Spring Gardens;

(7) St. Sepulchre Gate—

On the north-western side for a distance of about three chains south from West Street.

Benefit of improvement to be taken into consideration in fixing compensation.

6. In estimating the amount of purchase money or compensation to be paid by the Corporation under this Part of this Act the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street shall be fairly estimated and shall be set off against the said purchase money or compensation.

Limits of lateral and vertical deviation for street works.

7. Subject to the provisions of this Part of this Act and to section 308 of the Public Health Act 1875 the Corporation in the construction of the street works by this Act authorised may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation shown thereon and they may deviate vertically from the levels shown on the deposited sections to any extent not exceeding two feet upwards or downwards.

Power to alter steps areas pipes &c.

8. The Corporation within the limits of deviation defined upon the deposited plans may raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and also the drains mains and the leaden or other pipes or wires

which for the purpose of conveying water electricity or gas to any house or other place shall be laid into or from any main cable or pipe laid down by the Corporation and may remove all other obstructions so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 308 of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

A.D. 1904.

PART III.

WATER.

9. From and after the passing of this Act the limits for the supply of water by the Corporation shall be the borough of Doncaster the parishes and urban districts of Balby-with-Hexthorpe and Wheatley and the parishes of Warmsworth Carr House-and-Elmfield Bentley-with-Arksey Loversall Conisborough Denaby Kirk Sandall Armthorpe Sprotborough and Cantley and the provisions of the Act of 1873 the Order of 1879 and this Act shall apply within the limits of supply as so extended and defined The said parishes of Armthorpe Sprotborough and Cantley and so much of the parish of Kirk Sandall as is not included in the existing limits for the supply of water by the Corporation are in this Part of this Act referred to as "the added area."

Extension and definition of limits of supply.

10. If at any time after the expiration of five years from the commencement of this Act the Corporation are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act in any part of the district of any local authority within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the Corporation as if in either case this Act had not passed.

Power to local authority &c. to supply water in case Corporation fails to supply.

If any difference shall arise between the Corporation and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled by an arbitrator to be appointed on the application of either party by the Local Government Board.

A.D. 1904.

Sale of plant
in added
area.

11. If at any time after the passing of this Act any local authority whose district is as to the whole or any part thereof within the added area shall give not less than six months notice in writing to the Corporation of their desire to purchase such portion of the waterworks and plant of the Corporation as is contained in the added area and within the district of any such local authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the waterworks and plant of the Corporation except the mains and pipes or other waterworks and apparatus which shall be necessary for supplying with water any other part of the limits of the Corporation for the supply of water and to supply water within such district then it shall not be lawful for the Corporation to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Corporation shall sell and such local authority shall purchase the portion of the waterworks and plant of the Corporation (except as aforesaid) in the added area and within the district of such local authority at such price being a sum in gross and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts Any such purchase shall be deemed to be a purpose of the Public Health Act 1875 except so far as the same may be otherwise provided for by Parliament and the Corporation shall apply the proceeds of any sale under this section in the same manner as they are required to apply money received from sales of land under this Act Provided that after the completion of such purchase all obligations on the part of the Corporation to supply water within the district of the purchasing authority or such portion thereof as is within the added area shall cease and determine.

As to con-
stant supply.

12. Notwithstanding anything contained in sections 4 and 29 of the Act of 1873 the water supplied by the Corporation shall be constantly laid on under pressure but need not at any time be delivered at a greater height that can be reached by gravitation from the now existing storage or service reservoir from which the supply is taken.

Limiting
price for
supply of
water by
measure.

13. If the Corporation shall supply water by measure for other than domestic purposes the price to be charged therefor shall not exceed one shilling per thousand gallons within the borough and one shilling and threepence per thousand gallons in the remainder of the limits of supply.

14.—(1) From and after the passing of this Act the provisions of section 35 of the Act of 1873 shall be and the same are hereby repealed and the provisions of subsection (2) hereof shall be substituted therefor.

A.D. 1904.
Rates for
supply of
water for
domestic
purposes.

(2) The Corporation shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of the Act of 1873 the Order of 1879 or this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum herein-after specified (that is to say):—

As regards any such dwelling-house which is situate within the borough---

Where the rateable value of the premises so supplied with water does not exceed five pounds the sum of eight shillings and eightpence;

Where such rateable value exceeds five pounds and does not exceed twenty pounds at the rate of ten pounds per centum per annum;

Where such rateable value exceeds twenty pounds and does not exceed thirty pounds at the rate of eight pounds and ten shillings per centum per annum;

Where such rateable value exceeds thirty pounds and does not exceed forty pounds at the rate of eight pounds per centum per annum;

Where such rateable value exceeds forty pounds and does not exceed sixty pounds at the rate of seven pounds and ten shillings per centum per annum;

Where such rateable value exceeds sixty pounds and does not exceed seventy pounds at the rate of seven pounds per centum per annum;

Where such rateable value exceeds seventy pounds and does not exceed eighty pounds at the rate of six pounds and ten shillings per centum per annum;

Where such rateable value exceeds eighty pounds at the rate of six pounds per centum per annum:

As regards any such dwelling-house which is situate beyond the borough one-fourth more than the water rates for the time being chargeable within the borough.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement

A.D. 1904. — of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor. Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

In addition to the foregoing charges the Corporation may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within their limits of supply a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding seven shillings and sixpence per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Corporation may think fit such additional sum to be paid quarterly in advance and to be recoverable in all respects with and as the water rate :

Provided that the Corporation shall not be compellable to supply with water any watercloset or private bath or the apparatus or pipes connected therewith unless the same are so constructed and used as to prevent the waste misuse or undue consumption of the water of the Corporation and the flow or return of foul air or other noisome or impure matter into the mains or pipes of the Corporation or into any pipes connected or communicating therewith.

Nothing in this section shall entitle the Corporation in any case to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum than they would be entitled to demand if the house or part thereof were of just sufficient rent or value to bring it within the next division of the said scale relating to premises of a higher rent or value whereon a lower rate per centum is chargeable.

Power to
construct
waterworks.

15. Subject to the provisions of this Act the Corporation may in the West Riding of the county of York and in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain the following works and may enter upon take and use such of the lands delineated on the deposited plans and described in the

deposited book of reference as may be required for those purposes (that is to say) :— A.D. 1904.

- (1) A conduit or line of pipes (No. 1) to be situate in the parishes of Ravenfield and Hooton Roberts in the rural district of Rotherham commencing on the northern side of the embankment of the Thrybergh Reservoir of the Corporation by a junction with the line of pipes (No. 5) authorised by the Sheffield Corporation Water Act 1896 at its termination and terminating in the main road between Doncaster and Sheffield at the boundary line dividing the parishes of Hooton Roberts and Conisborough at or near the junction with that road of the road known as Old Road :
- (2) A conduit or line of pipes (No. 2) to be situate in the parishes of Conisborough and Warmsworth in the rural district of Doncaster commencing by a junction with the conduit or line of pipes (No. 1) at the termination thereof and terminating at the site of the service reservoir at Warmsworth authorised by this Act :
- (3) A service reservoir to be situate in the said parish of Warmsworth on the north-west side of the bridle road called Tenter Lane and on the south-west side of and near to the existing service reservoir of the Corporation.

16. The Corporation in addition to the foregoing works may upon any lands for the time being belonging to them or over or in respect of which they may have or acquire rights or easements make and maintain all necessary or convenient cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices bywashes shafts wells bores water-towers overflows waste-water channels gauges tanks banks hydrants meters dams embankments piers walls bridges approaches engines pumps machinery buildings appliances apparatus and conveniences in connexion with or subsidiary to the before-mentioned works or any or either of them but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them. Power to make subsidiary waterworks.

17. In the construction of the works authorised by this Part of this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral division shown on the deposited plans and where on any road no such limits are shown the Power to deviate in construction of water-works.

A.D. 1904. boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the reservoir three feet upwards and five feet downwards and in the case of all other works to any extent not exceeding four feet upwards and to any extent downwards Provided as follows (that is to say):—

The Corporation shall not construct any embankment or wall of such reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and three feet in addition :

Except for the purposes of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as shown on the deposited section.

Period for completion of water-works.

18. If the works authorised by this Part of this Act are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their water-works and plant and in the case of the conduits or lines of pipes authorised by this Act lay down additional lines of pipes as and when occasion may require.

Works to form part of undertaking.

19. The works by this Part of this Act authorised shall for all purposes be deemed part of the water undertaking of the Corporation and the provisions of the Act of 1873 and the Act and Orders amending the same so far as the same are applicable and subject to the provisions of this Act shall extend and apply to the said works.

Power to lay water pipes in streets not dedicated to public use.

20. The Corporation may on the application of the owner or occupier of any premises within their limits for the supply of water abutting on or being erected in any street or road laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay repair or renew in across or along or out of such street or road such pipes and apparatus as may be requisite or proper for furnishing such supply And the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes so far as they are applicable for the purposes of this

section shall extend and apply mutatis mutandis to and for the purposes thereof. A.D. 1904.

21. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) be liable to a fine not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained : Injuring
meters &c.

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fitting belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as water rents or rates are recoverable The existence of artificial means of causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fitting is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fitting.

22. Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours notice in writing to the Corporation of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due Notice to
Corporation
of connecting
or discon-
necting
meters.

A.D. 1904. — superintendence of any officer of or person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

PART IV.

PROVISIONS AS TO LANDS &C.

Period for compulsory purchase of lands.

23. The powers of the Corporation for the compulsory purchase of lands shall cease for the purposes of the widenings and improvements numbered respectively (1) (2) and (7) in the section of this Act whereof the marginal note is "Power to widen roads" and the works authorised by Part III. of this Act after the expiration of three years and for the purposes of the widenings and improvements numbered respectively (3) (4) (5) and (6) in the said section after the expiration of five years from the passing of this Act.

Correction of errors &c. in deposited plans and book of reference.

24. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days notice to the owners lessees and occupiers of the land in question may apply to two justices (not being members of the council) acting for the borough or the West Riding of the county of York for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the said riding of the said county and a duplicate thereof shall also be deposited with the clerk of the council of the borough district or parish in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Power to acquire easements only.

25.—(1) The Corporation may in lieu of acquiring any lands for the purpose of the waterworks authorised by this Act acquire such easements and rights in such lands as they may require for the purpose of making maintaining using cleansing

repairing renewing and enlarging the said works and of obtaining access thereto and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such easements and rights as fully as if the same were lands within the meaning of those Acts. A.D. 1904.

(2) Provided that as regards any lands taken or used by the Corporation for the purpose of such works where they are respectively laid underground the Corporation shall not (unless they give notice to treat for such lands and not merely for easements or rights therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Corporation.

(3) Provided also that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

26. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Persons under disability may grant easements &c.

27. The Corporation on selling any lands acquired by them in connexion with their water undertaking and not required for the purposes of that undertaking may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such Reservation of water rights &c. on sale.

A.D. 1904.

other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Power to purchase lands and exercise powers for protection of waters and waterworks.

28. For the purpose of protecting any of their waters and waterworks against pollution contamination nuisance encroachment or injury the Corporation may purchase take on lease and acquire any lands in over or through which any waters which the Corporation are for the time being authorised to intercept collect impound take use divert or appropriate arise or flow and may in and upon any such lands construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing in or over such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted fouled contaminated or discoloured and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road within or adjoining the said lands subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

Owners may be required to sell parts only of certain properties.

29. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such

portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :

A.D. 1904.

- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit :

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Power to
retain sell
&c. lands.

30. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit and may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands acquired by them under this Act or any interest therein and may sell exchange or dispose of any rents reserved on the sale exchange lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating

any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange. A.D. 1904.

31. So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on re-sale or exchange or by way of fine or premium on the grant or renewal of leases as aforesaid in the purchase of lands so remaining to be acquired but as to any capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board Provided that the amount to be applied in the purchase of land under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the acquisition of such lands Provided further that the borrowing powers by this Act authorised for the acquisition of such lands shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

Proceeds of
sale of sur-
plus lands.

