

**CHAPTER cclxix.**

An Act to authorise the Urban District Council of Rugby in the county of Warwick to construct additional waterworks for the supply of their district and the parish of Bilton and to make further and better provision for the improvement health local government and finance of the district and for other purposes. A.D. 1901.

[17th August 1901.]

WHEREAS the district of Rugby in the county of Warwick is an urban district within the meaning of the Local Government Act 1894 and is under the control and management of the Rugby Urban District Council in this Act referred to as "the Council":

And whereas the Council as the successors of the Local Board of Health are by the Rugby Waterworks Act 1863 (hereinafter referred to as "the Act of 1863") authorised to supply water within the urban district of Rugby and the parish of Bilton in the Rugby rural district:

And whereas the supply of water from the existing works of the Council is inadequate to meet the growing demands of the inhabitants within the limits of supply and it is expedient that the Council be empowered to construct the additional waterworks in this Act described or referred to and that further provision be made as in this Act contained in regard to the water undertaking of the Council:

And whereas it is expedient that the powers of the Council for maintaining the purity and preventing the polluting fouling contaminating or discolouring of their waters should be extended:

And whereas it is expedient to authorise the execution of the street improvements and the making of the new road in this Act respectively described:

A.D. 1901. — And whereas by the Rugby Electric Lighting Order 1899 confirmed by the Electric Lighting Orders Confirmation (No. 4) Act 1899 the Council were empowered to produce and supply electric energy within the district for public and private purposes and it is expedient to make further provision in regard to the supply of electrical energy by the Council :

And whereas the Council have established markets and it is expedient that they should be invested with further powers with regard to their markets and also with regard to fairs and pleasure grounds :

And whereas the Council have adopted Parts II. III. and V. of the Public Health Acts Amendment Act 1890 and the Private Street Works Act 1892 :

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 and local government of the district and that the powers of the Council in relation thereto should be enlarged and extended :

And whereas estimates have been prepared by the Council for the purposes hereinafter mentioned and such estimates are as follows :—

For the purchase of lands for and the construction of the waterworks authorised by this Act and for the extension and improvement of the waterworks undertaking (including the cleansing and improvement of Brownsover Mill dam and the construction of a settling tank adjoining the present reservoir of the Council) the sum of forty-five thousand five hundred pounds ;

For street improvements six thousand pounds :

And whereas the several works included in such estimates respectively are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the Council at a meeting held on the twenty-fourth day of October one thousand nine hundred after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Rugby Advertiser a local newspaper circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expenses in relation to promoting the Bill for this Act should be charged upon the district fund and general district rate :

And whereas such resolution was published twice in the said Rugby Advertiser 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 Urban District Council at a further special meeting held in pursuance of a similar notice on the seventh day of March one thousand nine hundred and one being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the district by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

And whereas plans and sections showing the lines situation and levels of the works authorised by this Act the plans also showing the lands which may be acquired under the powers of this Act and also a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of and describing the lands required for the purposes of this Act were duly deposited with the clerk of the peace for the county of Warwick at his office at Warwick 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 the objects of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

PART I.

PRELIMINARY.

1. This Act may be cited for all purposes as the Rugby Water and Improvement Act 1901. Short title.

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

- Part I.—Preliminary.
- Part II.—Lands.
- Part III.—Water.
- Part IV.—Street Improvements.
- Part V.—Pleasure Grounds.
- Part VI.—Infectious Disease.
- Part VII.—Milk.

Act divided
into Parts.

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- Part VIII.—Streets and Buildings.
- Part IX.—Markets and Fairs.
- Part X.—Sanitary Provisions.
- Part XI.—Common Lodging-houses.
- Part XII.—Public Vehicles.
- Part XIII.—Finance.
- Part XIV.—Miscellaneous.

Incorporation of general enactments.

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

The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845;

The Waterworks Clauses Act 1847 except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except section 83 of that Act with respect to accounts and except also the words in section 44 “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner”; and

The Waterworks Clauses Act 1863.

Interpretation.

4. In this Act—

“The district” means the urban district of Rugby in the county of Warwick;

“The Council” means the Urban District Council of Rugby;

“The district fund” and “the general district rate” mean respectively the district fund and the general district rate of the district;

“The Vagrancy Acts” means the Vagrancy Act 1824 and any Act for the time being in force amending the same;

“The clerk” “the surveyor” “the medical officer of health” “the inspector of nuisances” mean respectively the clerk and the surveyor to the Council and the medical officer of health and inspector of nuisances of the district;

“Drainage area” means any area or areas within which the waters which the Council are authorised to impound or take arise or flow;

“Infectious disease” means any infectious disease to which the Infectious Diseases (Notification) Act 1889 applies for the time being within the district;

“Dairyman” means any cowkeeper purveyor of milk or occupier of a dairy; A.D. 1901.

“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;

“Daily penalty” means a penalty for each day on which any offence is continued after conviction therefor;

“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 an annuity rentcharge or security transferable by delivery) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Council.

For the purposes of this Act in the provisions of the Markets and Fairs Clauses Act 1847 incorporated in this Act “the prescribed limits” means the district.

PART II.

LANDS.

5. Subject to the provisions of this Act the Council may enter upon take and use all or any of the lands in the parish and urban district of Rugby and the lands numbered 9 10 11 15 and 17 to 27 inclusive in the parish of Brownsover delineated on the deposited plans and described in the deposited book of reference which they may require for the purpose of exercising the powers conferred upon them by this Act. Power to acquire lands.

6. For the protection of the Great Central Railway Company (hereinafter called “the railway company”) the following enactments and provisions shall (unless otherwise agreed on between the Council and the railway company) have effect (that is to say) :— For protection of Great Central Railway Company.

(1) Notwithstanding anything to the contrary in this Act contained the Council shall not be entitled to take and shall not take more of the lands belonging to the railway company shown upon the deposited plans and described in the book of reference than a strip of land not exceeding fifty feet in width in the field shown on the deposited plans and marked thereon No. 18 in the parish of Brownsover such strip of land being immediately adjacent

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to and on the southern side of the existing Brownsover Mill pond or stream Provided always that the Council may acquire an easement for passing and re-passing across and along the lands situate between the abutments and wing walls of the bridge carrying the Great Central Railway over Brownsover Mill pond or stream being part of the lands shown on the deposited plans and marked thereon No. 15 in the parish of Brownsover and for the purpose of maintaining the works authorised by this Part of this Act:

- (2) The railway company shall be entitled at all times to use for the purposes of their undertaking any portion of the said strip of land within thirty-three feet west of the existing fence at the foot of the present railway embankment upon repayment of the proportion corresponding to the area of land so used of the price paid by the Council to the railway company for the whole of the strip of land which the Council are hereby authorised to take:
- (3) The Council shall not widen the existing Brownsover Mill pond or stream so as to bring the same at any point within thirty-three feet west of the existing fence at the foot of the present railway embankment on the western side thereof or within thirty-three feet east of the existing fence at the foot of such embankment on the eastern side thereof The three weirs about to be constructed by the Council to form an overflow for the said mill pond shall be of a total aggregate length of not less than seventy feet as shown on the plan signed by John Heywood Johnstone Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and the crests of the said weirs and the division wall to be constructed by the Council across the said mill pond shall not be placed at a greater altitude than the ordinary top water level of the surface of the water in the said mill pond which for the purposes of this section shall be taken to be two hundred and eighty-four feet above Ordnance datum:
- (4) The Council shall not deepen the bed of the said mill pond or stream at any point or place within one hundred and eighty feet east and west of the centre line of the Great Central Railway as now existing unless all such sufficient and proper precautions are taken and such works executed by the Council at their own expense as may in the opinion of the engineer for the time being of the railway company be necessary for the

protection of their railway or as in the event of difference in regard to the said works shall be determined by an engineer to be appointed by the parties or failing agreement by the president of the Institution of Civil Engineers on the application of either party and the costs of any such reference shall be borne as such engineer shall direct. Provided always that nothing in this section contained shall preclude the Council from having the right to clean out and scour the bed of the mill pond between the above-mentioned points so as to free it from mud and weeds to the depth of its natural bed or from concreting or inverting the bed of the said mill pond to a thickness of not exceeding one foot for a distance of 180 feet east and west of the centre line of the said railway so that the upper surface of the concrete shall not be lower than the natural bed of the mill pond such concreting to be carried out under the superintendence and to the reasonable satisfaction of the engineer of the railway company.

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7. The powers of the Council for the compulsory purchase of lands for any of the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

8. Notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they 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 or any interest in any lands acquired by them under this Act and not required for the purpose for which they were acquired and may sell and exchange and 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.

Power to retain sell &c. lands.

9. The Council shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands acquired by them under this Act or by way of fine or premium on any lease of any such lands in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the

Application of moneys from sale &c. of lands.

A.D. 1901. — time being owing by the Council and such proceeds shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Restriction on taking houses of labouring class.

10.—(1) The Council shall not under the powers of this Act purchase or acquire in any parish or urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) If the Council acquire or appropriate any house or houses under the powers by this Act granted in contravention of the provisions of this section they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression "labouring class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them the expression "house" means any house or part of a house occupied as a separate dwelling.

PART III.

WATER.

Power to make works.

11. Subject to the provisions of this Act the Council may in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following work shown on the deposited plans and sections (that is to say):—

A line or lines of pipes (No. 2) situate in the said parishes of Brownsover and Rugby commencing in the parish of Brownsover in the pond of Brownsover Mill and terminating in the said parishes of Brownsover and Rugby or one of them in the Avon pumping station of the Council.

