



CHAPTER ccxxxix.

An Act to authorise the Urban District Council of Whitstable in the County of Kent to purchase the undertakings of the Whitstable Water Company Limited and the Whitstable Gas and Coke Company Limited and to supply water and gas to transfer to the Council the powers within the district of the Commissioners of Sewers for the Levels of East Kent and to make further and better provision for the improvement health local government and finance of the district and for other purposes. A.D. 1902.

[8th August 1902.]

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

And whereas the Whitstable Water Company Limited (in this Act called "the Water Company") was registered under the Companies Acts for the purpose of supplying water within the district:

And whereas the nominal capital of the Water Company is eight thousand four hundred pounds divided into five hundred shares of ten pounds each and seventeen hundred shares of two pounds each:

And whereas the Water Company has a debenture debt of two thousand pounds:

And whereas it is expedient that the water supply of the district should be under the control of the Council and that the undertaking of the Water Company should be transferred to and vested in the Council:

And whereas the Whitstable Gas and Coke Company Limited (in this Act called "the Gas Company") a limited company registered

A.D. 1902. under the Companies Acts 1862 to 1899 supply gas within the district :

And whereas the nominal capital of the Gas Company is fourteen thousand pounds divided into two hundred shares of twenty pounds each and one thousand shares of ten pounds each and the Gas Company has no debenture debt :

And whereas the Gas Company have erected gasworks upon the lands described in the First Schedule to this Act or some portion thereof :

And whereas it is expedient that the gas supply of the district should be under the control of the Council and that the undertaking of the Gas Company should be transferred to and vested in the Council and that the Council should be empowered to extend and improve the gasworks in order to meet the growing demands of the inhabitants :

And whereas the Commissioners of Sewers for the Levels of East Kent are a public body acting under a commission issued in pursuance of the powers of an Act commonly called the Bill of Sewers passed in the twenty-third year of the reign of King Henry the Eighth and of several other Acts relating to Commissioners of Sewers which have been subsequently passed namely the third and fourth of Edward the Sixth chapter 8 the thirteenth of Elizabeth chapter 9 the seventh of Anne chapter 10 the sixteenth of George the Third chapter 62 the third and fourth of William the Fourth chapter 22 the fourth and fifth of Victoria chapter 45 the twelfth and thirteenth of Victoria chapter 50 and the twenty-fourth and twenty-fifth of Victoria chapter 133 :

And whereas the jurisdiction of the said Commissioners under the said Acts extended and still extends over a portion of the district of the Council :

And whereas it is expedient that the district should be exempted from the jurisdiction of the said Commissioners and that their powers therein should be transferred to the Council and that further powers for the prevention of floods as herein-after contained should be conferred on the Council :

And whereas it is expedient that the Council be authorised to borrow on the security of the revenues of their water and gas undertakings and of the district fund and general district rate of the district the moneys required for the purposes of this Act :

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

And whereas it is expedient that the Council should be invested with further powers of control over the seashore of the district : A.D. 1902.

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 an absolute majority of the whole number of the Council at a meeting held on the twenty-first day of October one thousand nine hundred and one after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the *Whitstable Times* a local newspaper published and 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 *Whitstable Times* and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the fourth day of February one thousand nine hundred and two 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 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 *Whitstable* Short title. *Water and Improvement Act 1902.*

[Ch. ccxxxix.] *Whitstable Water and Improvement* [2 Edw. 7.]
Act, 1902.

A.D. 1902.

Act divided
into parts.^a

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

Part I.—Preliminary.

Part II.—Water.

Part III.—Gas.

Part IV.—Transfer of Powers of Commissioners of
Sewers.

Part V.—Recreation Grounds.

Part VI.—Seashore.

Part VII.—Infectious Disease.

Part VIII.—Tuberculosis.

Part IX.—Buildings and Streets and Sanitary Matters.

Part X.—Police.

Part XI.—Hackney Carriages.

Part XII.—Finance.

Part XIII.—Legal Proceedings.