PART V.

GAS.

32. The limits of this Act for the supply of gas (in this Act referred to as "the gas limits") shall be and include the borough of Doncaster and the parishes and urban districts of Balby-with-Hexthorpe and Wheatley and the parishes of Warmsworth Bentley-with-Arksey Kirk Sandall Loversall Sprotborough Cantley Armthorpe and Carr House-and-Elmfield all in the rural district of Doncaster. Gas limits.

33. Subject to the provisions of this Act the Corporation may from time to time maintain alter improve enlarge extend and renew or discontinue the existing gasworks upon the lands on which the same are erected or any part thereof and being the lands described in the Second Schedule to this Act and they may also erect lay down provide and maintain alter improve enlarge extend and renew or discontinue the existing and additional and other gasworks retorts gasometers receivers drains sewers mains pipes meters lamps lamp-posts burners stopcocks

Powers as to
maintenance
of gasworks
&c. and ac-
quisition of
lands.

A.D. 1904. machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the gas limits and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar pitch asphaltum ammoniacal oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas Provided always that no lands shall be used by the Corporation for the purpose of manufacturing gas or residual products except the lands described in the said Second Schedule to this Act.

Sale of gas
plant outside
borough.

34. If at any time after the passing of this Act any local authority whose district is beyond the borough but as to the whole or any part thereof within the limits of the Corporation for the supply of gas shall give not less than six months notice in writing to the Corporation of their desire to purchase such portion of the gasworks and plant of the Corporation as is contained within the district of any such local authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the gasworks and plant of the Corporation except the mains and pipes or other gasworks and apparatus which shall be necessary for supplying with gas any other part of the limits of the Corporation for the supply of gas and to supply gas within such district then it shall not be lawful for the Corporation to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Corporation shall sell and such local authority shall purchase the portion of the gasworks and plant of the Corporation (except as aforesaid) within the district of such local authority at such price being a sum in gross and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts Provided that in addition to the said sum any such local authority shall reimburse to the Corporation any expenses incurred by them in connexion with their gasworks mains and plant whether within or without the district of such local authority rendered unprofitable by reason of such purchase the amount of such expense in default of agreement to be fixed by arbitration as aforesaid In arriving at the sum to be so reimbursed the arbitrator or umpire shall have regard to any future use the Corporation may in his opinion be able conveniently to make of the works mains and plant on which such expenses

were incurred Any such purchase shall be deemed to be a purpose of the Public Health Act 1875 except so far as the same may be otherwise provided for by Parliament and the Corporation shall apply the proceeds of any sale under this section in the same manner as they are required to apply money received from sales of land under this Act Provided that after the completion of such purchase all obligations on the part of the Corporation to supply gas within the district of the purchasing authority shall cease and determine.

A.D. 1904.

35. The price to be charged by the Corporation for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed three shillings and sixpence per one thousand cubic feet :

Limit of price.

Provided that the Corporation shall not charge for gas supplied outside the borough whether to private consumers or for public lighting any greater prices than are in similar circumstances for the time being respectively charged within the borough.

36. All gas supplied by the Corporation to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six-tenths of an inch and from sunset to midnight not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure and two hours previous notice shall be given to the Corporation of the time and place at which such testing shall be conducted.

Pressure of gas.

37. The prescribed number of candles shall be not less than fifteen.

Quality of gas.

38. Within six months from the passing of this Act a testing place shall be provided at some convenient part of the gasworks of the Corporation.

Testing place.

39. The prescribed burner shall be a twenty-four hole Argand burner or such other burner as shall for the time being

Burner.

A.D. 1904.

be approved by the Board of Trade on the application of the Corporation.

Charges for gas supplied by means of prepayment meters.

40.—(1) The Corporation may charge for any gas supplied through a prepayment meter a not greater charge rate or rent than would be charged for gas supplied to private consumers on the same premises through any other kind of meter or by any other method of supply.

(2) The Corporation shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid.

The said charge shall include the providing letting fixing repairing and maintenance of one meter and fittings and the cost of collection and other costs incurred by the Corporation in connexion with the meter and fittings.

(3) The maximum charge for the hire of each prepayment meter without fittings shall be at the rate of ten per centum per annum on the cost of the meter to the Corporation and the provisions of this Act applicable to ordinary meters shall so far as applicable apply to prepayment meters.

(4) For the purposes of this Part of this Act the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

As to construction and placing of pipes &c. between mains and meters.

41. In order to enable the Corporation to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

(1) The Corporation may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the occasion of any renewal between the Corporation's mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises:

(2) The Corporation may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:

- (3) The specification shall be published twice in some newspaper circulating within the gas limits and a copy thereof shall be kept exhibited in the office of the town clerk :
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Corporation's main but within the outside wall of the building :
- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Corporation and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Corporation. Any officer of the Corporation duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Corporation's specification or if the meter is not placed as required by this section the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with :
- (6) Any person to whom the Corporation refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Corporation's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

42. If any person is required by the Corporation to give to them security for the payment of the price or rent of a meter the Corporation shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Corporation to pay interest on money deposited as security for gas meter &c.

43. The Corporation may upon the application of the owner or occupier of any premises within the gas limits abutting on or

Power to lay gas pipes in streets or

A.D. 1904.
roads not
dedicated to
public use.

being erected in any street or road laid out or made but not dedicated to public use supply such premises with gas and may lay down take up alter relay repair or renew in across or along or out of such street or road such pipes and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Power to lay
down and
utilise pipes
for ancillary
purposes.

44. The Corporation may lay down place repair alter remove and renew mains pipes and culverts within the limits of supply for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from any manufacture of gas or any residual products thereof or for any purpose connected with their business and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid shall so far as applicable extend and apply to the laying down and placing repairing altering or removing and protection of such mains pipes and culverts.

Power to
require use
of anti-fluc-
tuators for
gas engines.

45. Every consumer of gas supplied by the Corporation who uses a gas engine shall if required to do so by the Corporation use an effective anti-fluctuator of approved make or pattern and shall at all times at his own expense keep such anti-fluctuator in proper repair and in default of his so using or keeping such anti-fluctuator in proper repair the Corporation may cease to supply gas to such consumer The Corporation shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

Power to
supply gas
fittings &c.
for heating
and other
purposes and
not to be
subject to
distress.

46.—(1) The Corporation may sell let for hire or otherwise deal in fix repair and remove but shall not manufacture engines stoves ranges meters tubes pipes and other fittings articles and things connected with gasworks or for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used (in this section referred to as "fittings") and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and

conditions as may be agreed upon between the Corporation and the persons to or for whom the fittings are sold let fixed up repaired or removed.

A.D. 1904.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against [the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof.

47. Twenty-four hours notice in writing shall be given to the Corporation by every gas consumer before he shall quit any premises supplied with gas by meter by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed upon every demand note for gas rent payable to the Corporation.

Gas consumers to give notice to Corporation before removing.

48. If a person requiring a supply of gas from the Corporation has previously quitted premises at which gas was supplied to him by the Corporation without paying to them all gas or meter rent due from him to the Corporation they may refuse to furnish to him a supply of gas until he pays the same.

Power to refuse supply to persons in debt for other premises.

49. A notice to the Corporation from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Corporation.

Notice to discontinue supply of gas.

50. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may

Period of error in defective meters.

A.D. 1904.

be and shall be recoverable in the like manner as gas rents are recoverable by the Corporation.

No penalty
in case of
unavoidable
cause.

51. No penalty shall be incurred by the Corporation for neglect or refusal to give a supply of gas in accordance with the provisions of this Act or for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which the court having cognisance of the case are of opinion that such neglect refusal insufficiency defect or excess was caused by circumstances beyond the control of the Corporation.

Corporation
may enter
into con-
tracts for
supply of
gas.

52. — (1) The Corporation may contract with any local authority company or persons beyond the gas limits (but only with the consent in writing of the local authority of the district within which the supply is to be given and of any company or person supplying gas under parliamentary powers in that district) for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as shall be agreed upon.

(2) The Corporation may enter into any contract with any person for a supply of gas to any premises within the gas limits and such supply may be given for such purposes and subject to such terms and conditions as to price and otherwise as may be agreed upon between the Corporation and the person taking such supply:

Provided that the Corporation shall not under the powers of this subsection give any preferential price as between any consumers who shall take a supply from the Corporation under similar conditions and circumstances.

(3) The Corporation shall not supply gas under any such contract as aforesaid if and so long as such supply would interfere with the supply of gas to private consumers.

Discounts.

53. The Corporation may if they think fit allow discounts or rebates not exceeding in the case of discounts for prompt payment of gas rents ten pounds per centum and in the case of discounts for large consumption or in respect of gas supplied by contract or for motive power fifteen pounds per centum upon such scale and subject to such conditions and regulations as may be prescribed by special contract in writing between the Corporation and any of such consumers Provided that such discounts shall be of equal amount under like circumstances to all consumers

Provided also that notice of the effect of this enactment shall be endorsed on every demand note for gas rent. A.D. 1904.

54. In executing the works and exercising the powers by this Act authorised in respect of water supply and gas supply so far as they affect main roads and county bridges of the West Riding of the county of York the following provisions for the protection of the county council of the said West Riding (in this section called "the county council") shall have effect unless otherwise agreed on in writing between the county council and the Corporation (that is to say):—

For protection of West Riding County Council.

- (1) All mains pipes or works to be laid in or along any main road shall as far as is reasonably practicable be constructed and laid in such position at the side thereof as the county council shall by writing under the hand of their surveyor direct and shall not be constructed or laid in upon or across any county or main road bridge or any arch connected therewith but shall be carried over the stream crossed by such bridge by means of wrought iron riveted tubing (or other suitable method to be agreed on between the parties) entirely separate from and independent of such bridge or arch and the gradient of such bridge and of the respective approaches thereto shall not be altered:
- (2) All works to be constructed or laid in along or across or in any way affecting any main road or county or main road bridge or any approach thereto shall be executed at the expense of the Corporation under the superintendence and to the reasonable satisfaction of the said surveyor and in accordance with plans sections and specifications to be submitted to and approved of by him in writing before the commencement of any such work. Provided that if the said surveyor shall not within one month after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof:
- (3) The works shall be so executed as not in any way to stop or unreasonably interfere with the traffic of any main road or county or main road bridge or any approach thereto and all such works shall be proceeded with and completed with all possible despatch:

A.D. 1904 .

- (4) The Corporation shall pay to the county council the reasonable cost in relation to the examination of the said plans sections and specifications and the superintendence by this section authorised :
- (5) Notwithstanding anything in this Act contained it shall be lawful for the county council at any time or times to divert widen or improve any such main road and also to remove alter widen or renew any such county or main road bridge or the approaches thereto in alongside or near to which any such mains pipes or works are carried in the same manner as they might have diverted widened or improved removed altered or renewed any such main road or bridge or the approaches thereto if this Act had not been passed and such mains pipes or works had not been constructed or laid in over alongside or near to such main road or bridge respectively without making any compensation to the Corporation for any expense or loss to which the Corporation may be put in consequence of such diversion widening improvement removal alteration or renewal And in the event of any such main road or bridge or the approaches thereto in alongside or near to which such mains pipes or works are laid being diverted widened or improved removed altered or renewed as aforesaid the Corporation shall at their own expense and within such reasonable period as shall be required by the said surveyor remove or alter the position of their said mains or pipes and the works by which the same are carried alongside or near to any such main road or bridge or the approaches thereto as aforesaid and replace the same to the satisfaction of the said surveyor Provided that before and during such diversion widening improvement removal alteration or renewal of any such main road or bridge as aforesaid the county council shall give one month's notice in writing to the Corporation of their intention to carry out such works and the county council shall afford at the cost of the Corporation reasonable facilities for temporarily carrying such mains or pipes along the main road or across the stream so as not to interrupt the continuous supply of water or of gas as the case may be :

- (6) Notwithstanding anything in this Act contained if any difference arise between the Corporation and the county council touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer agreed upon or failing agreement to be appointed by the Board of Trade on the application of either of the parties in difference. A.D. 1904.