12. The Council in addition to the foregoing work may upon any lands for the time being belonging to them make and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices byewashes shafts wells bores water-towers stand-pipes overflows waste-water channels gauges filter-beds subsiding and other tanks banks walls bridges embankments piers approaches telegraphs telephones engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned work but nothing in this section shall exonerate the Council from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them :

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Power to
make
subsidiary
works.

Provided that any telegraphs or telephones made or maintained under the authority of this Act shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

13. In the construction of the work authorised by this Act the Council may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the 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 three feet upwards and ten feet downwards Provided as follows (that is to say) :—

Limits of
deviation.

Except for the purpose 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 is shown on the deposited sections.

14. Subject to the provisions of this Act the Council may collect impound take use divert and appropriate for the purposes of their water undertaking the waters of the River Avon at and above Brownsover Mill dam and all such springs streams and waters as will or may be intercepted by the work by this Act authorised or as may be found in on or under any of the lands for the time being belonging to the Council.

Power to
take waters.

15. The Council may in lieu of acquiring any land for the purpose of the line or lines of pipes by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of making maintaining cleansing repairing renewing and enlarging such line or lines of pipes 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

Easements
instead of
acquisition
of lands.

A.D. 1901. — 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 :

Provided that as regards any lands taken or used by the Council for the purpose of such line or lines of pipes the Council shall not (unless they give notice to treat for such lands and not merely for easements 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 Council :

Provided also that except as to land forming part of a street whether dedicated to the public use or not nothing herein contained shall authorise the Council to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Council 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 proviso.

Council may discharge water from their works into streams or water-courses.

16. The Council may discharge water from any of the water-works by this Act authorised into any streams or watercourses on the line of such works or near thereto or into any streams or watercourses with which such works may be made to communicate by means of works constructed or made under the powers of this Act Provided that in the exercise of the powers conferred by this section the Council shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such powers the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Public Health Act 1875.

Power to acquire additional lands.

17. The Council may for the purpose of their water undertaking acquire by agreement either in fee simple or for any term or terms of years in addition to lands which they are already authorised to hold or which they may take under the powers of this Act any lands not exceeding in the whole one hundred acres or any easement right or privilege therein thereunder or thereon (not being an easement right or privilege of water in which persons other than the grantors have an interest) but the Council shall not create or

permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking or the occupation of the land for agricultural purposes.

A.D. 1901.

18. 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 Council 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.

Power to
take ease-
ments &c. by
agreement.

19. The Council may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against nuisances encroachments or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts respectively but the Council shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking or the occupation of the land for agricultural purposes.

Power to
hold lands
for pro-
tection of
waterworks.

20. The Council on selling any lands acquired for or in connection with their water undertaking and not required for that purpose 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 other reservations special conditions restrictions and provisions with respect to 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.

Reservation
of water
rights &c.
on sale.

21. If the line or lines of pipes No. 2 shown on the deposited plans is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Council for executing such work or otherwise in relation thereto shall cease except as to so much thereof as is then completed

Period for
completion
of work.

A.D. 1901.

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but nothing in this section shall restrict the Council from renewing extending enlarging altering reconstructing or removing any of their tanks gauges drains sluices catchpits conduits culverts valves washouts byewashes engines pumps machinery apparatus filter beds mains pipes or other works plant or appliances at any time and from time to time as occasion may require.

Application of provisions of Public Health Acts as to water-works.

22.—(1) The Council may for the purposes of their water undertaking construct lay down erect and maintain such conduits mains pipes culverts sluices wells tanks cisterns engines machinery buildings works and conveniences as they may from time to time deem necessary.

(2) The Council shall in carrying out the provisions of subsection (1) of this section have the powers of a local authority under section 54 of the Public Health Act 1875 in respect to the carrying of water mains within and without their district and for the purposes of that section the parishes of Brownsover Bilton and Rugby shall be deemed to be the district of the Council.

(3) In the exercise of the powers of this section the Council shall be subject to the provisions so far as they are applicable of the Public Health Acts in the same manner and to the same extent as if such powers were conferred by those Acts.

Provisions as to fouling of water.

23. For the prevention of the pollution of any waters over which the Council have any powers of user or of any watercourse through which any water may for the time being flow into any such waters the Council may with the consent of the Warwickshire County Council and of the district council in whose district such pollution occurs or of one of such councils if the other refuse such consent and decline to do the work themselves enforce the provisions of the Rivers Pollution Prevention Acts 1876 and 1893 or of the Public Health Acts with respect to any such waters and watercourses or in respect of any nuisance which may exist in proximity thereto and the Council with such consent as aforesaid shall have and may if they think fit from time to time exercise such or the like powers as may for the time being be exerciseable by such county council or district council as the case may be under any enactment for the prevention of the pollution of any such water or watercourse or for the prevention or abatement of any such nuisance and the provisions of such enactment shall for the purpose aforesaid extend and apply mutatis mutandis to the Council. Provided that if the county council and the district council in whose district the pollution occurs or is likely to occur refuse or neglect for the space

of one month after being requested by the Council by notice in writing under the hand of their clerk either to enforce the provisions of the said Acts or to consent to the enforcement thereof by the Council the Council may appeal to the Local Government Board who may give to them such consent and thereupon the Council may proceed to enforce the provisions of the said Acts. A.D. 1901.

The Local Government Board upon the receipt of such appeal from the Council may direct any inquiries into the matter thereof to be held by their inspectors which they may deem necessary before giving such consent as aforesaid and their inspectors shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by the Local Government Board under the Public Health Act 1875.

Any expenses incurred by the Local Government Board in relation to any inquiry under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector shall be paid by and recoverable from the Council or the county council or the district council or partly from the one and partly from the others or either of them as the Local Government Board may determine.

24.—(1) The Council may make byelaws for securing the purity of the water which they are authorised to impound or take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper sanitary conveniences and make provision for the prevention of nuisances and the prevention or regulation of any act or thing tending to pollution of the water. Byelaws for securing purity of water.

(2) The byelaws made under this section shall be in force within the drainage areas or within so much of these areas as may be defined in the byelaws.

(3) All byelaws made under this section shall be subject to the approval of the district council of every district comprising any part of the area within which it is proposed that they shall be in force provided that such consent shall not be necessary where in the opinion of the Local Government Board it has been unreasonably withheld.

(4) The Council shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section who shall be injuriously affected by the restrictions imposed by such byelaws and such compensation shall be settled by two justices in accordance

A.D. 1901. — with the provisions of the Lands Clauses Acts as in the case of claims for compensation under section 22 of the Lands Clauses Consolidation Act 1845.

Power to agree as to drainage of lands &c.

25. The Council may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the reservoirs and works by this Act authorised with reference to the execution by the Council or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this Act authorised to be diverted collected and appropriated by the Council flowing to upon or from such lands directly or derivatively into such reservoirs and works.

As to powers for construction of works.

26. Nothing in this Act shall be deemed to confer on the said respective district councils or on any local or public authority power to construct any works which they respectively would not have power to construct had this Act not been passed nor to confer on the Council power to construct any works for such council or local or public authority except on behalf of and as the contractors for such council or local or public authority.

Rates for waterclosets and baths.

27. In addition to the charges authorised by the Act of 1863 the Council 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 Council may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Council not to be compelled to supply certain closets or baths.

28. The Council shall not be compelled to supply with water any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the contamination of the water of the Council nor any bath which shall be capable of containing when filled for use more than fifty gallons of water Provided that the foregoing provisions shall not entitle the Council to cut off or discontinue the domestic supply of the house in which such watercloset or bath is situate.

Rates payable by

29. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a

quarter of a year the owner instead of the occupier shall if the Council so determine pay the rate for the supply but the rate may be recovered by the Council from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

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owners of
small houses.

30. The Council shall not be bound to supply with water otherwise than by measure any building used as a dwelling-house whereof any part is used for any trade or manufacturing purpose for which water is required Provided that the price to be charged for a supply by measure under this section shall not exceed one shilling and sixpence per thousand gallons.

Supply to
houses partly
used for
trade &c.

31. The Council shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Council
not bound
to supply
several
houses by
one pipe.

32. A notice to the Council from a consumer for the discontinuance of a supply of water 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 Council.

Notice of
discon-
tinuance.

33. The Council may supply water for other than domestic purposes on such terms and conditions as the Council think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes Provided also that the price to be charged shall not exceed one shilling and sixpence per thousand gallons.

Supply of
water for
other than
domestic pur-
poses and by
measure.

34. The Council may sell meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Power to
sell or let
meters.

The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Council to let for hire any water fittings to any person supplied by them with water.

35. Before any person connects or disconnects any meter by means of which any of the water of the Council is intended to be or

Notice to
Council of

A.D. 1901.

connecting
or discon-
necting
meters.

has been registered he shall give not less than twenty-four hours' notice in writing to the Council 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 superintendence of any officer of or person authorised by the Council and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Injuring
meters &c.

36. 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 Council 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 Council shall (without prejudice to any other right or remedy for the protection of the Council) be liable to a fine not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained:

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 Council 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 Council the Council 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 Council by the person so offending and may be recovered by them as water rates are recoverable. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Council when such pipe meter instrument or fitting is under the custody or control of the consumer shall be *prima 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.

Power to
supply
materials.

37. The Council may if requested by any person supplied or about to be supplied by them with water furnish to him and repair

or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Council in providing such materials and executing such work shall be paid by the person requiring the same.

A.D. 1901.

38. The Council may on the application of the owner or occupier of any premises within the limits of this Act abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for the furnishing such supply.

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

39. The Council may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond their limits of supply to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the district to be supplied and of the local authority of that district nor if and so long as such supply would interfere with the supply of water for domestic purposes within their limits of supply.

Contracts for supplying water in bulk.