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 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” ;

The Waterworks Clauses Act 1863 ;

The Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and with respect to the yearly receipts and expenditure of the undertakers) ; and

The Gasworks Clauses Act 1871 (except sections 78 and 35 thereof).

Interpretation.

4. In this Act—

“The district” means the urban district of Whitstable in the county of Kent :

“The Council” means the Urban District Council :

- “The district fund” and “the general district rate” mean respectively the district fund and the general district rate of the district: A.D. 1902.
- “The Water Company” means the Whitstable Water Company Limited:
- “The Gas Company” means the Whitstable Gas and Coke Company Limited:
- “The Commissioners of Sewers” means the Commissioners of Sewers for the Levels of East Kent:
- “The sewers rate” means any rate or rates leviable by the Council under the powers transferred to them by this Act from the Commissioners of Sewers:
- “The seashore” means and includes the seashore foreshore and all the beach and sands within 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 and “the office” in relation to any of the said officers means the office of that officer at the Council offices or at such other place in the district as the Council may from time to time appoint:
- “Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 applies for the time being within the district:
- “Dairyman” means any cowkeeper purveyor of milk or occupier of a dairy:
- “Dairy” means and includes any farm farmhouse cowshed milk store milk shop or other place from which milk is supplied or in which milk is kept for purposes of sale:
- “Daily penalty” means a penalty for each day on which any offence is continued after conviction therefor:
- “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

[Ch. ccxxxix.] *Whitstable Water and Improvement* [2 EDW. 7.]
Act, 1902.

A.D. 1902.

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 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 be deemed to include—

Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purposes of any advertisement or announcement;

Any sign on any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or 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;

Any such word letter model sign device or representation as aforesaid which relates exclusively to the business of a railway company and which is placed or may be placed wholly upon or over any railway station yard platform or station approach belonging to a railway company and which is also so placed that it could not fall into any street or public place:

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security (not being annuities rent-charges or securities 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.

PART II.

A.D. 1902.

WATER.

5. The limits of this Act for the supply of water (in this Act described as "the water limits") shall be the district. Water limits.

6.—(1) The Council shall within two years after the passing of this Act by notice in writing under their common seal require the Water Company to sell and transfer to the Council and the Water Company shall thereupon sell and transfer to the Council the undertaking of the Water Company for such consideration being a sum in gross and on such terms and conditions as may be agreed upon between the Water Company and the Council or as failing such agreement shall be determined by arbitration in manner provided by the Lands Clauses Acts. Water Com-
pany to sell
their under-
taking to
Council.

(2) The provisions of the Lands Clauses Acts relating to the settlement of questions of disputed compensation by arbitration shall apply to the herein-before mentioned arbitration and in the construction of the said provisions for the purposes of this section "the special Act" means this Act "the promoters of the undertaking" means the Council and "lands" means the undertaking of the Company.

7. On payment by the Council of the purchase money in accordance with the provisions of this Act the undertaking of the Water Company shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Council subject and according to the provisions of this Act and free as between the Water Company and the Council from all debts and liabilities affecting the same due from or payable by the Water Company up to the time of such transfer and thenceforth the Council shall have and hold the undertaking which said vesting is in this Act referred to as "the transfer." On payment
of purchase
money
undertaking
to vest.

8. The receipt in writing of three of the directors of the Water Company for any purchase money so to be paid shall effectually discharge the Council from the sum which in such receipt shall be acknowledged to have been received and from being concerned to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof: Receipt for
purchase
money.

Provided that if from any cause the Council are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Council by the cashier of the said bank

[Ch. ccxxxix.] *Whitstable Water and Improvement* [2 Edw. 7.]
Act, 1902.

A.D. 1902. for the money which shall have the same effect as the receipt of such directors.

Liabilities and actions by or against Water Company.

9. All debts and liabilities due from or payable by the Water Company up to the time of transfer which shall then remain unpaid or unsatisfied shall as between the Water Company and the Council be paid or satisfied by the Water Company and the Water Company shall indemnify the Council against the same and if at the date of the transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing by or against or in favour of the Water Company the same shall not abate or be discontinued or in any wise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by or against or in favour of the Council as and when it might have been continued prosecuted and enforced by or against or in favour of the Water Company if this Act had not been passed but as between the Water Company and the Council the Water Company shall indemnify the Council against any action or proceeding against the Water Company and shall be entitled to the benefit of any action or proceeding in favour of the Water Company which shall be pending at the date of transfer.