55. The following provisions for the protection of railway companies shall unless with the previous consent of the railway company concerned in writing under their common seal apply and have effect:— For protection of railway companies.

- (1) All water and gas mains and pipes hereafter laid by the Corporation under the powers of this Act over any tunnel of or over or under any bridge over or under any railway of such company shall be carried over or under the same in such a way as not to interfere with the structure of any such tunnel or bridge and all other mains and pipes hereafter laid by the Corporation under the powers of this Act which shall cross any railway of such company shall be carried under the same in a culvert or culverts of sufficient dimensions to admit of such mains and pipes being relaid or repaired without interference with the railway:
- (2) In laying and maintaining any such water and gas mains and pipes culverts or other works hereafter laid or constructed by the Corporation under the powers of this Act over upon or across or under any work or property of any railway company the Corporation shall execute and maintain their works under the direction and superintendence and to the reasonable satisfaction of the engineer of such railway company and in accordance with plans drawings and specifications previously submitted to and reasonably approved by him and shall pay and make good to such company all loss damages and expenses which such railway company shall sustain or be put to by or in consequence of the laying or maintenance of the said mains pipes culverts and other works Provided that the engineer of such railway company shall be deemed to have approved of any such plans drawings and specifications unless he shall have given to the Corporation or their engineer notice in writing of his disapproval thereof within twenty-one

A.D. 1904.

days after the same shall have been submitted to him for his approval as aforesaid :

- (3) Any difference arising between the Corporation and any railway company under this section shall be determined unless otherwise agreed by an engineer to be appointed failing agreement by the Board of Trade.

PART VI.

STREETS BUILDINGS AND SEWERS.

Approval of plan to be void after certain intervals.

56. The approval by the Corporation of any plan or section of any street or building and the notice of intention to lay out or construct such street or building shall be null and void if the execution of the work specified in such plan or section be not commenced within the following periods (that is to say) :—

As to plans or sections approved after the passing of this Act within two years from the date of such approval ;

As to plans or sections approved before the passing of this Act within two years from the passing of this Act :

And at the expiration of those respective periods fresh notice and deposit and approval shall unless the Corporation otherwise determine be requisite.

The Corporation shall give notice of the provisions of this section to every person intending to lay out a new street or erect a new building the plans for which shall have been approved before the passing of this Act but the laying out of which street or erection of which building shall not have been commenced and shall attach a similar notice to every approval of plans given subsequent to the passing of this Act.

As to plans deposited with Corporation.

57. The Corporation may retain any drawings plans elevations sections specifications and written particulars descriptions or details deposited with them in pursuance of any enactment for the time being in force or any byelaw thereunder.

Power to vary position or direction of new streets.

58. The Corporation may by order vary or alter the intended position direction gradient or level of any intended new street for the purpose of causing it to communicate in a direct line or more direct line with any other street adjoining or leading thereto The Corporation shall make compensation to all persons injuriously affected by the exercise of the powers of this section Any person who shall lay out a street and not adhere to or observe any such order made by the Corporation shall be liable

to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings. A.D. 1904.

59.—(1) Where any street or road in the borough repairable by the inhabitants at large is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of any such street or road. The line which in any case the Corporation propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain. No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street or road than such line of frontage.

Corporation
may define
future line
of streets.

(2) The Corporation may and if required by the owner shall purchase the land lying between any such line of frontage as aforesaid and the street or road and the same when purchased shall vest in the Corporation as part of the street or road and the amount of purchase money shall in case of difference be settled by arbitration under the Arbitration Act 1889.

(3) Whenever in any of the above cases the Corporation shall require the said line of frontage to be observed and kept they shall make full compensation to the owner and other persons immediately interested in any new building for any loss or damage they may sustain in consequence of such new building being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such land or building full compensation in respect thereof for all loss damage or injury (if any) sustained by them by reason of the Corporation requiring the said line to be observed and kept.

(4) After any such line shall be so defined and prescribed as aforesaid any person who shall act contrary to this enactment shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

A.D. 1904.

(5) In estimating the amount of compensation or purchase money to be paid by the Corporation under this section the benefit accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase money.

Power to declare where new streets begin or end.

60. The Corporation may by order determine and declare the points or limits at or within which any new street is to be taken as beginning or ending.

Intersecting streets.

61. No street shall be laid out of more than two hundred and fifty yards in length without an intersecting street. Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Continuation of existing streets to be deemed new streets.

62. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the borough be deemed to be a new street.

No buildings allowed until street defined.

63. No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof. Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Crossings for horses or vehicles over footways.

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

until such a communication as aforesaid has been so made or on or along any part of any such footway other than the part over which such communication has been made he shall for each such offence be liable to a penalty not exceeding forty shillings in addition to the amount of damage (if any) thereby done to such footway:

Provided that nothing in this section shall be deemed to apply to the temporary crossings of footways during building operations if means satisfactory to the Corporation be taken to protect such footways from injury and for the convenience of foot passengers.

65. From and after the passing of this Act—

What to be deemed new buildings.

- (A) The conversion into a dwelling-house of any building or part of a building not originally constructed for human habitation;
- (B) The conversion of a building which when originally erected was legally exempt from the operation of any building byelaws in force within the borough into a building which had it been originally erected in its converted form would have been within the operation of those byelaws;
- (C) The reconversion into a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than that of a dwelling-house;
- (D) The making of any addition to any existing building by raising any part of the roof or making any projection therefrom but so far as regards such addition only; and
- (E) The roofing or covering over of any open space between walls or buildings;

shall for all the purposes of this Act and of the Public Health Acts and of any byelaw made thereunder respectively be deemed to be the erection of a new building.

66. No new building shall without the approval of the Corporation be erected on the side of any street which shall exceed in height the distance from the front of such building to the opposite side of such street nor shall the height of any building at any time erected on the side of any street be at any time subsequently increased without such approval as aforesaid so as to exceed such distance. Provided that the approval of the Corporation shall not in the case of rebuilding any building

Height of buildings.

A.D. 1904.

existing at the passing of this Act be withheld so as to involve a material sacrifice of property In determining the height of any building the measurement shall be taken from the level of the centre of the street immediately opposite the centre of the front of the building up to the top of the eaves of the roof or in the case of a flat roof to the top of the parapet facing the street In case of a gable facing the street the measurement shall be to a point half-way between the level of the eaves and the ridge In case of a roof which slopes away from the street at any greater angle to the horizon than fifty degrees the measurement shall be to the ridge of the roof and not to the eaves:

Provided that where any new building shall front to two or more streets the height of such new building shall be determined according to the width of the widest of such streets.

Height of chimneys.

67. With respect to the height of chimneys the following provisions shall have effect (that is to say):—

(1) Every chimney hereafter erected for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any mill factory brewery sizing-house dye-house corn-mill foundry or building used for manufacturing or other purposes shall be raised to such height measured from the level of the centre of the street nearest thereto as the Corporation shall reasonably approve having regard to the use of such chimney the position of dwelling-houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height:

(2) Any person who shall offend against any provision of this or the preceding section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Erection of buildings to greater height than adjoining buildings.

68. In case any building is after the passing of this Act erected or raised to a greater height than any adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys

of the building so erected or raised Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

69. It shall not be lawful for any person without the consent of the Corporation in writing first obtained to lay any building materials rubbish or other thing or make any excavation on or in any street and when with such consent any person lays any building materials rubbish or other thing or makes any excavation on or in any street he shall at his own expense cause the same to be sufficiently fenced and a sufficient light to be fixed in a proper place on or near the same and to be continued every night from sunset to sunrise and shall remove such materials rubbish or thing or fill up such excavation (as the case may be) when required by the Corporation and if any person fails to comply in any respect with the requirements of this enactment he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may remove any such materials rubbish or thing or fill up such excavation (as the case may be) and recover the expenses from the offender summarily as a civil debt.

Prohibiting deposit of building materials on and excavations in streets.

70. The Corporation may remove appropriate use and dispose of all old materials existing in any street at the time of the execution by the Corporation of any works in such street unless the owners of buildings or lands in such street within forty-eight hours after notice so to do served on them by the surveyor remove such materials or their respective proportion thereof and the Corporation may if they think fit allow such sum as they may fix to be the reasonable value thereof to such owners for any materials which have been re-used or removed by the Corporation.

Materials in streets sewered and paved.

71. If the footway of any street repairable by the inhabitants at large be injured by or in consequence of any excavations or other works on lands adjoining thereto the Corporation may repair or replace the footway injured and all damages and expenses of or arising from such injury and repair or replacement shall be paid to the Corporation by the owner of the lands on which such excavations or other works have been made or by the person causing or responsible for the injury.

Recovery of damages caused to footways by excavations.

72. All buildings or parts of buildings which may in future be erected on the site of any building or any land which site

Elevation of buildings erected on

A.D. 1904.
front land to
be subject to
approval of
Corporation.

or land in consequence of any improvement made by the Corporation becomes front land shall be erected according to such elevation as the Corporation reasonably approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Corporation and in case the Corporation for the space of six weeks after any plan or drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings The Corporation shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence in pursuance of any requirement of the Corporation.

As to temporary and movable buildings.

73.—(1) Before any person erects or sets up any temporary or movable building he shall apply to the Corporation for permission so to do and such application shall be accompanied by a plan and sections of the proposed building drawn to a scale of not less than one inch to every eight feet and a block plan drawn to a convenient scale showing the intended situation and surroundings of the proposed building together with a specification describing the materials proposed to be used in the construction thereof and the purpose for which the building is intended.

(2) The Corporation shall within one month after the delivery of the plan and sections and specification signify in writing their approval or disapproval of the intended building to the person proposing to erect or set up the same.

(3) The Corporation may attach to their approval any condition which they may deem proper with regard to the sanitary arrangements of such building the ingress thereto and the egress therefrom protection against fire and the period during which such building shall be allowed to stand.

(4) If any such building is commenced erected or set up without such application accompanied by such plans sections and

specification or after the disapproval of the Corporation or before the expiration of one month without such approval or is in any respect not in conformity with any condition attached by the Corporation to their approval the person who commenced erected or set up such building or if any such building is not removed within the period allowed by the Corporation or any prolongation thereof the owner of such building shall be liable to a penalty for every such offence not exceeding forty shillings and to a daily penalty of the like amount and the Corporation may cause such building to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting or setting up the same at their discretion.

(5) The following buildings and works shall be exempt from the operation of this section:—

- (A) Buildings expressly exempt from the operation of the Acts or byelaws for the time being in force within the borough in respect to new buildings and any tent not remaining for more than seven days;
- (B) Any wooden or other structure or erection of a movable or temporary character erected or set up for use during the construction alteration or repair of any building but such structure or erection shall be pulled down or removed immediately after the completion of such construction alteration or repair and if not so taken down or removed the Corporation may cause the same to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting or setting up the same at their discretion; and
- (c) Any wooden or other structure or erection erected or set up for the purpose of protecting or of preventing the acquisition of right of light.

74. Where a temporary or other building referred to in the last preceding section is taken down or removed by the Corporation under the powers of this Part of this Act the Corporation may sell the materials thereof or any part of them and shall apply the proceeds of the sale in or towards payment of the costs and expenses incurred by them in relation to such

Power to sell materials of temporary buildings.

A.D. 1904. building and shall pay the balance thereof to the owner of such building.

Fencing
lands ad-
joining
streets in
certain cases.

75. If any land other than land now forming part of any common adjoining any street is allowed to remain unfenced or the fences thereof are allowed to be or remain out of repair and such land is in the opinion of the Corporation owing to the absence or inadequate repair of any such fence a source of danger to passengers or is used for any immoral or indecent purposes or for any purpose causing inconvenience or annoyance to the public then after the expiration of fourteen days notice from the town clerk of the Corporation to the owner or occupier of the same or without any notice if the Corporation are unable after diligent inquiry to discover the name or place of abode of such owner or occupier the Corporation may cause the same to be fenced or may cause the fences to be repaired in such manner as they think fit and the expenses thereby incurred may be recovered from such owner or occupier summarily as a civil debt.