40. The provisions of the Act of 1863 and of this Act with regard to water shall to the exclusion of the provisions of the Public Health Acts relating to water apply to the existing waterworks and water undertaking of the Council which shall for all purposes be deemed to form part of the water undertaking of the Council under this Act and the provisions of sections 139 to 141 144 to 150 and 152 to 155 of this Act shall apply to the loans mentioned in the Second Schedule to this Act as if those loans had been borrowed under this Act and not under the Public Health Act 1875.

Acts to extend to existing undertaking.

41. Section 25 of the Act of 1863 shall be read and have effect as if the words "five hundred thousand gallons per day of twenty-four hours" had been substituted for the words "the two engines thereat of the London and North Western Railway Company can now pump from the said river" but subject as aforesaid nothing in this Act shall be construed to repeal or alter the provisions of that section.

For protection of London and North Western Railway Company.

A.D. 1901.

As to com-
pensation
payable to
owners of
Rugby Mill
and others.

42. The compensation paid by the Rugby Local Board the predecessors of the Council to the proprietors of the Rugby Mill under an agreement dated the nineteenth day of May one thousand eight hundred and sixty-nine and made between the said local board of the first part and Joseph Haywood and James Evans of the second part and Ann Bagshaw and Thomas Bagshaw of the third part and Thomas Bagshaw and Samuel William Bagshaw of the fourth part and to the Most Noble the Duke of Buccleuch and Queensbury under an agreement dated the twenty-fifth day of March one thousand eight hundred and seventy-one made between the said local board of the one part and the said Duke of Buccleuch and the Earl of Dalkeith of the other part and to Ross Gray Seymour under an agreement made with her dated the twenty-fifth day of May one thousand eight hundred and seventy-one and to Charles Walford Wilcox under an agreement made with him dated the fifth day of December one thousand eight hundred and seventy-four shall for the purpose of assessing any compensation payable under this Act or any Act incorporated therewith in respect of the execution of the powers thereby conferred to such parties or any of them or respectively other the owners of the lands in respect of which such compensation was paid be deemed and be taken as full compensation for all water to be diverted taken used and appropriated by the Council by whatever means from the River Avon and its tributaries for the purpose of their water undertaking up to but not exceeding four hundred thousand gallons daily on the ordinary average but without regard to the situation or capacity of the pipe or pipes by which the same may be taken conveyed or distributed and for such purpose the said agreements shall be construed accordingly and no further compensation shall be paid to any such parties or the owners of such lands respectively by the Council in respect of the water to be collected impounded diverted taken used or appropriated by them from the River Avon or its tributaries under the powers of this Act save so far as the amount of such water to be so diverted taken or used may be in excess of four hundred thousand gallons daily on the ordinary average.

PART IV.

STREET IMPROVEMENTS.

Power to
execute

43. Subject to the provisions of this Act the Council may make and maintain wholly within the district in the lines and

situations and upon the lands shown on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the street improvements and other works hereinafter described viz:—

A.D. 1901.
—
street im-
provements.

(A) A widening of West Street on the western side thereof between West Leyes and the north side of the yard at the rear of Lagoe Place commencing in West Leyes at the south-west corner of No. 34 and terminating at the pillar on the west side of the entrance to the builders' yard occupied by Mr. William Gerard Satchell :

(c) A new road 30 feet in width commencing in Gas Street and Pinder's Lane at the gateway on the west side of the property of the Rugby Gas Company and terminating in Railway Terrace between the offices of the gas company and the house No. 11 Railway Terrace :

(D) A widening of Upper Hillmorton Road on the south side commencing at the eastern boundary of the pleasure ground of the Council and terminating at the western boundary of the dwelling-house and premises called "Elmhurst" :

Provided that the Council shall not open the new road for public traffic until they shall have acquired the brewery store belonging to or reputed to belong to John William Carter.

44. Subject to the provisions of this Act the Council in the construction of the street improvements and other works by this Act authorised (other than the new road) may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation indicated thereon and they may deviate vertically from the levels shown on the deposited sections to any extent not exceeding two feet.

Limits of
lateral and
vertical
deviation.

45. Subject to the provisions of this Act and within the limits defined on the deposited plans the Council for the purposes of the street improvements and other works by this Act authorised may make junctions and communications with any existing streets which may be intersected or interfered with and may raise lower or alter any vault arch cellar or area under or adjoining any roadway or footway and may alter any existing street for the purpose of connecting the same with the streets works Provided always that the Council shall make to the owners and occupiers of and all other parties interested in any lands or houses injuriously affected by the exercise of the powers of this section full compensation for all damage so sustained by them respectively.

Power to
make
subsidiary
works.

A.D. 1901.
Period for
completion
of works.

46. If the street improvements authorised by this Act are not completed within four years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Council for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Alteration of
position of
sewers main
pipes &c.

47. In the execution of the works by this Act authorised the Council may raise sink or otherwise alter the position of any sewer drain water pipe or gas pipe belonging to or connected with any building adjoining or near to the site of the work and also any pipe tube wire or apparatus laid down or used for telegraphic or other purposes and may remove any other obstruction causing as little detriment and inconvenience as circumstances admit and making reasonable compensation for damage caused by the execution of the powers of this enactment:

Provided that the Council shall not raise sink or otherwise alter the position of any pipe tube wire or apparatus laid down or used for telegraphic or other purposes and belonging to His Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878:

Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply.

Owners may
be required
to sell parts
only of
certain
lands and
buildings.

48. And whereas in the construction of the street improvements and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the first schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Council the portions only of the premises so required without the Council being obliged or compellable to purchase the whole or any greater portion thereof the Council paying for the portions required

by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

A.D. 1901.
—

49. If by reason of any works to be executed by the Council in pursuance of the provisions of this Act any alterations are rendered necessary in the position of any gas mains belonging to the Rugby Gas Company (hereinafter referred to as "the gas company") such alterations shall if the gas company so desire be executed by the gas company at the reasonable expense of the Council and in that case the gas company shall within seven days of receiving notice from the Council of their intention to execute any such alterations give notice of the intention themselves to execute such alterations and shall commence and complete the same with all reasonable despatch and in default of so doing the Council may carry out such alterations. Any difference which may arise between the Council and the gas company under this section shall be determined by an arbitrator to be appointed by the Board of Trade upon the application of either party.

For protec-
tion of
Rugby Gas
Company.

PART V.

PLEASURE GROUNDS.

50. The Council may erect maintain furnish and equip and may remove pavilions conservatories refreshment assembly or reading rooms museums gymnasiums and apparatus ordinarily used therein baths lodges and other buildings and conveniences in the pleasure grounds or in any park or garden belonging to or held by them which may be required or be convenient for such ground park or garden or the public resorting thereto and may charge for admission thereto :

Council
may erect
reading
refreshment
rooms &c.

Provided that the Council shall not charge for admission to such reading rooms on more than twelve days in any one year nor on more than three consecutive days on any one occasion.

51. The Council may let any refreshment rooms with their appurtenances belonging to them or under their control to any such person for such term not exceeding three years at any one time at such rent payable at such times under such covenants and on such conditions and with under and subject to such rights powers privileges and authorities relating thereto respectively as the Council may think fit.

Power to
Council to
let refresh-
ment rooms
&c.

A.D. 1901.

Council may
let assembly
rooms.

Power to
provide
apparatus
for games.

Power to
contribute
towards
band.

Pleasure
grounds to
be deemed
streets.

52. The Council may let any reading rooms or assembly rooms in the pleasure grounds belonging to them for the purpose of particular meetings or entertainments.

53. The Council may provide apparatus for games and recreation for the use of the public frequenting the public parks gardens and pleasure grounds and may charge for the use thereof and they may lease or grant for any term not exceeding three years the right of providing and charging for such apparatus upon such terms and conditions as they think proper and the Council may make regulations with respect to the use and payment for the use of such apparatus.

54. The Council may pay or contribute towards the payment of a public band of music for the district provided that the amount of such payments or contributions do not in any year exceed a sum equal to a rate of one halfpenny in the pound on the assessable value of the district for the purposes of the general district rate. The Council may in any pleasure ground or other public place enclose an area within which such band shall play and make regulations as to the time and place for the playing of the band the payments to be made for admission within the said enclosure and for securing good and orderly conduct during the playing of the band.

55. The public parks gardens and pleasure grounds within the district shall be deemed streets for the purposes of sections 24 25 and 29 of the Town Police Clauses Act 1847 and also for the purposes of so much of section 28 of that Act as relates to the following offences :—

Every person who slaughters or dresses any cattle or any part thereof except in the case of cattle overdriven which may have met with accident and which for the public safety or other reasonable cause ought to be slaughtered on the spot ;

Every common prostitute or night-walker loitering and importuning passengers for the purposes 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 discharges any missile or makes any bonfire ;

A.D. 1901.

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

56. The Council may set apart any portion of any park garden or pleasure ground for the time being belonging to or held by them for cricket football archery tennis and other games and for the drill of volunteers yeomanry or cadets or of any military or police force or for the purposes of the delivery of speeches or the holding of meetings of public or local interest but so that the same shall be open to the public when not in use for such games or drill or other purposes and the Council may make byelaws for regulating the use of the portions of the park garden or pleasure ground so set apart.

Power to set apart portions of pleasure grounds for games.

57. The Council may when any park garden or pleasure ground or any part thereof is used or set apart for any special purpose as in the last preceding section mentioned close the same or such part thereof against the public for not exceeding twelve days in any one year nor three consecutive days on any one occasion and may during such respective periods demand and take or permit to be demanded and taken such reasonable sums as the Council decide for the exclusive occupation of the said park garden or pleasure ground or any such portion thereof or for the admission of persons vehicles goods and things into the said park garden or pleasure ground or portion thereof so used or set apart and may exclude therefrom all persons vehicles goods and things unless payment be made of the reasonable sum demanded.