Water Company to pay outgoing and be entitled to receipts until transfer.

10. The Water Company shall bear and pay all outgoing of every kind and shall receive all rates and other debts due to them and shall be entitled to all receipts from their undertaking up to the date of the transfer. Provided that nothing in this Act contained shall entitle the Water Company to retain for their own benefit so much of any rates or other payments paid or payable in advance as shall be attributable to any period after the transfer but such rates or other payments shall be apportioned and so much thereof as is attributable to any period after the transfer shall be paid over by the Water Company to the Council.

Contracts of Water Company to be binding on Council.

11. Subject to the provisions of the section of this Act the marginal note of which is "Liabilities and actions by or against Water Company" all agreements contracts conveyances deeds and other instruments affecting the Water Company and in force at the time of the transfer shall after the transfer be as binding and of as full force and effect against or in favour of the Council and may be enforced as fully and effectually as if instead of the Water Company the Council had been a party thereto.

Application of purchase money.

12. The Water Company shall hold the purchase money paid to them by the Council under this Act in trust for and shall apply the same to the following purposes and not otherwise:—

Firstly For the payment thereof of the costs charges and expenses of the Water Company incurred by them in connexion with the transfer of their undertaking ;

A.D. 1902.

Secondly For the repayment of all moneys borrowed on debenture or mortgage together with all interest thereon ; and

Thirdly The paying and distributing the balance of the said purchase money then remaining amongst the shareholders in the Water Company in proportion to their several interests in the divisible profits of the Water Company and for the purpose of such distribution the several persons whose names shall appear in the books of the Water Company at the date of the transfer to be the proprietors of shares therein shall unless the contrary be proved to the satisfaction of the directors be considered to be shareholders of the Water Company and the receipt in writing of such persons or of their executors or administrators or of the committee or guardian of the estate of any of such persons who shall be an idiot lunatic or minor shall be an effectual discharge to the Water Company and the directors thereof for the money therein expressed to be received and shall exonerate them from any obligation affecting the share or interest in respect whereof that money is paid.

13. When the directors of the Water Company are for six months after the transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase-money of the Water Company's undertaking is payable or where any part thereof is payable to a person by or on behalf of whom an effectual receipt cannot be given or on account of any other reasonable cause the directors may pay the same into the Supreme Court or if not exceeding five hundred pounds into the county court of Kent holden at Canterbury under any Act for the time being in force for the relief of trustees and every such payment into court shall conclusively discharge the Water Company and directors from all further liability with respect to the money so paid.

Payment
into court by
directors.

14. Until the transfer the undertaking of the Water Company shall be maintained and carried on by the Water Company as heretofore in the ordinary course of business but the Water Company shall not without the previous consent of the Council under the hand of the clerk make or enter into any contract agreement or obligation except such as shall be in the ordinary course of the maintenance of the works and the proper conduct of the undertaking.

Maintenance
of under-
taking by
Water Com-
pany till
transfer.

A.D. 1902.

Power to maintain existing waterworks and supply water.

15. The Council may maintain repair alter enlarge and extend the existing wells pipes engines machinery tanks and other waterworks of the Water Company and may use and employ the same for the purpose of taking water and may sell and supply water in accordance with the provisions of this Act.

Power to make subsidiary works.

16. The Council in addition to the existing works may upon any lands for the time being belonging to them make and maintain all such cuts channels catch-waters tunnels adits pipes conduits culverts drains sluices bye-washes shafts wells bores water-towers overflows waste-water channels gauges filter-beds tanks banks walls bridges embankments piers approaches engines machinery and appliances as may be necessary or convenient in connexion with or subsidiary to the before-mentioned works or any or either of them 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.

Power to take waters.