Entrances to
courts not to
be closed.

76. The entrance to any court not being a highway repairable by the Corporation shall not at any time after the passing of this Act be closed or narrowed or built over or the height or headway thereof lowered.

Every person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Provision for
preventing
formation of
culs-de-sacs.

77.—(1) The Corporation may (if in the circumstances of the case they think it expedient so to do) make it a condition of approving the plans of any new street that such street shall be so laid out and formed that the same shall not terminate with a dead end or cul-de-sac and in any such case the street shall not be laid out and formed except in accordance with such condition unless the person laying out the street can show that it is impossible for him to comply therewith.

(2) Any person who shall offend against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Corporation
may require
enlarged
sewer.

78. If in any new streets the Corporation for the purpose of main drainage or otherwise shall require a larger sewer or drain to be made than they consider necessary for the ordinary sewerage or drainage of such new street the person laying out such new street shall construct such enlarged sewer or drain in accordance with the

requirement of the Corporation and the additional cost thereof as ascertained by the surveyor shall be paid by the Corporation. A.D. 1904.

79. Where under the provisions of the Public Health Acts or this Act the Corporation have power to require any street to be sewered by reason of such street not having heretofore been sewered to their satisfaction they may require the provision of separate sewers for the reception of surface water and of sewage respectively and the Corporation may if such separate sewers have been provided from time to time by resolution declare that any sewer or sewers for the time being belonging to them shall be appropriated and used for surface water only or for sewage only and where in any street provision has been made for separate sewers for surface water and for sewage as aforesaid no sewage shall be allowed to pass into the surface-water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings Provided that in the case of any house or premises existing at the time of the provision of separate sewers as aforesaid the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient to effectually drain such house or premises the Corporation shall at their own expense make all necessary alterations to the drains and pipes of such house or premises in order to keep separate the sewage and surface-water drainage thereof and pending any such alteration the said penalty shall not apply.

As to separate sewers.

80. Where premises abutting upon any street are so situate that the surface water from such premises is liable to flow on to the footpath of such street the owner of such premises shall within one month after service of an order of the Corporation for that purpose execute such works as may be necessary to prevent the water from such premises from flowing over the footpath and in default of compliance with such order within the period aforesaid such owner shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding forty shillings.

For preventing water flowing on footpath.

81. With respect to the repairing or enclosing of dangerous places the following provisions shall have effect (namely):—

Dangerous places to be repaired or enclosed.

- (1) If any building wall steps structure or other thing or any well excavation reservoir pond stream dam or

A.D. 1904.

bank on any land or place is in the opinion of the Corporation for want of sufficient repair protection or inclosure dangerous to the passengers along any street or footpath the Corporation may order the owner within the period specified in such order to repair remove protect or inclose the same so as to prevent any danger therefrom :

- (2) If after service of the order on the owner he shall neglect to comply with the requirements thereof within the prescribed period the Corporation may cause such works as they think proper to be done for effecting such repair removal protection or inclosure and the expenses thereof shall be payable by the owner and may be recovered summarily.

Trees or shrubs overhanging streets and footpaths.

82. Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him within seven days to lop the tree hedge or shrub so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

As to urgent repairs to private streets and removal of obstructions therein.

83.—(1) In cases where urgent repairs are required to any street not being a highway repairable by the inhabitants at large and where for want of such repairs dangers exist to passengers or vehicles in such street the Corporation may give notice in writing to the owners of the premises fronting adjoining or abutting on such parts thereof as may require such repairs requiring them to execute such repairs within a time to be specified in such notice.

(2) If within such reasonable time as the Corporation may in such notice have specified the repairs are not executed the Corporation may execute the repairs and may recover the cost of so doing from the owner or owners in default or if there be more than one owner in proportion to frontage summarily as a civil debt.

(3) If the Corporation are unable to discover the name or abode of any owner the Corporation may execute such repairs without having served upon him any notice.

84. Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall with respect to the borough extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projection from or at any building and whether erected before or after the passing of this Act which the Corporation may determine to be dangerous or an obstruction to the safe and convenient use of any street.

A.D. 1904.
—
Prevention
and removal
of projections
over streets.

85.—(1) The Corporation may with the consent of two-thirds in number and value of the ratepayers in any street alter the name of such street or any part of such street. The Corporation may cause the name of any street or of any part of a street to be painted or otherwise marked on a conspicuous part of any building or other erection.

Power to
alter names
of streets.

(2) Any person who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such name shall be liable to a penalty not exceeding forty shillings.

86. Whenever the Corporation under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work act or thing in default of the owner or occupier and in the absence of misconduct or negligence on the part of the Corporation or of any contractor or person employed by them are required to pay any damages penalties costs charges and expenses for or in respect of or consequent upon the executing re-executing or altering such work act or thing the amount thereof when paid shall be deemed to be part of the expenses payable by such owner or occupier and shall be recoverable accordingly.

In executing
works for
owner Cor-
poration not
liable for
damages save
in case of
negligence.

87. Any river stream or watercourse or any part or parts thereof respectively within the borough so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into land and property adjacent thereto shall be deemed a nuisance within the meaning of section 91 of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

Watercourse
choked up to
be a nuisance
under Public
Health Act
1875.

88. Nothing in this Part of this Act shall apply to any building (not being a dwelling-house) belonging to any railway company, and used by such company as a part of or in connexion with their railway.

Exemption
for railway
property.

A.D. 1904.

PART VII.

SKY-SIGNS AND HOARDINGS.

Regulations
as to sky-
signs.

89.—(1) It shall not be lawful to erect or fix to upon or in connexion with any building or erection any sky-sign and it shall not be lawful to retain any existing sky-sign so erected or fixed for a longer period than three years after the passing of this Act nor during that period except with the licence of the Corporation and in the event of such licence being granted then only for such period not exceeding three years from the passing of this Act and under and subject to such terms and conditions as shall be therein prescribed :

Provided that in any of the following cases a licence of the Corporation under this subsection shall become void (namely) :—

- (i) If any addition to any sky-sign be made except for the purpose of making it secure under the direction of the surveyor ;
- (ii) If any change be made in the sky-sign or any part thereof ;
- (iii) If the sky-sign or any part thereof fall either through accident decay or any other cause ;
- (iv) If any addition or alteration be made to or in the house building or structure on over or to which any sky-sign is placed or attached if such addition or alteration involves the disturbance of the sky-sign or any part thereof ; or
- (v) If the house building or structure over on or to which the sky-sign is placed or attached become unoccupied or be demolished or destroyed :

Provided also that if any sky-sign be erected or retained contrary to the provisions of this Act or after the licence for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Corporation to take proceedings for the taking down and removal of the sky-sign in the same manner and with the same consequence as to recovery of expenses and otherwise in all respects as if it were an obstruction within the meaning of section 69 of the Towns Improvement Clauses Act 1847.

(2) Any person acting in contravention of any of the provisions of this section or of the terms and conditions (if any) of any approval licence or consent under this section shall be liable

to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings. A.D. 1904.

90.—(1) Every hoarding or similar structure in or abutting on or adjoining any street shall be securely erected and maintained.

As to hoardings and other structures used for advertising purposes.

(2) It shall not be lawful after the passing of this Act to erect wholly or partly for advertising purposes any such hoarding or similar structure to a greater height than twelve feet above the level of such street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the maintenance of such hoarding or similar structure as the Corporation may determine.

(3) The owner or other person using any hoarding wall or other structure for advertising purposes whether erected before or after the passing of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition and in the event of any paper affixed for advertising purposes to such hoarding wall or other structure falling off or becoming detached shall forthwith remove and clear away such paper.

(4) Any person who acts in contravention of any of the provisions of this section or who violates any conditions made or the terms of any consent given in pursuance of such provisions shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(5) Any consent or condition given or made under this section may be under the hand of the town clerk or surveyor.

91. It shall not be lawful in any street in the borough to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Corporation which consent shall be in writing and may be for such time and contain such terms and conditions as the Corporation think fit. Any person who acts in contravention of the provisions of this section or who violates any conditions made or the terms of any consent given in pursuance of such provisions shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings. Any person aggrieved under this or the preceding section by the refusal of the Corporation to give such consent or by the terms or conditions attached to such consent may appeal to a court of summary jurisdiction held for the borough after the expiration of two clear days after the decision of the Corporation is notified to him in writing under the hand of the town clerk provided he give

Restriction on advertising vehicles.

A.D. 1904, — twenty-four hours notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as they think fit and to award costs such costs to be recoverable as a civil debt.

PART VIII.

SANITARY PROVISIONS.

Extension of
s. 41 of Pub-
lic Health
Act 1875.

92. The powers conferred by section 41 of the Public Health Act 1875 upon the Corporation to empower the surveyor and inspector of nuisances to enter premises for the purposes therein mentioned shall extend to authorise the Corporation if on the report of either of such officers it shall appear that they have reason to suspect that any drain watercloset earthcloset privy ashpit or cesspool is in a condition in which it is a nuisance or injurious to health or likely to become so to empower the surveyor or inspector of nuisances after twenty-four hours notice to the occupier of such premises or in case of emergency without notice to enter such premises and to act in accordance with the provisions of the said section as if such written application had been made as therein mentioned.

Urinals to be
attached to
inns &c.

93. Where any inn public-house beer-house eating-house or other place of public entertainment built before or after the passing of this Act has no urinal belonging or attached thereto the Corporation may by notice in writing require the owner of such inn public-house beer-house eating-house or other place of public entertainment to provide and maintain on the premises a reasonably sufficient urinal or urinals Any person who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings Provided always that a refreshment room now or hereafter belonging to any railway company shall not be deemed to be an inn public-house beer-house eating-house or other place of public entertainment within the meaning of this section.

Corporation
may require
removal or
alteration of
urinals.

94. If any urinal or other sanitary convenience now or hereafter opening on any street shall in the opinion of the Corporation be so placed or constructed as to be a nuisance or offensive to public decency the Corporation by notice in writing may require the owner to remove such urinal or convenience or otherwise to reconstruct the same in such a manner and with such materials as may be required to abate the nuisance and remove the offence against public decency Any person who fails within a reasonable

time to comply with a notice under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings. A.D. 1904.

95.—(1) The Corporation may on the erection of any new building when a sewer and water supply sufficient for the purpose are reasonably available by written notice to the person by whom plans relating to the new building are deposited require that such new building shall be provided with proper and sufficient waterclosets. Power to require water-closets for new buildings.

(2) The Corporation may on the erection of any new building when a sewer and water supply sufficient for a watercloset are not reasonably available by written notice require one or more proper and sufficient earthclosets to be provided at or in connexion with such building.

(3) Any person offending against any requirement of the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

96.—(1) When a sewer and water supply sufficient for the purpose are reasonably available the Corporation may by written notice to the owner of any building require any existing closet accommodation (other than a watercloset) provided at or in connexion with any building to be altered so as to be converted into a watercloset which shall comply with the byelaws for the time being in force and shall communicate with a sewer and they may also require a separate receptacle for ashes and house refuse to be provided at or in connexion with such building. Conversion of existing accommodation into watercloset.

(2) If the owner of any such building fail in any respect to comply with a notice from the Corporation under this section the Corporation may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the work specified in such notice and may recover from the owner the expenses incurred by the Corporation in so doing:

Provided that if in any case such alteration shall be required in respect of any existing closet accommodation which prior to the service of the notice under this section shall not have been certified by the medical officer to be insufficient for the necessities of the inhabitants of the building or to be in such a state as to create a nuisance or to be injurious to health then the Corporation

A.D. 1904. — shall bear and pay such sum towards the expenses incurred by them (not being less than one-half thereof) as they may consider just and proper according to the circumstances and the remainder of the expenses shall be borne by the owner.