Power to close pleasure grounds.

58. The Council may place or authorise any person or persons to place seats shelters or chairs in any street park recreation ground or pleasure ground or other public place for the use of the public and may if they think fit charge or allow such person or persons to charge a reasonable sum for the use of chairs and may make byelaws for regulating the use of seats shelters and chairs and for preventing injury or damage thereto.

Power to provide and let chairs.

59. The moneys (if any) received from the exercise of any of the powers of this Part of this Act shall be carried to the district fund.

Application of moneys received under this Part of this Act.

PART VI.

INFECTIOUS DISEASE.

60. Whenever it shall be certified to the Council by the medical officer of health that the outbreak or spread of infectious disease is in the opinion of such medical officer of health attributable to the milk supplied by any dairyman the Council may require such

Cowkeepers and others to present lists of customers in certain cases.

A.D. 1901. — dairyman to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the district and such dairyman shall furnish such list accordingly and the Council shall pay to him for such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings Every 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 forty shillings.

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

61. Whenever it shall be certified to the Council by the medical officer of health 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 Council may require such person to furnish to them within a time to be fixed by 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 and of the persons who have been employed by any such person aforesaid during the past six weeks and such person shall furnish such list accordingly and the Council 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 but no such payment shall exceed three shillings Every person who shall knowingly or wilfully offend against this enactment shall be liable for each such offence to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Power to provide nurses.

62. The Council may if they think fit provide or contract with any person to provide nurses for attendance upon any person suffering from infectious disease within the district and may charge a reasonable sum for the service of any nurse so provided.

Dairymen to notify infectious disease existing amongst their servants.

63. Every dairyman supplying milk within the district from premises whether within or beyond the district shall notify to the medical officer of health all cases of infectious disease among persons engaged in or in connection with his dairy as soon as he becomes aware or has reason to suspect that such infectious disease exists Any such dairyman who commits any breach of this enactment shall be liable to a penalty not exceeding forty shillings.

Infected person not to carry on business &c.

64. No person suffering from an infectious disease shall milk any animal or pick fruit or engage in any occupation connected with food intended for the use of man or carry on any trade or

business in such a manner as to be likely to spread the infectious disease and if he does so he shall be liable to a penalty not exceeding forty shillings.

A.D. 1901.

65. If any dairyman shall at the request of the Council stop his milk supply within the district on account of the spread or suspected spread of infectious disease the Council may make reasonable compensation to him for any loss occasioned by such stoppage.

Compen-
sation to
dairymen.

66. If any washerwoman laundry-woman midwife or nurse shall at the request in writing of the Council stop her employment as such for the purpose of preventing the spread of infectious disease the Council shall make compensation to her for any loss she may sustain by reason of such stoppage.

Power to
compensate
nurses &c.

67. No person shall return to any public library any book which has been to his knowledge exposed to infection from any infectious disease but shall at once give notice thereof and leave such book at the office of the medical officer of health or sanitary inspector whose duty it shall be to cause the same to be disinfected and to be then returned to the librarian. If any person offends against this enactment he shall be liable to a penalty not exceeding forty shillings.

Protection
against
infection of
books from
lending
library.

68. Public notice of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the district and by a notice to be affixed outside the offices of the Council and by such further means as the Council deem reasonable for carrying notice of this Part of this Act to persons affected or likely to be affected thereby. A copy of the newspaper containing the advertisement shall be conclusive evidence that public notice of this Part of this Act has been duly given unless the contrary be proved and no objection to such notice shall be made after six months from the date of the advertisement.

Public notice
to be given
of this Part
of Act.

PART VII.

MILK.

69. In this Part—

“Medical officer” means the medical officer of health of the district and includes any person duly authorised to act temporarily as medical officer of health.

Interpreta-
tion in this
Part of Act.

A.D. 1901.

Penalty for
selling milk
of diseased
cows.

70. Every person who knowingly sells or suffers to be sold or used for human consumption within the district 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.

71. Any person the milk of the cows in whose dairy is sold or suffered to be sold or used for human consumption within the district 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.

72. Every dairyman who supplies milk within the district 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.

73.—(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 district 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 district 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.

Power to
inspect cows
and to take
samples of
milk.

74.—(A) If milk from a dairy situate within the district is being sold or suffered to be sold or used within the district 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. 1901.

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

(c) If the medical officer has reason to believe that milk from any dairy situate outside the district from which milk is being sold or suffered to be sold or used within the district is likely to cause tuberculosis in persons residing within the district 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.

(E) If in their opinion the dairyman fails to show cause why such an order may not be made as aforesaid the Council 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 district on the council of the borough or district in which it is situate.

(F) The said order shall be forthwith withdrawn on the Council 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 district.

A.D. 1901.

(g) If any person after any such order has been made supplies any milk within the district in contravention of the order or sells it for consumption therein he shall 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.

(i) The dairyman may appeal against an order of the Council under this section or the refusal of the Council to withdraw any such order either to a petty sessional court having jurisdiction within the district or at his option if the dairy is situated outside the district to the Board of Agriculture who shall appoint an officer to hear such appeal. Such officer shall fix a time and place of hearing within the district and give notice thereof to the dairyman and the 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 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 in the matter of the appeal :

The court or the Board of Agriculture 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 as aforesaid) are to be paid but pending the decision of the appeal the order shall remain in force unless previously withdrawn by the Council.

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

The court or the Board of Agriculture may determine and state whether an order the subject of appeal has been made without due cause and whether the Council 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 or as to the fact of damage or as to the amount of compensation shall be determined in the manner provided by section 308 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. A.D. 1901.

75. The Council 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 an advertisement as aforesaid as the Council may fix. Notice of provisions of Act.

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

77. All expenses incurred by the Council in carrying into execution the provisions of this Part of this Act shall be chargeable upon the district fund and district rate and the Council may also charge upon the same 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 district. Provided that no such test shall be applied except with the previous consent of the owner of such cow. As to expenses.

78. This Part of this Act may be carried into execution by a committee of the Council 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 Council. Execution of this Part of Act by committee.

PART VIII.

STREETS AND BUILDINGS.

79. No new street shall be laid out more than two hundred yards in length without an intersecting street. Intersecting streets.

80. The Council may by order vary or alter the position direction or level of any intended new street for the purpose of causing it to communicate in a direct or more direct line with any other street adjoining or leading thereto. The Council shall make Power to vary position or direction of new streets.

A.D. 1901. — compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section.

Council
may define
commence-
ment &c. of
streets.

81. The Council may by order determine and declare the points or limits at or within which any street shall commence or terminate.

Council
may define
future line
of streets.

82.—(1) Where any street for the time being repairable by the inhabitants at large is in the opinion of the Council narrow or inconvenient or without any sufficiently regular line of frontage the Council 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. The line which in any case the Council propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the 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 Council formally prescribe and define the said 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 than such line.

(2) The Council may and if required so to do by the owner shall purchase the land lying between any such line as aforesaid and the nearest side of the street and the same when purchased shall vest in the Council as part of the street.

(3) If after any such line of frontage has been prescribed and defined it becomes necessary that the existing line of frontage shall be set back to the line prescribed the Council shall make full compensation to the owner and other persons interested in any land for any loss or damage they may sustain in consequence of the line of frontage being set back and the Council 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 damage loss or injury (if any) sustained by him or them by reason of the line of frontage having been so set back. Such compensation shall in case of difference be settled by arbitration in manner provided by the Public Health Act 1875.

(4) The Council may from time to time vary the line prescribed and defined as aforesaid and prescribe and define a new line of frontage in place of any line so prescribed and defined as aforesaid. Provided that no such variation of any existing prescribed line shall

be made after it has become necessary to set back any existing line of frontage to the said line so prescribed and except with the consent of the owners affected thereby.

A.D. 1901.

(5) If after any such line shall be so defined and prescribed as aforesaid any person shall wilfully or negligently act contrary to this enactment he shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(6) In estimating the amount of compensation to be paid by the Council under this section the benefits (if any) by reason of the widening or improvement of the street accruing to the owner or other persons to whom such compensation shall be payable shall be fairly estimated and set off against the said compensation.

83.—(1) The approval by the Council of any plan or section of any 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):—

Approval of plan to be void after certain intervals.

As to plans deposited after the passing of this Act within two years from the date of such deposit;

As to plans deposited 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 shall unless the Council otherwise determine be requisite.

(2) The Council shall give notice of the provisions of this section to every person intending to lay out any street or to 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 the 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.

84. The Council may retain all drawings plans elevations sections specifications and written particulars descriptions of details deposited with the Council in pursuance of any enactment for the time being in force in the district or any byelaw thereunder respectively.

Plans &c. deposited with Council may be retained.

85. From and after the commencement of this Act—

The conversion of a building which when originally erected was legally exempt from the operation of any building byelaws in force within the district into a building which had it been originally erected in its converted form would have been within the operation of those byelaws;

What to be deemed new buildings.

A.D. 1901.

The re-conversion into a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than that of a dwelling-house;

The conversion of a dwelling-house into any other building not intended for human habitation;

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

The roofing or covering over of any open space between walls or buildings;

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

As to temporary and movable dwellings.

86.—(1) Before any person erects or sets up any temporary or movable building he shall apply to the Council for permission so to do and such application shall be accompanied by a plan and section of the proposed building drawn to a scale of not less than one inch to every eight feet and a 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 Council shall within twenty-one days after the delivery of the plan and section and specification signify in writing their approval or disapproval of the proposed building to the person proposing to erect or set up the same.

(3) The Council 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 proposed building is commenced erected or set up without such application accompanied by such plan section and specification or after the disapproval of the Council or before the expiration of the said twenty-one days without such approval or is in any respect not in conformity with the approved plan section and specification and with any condition attached by the Council 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 Council or any prolongation thereof the owner of such building shall be liable to a penalty

not exceeding forty shillings and to a daily penalty of the like amount and the Council 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 from the owner of the building or from the person commencing erecting or setting up the same at their discretion. A.D. 1901.

(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 district with 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 pulled down or removed the Council 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 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 any right of light.

87. No person 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 the satisfaction of the Council to indicate the approved line and level 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 twenty shillings. No building until line of street defined.

88. Every person desirous of forming a communication for horses or vehicles across any footway so as to afford access to any premises from a street repairable by the inhabitants at large shall prior to commencing the work give notice in writing of such desire to the Council and shall if so required by them submit to them for their reasonable approval a plan of the proposed communication showing where it will cut the footway and what Crossing for horses or vehicles over footpath.

A.D. 1901. — provision (if any) is made for kerbing for gullies and for a paved crossing and the dimension and gradients of necessary works and shall execute the works at his own expense under the supervision and to the reasonable satisfaction of the surveyor and in case a plan shall have been approved 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 communication has been so 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 the footway.

Trees or shrubs overhanging streets and footpaths.

89. 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 the free passage or comfort of passengers the Council 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 to lop the tree hedge or shrub so as to prevent such obstruction or interference and in default of compliance the Council may themselves carry out the requisition of their notice doing no unnecessary damage.

Waste land to be fenced.

90. 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 Council 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 surveyor to the owner or occupier of the same or without any notice if the Council are unable after diligent inquiry to discover the name or place of abode of such owner or occupier the Council 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 shall be recoverable from such owner or occupier summarily as a civil debt.

Gardens forecourts &c to be fenced off from streets.

91. Whenever the person erecting any building shall be desirous of leaving an opening or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required in writing under the hand of the clerk be well and sufficiently fenced off from the footpath or street by a railing parapet or dwarf wall or otherwise to the satisfaction of the Council and any person who shall

offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings. A.D. 1901.

92. All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Council becomes front land shall be erected according to such elevation as the Council 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 or drawing approved by the Council and in case the Council for the space of one month 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 The Council 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.

Elevation
of buildings
erected on
front land to
be subject
to approval
of Council.

93. No new building shall without the approval of the Council 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 Council shall not in the case of rebuilding any building existing at the passing of this Act be withheld so as to involve a material sacrifice of property In determining the height of a 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 parapet or to the eaves of the roof as the case may be 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 the 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.

Height of
buildings.

A.D. 1901.

Erection of
buildings
to greater
height than
adjoining
buildings.

94. 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.

Height of
chimneys.

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

- (1) All chimneys hereafter erected for carrying any smoke from the furnace of any mill factory brewery sizing house dye house gasworks corn mill foundry or buildings used for manufacturing purposes or for the carrying away of any noisome or deleterious gases or effluvia from any such buildings shall be raised to the height of fifty feet at least from the level of the centre of the street nearest thereto And in all cases where any chimney serves the furnace of a steam engine the chimney shall be raised to an additional height from such level adapted to the power of such engine according to the following scale (that is to say) If such steam engine be of more than ten horse-power and do not exceed thirty horse-power the height of such chimney shall not be less than eighty feet if such steam engine be more than thirty horse-power and do not exceed forty horse-power the height of such chimney shall not be less than one hundred and ten feet and if such steam engine be more than forty horse-power the height of such chimney shall not be less than one hundred and twenty feet:
- (2) All steam ejected from any fixed steam engine or the boiler thereof and all spent and ejected steam arising or produced in any trade or business shall be discharged so as not to be an annoyance to the public:
- (3) The foregoing provisions of this section shall not apply to locomotives used upon any railway or to any portable steam engines or to traction engines steam rollers or fire engines or to any chimneys used exclusively for casting or puddling furnaces:

(4) Any person who shall offend against any provision of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings. A.D. 1901.

96.—(1) Every hoarding or similar structure in or abutting on or adjoining any street shall be securely erected and maintained. Provision as to hoardings and other structures used for advertising purposes.

(2) It shall not be lawful after the passing of this Act to erect any hoarding or similar structure to be used either wholly or partly for advertising purposes in or abutting on or adjoining any street to a greater height than twelve feet above the level of such street without the consent of the Council 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 as the Council may determine.

(3) The owner or other person using any hoarding wall or similar structure for advertising purposes in or abutting on or adjoining any street 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 papers affixed for advertising purposes to such hoarding wall or other structure falling off or becoming detached shall forthwith remove and clear away such papers.

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

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

(6) Any person aggrieved by the refusal of the Council to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after such refusal provided he give twenty-four hours' written notice of such appeal and the grounds thereof to the clerk and the court may have power to make such order as the court may think fit and to award costs such costs to be recoverable in like manner as a penalty under this Act.

97.—(1) It shall not be lawful to erect or fix to upon or in connection 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 Council and in the Sky signs.

A.D. 1901. 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 Council 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 or 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 Council 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.

For the purposes of this section—

“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—

A.D. 1901.

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

(ii) 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;

(iii) 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 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.

98. Any unfenced ground adjoining or abutting upon any street or highway shall for the purposes of the Vagrancy Acts be deemed to be a public place.

As to unfenced ground.

99. There shall be exempted from so much of the provisions of this Act as relates to buildings any building (not being a dwelling-house) belonging to any railway company and used by such company as part of or in connection with their railway.

Saving as to railway buildings.

PART IX.

MARKETS AND FAIRS.

100. In this Part of this Act unless the context otherwise requires—

Definitions in this Part of Act.

“Market premises” includes any booth shed lair pen stall standing place fixtures or convenience in any market or fair;

“Toll” and “tolls” include all tolls stallages rents and charges payable to the Council in respect of any market fair or market premises or weighing house or machine;

“Articles” includes all commodities and things in respect of which the Council are authorised to levy tolls.

A.D. 1901.
As to fairs.

101. From and after the passing of this Act the Council may make and enforce byelaws for the conduct of the annual fairs hitherto held in the district during the month of May and known as the May Fair and during the month of September and known as the Statute Fair and also the fair known as the Mop Fair and in particular may by such byelaws—

- (A) Fix the hours during which the fairs may remain open;
- (B) Provide for the preservation of order and good conduct among persons frequenting the fairs;
- (C) Regulate the erection or placing on the lands on which the fairs for the time being are held of any booths tents sheds stands and stalls (whether fixed or movable) or vehicles for the sale or exposure of any article or thing or any shows exhibitions performances swings roundabouts or other erections vans photographic carts or other vehicles whether drawn or propelled by animals persons or mechanical power:

And the Council may by any such byelaws so to be made by them impose such reasonable penalties as they think fit not exceeding forty shillings for each breach of such byelaws and such byelaws shall be published in the manner following viz. by advertisement in local newspapers and by handbills and otherwise in such manner as they think sufficient.

Power to appropriate lands for fairs.

102. The Council may with the sanction of the Local Government Board appropriate and use for the purposes of holding the fairs referred to in the section of this Act of which the marginal note is "As to fairs" any lands for the time being belonging to them.

Tolls to be taken by lessees &c.

103. All tolls may be demanded and taken by the officers of the Council and by the lessees of the Council and their officers respectively and if any such officer or lessee wilfully and with intent to defraud shall demand and take any tolls not authorised to be taken under this Act he shall for every such offence be liable to a penalty not exceeding five pounds.

Market tolls for stalls &c. payable by successive occupiers.

104. The several tolls payable in respect of the occupation or use of any market premises shall be paid not only by the original taker or occupier thereof for part of a day if he do not occupy it the whole day but also by any subsequent taker or occupier of the same for any subsequent part of the same day.

Tolls to be payable by successive sellers of articles.

105. The several tolls in the markets and fairs payable in respect of any articles shall be paid not only by the original seller but also by any subsequent seller or person who offers such article

for sale and such tolls shall become payable before such article is sold or offered for sale. A.D. 1901.

106. If any tenant shall not after any toll rent or charge has become due and payable to the Council in respect of any stand stall shed pen or place in any market or fair and after demand has subsequently been made therefor pay the same within three days of the demand the Council may enter upon and take possession of such stand stall shed pen or place and relet the same without prejudice to any other remedy for the recovery of such rent or toll. Power to take possession of stalls &c. for non-payment of rent &c.

107. Nothing in this Act nor in any byelaw thereunder shall interfere with the lawful exercise of their calling by hawkers or pedlars duly licensed or certificated under any Act relating to such calling or by horse dealers. Saving for pedlars and horse dealers.

108. Every animal or article brought into any market or fair and left therein after the hour of closing (except such as may be left in charge of the superintendent or inspector of the market or fair) may be taken possession of by the superintendent or inspector and if the same being of a perishable nature be not claimed within one hour after the closing or not being of a perishable nature be not claimed within seven days thereafter then and in every such case the same may be sold by the Council who shall return the surplus proceeds of such sale after deducting any unpaid toll due in respect thereof and the expenses of detention and sale to the owner on demand if made within one month after the sale but if demand be not so made the proceeds of the sale shall be forfeited to the Council. Forfeiture of articles left in markets.

109. The Council may in connection with their markets and fairs erect and maintain one or more lodges for the residence of the caretaker and superintendent inspector or inspectors thereof. Council may erect lodges.