(3) The Corporation may contribute towards the expenses incurred in making any alteration of any closet accommodation in pursuance of this section in any case in which they may not be required to bear any part of such expense.

(4) The notice under this section shall state the effect of the provisions of this section.

As to appeal under two last preceding sections.

97.—(1) Where any person deems himself aggrieved by any requirements of the Corporation under either of the two last preceding sections or disputes the reasonableness of the expenses charged to him by the Corporation under such sections such person may within fourteen days after the service of notice of the requirement or of a demand for payment of the expenses appeal to a court of summary jurisdiction and the court may make such order in the matter as to them may seem equitable and the order so made shall be binding and conclusive on all parties :

Provided nevertheless that the right of appeal subsequent to the service of a demand of a payment shall be restricted to the ground of the reasonableness of the amount of the expenses and the appellant shall be precluded from raising at that stage any other question.

(2) Pending the decision of the court upon such appeal the Corporation shall not be empowered to execute any works included in the notice and any proceedings which may have been commenced for the recovery of such expenses shall be stayed.

Byelaws as to waterclosets.

98. The Corporation may make byelaws with respect to water-closets and may by means of such byelaws prescribe the description or nature size materials position and level thereof and of the apparatus and the manner of flushing the same and of the means to be taken for protecting such apparatus from frost.

Charge for emptying ashpits of trade refuse.

99. If any trade refuse or any building materials or other materials or rubbish of a like description be deposited in any privy cesspool ashpit or dustbin the Corporation may make a reasonable charge for the removal of the same which charge shall be paid to the Corporation by the occupier of the premises in respect of which the charge is made and may be recovered summarily as a civil debt.

100. The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy such dwelling-house or who shall allow such dwelling-house to be occupied shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

A.D. 1904.
Houses with-
out proper
supply of
water.

101. The Corporation may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles used for the storing of water used or likely to be used for drinking or domestic purposes or for manufacturing drink for the use of man.

Cleansing
cisterns.

102. The powers of the Corporation under section 39 of the Public Health Act 1875 and section 20 of the Public Health Acts Amendment Act 1890 shall extend to authorise them to provide and maintain in proper and convenient situations sanitary conveniences in or under any street repairable by the inhabitants at large and to provide and maintain in proper and convenient situations lavatories in or under any such street for the use of the public and to employ and pay attendants and to make reasonable charges for the use of any sanitary convenience (other than a urinal) or of any lavatory so provided and the Corporation may make byelaws for the management of such sanitary conveniences and lavatories and as to the conduct of persons frequenting the same and may let any such sanitary conveniences and any such lavatories for such periods at such rents and subject to such conditions as to the charges to be made for the use thereof and otherwise as they may think proper.

Public con-
veniences
and lava-
tories.

103. The Corporation may put up continue remove or discontinue drinking-fountains and cattle troughs with proper conveniences for the gratuitous supply of water for drinking and for watering of cattle and horses at such fountains or troughs respectively and may furnish or discontinue such gratuitous supply (but for such drinking and watering only) in such public places as the Corporation may think fit and every person who shall wilfully use any water so gratuitously supplied elsewhere or otherwise than as herein-before mentioned or foul such water shall for every such offence be liable to a penalty not exceeding forty shillings which penalty may be recovered by the Corporation.

Public drink-
ing-foun-
tains.

104. For the purposes of the Public Health Act 1875—

(A) Any cistern used for the supply of water for domestic purposes so placed constructed or kept as to render

As to nui-
sances.

A.D. 1904.

the water therein liable to contamination causing or likely to cause risk to health ;

- (B) Any gutter drain shoot stackpipe or down spout of a building which by reason of its insufficiency or its defective condition shall cause damp in such building or in an adjoining building ; and
- (c) Any deposit of material in or on any building or land which shall cause damp in such building or in an adjoining building so as to be dangerous or injurious to health ;

shall be deemed to be a nuisance within the meaning of the said Act.

Reconstruction of drains.

105. It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Corporation except in accordance with the provisions of the byelaws and regulations relating to the drainage of new buildings.

Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five shillings.

Provision for filling up cesspools &c.

106. If it shall appear to the Corporation by the report of the medical officer surveyor or inspector of nuisances that any cesspool or other receptacle used or formerly used as a receptacle for excreta or other obnoxious matter or for the whole or any part of the drainage of a house or any ashpit or any well or disused well belonging to any such house or part of a house is prejudicial to health or otherwise objectionable for sanitary reasons and that it is desirable that the same should be filled up or removed or so altered as to remove any such objection as aforesaid the Corporation may if they think fit by notice in writing require the owner or occupier of such house or part of a house within a reasonable time to be specified in the notice to cause such cesspool receptacle ashpit or well to be filled up or removed and any drain communicating therewith to be effectually disconnected destroyed or taken away or to cause such cesspool receptacle ashpit or well to be so altered as to remove any such objection as aforesaid.

Where it appears that any such cesspool receptacle ashpit or well is used in common by the occupiers of two or more houses or parts of houses the notice for filling up or removal of any such cesspool receptacle ashpit or well may be served on any one or more of the owners or occupiers of such houses and it shall not be necessary to serve such notice on all such owners or occupiers.

If default is made in complying with the requisitions of a notice under this section the Corporation may themselves carry out the requisitions and may recover the expenses incurred by them in so doing from the owners or occupiers in default in a summary manner as a civil debt or where the owners are the persons liable as private improvement expenses are recoverable under the Public Health Acts.

A.D. 1904.

107. Every pipe from any slopstone bath or lavatory in a building shall where practicable be carried through the external wall of such building and be constructed so as to discharge in the open air on the outside of such building over a channel leading to a gully-grating at a suitable distance and every gully-grating or other inlet to the drains shall be properly trapped. Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings. Provided always that any penalty for an offence against the provisions of this section shall not be enforced unless default has been made for twenty-eight days in complying with a notice from the Corporation or the surveyor or inspector of nuisances requiring the owner of such building to comply with the provisions of this section. Provided also that this section shall only apply to buildings existing at the passing of this Act and any expense incurred in respect of any such building beyond a sum of two pounds shall be borne by the Corporation.

Pipes from slopstones to be disconnected from sewers.

108. The soil pipes of the waterclosets within houses and buildings shall be properly ventilated by means of a pipe carried up therefrom or by such other method as the Corporation shall direct and any owner or occupier of a house or building who shall neglect or fail to comply with any requirement of the Corporation under this section for a period of twenty-eight days after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Soil pipes to be ventilated.

109. 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 act neglect or default be liable to a fine not exceeding twenty pounds:

Improper construction or repair of watercloset or drain.

Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him

A.D. 1901. — 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.

Corporation may require old drains to be laid open for examination by surveyor before communicating with sewers.

110. Before any drain existing at the time of the passing of this Act and then not communicating with any sewer of the Corporation shall be made to communicate with any sewer of the Corporation the Corporation may require the same to be laid open for examination by the surveyor and no such communication shall be made until the surveyor shall certify that such drain may be properly made to communicate with such sewer.

Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Power of entry.

111. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of this Part of this Act as if those purposes had been mentioned in the said section 102.

Defining the establishing of a new business.

112. For the purposes of section 112 of the Public Health Act 1875 a trade business or manufacture 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 six months or upwards or if any premises on which it is for the time being carried on are enlarged without the sanction of the Corporation but a trade business or manufacture 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.

Time for recovery of expenses.

113. The Corporation may if they think fit allow to the owners time for the repayment of any expenses incurred by them under this Part of this Act and in that case section 257 of the Public Health Act 1875 shall apply as if such expenses were expenses for

the repayment whereof the owner of the premises was made liable under that Act. A.D. 1904.
--

PART IX.

INFECTIOUS DISEASE &c.

114. The Corporation may make byelaws for regulating the admission to and discharge of patients from any hospital for infectious disease temporarily or otherwise provided by them and the conduct of patients therein and for preventing persons from entering such hospitals or the grounds thereof except with the consent of and subject to such conditions as may be imposed by the Corporation. Byelaws for
regulating
hospitals.

115. It shall not be lawful for any owner or driver of a public vehicle used for the carrying of passengers at separate fares knowingly to convey or for any other person knowingly to place in or cause to enter into any such public vehicle a person suffering from any infectious disease or for a person suffering from any such disease to enter any such vehicle and every person offending against this enactment shall for every such offence be liable to a fine not exceeding forty shillings. Prohibiting
conveyance
of infected
persons in
public
vehicle.

116. If any person suffering from any infectious disease is conveyed in any public vehicle the owner or driver thereof as soon as it comes to his knowledge shall give notice to the medical officer and shall cause such vehicle 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 vehicle 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 Corporation when so requested by the owner or driver of such public vehicle to provide for the disinfection of the same free of charge except in cases where the owner or driver conveyed such person knowing that he was so suffering. Driver &c. of
infected per-
son to give
notice.

117. No person suffering from an infectious disease shall milk any animal the milk of which is intended for consumption within the borough or pick fruit intended for consumption within the borough or engage in any trade or business connected with food intended for consumption within the borough or carry on any trade or business in such a manner as to be likely to spread such Infected per-
son not to
carry on
business.

A.D. 1904. infectious disease within the borough and if he does so he shall be liable to a penalty not exceeding forty shillings.

Penalty on guardian permitting infected child to attend school.

118. No person being the parent or having care or charge of a child who is or has been suffering from infectious disease shall after a notice from the medical officer that the child is not to be sent to school permit such child to attend school without having seen or procured from the medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend without undue risk of communicating such disease to others. If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Principals of schools to furnish lists of scholars.

119. Whenever any scholar who attends any school within the borough shall be suffering from any infectious disease the principal or person in charge of such school or (if such school is divided into separate departments and there is no principal or person in charge of the whole school) the person in charge of the department which such scholar attends shall forthwith on becoming aware of the fact send notice thereof to the medical officer and shall furnish to the Corporation at their request a list of the scholars attending thereat together with their addresses and in default thereof shall be liable to a penalty not exceeding forty shillings. The Corporation shall pay to the person furnishing any such list as aforesaid for such list the sum of sixpence and after the rate of sixpence for every twenty-five scholars named therein.

Power to medical officer to examine school children.

120. The medical officer may enter any public elementary school within the borough at all reasonable times and examine the scholars attending the same and may exclude from attendance thereat for such period as he shall consider requisite any scholar who in his opinion is suffering from infectious disease or is likely to spread infection.

The medical officer shall upon the exclusion of any scholar in manner aforesaid give notice thereof in writing to the principal or person in charge of such school or (if such school is divided into separate departments and there is no principal or person in charge of the whole school) the person in charge of the department which such scholar attends and shall send a copy of such notice to the parent or guardian of the scholar.

Any person who shall obstruct the medical officer in carrying into effect the provisions of this section or who shall permit any scholar to attend school after he shall have been excluded as

aforesaid and before the expiration of the period of exclusion shall be liable to a penalty not exceeding forty shillings. A.D. 1901.

121. Any person being a manufacturer or vendor of or merchant or dealer in ice creams or other similar commodity who within the borough— For regulating manufacture and sale of ice creams &c.

- (A) Causes or permits ice creams or any similar commodity to be manufactured sold or stored in any cellar room or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or
- (B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or
- (C) Omits on the outbreak of any infectious disease amongst the persons employed in his business or in his house where the house is connected with his manufactory shop or store to give notice thereof to the medical officer;

shall be liable for every such offence on summary conviction to a penalty not exceeding forty shillings.

122. Any person taking or sending to any public wash-house or to any person for the purpose of being washed or mangled any bedding clothing or other things which to his knowledge have been exposed to infection from infectious disease shall previously to so taking or sending the same cause such bedding clothing or other things to be disinfected by the Corporation or to the satisfaction of the medical officer and in default shall be liable to a penalty not exceeding forty shillings and the Corporation shall make provision for disinfecting and shall on application disinfect at their expense such bedding clothing and other things. Disinfection of clothes.