110. The Council may prescribe the streets in which and the manner according to which the leading or driving of animals shall be permitted within the district Provided that the route which it shall be lawful for the Council so to prescribe shall not be such as would prevent the passage of cattle between any market and any railway station within the district or any place beyond the boundary of the district when such animals are merely passing between such market and railway station or other place as aforesaid and the Council shall be bound to allow at all times a reasonably short and efficient route or routes for the passage of such animals Provided also that any such directions shall only operate between the hours of As to leading or driving cattle.

A.D. 1901. — eight in the morning and nine in the evening and shall not prevent the owner of any animals driving the same to his own premises and nothing in this enactment contained shall authorise the Council to interfere with the driving of any animals to any duly licensed slaughter-house.

Saving for
general Acts
relating to
animals.

111. Nothing in or done under this Act shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any order licence or act of the Board of Agriculture made granted or done thereunder or of any order regulation licence or act of a local authority made granted or done under any such order of the Board or exempt the markets and fairs or slaughter-houses or any building or thing whatsoever or any body or person from the provisions of any general Act relating to animals already passed or to be passed in this or any future session of Parliament.

PART X.

SANITARY PROVISIONS.

Yards to be
paved.

112. If any yard or open space in connection with any dwelling-house erected before the passing of this Act shall not be so formed flagged asphalted or paved as to allow of the surface water being carried off to the drains of such house the Council may give to the owner of such house notice in writing requiring him within fourteen days after such notice shall have been so given to proceed to form and to flag asphalt or pave such yard or open space for at least two hundred square feet immediately adjoining such house so as to allow of the surface water being carried off to the drains of such house and within twenty-eight days after such notice shall have been so given to complete such several works to the satisfaction of the Council and if such owner shall make default in complying with any such requirements to the satisfaction of the Council within the respective times aforesaid the Council may if they think fit execute the works necessary for carrying out such requirements and the expenses incurred by them in so doing shall be paid to the Council by such owner and shall be recoverable summarily as a civil debt.

Power to
require
waterclosets
for new
buildings.

113.—(1) Notwithstanding anything in the Public Health Acts the Council may on the erection of any new building when a sewer and water supply sufficient for the purpose are reasonably available by written notice require that such new building shall be provided with proper and sufficient waterclosets and waste-water closets or with one or more of either class of closet according as circumstances may require.

(2) On the erection of any new building the Council may when a sewer and water supply sufficient for a watercloset or a waste-water closet are not reasonably available by written notice require one or more proper and sufficient earth closets to be provided at or in connection with such building.

A.D. 1901.

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

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

Byelaws as
to water-
closets.

115. If it appear to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of such houses the Council may order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owners in such manner as the Council shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners or occupiers of such houses in such manner as the Council shall determine and if constructed by the Council may be recovered by the Council from such owners or occupiers in a summary manner before a court of summary jurisdiction :

Council may
order houses
&c. to be
drained by
a combined
operation.

Provided that the Council shall not exercise the powers conferred by this section in respect of any houses plans for the drainage of which shall have been previously approved by the Council.

116.—(1) Where under the provisions of any Act or the Public Health Acts the Council have the power to require any street to be sewered by reason of such street not having theretofore been sewered to their satisfaction they may require the provision of separate sewers for the reception of surface water and of sewage respectively And where they may consider it advisable the Council if such separate sewers have been provided may 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.

As to
separate
sewers.

(2) Where in any street provision has been made for separate sewers for surface water and for sewage as aforesaid no sewage

A.D. 1901. 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.

(3) 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 Act have been sufficient to effectually drain such house or premises the Council 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.

Inspection of
drains &c.

117.—(1) On complaint made on oath by the surveyor medical officer of health or inspector of nuisances that he or they have reasonable grounds for believing the existence of a nuisance any justice may grant a warrant to the surveyor medical officer of health or inspector of nuisances to jointly or severally inspect any drain sanitary convenience or cesspool or any water supply sink trap syphon pipe or other work or apparatus connected therewith and on such warrant being granted for the purpose of ascertaining the course of any such drain or work the surveyor medical officer of health or inspector of nuisances or their authorised assistants (on production of their authority if required) at all reasonable times in the daytime after not less than twenty-four hours' notice in writing has been given to the occupier of the premises to which such drain sanitary convenience or cesspool water supply sink trap syphon pipe or other work or apparatus is attached or on which the same is situate or if they are unoccupied to the owner or if such owner or occupier is not known or cannot be found left on such premises and in case of emergency without notice may enter with or without workmen on such premises and cause the ground to be opened wherever the surveyor medical officer of health or inspector of nuisances or their authorised assistants think fit doing as little damage as may be.

(2) If any person obstructs or attempts to obstruct or incites any person to obstruct the surveyor medical officer of health or inspector of nuisances or assistants in the exercise of any of the powers conferred by this section he shall for every such offence be liable to a penalty not exceeding five pounds.

A.D. 1901.

(3) If such drain sanitary convenience or cesspool water supply sink trap syphon pipe or other work or apparatus be found on inspection as aforesaid to be properly made in accordance with the Acts and byelaws and regulations in force within the district and in proper order and condition the Council shall cause the same to be reinstated and made good as soon as may be and the expenses of examining reinstating and making good the same shall be defrayed by the Council and full compensation shall be made by them for all damage or injury done or occasioned by such examination.

(4) If upon such inspection any drain sanitary convenience or cesspool water supply sink trap syphon pipe or other work or apparatus appear not to have been properly made as aforesaid or to be in bad order and condition or to require cleansing alteration or amendment or to be filled up the Council shall cause notice to be served on the owner or occupier of the premises upon or in respect of which the inspection was made or in the case of a drain on the owner or owners occupier or occupiers of the premises which are drained into such drain requiring him or them forthwith or within a reasonable time specified in the notice to do what is necessary to place the drain or work in proper order and condition.

(5) If such notice is not complied with the said owner or owners occupier or occupiers shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings or the Council if they think fit in lieu of proceeding for a penalty may enter on the premises and execute the works and may recover the expenses incurred by them in so doing from the person or persons in default in a summary manner and if more than one in such shares and proportions as shall be settled by the surveyor or in case of dispute by a court of summary jurisdiction.

(6) For the purposes of this section the expression "drain" shall include any drain within the meaning of section 19 of the Public Health Acts Amendment Act 1890.

118. If it shall appear to the Council by the report of the medical officer of health 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 Council may if they think fit by notice in writing require the owner or occupier of such

Provision
for filling up
cesspools &c.

A.D. 1901. 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 and 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 the 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 Council 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.

Extension of
section 41
of Public
Health Act
1875.

119. The powers conferred by section 41 of the Public Health Act 1875 upon the Council to empower the surveyor and inspector of nuisances to enter premises for the purposes therein mentioned shall extend to authorise the Council if on the report of either of such officers it shall appear that they have reason to suspect that any drain watercloset earth closet 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.

Council may
provide
lavatories.

120. The powers of the Council under section 39 of the Public Health Act 1875 shall extend to authorise them to provide and maintain closet accommodation urinals and lavatories in or under any street repairable by the Council for the use of the public and to employ and pay attendants and to make reasonable charges for the use of any closet accommodation or of any lavatory so provided and the Council may make byelaws for the management of such closet accommodation urinals and lavatories and as to the conduct of persons frequenting the same.

121. 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 in a convenient and suitable position the Council 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 and keep open for use on the premises in a position to be specified in the order a urinal or urinals which shall be supplied with water to the satisfaction of the Council and the Council may order the owner of any buildings or lands to remove any urinal belonging or attached thereto which appears to them to be a nuisance or offensive to public decency Any person who fails within a reasonable time to comply with any of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

A.D. 1901.
Urinals to
be attached
to refresh-
ment houses
&c.

122. Any cistern used for the supply of water for domestic purposes which is so placed constructed or kept as to render the water therein liable to contamination causing or likely to cause risk to health shall be deemed to be a nuisance within the meaning of the Public Health Act 1875.

Cisterns
liable to con-
tamination
a nuisance.

123. Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall with respect to the district 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 Council may determine to be dangerous or an obstruction to the safe and convenient use of any street.

Prevention
and removal
of projection
over streets.

124. If any trade refuse or any building materials or rubbish of a like description be deposited in any water-closet waste-water closet cesspool ashpit ashbox or ashtub the Council may make a reasonable charge for the removal of the same which charge shall be paid to the Council by the occupier of the premises in respect of which the charge is made and may be recovered in a summary manner.

Charge for
emptying
ashpits &c.
of trade
refuse.

125. Before any drain existing at the time of the passing of this Act and then not communicating with any sewer of the Council shall be made to communicate with any sewer of the Council the Council 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

Council may
require old
drains to be
laid open for
examination
by surveyor
before com-
municating
with sewers.

A.D. 1901. — communicate with such sewer and the surveyor shall cause the ground to be closed and any damage done to be made good as soon as can be and the expense of such examination shall be defrayed by the Council.

Reconstruction of drains.

126. It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Council except in accordance with the provisions of the byelaws 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.

Council may take proceedings for preventing obstructions in water-courses.

127. The Council may either in their own name or in the name of any other person with his consent take such proceedings by indictment action or otherwise as they may deem advisable for the purpose of preventing obstruction of any watercourses or outfall for water within the district or for the removal of any obstruction from any watercourse or outfall for water.

Council may resolve that portion of River Avon may be cleansed to avoid flooding.