123.—(1) Where on the certificate of the medical officer it appears to the Corporation that any articles in any house or part thereof are in such a filthy and dangerous or unwholesome condition that health is affected or endangered thereby or that the cleansing or purifying or destroying of any such articles is requisite to prevent risk of or to check infectious disease the Corporation may if they think fit cause any such articles in any such house or part thereof to be at their own expense cleansed or purified or they may destroy the same. Filthy and dangerous articles to be purified.

A.D. 1904.

(2) If any owner suffer any unnecessary damage the Corporation shall compensate him for the same and the Corporation shall also reasonably compensate the owner for any articles destroyed.

Persons engaged in washing or mangling clothes to furnish lists of owners of clothes in certain cases.

124. Whenever it shall be certified to the Corporation by the medical officer that it is desirable with a view to prevent the spread of infectious disease that they should be furnished with a list of the customers of any person earning a livelihood or deriving gain by the washing or mangling of clothes the Corporation may require such person to furnish to them a full and complete list of the names and addresses of the owners of clothes for whom such person washes or mangles or has washed or mangled during the past six weeks and such person shall furnish such list accordingly and the Corporation shall pay to him for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein and any person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Protection against infection of books in public libraries.

125. No person shall take out of any public or lending library any book for use in any house in which there is a person suffering from infectious disease and no person shall return to any public or lending library any book which has been to his knowledge exposed to infection from any infectious disease but shall at once give notice that it has been exposed to infection to and leave the book at the office of the inspector of nuisances who shall cause the same to be disinfected and then returned to the librarian or proprietor. If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Wake not to be held over body of person dying of infectious disease.

126. It shall not be lawful to hold any wake over the body of any person who has died of any infectious disease and the occupier of any house or premises or part of a house or premises who permits or suffers any such wake to take place in such house or premises or part of a house or premises and every person who attends to take part in such wake shall be liable to a penalty not exceeding forty shillings.

Dairymen to notify infectious disease among their servants.

127. Every dairyman supplying milk within the borough from premises whether within or beyond the borough shall notify to the medical officer all cases of infectious disease among persons engaged in or in connexion with his dairy as soon as he becomes aware or has reason to suspect that such infectious disease exists

and any dairyman who makes default in so doing shall be liable to a penalty not exceeding forty shillings. A.D. 1904.

128. If the medical officer shall have reasonable cause to believe that any person in the district is suffering from infectious disease attributable to milk supplied within the borough he may by notice in writing require every person supplying milk to the person so suffering or to the house of which he is an inmate to furnish him with a list of all the farms dairies or places from which such person derives his supply of milk or from which he has derived his supply during the last six weeks and a list of the persons to whom he has within such six weeks supplied milk within the borough and the Corporation shall pay to him for every such list the sum of sixpence and after the rate of sixpence for every twenty-five words contained therein Every person failing to comply with such request shall for each such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Medical officer may require dairy-men to furnish lists of sources of their supply of milk and of their customers.

129. If any dairyman shall at the request of the Corporation stop his milk supply within the borough on account of the spread or suspected spread of infectious disease or the probability that the consumption of such milk may cause tuberculosis to persons residing within the borough the Corporation may make compensation to him for any loss occasioned by such stoppage and any such compensation may be paid out of the district fund or general district rate.

Compensation to dairy-men.

130. If any person shall at the request of the Corporation or of the medical officer stop his employment for the purpose of preventing the spread of infectious disease the Corporation may make compensation to him for any loss he may sustain by reason of such stoppage.

Compensation to persons ceasing employment.

131. Where a person not being a pauper is received as a patient into any hospital for infectious disease the Corporation may if they think fit themselves pay the whole or any part of the expenses arising out of the reception and maintenance of such person.

Corporation may pay expenses of persons in hospital.

132.—(1) Where it appears to the Corporation upon the certificate of the medical officer 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 infectious disease the Corporation may serve notice on the occupier or where the house or part thereof is

Cleansing of infected house and removal of persons therefrom.

A.D. 1904. — unoccupied on the owner of such house or part thereof that the same and any such articles therein will be cleansed and disinfected or (as regards the articles) destroyed by the Corporation unless the person so notified informs the Corporation within a time to be specified in the notice from the receipt of the said notice that he will cleanse or disinfect the house or part thereof and any such articles or destroy such articles to the satisfaction of the medical officer as testified by certificate by him within a time fixed in the notice.

(2) If either —

(A) Within the time specified as aforesaid from the receipt of the notice the person on whom the notice is served does not inform the Corporation as aforesaid ; or

(B) Having so informed the Corporation 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 occupier or owner as the case may be without such notice gives his consent ;

the house or part thereof and the articles shall be cleansed and disinfected or such articles destroyed by the officers of and at the cost of the Corporation.

(3) For the purpose of carrying into effect this section the Corporation may enter on any premises between nine o'clock in the morning and six o'clock in the evening.

(4) If the Corporation deem it necessary to remove from any house or part thereof all or any of the residents not being themselves sick on account of the existence or recent existence therein of infectious disease or for the purpose of disinfecting such house or part thereof they may make application to a justice and the justice if satisfied of the necessity of such removal may grant a warrant authorising the Corporation to remove such residents and imposing such conditions as to time and otherwise as to him may seem fit Provided always that no such warrant shall be necessary when the removal is carried out with the consent of any such resident or his parent or guardian The Corporation shall and they are hereby empowered to provide free of charge temporary shelter with any necessary attendants for such persons while prevented from returning to such house or part thereof.

(5) When the Corporation have disinfected any house part of a house or any article under the provisions of this section they shall

compensate the occupier or owner of such house or part of a house or the owner of such article for any damage thereby caused to such house part of a house or article and when the Corporation destroy any article under this section they shall reasonably compensate the owner thereof and the amount of any such compensation shall be recoverable in a summary manner.

For the purposes of this section the word "house" includes any tent or van or any vessel lying in any river harbour or other water or ex adverso of any place within the borough.

(6) The Corporation may for the purposes of this section —

Themselves build a place of reception ;

Contract for the use of any place of reception.

Any expenses incurred by the Corporation under this section shall be paid out of the district fund and general district rate.

133. When any person suffering from infectious disease whereof notice shall have been given to the medical officer shall die in the borough of such disease the medical officer shall give notice thereof to the person responsible for the conduct of the burial of the body of such person and it shall not be lawful to transport such body by railway or other public conveyance (not being a conveyance reserved for such purposes) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

Certificate required before removal by railway &c. of body of person dying of infectious disease.

134. The Corporation may provide or contract with any person or persons to provide nurses for attendance upon persons suffering from infectious disease within the borough and may charge a reasonable sum for the service of any nurse provided by them.

Corporation may provide nurses.

135. It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within or brought into the borough and any person offending against this enactment or exposing or depositing for sale within the borough a carcase so blown or inflated or any part thereof shall be liable to a penalty not exceeding twenty shillings.

Prohibition of blowing or inflating carcasses.

A.D. 1904.

Notice and execution of provisions of this Part of this Act.

136. The Corporation shall cause public notice to be given of the effect of the provisions of this Part of this Act by advertisement in local newspapers and by handbills or otherwise in such manner as they think sufficient and this Part of this Act shall come into operation at such time not being less than one month after the first publication of such an advertisement as aforesaid as the Corporation may fix.

PART X.

MILK PROVISIONS.

Penalty for selling milk of diseased cows.

137. Every person who knowingly sells or suffers to be sold or used for human consumption within the borough the milk of any cow which is suffering from tuberculosis of the udder shall be liable to a penalty not exceeding ten pounds.

Penalty on failing to isolate diseased cows.

138. Any person the milk of the cows in whose dairy is sold or suffered to be sold or used for human consumption within the borough who after becoming aware that any cow in his dairy is suffering from tuberculosis of the udder keeps or permits to be kept such cow in any field shed or other premises along with other cows in milk shall be liable to a penalty not exceeding five pounds.

Obligation to notify cases of tuberculosis.

139. Every dairyman who supplies milk within the borough and has in his dairy any cow affected with or suspected of or exhibiting signs of tuberculosis of the udder shall forthwith give written notice of the fact to the medical officer stating his name and address and the situation of the dairy or premises where the cow is.

Any dairyman failing to give such notice as required by this section shall be liable to a penalty not exceeding forty shillings.

Power to take samples of milk.

140.—(A) It shall be lawful for the medical officer or any person provided with and if required exhibiting the authority in writing of such medical officer to take within the borough for examination samples of milk produced or sold or intended for sale within the borough.

(B) The like powers in all respects may be exercised outside the borough by the medical officer or such authorised person if he shall first have obtained from a justice having jurisdiction in the place where the sample is to be taken an order authorising the taking of samples of the milk which order any such justice is hereby empowered to make.

141.—(A) If milk from a dairy situate within the borough is being sold or suffered to be sold or used within the borough the medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer may if accompanied by a properly qualified veterinary surgeon at all reasonable hours enter the dairy and inspect the cows kept therein and if the medical officer or such person has reason to suspect that any cow in the dairy is suffering from tuberculosis of the udder he may require the cow to be milked in his presence and may take samples of the milk and the milk from any particular teat shall if he so requires be kept separate and separate samples thereof be furnished.

A.D. 1904.
 ———
 Power to inspect cows
 and to take samples of
 milk.

(B) If the medical officer is of opinion that tuberculosis is caused or is likely to be caused to persons residing in the borough from consumption of the milk supplied from a dairy situate within the borough or from any cow kept therein he shall report thereon to the Corporation and his report shall be accompanied by any report furnished to him by the veterinary surgeon and the Corporation 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 from such dairy within the borough until the order has been withdrawn by the Corporation.

(C) If the medical officer has reason to believe that milk from any dairy situate outside the borough from which milk is being sold or suffered to be sold or used within the borough is likely to cause tuberculosis in persons residing within the borough the powers conferred by this section may in all respects be exercised in the case of such dairy Provided that the medical officer or other authorised person shall first have obtained from a justice having jurisdiction in the place where the dairy is situate an order authorising such entry and inspection which order any such justice is hereby empowered to make.

(D) Every dairyman and the persons in his employment shall render such reasonable assistance to the medical officer or such authorised person or veterinary surgeon as aforesaid as may be required by such medical officer person or veterinary surgeon for all or any of the purposes of this section and any person refusing such assistance or obstructing such medical officer person or veterinary surgeon in carrying out the purposes of this section shall be liable to a penalty not exceeding five pounds.

A.D. 1904.

(E) If in their opinion the dairyman fails to show cause why such an order should not be made as aforesaid the Corporation may make the said order and shall forthwith serve notice of the facts on the county council of any administrative county in which the dairy is situate and on the Local Government Board and if the dairy is situate outside the borough on the council of the borough or district in which it is situate.

(F) The said order shall be forthwith withdrawn on the Corporation or their medical officer being satisfied that the milk supply has been changed or that it is not likely to cause tuberculosis to persons residing in the borough.

(G) If any person after any such order has been made supplies any milk within the borough in contravention of the order or sells it for consumption therein he shall be liable to a penalty not exceeding five pounds and if the offence continues to a further penalty not exceeding forty shillings for every day during which the offence continues.

(H) A dairyman shall not be liable to an action for breach of contract if the breach be due to an order under this section.

Appeal.

142. The dairyman may appeal against an order of the Corporation under this Part of this Act or the refusal of the Corporation to withdraw any such order either to a petty sessional court having jurisdiction within the borough or at his option if the dairy is situate outside the borough to the Board of Agriculture and Fisheries who shall appoint an officer to hear such appeal. Such officer shall fix a time and place of hearing within the borough and give notice thereof to the dairyman and the town clerk not less than forty-eight hours before the hearing. Such officer shall for the purposes of the appeal have all the powers of a petty sessional court.

The Board of Agriculture and Fisheries may at any stage require payment to them by the dairyman of such sum as they deem right to secure the payment of any costs incurred by the Board of Agriculture and Fisheries in the matter of the appeal.