128. Where any portion of the River Avon situate in the parishes of Clifton-upon-Dunsmore Brownsover Rugby Newbold-on-Avon and Bilton between Clifton Mill and a point three chains or thereabouts north of the weir on the west side of Newbold Grange or any outfall for water therefrom or any wall dam or other defence against water situate between the said points shall not be scoured cleansed repaired or otherwise maintained in a due state of efficiency so as to prevent any obstruction to the proper flow of the water through or along the said River Avon or the overflow of water therefrom to the satisfaction of the Council the Council may at their own cost scour cleanse repair or otherwise place in a due state of efficiency such river or any part between such points respectively or any such outfall for water or any such wall dam or other defence against water and for such purpose may enter upon the adjoining lands and any lands whereon any such outfall wall dam or other defence against water may be situate and so much other lands as may be necessary for the purposes of this section and do all acts or thing necessary in that behalf and the Council may deposit all material to be scoured out of or gotten from the said river on the banks of such river Provided that so far as possible the material which shall be extracted from the right or left side of the centre of such river shall be deposited on the right or left bank thereof as the case may be And provided that the Council shall make compensation to the owners and occupiers of the said lands for all damage done

in the exercise of the powers of this section The Council shall pay all expenses incurred by them in exercising the powers of this section or any compensation awarded hereunder out of the district fund or general district rate. A.D. 1901.

PART XI.

COMMON LODGING-HOUSES.

129. 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 Council shall with the approval of the Council in writing under the hand of their officer appointed for that purpose (which approval and registration shall be revocable by the Council) reside and remain in such house and manage control and exercise proper supervision over the same and the inmates thereof as the case may be. 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. Regulations
as to common
lodging-
house
keepers.

130. Every person who shall without being registered in accordance with the provisions of section 77 of the Public Health Act 1875 keep a common lodging-house within the district shall be liable to a penalty not exceeding five pounds and a daily penalty not exceeding forty shillings and every such penalty may be recovered by the Council in a summary manner. Penalties on
unregistered
common
lodging-
house
keepers.

131. Every common lodging-house whether registered before or after the passing of this Act shall be provided with sufficient closet and urinal accommodation having regard to the number of lodgers who may be received into 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 Council 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. Sanitary ac-
commodation
to be pro-
vided in
common
lodging-
houses.

132. Notice of the foregoing provisions of this Part of this Act relating to common lodging-houses and the keepers thereof shall be served upon the keeper of every common lodging-house either Notice to
common
lodging-
house
keepers.

A.D. 1901. — personally or by leaving the same at the common lodging-house before any proceedings are taken under this section.

Power to refuse registration of common lodging-house keepers.

133. The Council may notwithstanding the provisions of section 78 of the Public Health Act 1875 refuse to register any person as a common lodging-house keeper unless they are satisfied as to the character and fitness for the position of the person applying to be so registered. Any person aggrieved by the refusal of the Council to register such person in pursuance of the provisions of this section may appeal to a court of summary jurisdiction after the expiration of two clear days after such refusal provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the clerk of the Council and the court may make such order in the matter as they may deem just and may award costs such costs to be recoverable in like manner as a penalty under this Act.

Provision to apply to night shelters &c.

134. The provisions of the Public Health Act 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 Council to the keeper of every shelter or other building to which this section relates before any proceedings are taken under this section.

PART XII.

PUBLIC VEHICLES.

Powers of inspector of hackney carriages.

135. Any person appointed by the Council in writing may examine all public vehicles plying for hire within the district 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 at railway station.

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

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 nor shall the Council have or exercise any authority or control over vehicles whilst on the premises of any railway company except with the consent of the railway company.

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

Occasional
licences
may be
granted.

PART XIII.

FINANCE.

138.—(1) The Council may independently of any other borrowing power borrow at interest any sum or sums of money for the purposes hereinafter mentioned not exceeding the respective amounts following (that is to say):—

Power to
borrow.

- (A) For the purchase of lands and wayleaves for and for the construction of the waterworks by this Act authorised and for the extension improvement and general purposes of the waterworks undertaking of the Council (including the cleansing and improvement of Brownsover Mill dam and the construction of a settling tank adjoining the present reservoir of the Council) the sum of forty-five thousand five hundred pounds;
- (B) For repaying to the Council the sums expended by them in providing and laying water mains in the parish of Bilton the sum of one thousand six hundred pounds;
- (C) For the purchase of lands and buildings for and for the construction of the street improvements and new road by this Act authorised the sum of six thousand pounds;
- (D) For paying the costs charges and expenses of this Act as hereinafter provided the sum requisite for that purpose;

A.D. 1901. — and with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of this Act or in relation to the water undertaking of the Council.

(2) In order to secure the repayment of the moneys borrowed for the purposes (A) and (B) under this section and the payment of the interest thereon the Council may mortgage or charge the revenue of the water undertaking of the Council and if they think fit as a collateral security the district fund and general district rate of the district and in order to secure the repayment of the moneys borrowed for the purposes (c) and (d) under this section and the payment of the interest thereon the Council may mortgage or charge the district fund and general district rate of the district.

Mode of raising money.

139. The Council may raise all or any moneys which they are authorised to borrow under this Act either by mortgage or by 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 with respect to the sinking fund to be provided for the repayment of moneys raised under this Act shall apply to any money raised under the Local Loans Act 1875 in lieu of the provisions of section 15 of that Act.

Certain regulations of Public Health Act as to borrowing not to apply.

140. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act the several loans mentioned in the Second Schedule to this Act and representing the sums owing by the Council in respect of loans raised by them under the provisions of the Public Health Act 1875 for the purposes of their existing waterworks as well as any sums which the Council may borrow under this Act shall not be reckoned.

Sections of Public Health Act as to mortgages to apply.

141. The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to mortgages granted under this Act (that is to say) :—

Section 236 Form of mortgage :

Section 237 Register of mortgages :

Section 238 Transfer of mortgages :

Section 239 Receiver may be appointed in certain cases.

As to repayment of money borrowed.

142. The Council shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say) :—

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As to moneys borrowed for the purposes (A) and (B) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within sixty years from the date or dates of the borrowing of the same;

As to moneys borrowed for the purpose (C) in the said section mentioned within fifty years from the date or dates of the borrowing of the same;

As to money borrowed for the purpose (D) in the said section mentioned within five years from the date or dates of the borrowing of the same;

As to money borrowed with the consent of the Local Government Board within such period as they may think fit to sanction.

143. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act 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. Provided that it shall not be obligatory to commence such repayments by instalments or to set apart or appropriate any moneys to or for the purposes of a sinking fund in respect of moneys borrowed under paragraphs (A) (B) and (C) of the section of this Act of which the marginal note is "Power to borrow" until after the expiration of one year from the date of borrowing the same.

Mode of
payment off
of money
borrowed:

144. If the Council determine to pay off by means of a sinking fund any moneys borrowed under the authority of this Act the following regulations shall be observed:—

Regulations
as to sinking
fund.

The Council in every year shall appropriate and set apart out of the rate and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at not exceeding three per centum per annum with yearly rests be sufficient to pay off the whole of the principal moneys borrowed on such security under this Act and repayable by sinking fund within the prescribed period:

The rate of accumulations on which the amounts paid to the sinking fund are based is hereinafter referred to as "the prescribed rate":

Provided as follows (that is to say):—

(A) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends

A.D. 1901.

interest and annual income thereof respectively in statutory securities the Council being at liberty from time to time to vary and transpose such investments Provided that if in any year the income arising from the investments of the sinking fund does not equal the prescribed rate of accumulation any deficiency shall be made good out of the rate and revenue from which the annual payments to such fund are made and that if in any year such income exceeds the prescribed rate of accumulation any excess may be applied in reduction of the annual payments which would otherwise be required to be made to such fund :

- (B) The Council may at any time apply the whole or any part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment whereof the sinking fund was set aside in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as hereinbefore prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum per annum on which the annual payments to the sinking fund are based Provided also that whenever and so long as the value of the securities standing to the credit of the sinking fund taken at the market price of the day shall be equal to the amount of the borrowed moneys then outstanding for the repayment of which it was set aside the Council may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

Annual
return to
Local
Government
Board with
respect to
sinking fund.

145.—(1) The clerk to the Council 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 for the purposes of the waterworks undertaking of the Council 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 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 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. 1901.

(2) If it appears to the Local Government Board by that return or otherwise that the Council 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.

146. If the Council pay off any part of the loans mentioned in the Second Schedule to this Act or any money borrowed by them under the powers of this Act otherwise than by means of instalments or appropriations or annual repayments or a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or 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 period prescribed for the repayment of the moneys in Power to re-borrow.

A.D. 1901. — lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Council with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Council not to regard trusts.

147. The Council shall not be bound to see to the execution of any trust whether expressed or 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 Council shall be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books and the Council 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.

Protection of lender from inquiry.

148. A person lending money to the Council under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or any part thereof.

Saving for existing charges.

149. Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and property of the Council subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenue rate and property.

Application of borrowed moneys.

150. All moneys borrowed by the Council under the powers of this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable.

A.D. 1901

151. Section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and their committees and officers under this Act and to the audit of such accounts.

Audit of
accounts.

152. The Council shall apply all money from time to time received by them in respect of their water undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say) :—

Application
of water
revenues.

Firstly In payment of the working and establishment expenses and cost of maintenance of their water undertaking ;

Secondly In payment of the interest on the loans mentioned in the Second Schedule to this Act and on moneys borrowed by the council under the Act of 1863 and this Act for the purposes of their water undertaking ;

Thirdly In providing the requisite instalments appropriations annual repayments or sinking funds on the loans mentioned in the Second Schedule to this Act and on moneys borrowed by the Council for the purposes of their water undertaking under the Act of 1863 and this Act ;

Fourthly In providing a reserve fund for their water undertaking if they think fit by setting aside such money as they from time to time 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 a sum equal to one-tenth of the water capital of the Council which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Council from their water undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the said sum and so from time to time as often as such reduction happens :

And the Council shall carry to the district fund any balance remaining in any year after retaining or setting aside such a sum as may in the opinion of the Council be required for carrying on their water undertaking and paying the current expenses connected therewith and shall also carry to the district fund the annual proceeds of the reserve fund when such fund amounts to one tenth of the water capital of the Council.