The court or the Board of Agriculture and Fisheries as the case may be may confirm vary or withdraw the order which is the subject of the appeal and may direct to and by whom the costs of the appeal (including any sum paid or payable to the Board of Agriculture and Fisheries as aforesaid) are to be paid but pending the decision of the appeal the order shall remain in force unless previously withdrawn by the Corporation.

143. If an order is made without due cause or if the Corporation unreasonably refuse to withdraw the order the dairyman shall if not himself in default be entitled to recover from the Corporation full compensation for any damage which he has sustained by reason of the making of the order or of the refusal of the Corporation to withdraw the order.

A.D. 1904.
Compensation.

The court or the Board of Agriculture and Fisheries may determine and state whether an order the subject of appeal has been made without due cause and whether the Corporation have unreasonably refused to withdraw the order and whether the dairyman has been in default.

Any dispute as to the fact whether the order has been made or maintained without due cause or as to the fact of default where any such fact has not been determined by the court or Board of Agriculture and Fisheries or as to the fact of damage or as to the amount of compensation shall be determined in the manner provided by section 303 of the Public Health Act 1875 and that section shall accordingly apply and have effect as if the same were herein re-enacted and in terms made applicable to any such dispute as aforesaid.

144. The provisions of section 34 of the Contagious Diseases (Animals) Act 1878 and of the Dairies Cowsheds and Milkshops Order 1885 made thereunder and of any other order made or to be made under the said section or relating to dairies cowsheds and milkshops and of any regulations made or to be made by the Corporation under any such order for securing the cleanliness of milk vessels used for containing milk for sale shall apply to all vessels used within the borough for the reception measurement storage or delivery of milk by persons selling milk by retail in the streets.

Provisions as to retailers of milk.

145. The Corporation shall cause to be given public notice of the effect of the provisions of this Part of this Act by advertisement in local newspapers and by handbills and otherwise in such manner as they think sufficient and this Part of this Act shall come into operation at such time not being less than one month after the first publication of such advertisement as aforesaid as the Corporation may fix.

Notice of provisions of this Part of Act.

146. Offences under this Part of this Act may be prosecuted and penalties may be recovered by the Corporation before a petty sessional court having jurisdiction in the place where the dairy is situate or the offence is committed and not otherwise.

Procedure.

A.D. 1904.

Expenses
and execu-
tion of this
Part of Act.

147.—(1) All expenses incurred by the Corporation in carrying into execution the provisions of this Part of this Act shall be chargeable upon the fund and rate liable for the sanitary expenditure of the Corporation and they may also charge upon the same fund and rate any expenses incurred by them in the application by a veterinary surgeon of the tuberculin or other reasonable test for the purpose of discovering tuberculosis to any cow whose milk is or was recently being supplied within the borough. Provided that no such test shall be applied except with the previous consent of the owner of such cow.

(2) This Part of this Act may be carried into execution by a committee of the Corporation formed in accordance with and subject to the provisions of the Fourth Schedule to the Diseases of Animals Act 1894 except that the committee shall consist wholly of members of the Corporation.

PART XI.

COMMON LODGING-HOUSES.

Regulations
as to common
lodging-
house
keepers.

148. The keeper of every common lodging-house shall reside constantly and shall remain between the hours of nine o'clock in the afternoon and six o'clock in the forenoon in such house and shall manage control and exercise proper supervision over the same and the inmates thereof except at such times as some other person appointed by him for that purpose and whose name is registered at the office of the Corporation shall with the approval of the Corporation in writing under the hand of their officer appointed for that purpose (which approval and registration shall be revocable by the Corporation) reside and remain in such house and manage control and exercise proper supervision over the same and the inmates thereof. If any keeper of a common lodging-house offends against this enactment he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Sanitary con-
veniences to
be provided
for inmates
of common
lodging-
houses.

149. Every common lodging-house whether registered before or after the passing of this Act shall to the satisfaction of the Corporation be provided with sufficient sanitary conveniences having regard to the number of lodgers who may be received in such common lodging-house and all waterclosets and urinals shall be provided with a proper water supply laid on for flushing purposes. Any keeper of a common lodging-house who shall make default for twenty-eight days in complying with a notice from the Corporation requiring him to comply with the provisions of this section shall

be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. The expression "sanitary conveniences" in this section includes urinals waterclosets ashpits and any similar convenience. A.D. 1904.

150.—(1) Notwithstanding anything in the Public Health Act 1875 the registration of a common lodging-house or of the keeper of a common lodging-house shall operate for one year only and application for the renewal of such registration shall be made to the Corporation on or previous to the thirty-first day of March in every year. Registration of common lodging-houses and keepers.

(2)—(A) The Corporation may notwithstanding the provisions of section 78 of the Public Health Act 1875 refuse to register or to re-register any person as a common lodging-house keeper unless they are satisfied of his character and fitness for the position :

(B) Any person aggrieved by such refusal may appeal to a court of summary jurisdiction within fourteen days after such refusal provided he give twenty-four hours notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as they may think fit and award costs to be recoverable summarily as civil debts.

(3) Every person who without being registered in accordance with the Public Health Act 1875 and this Act shall keep a common lodging-house within the borough and every person who after the thirty-first day of March one thousand nine hundred and five shall keep a common lodging-house without the registration of such person being renewed for the current year shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

151. The provisions of the Public Health Acts and this Act with reference to common lodging-houses shall extend and apply to all homes refuges night shelters houses and buildings (other than union workhouses) used for the temporary reception or relief of the poor the destitute or the indigent and wherein such persons are allowed to sleep. Notice of the provisions of this section shall be given by the Corporation to the keeper of every shelter or other building to which this section relates within three months from the passing of this Act and before any proceedings are taken under this section. Provisions to apply to night shelters &c.

152. Notice of the provisions of this Part of this Act shall be served upon the keeper of every common lodging-house either personally or by leaving the same at the common lodging-house. Notice to common lodging-house keepers.

A.D. 1904.

PART XII.

HACKNEY CARRIAGES.

Powers of
inspectors of
hackney
carriages.

153. Any person appointed by the Corporation in writing may examine all public vehicles plying for hire within the borough and shall see that the laws and byelaws relating to such public vehicles are duly observed. If any proprietor driver conductor or other person shall obstruct or hinder such person so appointed as aforesaid in the execution of his duty such proprietor driver conductor or person shall be liable to a penalty not exceeding forty shillings.

As to public
vehicles
taken to or
from railway
stations in
borough.

154. The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws of the Corporation with respect to public vehicles shall be as fully applicable in all respects to public vehicles within the borough conveying passengers to or from any railway station within the borough as if such railway station were a public stand for public vehicles and also to such carriages and the drivers thereof within a distance of three miles from the borough if the hiring takes place within the borough. Provided that it shall not be obligatory on the drivers of licensed hackney carriages to contract to carry persons for hire beyond the borough. Provided also that if the hiring takes place within the borough any offence against any such byelaw whether such offence shall have been committed within the borough or not may be brought before and determined by any justice or justices of the peace having jurisdiction in the borough:

Provided always that the provisions of this section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or to the drivers or conductors of such vehicles.

Occasional
licences may
be granted.

155. An occasional licence for a public vehicle may be granted by the Corporation to be in force for such day or days or other period less than one year as may be specified in the licence.

Licences need
not be under
seal.

156. Any licence for a hackney carriage or omnibus or for the driver or conductor of a hackney carriage or omnibus may be signed by the mayor or town clerk and need not be under the seal of the Corporation.

PART XIII.

A.D. 1904.

POLICE.

157. Any unfenced ground adjoining or abutting upon any street and any recreation ground belonging to or under the control of the Corporation shall for the purposes of the Vagrancy Act 1824 and any Act for the time being in force altering or amending the same be deemed a public place.

Unfenced ground to be deemed a public place.

158. Any recreation grounds belonging to or under the control of the Corporation and any unfenced ground abutting on any street shall be deemed streets for the purposes of section 29 of the Town Police Clauses Act 1847 and so much of section 28 of such Act as relates to the following offences:—

Recreation grounds to be deemed streets for police purposes.

Every person who suffers to be at large any unmuzzled ferocious dog or urges any dog or other animal to attack worry or put in fear any person or animal:

Every person who rides or drives furiously any horse or carriage or drives furiously any cattle:

Every common prostitute or night walker loitering and importuning passengers for the purpose of prostitution:

Every person who wilfully and indecently exposes his person:

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

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

Every person who throws or lays any dirt litter or ashes or nightsoil or any carrion fish offal or rubbish on any street.

159. Notwithstanding anything contained in the Highway Act 1835 or in the Town Police Clauses Act 1847 no person shall act as the driver of or have the care of more than one cart or carriage each drawn by an animal in any street dedicated to public use in the borough within a radius of one mile from the offices of the Corporation and no person shall fasten or allow to be fastened to the rear of any such cart or carriage any other cart or carriage drawn by an animal or any animal drawing a cart or carriage and

No person to have care of more than one cart.

A.D. 1904. any person acting in contravention of this enactment shall be liable to a penalty not exceeding twenty shillings for each offence.

Reckless driving.

160. Every person who shall ride or drive so as to endanger the life or limb of any person or to the common danger of the passengers in any thoroughfare shall be liable to a penalty not exceeding forty shillings and may be arrested without warrant by any constable who witnesses the offence.

Notice of processions to be given.

161. Any person or persons intending to organise or form a circus procession or procession of wild animals through the streets of the borough shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at the town hall of the borough twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets. If any such procession passes through the streets of the borough without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

PART XIV.

FIRE BRIGADE.

Power to police constable &c. to enter and break open premises in case of fire.

162. Any police constable acting under the orders of his superior officer and any member of the fire brigade of the Corporation being on duty and any officer of the Corporation may enter and if necessary break into any building in the borough being or reasonably supposed to be on fire or any building or land adjoining or near thereto without the consent of the owner or occupier thereof respectively and may do all such acts and things as they may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

Power to police officer to control street traffic at fires.

163. The officer in charge of the police at any fire in the borough shall have power to stop or regulate the traffic in any street whenever in his opinion it is necessary or desirable to stop or regulate such traffic for the purpose of extinguishing the fire or for the safety or protection of life or property and any person who wilfully disobeys any order given by such officer in pursuance of this section shall be liable to a penalty not exceeding five pounds.

PART XV.

A.D. 1904.

FINANCE.

164. The existing gas bonds shall for all purposes be deemed to have been duly issued under statutory authority and the rights powers privileges liabilities duties and conditions attaching or purporting to attach thereto shall attach to such bonds and be binding on the respective holders thereof and the Corporation.

Existing gas bonds made statutory.

165. The Corporation may from time to time in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Acts or any public general Act borrow at interest any sums not exceeding the following sums:—

Power to borrow.

On the security of the borough fund and the district fund and general district rate—

(A) For paying the costs charges and expenses of and in relation to this Act as herein-after defined the sum requisite for the purpose:

On the security of the district fund and general district rate—

(B) For the purchase of land for and for the street works and improvements by this Act authorised the sum of fifty thousand pounds:

On the security of the revenue of the water undertaking of the Corporation and the borough fund and borough rate—

(C) For and in relation to waterworks purposes including the construction of the works by this Act authorised and the purchase of minerals under part of the existing reservoir the sum of forty-five thousand pounds:

On the security of the revenue of the gas undertaking of the Corporation and the borough fund and borough rate—

(D) For and in relation to gasworks purposes the sum of forty thousand pounds; and

(E) For paying off the moneys secured by the existing gas bonds the sum of twelve thousand pounds:

And with the consent of the Local Government Board such further moneys as may be necessary for any of the purposes of this Act.

In calculating the sums which the Corporation may borrow under the provisions of any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of

A.D. 1904. the Corporation as to borrowing and re-borrowing under this Act shall not be restricted by any of the provisions of the Public Health Acts.

Mode of raising money.

166. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another Provided that the provisions of this Act whereof the marginal note is "Sinking fund" shall apply in lieu of the provisions of section 15 of the Local Loans Act 1875.

Provision as to mortgages.

167. The following sections of the Public Health Act 1875 (that is to say):—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages);

shall extend and apply to and in relation to all mortgages made under the powers of this Act.

Appointment of receiver.

168.—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than one thousand pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court.

Periods for payment off of money borrowed.

169. The Corporation shall pay off all moneys borrowed by them under this Act and all moneys secured by the existing gas bonds within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):—

As to moneys borrowed for the purposes (A) mentioned in the section of this Act of which the marginal note is "Power to borrow" within five years from the date of the passing of this Act:

As to moneys borrowed for the purposes (B) mentioned in the said section within sixty years from the date or dates of borrowing the same:

As to moneys borrowed for the purposes (C) mentioned in the said section within sixty years from the date or dates of borrowing the same:

As to moneys borrowed for the purposes (D) mentioned in the said section within thirty years from the date or dates of borrowing the same: A.D. 1901.

As to moneys borrowed for the purposes (E) mentioned in the said section and as to moneys secured by the existing gas bonds within thirty years from the date of the passing of this Act:

As to moneys borrowed with the sanction of the Local Government Board (including moneys so borrowed under the provisions of the section of this Act the marginal note whereof is "Scheme for fixing equated periods") within such periods as that Board may sanction.

170. The Corporation shall pay off all moneys borrowed by them under the powers of this Act and all moneys secured by the existing gas bonds either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made or from the date of the passing of this Act as the case may be. Mode of payment off of money borrowed.

171.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act or any moneys secured by the existing gas bonds such sinking fund shall be formed and maintained either— Sinking fund.

(A) By payment to the fund throughout the prescribed periods of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a non-accumulating sinking fund; or

(B) By payment to the fund throughout the prescribed periods of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed periods the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the

A.D. 1904.

sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in any statutory security the Corporation being at liberty from time to time to vary and transpose such investment.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed periods a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation :

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed periods the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as that Board may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

A.D. 1904.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed periods the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed periods the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed periods the Corporation may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Corporation with the consent of the Local Government Board may determine.

172. If the Corporation out of the proceeds of the sale or disposition of lands or other moneys received on capital account repay any principal moneys borrowed under the powers of this Act the payments to any sinking fund applicable to the repayment of such principal moneys may be reduced to such extent and upon such terms as may from time to time be approved by the Local Government Board.

Sinking fund may be adjusted in certain events.

173. If the Corporation pay off any moneys borrowed by them under this Act or secured by the existing gas bonds otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed periods and shall be deemed to form the same loan as the moneys originally

Power to re-borrow.

A.D. 1904.

borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be affected by reason of such re-borrowing.

Protection of
lender from
inquiry.

174. Any person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act nor be bound to see to the application nor be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Corporation
not to regard
trusts.

175. The Corporation shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register or books of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Return res-
pecting sink-
ing fund to
Local Go-
vernment
Board.

176.—(1) The town clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest

has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

A.D. 1904

(2) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

177. The Corporation shall apply all money received by them on account of revenue in respect of their gas undertaking in manner and in the order following (that is to say) :—

Application
of revenue
from gas
undertaking

First In payment of the working and establishment expenses and cost of maintenance of the undertaking ;

Secondly In payment of the interest on moneys borrowed by the Corporation for the purposes of the undertaking and on the existing gas bonds ;

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed by the Corporation for the purposes of the undertaking and moneys secured by the existing gas bonds ;

Fourthly. In extending and improving (if the Corporation think fit) any works for the purposes of the undertaking ;

Fifthly In providing a reserve fund (if the Corporation think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum

A.D. 1904.

reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one-fifth of the aggregate capital expenditure for the time being by the Corporation upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for payment of the cost of renewing any part of the undertaking or for extending and improving any works for the purposes of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens. Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum :

And the Corporation shall carry to the borough fund so much of any balance remaining in any year of the income of the undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Corporation not be required for carrying on the undertaking and paying the current expenses connected therewith.

Period for
repayment of
loans under
Municipal
Corporations
Act 1882.

178. Notwithstanding anything contained in the Municipal Corporations Act 1882 any money already borrowed or which may hereafter be borrowed by the Corporation in pursuance of that Act shall be repaid within such period not exceeding sixty years as the Local Government Board shall in each case prescribe.

Expenses of
executing
Act.

179. All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such of those expenses as are to be paid out of borrowed moneys) shall be paid as follows (that is to say) :—

- (A) For or in relation to the water and gas undertakings of the Corporation out of the revenue of those undertakings respectively ;
- (B) For and in relation to all other purposes out of the district fund or general district rate :

Provided that when any expenditure is incurred or any money is received for purposes common to two or more accounts the Corporation may apportion the same between those accounts in such manner as they deem equitable.

Any deficiency in the revenue of the water or gas undertakings of the Corporation shall be made good out of the borough fund.

180. As regards any increase or addition to the borough rate for the purposes or any of the purposes (c) (d) or (e) mentioned in the section of this Act the marginal note whereof is "Power to borrow" the owner or occupier of any land used only as a railway constructed under the powers of an Act of Parliament for public conveyance shall be assessed in respect of the same in the proportion of one-fourth part only of the net annual value thereof.

A.D. 1904.

Differential rating in respect of railway property for certain purposes.

181. All money borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable.

Application of money borrowed.

182. The accounts of the receipts and expenditure of the Corporation under this Act shall be audited examined and published in like manner and with the same consequences as the other accounts of the Corporation are audited examined and published under the Municipal Corporations Act 1882.

Audit of accounts.

183. The period of forty-five years prescribed by Article II. of the Doncaster Order confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1883 within which repayment shall be made of moneys therein referred to is as to the balance still outstanding over and above the amount in any sinking fund applicable to the repayment of the said moneys hereby extended for a period of fifteen years from the expiration of such period of forty-five years and the future payments to any such sinking fund may be reduced proportionately.

Postponement of repayment of moneys borrowed under Order of 1883.

184.—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans then contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto.

Scheme for fixing equated periods.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Local Government Board who may by Order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the

A.D. 1904. — time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(3) The Corporation may with the sanction of the Local Government Board borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Corporation for their consent thereto.

(4) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

Inquiries by
Local Government
Board.

185.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred on them or the giving of any consents under this Act and their inspectors shall for the purpose of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) All costs incurred by the Local Government Board (including such reasonable sum not exceeding three guineas a day as that Board may determine for the service of any inspector) in relation to the duties imposed on that Board under this Act shall be paid by the Corporation.

PART XVI.

MISCELLANEOUS.

General provisions as to
byelaws.

186. All the provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 (except so much thereof as relates to byelaws of a rural sanitary authority) shall apply to all byelaws made by the Corporation under the powers of this Act.

Apportionment of expenses in case of joint owners.

187. Where under the provisions of this Act the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Act are recoverable by the Corporation from the owner shall except where otherwise provided be paid by the owners of such buildings in such proportions as shall be determined by the surveyor.

Informations &c. by whom to be laid.

188. Save as herein expressly provided all informations and complaints under and for the breach of any of the provisions of this Act or of any byelaws made thereunder or of the Town Police

Clauses Act 1847 or of the Towns Improvement Clauses Act 1847 as incorporated with the Public Health Act 1875 or the Town Police Clauses Act 1889 may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough. A.D. 1904.

189. Where in any legal proceedings taken by or on behalf of the Corporation whether under this Act or under any general or local Act passed before or after this Act it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the Corporation or to prove any resolution of the Corporation or of any committee of the Corporation a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the chairman or the clerk shall be *prima facie* evidence of such appointment authority or resolution without further proof of the holding of any meeting or the production of any minute book or other record or document. Evidence of appointments authority &c.

190.—(1) Where any notice or demand under this Act requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication. Authentica-
tion and ser-
vice of no-
tices &c.

(2) Notices demands orders and other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served. Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

191. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding or revocation of any certificate licence consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order the Corporation may in like manner appeal. As to appeal.

192. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw Recovery of penalties.

A.D. 1904. made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Damages and charges to be settled by justices.

193. Where any damages expenses costs or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by a court of summary jurisdiction before whom any offender is convicted.

Penalties to be paid over to treasurer.

194. All penalties recovered by the Corporation or any officer of the Corporation on their behalf whether under this Act or any byelaw thereunder shall be paid to the treasurer and subject to the provisions of the Police Act 1890 shall be carried by him to the credit of the borough fund or to such other fund as the Corporation direct.

Compensation &c. how to be determined.

195. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts.

Saving for indictment &c.

196. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Judges &c. not disqualified.

197. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being a member of the Corporation or liable to any rate.

Powers of Act cumulative.

198. All powers rights and remedies given to the Corporation by this Act (other than those given by Part III. thereof and except where otherwise expressly provided) shall be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if

this Act had not been passed Provided that no person shall incur A.D. 1904.
more than one penalty (other than a daily penalty for a continuing
offence) for the commission of the same offence.

199. Nothing in this Act affects prejudicially any right power Crown
privilege or exemption of the Crown. rights.

200. The costs charges and expenses preliminary to and Expenses of
of and incidental to preparing and obtaining this Act shall after Act.
taxation by the taxing officer of the House of Lords or of the
House of Commons be paid by the Corporation out of moneys to
be borrowed by the Corporation under this Act but may in the first
instance be paid by the Corporation out of any of their rates or
funds and moneys so paid shall be recouped by and charged to the
moneys to be borrowed under this Act.

A.D. 1904.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

PROPERTIES WHOLLY SITUATED IN THE PARISH AND BOROUGH OF
DONCASTER OF WHICH PARTS ONLY MAY BE TAKEN.

No. on deposited Plans.	Description of Property.	No. on deposited Plans.	Description of Property.
BAXTER GATE : North-west side		SAINT JAMES STREET : South-east side	
1	Shop and passage.	99	Frontage.
2	Shop and passage.	100	Garden.
MARKET PLACE : North-west side		101	Garden.
3	Shop.	102	Garden.
4	Passage.	103	Garden.
5	Shop.	104	Garden.
SAINT JAMES STREET : South-east side		105	Garden.
70	Frontage.	106	Frontage.
71	Garden.	107	Frontage.
72	Garden.	108	Frontage.
73	Garden.	109	Frontage.
74	Garden.	110	Frontage.
75	Frontage.	111	Frontage.
76	Frontage.	112	Frontage.
77	Garden.	SAINT SEPULCHRE GATE : North-western side	
78	Garden.	153	Garden.
79	Garden.	SILVER STREET : West side	
80	Garden.	34	Passage.
81	Garden.	35	Stable and hay chamber.
82	Frontage.	36	Stable and hay chamber.
83	Frontage.	37	Stable and hay chamber.
84	Garden.	38	Yard.
85	Garden.	39	Warehouse.
86	Garden.	40	Warehouse.
87	Garden.	41	Stable and hay chamber.
88	Garden.	42	Passage.
89	Frontage.	43	Stable and hay chamber.
90	Frontage.	44	Stable and hay chamber.
91	Garden.	45	Coach house.
92	Garden.	46	Shop.
93	Garden.	47	Malkiln.
94	Garden.	48	Passage.
95	Garden.	49	House.
96	Garden.	50	House.
97	Garden.	51	Coach house.
98	Garden.	52	Stable and hay chamber.

SECOND SCHEDULE.A.D. 1904.

GAS LANDS.

All that piece or parcel of land belonging or reputed to belong to the Corporation and containing an area of 6 acres 0 roods 3 perches or thereabouts situate near Saint Leger Place in Doncaster in the county of York and bounded on or towards the west and south-west by the canal belonging or reputed to belong to the Sheffield and South Yorkshire Navigation Company on or towards the north-west and north-east by land belonging or reputed to belong to the Corporation and on or towards the south-east in part by land and premises belonging or reputed to belong to the Corporation in other part by the north end of Saint Leger Place in other part by a dwelling-house belonging or reputed to belong to William Wheatcroft Harrison and in other part by land belonging or reputed to belong to Arthur Stephen Atkinson.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
OLIVER and BOYD, EDINBURGH; or
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.