153. Any deficiency in the revenue or receipts of the Council on account of their water undertaking shall be made good out

As to defi-
ciency in
receipts.

A.D. 1901. of the district fund and the next general district rate to be made by the Council shall be increased so far as may be necessary to recoup to the district fund the amount so made good out of that fund.

Separate accounts to be kept as to water.

154. The Council shall keep the accounts in respect of their water undertaking separate from all their other accounts distinguishing therein capital from revenue and such accounts shall be subject to the same provisions as to audit as other accounts of the Council.

Expenses of execution of Act.

155. All expenses incurred by the Council in carrying into execution the provisions of this Act (except such as are to be paid out of borrowed money or are otherwise provided for) shall be paid out of the district fund and general district rate.

PART XIV.

MISCELLANEOUS.

Supply of electrical energy outside district.

156. If the local authority for any district adjacent to the area which the Council are for the time being authorised to supply with electrical energy are or shall be authorised by Provisional Order confirmed by Parliament to supply energy the Council and such local authority may enter into and carry into effect agreements for the supply of electrical energy in bulk by the Council to such authority but such agreements shall in all respects be subject to the approval of the Board of Trade:

Provided that any supply of electrical energy made under the provisions of this section and any works constructed for that purpose shall be subject to all provisions for the protection of the telegraphic lines of the Postmaster-General and his rights in respect thereof which are contained in the Rugby Electric Lighting Order 1899.

Byelaws with respect to electric fittings.

157. The provisions of the Electric Lighting Act 1882 shall extend to enable the Council to make byelaws with respect to any wires apparatus and fittings in any building or premises supplied with electrical energy by the Council.

Power to supply electric fittings.

158. The Council may provide sell let for hire and fix set up alter repair and remove within the district but shall not manufacture lamps meters electric lines fittings apparatus and things for lighting and motive power and for all other purposes for which electrical energy can or may be used or otherwise necessary or proper for the supply distribution consumption or use of electrical energy and may

provide all materials and do all works necessary or proper in that behalf and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale letting fixing setting up altering repairing or removing of such lamps meters electric lines fittings apparatus and things as aforesaid and for securing their safety and return to the Council as the Council may think fit or as may be agreed upon between them and the person to or for whom the same are sold supplied let fixed set up altered repaired or removed. A.D. 1901.

The lamps meters electric lines fittings and other apparatus and things for lighting and motive power and other purposes let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent nor to be taken in execution under any process of a court of law or equity or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such lamps meters fittings apparatus appliances articles and things have upon them 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 Council as the actual owners thereof.

159. The Council may if they think fit make an allowance by way of discount not exceeding the rate of ten per centum on the amount due in respect of any charges for electrical energy supplied by them from every person who pays the same within such time after demand thereof as the Council think fit to prescribe in that behalf and notice to this effect shall be contained in every demand note in respect of such charges Provided that in making such allowance the Council shall not show any undue preference to any consumer. Discount on electrical charges &c.

160.—(1) The chief officer of the fire brigade of the Council or other officer of such fire brigade for the time being in charge of the engine or other apparatus for extinguishing fires attending at any fire within the district shall from the time of his arrival and during his presence thereat have the sole charge and control of all operations for the putting out of such fire whether by the Council or any other fire brigade including the fixing of the position of fire engines and apparatus the attaching of hose to any water pipes or water supply and the selection of the parts of the building on fire or of adjoining buildings against which the water is to be directed. Captain of fire brigade or other officer to have control of operations.

(2) Such chief officer or other officer in charge shall have power to stop or regulate the traffic in any street whenever in his opinion

A.D. 1901. ——— it is necessary or desirable to stop or regulate such traffic for the purpose of extinguishing any fire or for the safety or protection of life or property.

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

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

General provision as to byelaws.

162. All the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 (except so much thereof as relates to byelaws made by a rural sanitary authority) shall apply to all byelaws from time to time made by the Council under the powers of this Act Provided that as respects byelaws made under the sections of this Act whereof the marginal notes are "As to fairs" and "Byelaws with respect to electric fittings" the Secretary of State and the Board of Trade respectively shall be substituted for the Local Government Board.

Informations may be laid by duly authorised officer.

163. All informations under or for breach of any of the provisions of this Act may be laid by any officer of the Council duly authorised in that behalf or by the clerk.

Authentication and service of notices.

164. In the case of any notice or demand under this Act requiring authentication by the Council, the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication Notices orders and any 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 always that in the case of any company any such notice order or document shall be delivered or sent by post addressed to the secretary or clerk of the company at their principal office or place of business.

As to appeal.

165. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Council or of or by any officer or valuer of the Council or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter

sessions under and according to the provisions of the Summary Jurisdiction Acts. A.D. 1901.

166. 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 or regulation 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. Recovery of penalties.

167. All penalties recovered by the Council or any officer of the Council on their behalf under this Act or any byelaw thereunder shall be paid to the treasurer to the Council and carried by him to the credit of the district fund. Penalties to be paid to treasurer.

168. 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 no person shall be punished twice for the same offence. Saving as to indictments.

169. 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 liable to any rate or by reason of his being a member of the Council. Judge not to be disqualified by payment of rates.

170. All powers rights and remedies given to the Council by this Act shall be deemed to be in addition to and not in derogation of any other powers rights and remedies conferred on them or on any committee appointed by them by the Public Health Acts or the Act of 1863 and the Council 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 passed Provided that no person shall incur more than one penalty (other than a daily penalty) for the commission of the same offence. Powers of Act to be cumulative.

171. The Council may if they think fit grant a gratuity of any sum (not exceeding one year's pay) to any of their officers or servants who may be disabled or injured in their service or to the widow or family of any such officer or servant who may die in their service or may at their discretion contribute any sum (not exceeding as aforesaid) to any charity or institution which may Power to grant gratuities to officers and servants.

A.D. 1901. have undertaken the maintenance or relief of any such officer or servant Every such gratuity or contribution shall be charged on and paid out of the fund or funds on which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

Consent of Council to be in writing.

172. All consents of and permissions by the Council under this Act shall be given in writing and unless otherwise prescribed by the Council shall be given under the hand of the clerk.

In executing works for owner Council not liable for damage.

173. Whenever the Council under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work act or thing in default of the owner or occupier and in the absence of negligence or misconduct on the part of the Council or of any contractor or person employed by them are required to pay damages penalties costs charges or 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 added to and be deemed to be part of the expenses payable by such owner or occupier.

Power to Local Government Board to direct inquiries

174.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Local Government Board shall for the purposes 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) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Compensation how to be determined.

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

Service of notice on Council.

176. Except where otherwise expressed to the contrary any notice to or demand on the Council under this Act may be served on the Council by being delivered to the clerk or left at the office of the Council or by being sent through the post in a prepaid letter addressed to the clerk at such office.

177. The Council may appoint officers for securing the observance of Part V. of this Act and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

Power to
appoint
officers.

178. Without prejudice to any existing right of His Majesty there shall be exempted from the provisions of this Act every building structure or work vested in or in the occupation of His Majesty either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of His Majesty's Government for public purposes or for the public service.

Exemption
of Govern-
ment pro-
perty from
building
regulations.

179. The costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining and passing of this Act including the costs charges and expenses preliminary to and connected with the obtaining of the resolution of owners and ratepayers aforesaid shall as taxed by the taxing master of the House of Lords or the House of Commons be paid by the Council out of the district fund and general district rate or out of moneys borrowed for the purpose under this Act.

Costs of Act.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

URBAN DISTRICT OF RUGBY.

Numbers on deposited Plans.	Description of Work.	Description of Property.
4	Widening of West Street -	Garden ground and outbuildings.
8	Widening of West Street -	Yard passage and outbuildings.
3	Widening of Upper Hillmorton Road.	Garden shrubbery carriage drive footpath occupation road and yard.
3	New road between Gas Street and Railway Terrace.	Gardens lawn flower vase pump roadway and footpath.

A.D. 1901.

SECOND SCHEDULE.

No. of Loan.	Amount borrowed.	Date of borrowing.	Period authorised for repayment.	Balance outstanding on March 31 1901.
	£		Years.	£ s. d.
Part of mortgage— No. 58 - - -	314	July 5 1879 - -	30	94 7 0
No. 64 - - -	123	November 24 1882 -	30	49 4 0
No. 86 - - -	350	October 21 1893 -	30	268 6 8
No. 88 - - -	130	November 8 1895 -	40	113 15 0
Part of debentures— Series G - - -	240	September 30 1897 -	—	216 0 0
Series B - - -	222	November 6 1896 -	35	196 12 4
		December 3 1896 -		
		March 4 1897 -		
Series D - - -	640	February 22 1897 -	—	554 13 4
Series G - - -	1,800	September 30 1897 -	30	1,620 0 0
Part of mortgage— No. 90 - - -	3,300	August 21 1899 -	23	3,080 0 0
No. 91 - - -	335	May 15 1900 -	30	335 0 0
No. 91 - - -	220	May 15 1900 -	30	220 0 0
No. 92 - - -	2,000	February 22 1901 -	30	2,000 0 0
No. 92 - - -	1,800	February 22 1901 -	30	1,800 0 0
No. 93 - - -	80	February 22 1901 -	20	80 0 0
Debenture series M	320	February 22 1901 -	30	320 0 0
	450	January 29 1901 (date of sanction).	30	450 0 0
	£12,324			£11,397 18 4

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