17. Subject to the provisions of this Act the Council may collect impound take use divert and appropriate for the purposes of their water undertaking all such springs streams and waters as may be found in on or under any of the lands for the time being belonging to the Council.

Power to purchase additional lands by agreement.

18. The Council may for the purposes of this part of this Act purchase take and hold by agreement in addition to the lands which they may acquire from the Water Company any lands and hereditaments not exceeding in the whole twenty acres which the Council may from time to time require for the purposes of their waterworks and undertaking but the Council shall not create or permit the creation or continuance of any nuisance on any such lands.

Restriction on taking houses of labouring class.

19.—(1) The Council shall not under the powers of this Act purchase or acquire 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 for the purposes of this Act 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

[2 EDW. 7.] *Whitstable Water and Improvement* [Ch. CCXXXIX.]
Act, 1902.

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. A.D. 1902.

(3) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means and includes mechanics artisans 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 such persons who may be residing with them.

20. The water supplied by the Council within the district shall be constantly laid on under pressure but it need not be supplied in any case at a level above that at which water can be supplied by gravitation from the existing works. Limit of pressure.

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

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

Where such rateable value exceeds five pounds at a rate per annum not exceeding seven and a half per centum on the rateable value of the premises so supplied :

Provided that the Council shall in no case be entitled to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of such higher annual value as would bring it within another division of the said scale.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the

[Ch. ccxxxix.] *Whitstable Water and Improvement* [2 EDW. 7.]
Act, 1902.

A.D. 1902. whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

Rates for
waterclosets
and baths.

22. In addition to the foregoing charges the Council may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of this Act 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 sum to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Council not
compelled
to supply
certain
closets or
baths.

23. 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. 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.

Supply to baths
containing
more than fifty
gallons of
water.

24. The Council shall not be compelled to supply with water otherwise than by meter any bath which shall be capable of containing when filled for use more than fifty gallons of water.

Rates pay-
able by
owners of
small houses.

25. 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 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.

Supply by
meter in
certain cases.

26.—(1) The Council shall not be bound to supply with water otherwise than by measure any building used partly as a dwelling-house and partly as a warehouse or for any trade or manufacturing purposes for which water is required or any hospital or other large institution boarding house hotel home or school.

(2) Where the Council refuse to supply with water any building referred to in this section otherwise than by measure they shall on the application of the occupier of such building supply the same with sufficient water for domestic purposes at a rate not exceeding

[2 EDW. 7.] *Whitstable Water and Improvement* [Ch. CCXXXIX.]
Act, 1902.

one shilling and sixpence for every thousand gallons and the moneys payable to the Council under this section shall be recoverable in the same manner as rates due to the Council for water. Provided that the Council shall not be compelled to afford to any premises a supply of water by measure for a less sum in any one quarter of a year than the amount of the rate which would have been payable in respect of such premises for a supply of water otherwise than by measure. A.D. 1902.

27. The Council may supply water for swimming baths trade manufacturing and other purposes not being domestic purposes on such terms and conditions as the Council think fit and may by agreement with any consumer supply water by measure for other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates due to the Council. Provided 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 within the district. 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 purposes by measure.

28.—(1) The Council may make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans urinals waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination. Byelaws for preventing waste &c. of water.

(2) Such byelaws shall apply only in the case of premises to which the Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and the provisions with respect to byelaws contained in sections 182 to 186 (except so much thereof as relates exclusively to byelaws made by a rural sanitary authority) of the Public Health Act 1875 shall apply to all byelaws so made.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Council may if they think fit after twenty-four hours' notice in writing enter and by and under

A.D. 1902. the direction of their duly authorised officer repair replace or alter any pipe meter cock ferrule valve soil-pan urinal watercloset bath tank cistern or other apparatus fitting means contrivance receptacle or appliance belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be repaid to the Council by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable.

Power to
Council to
supply
materials.

29. 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 meters cocks ferrules valves soil-pans urinals waterclosets baths tanks cisterns or other apparatus fittings means contrivances receptacles or appliances as are required or permitted by their byelaws 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.

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.

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

30. The Council may on the application of the owner or occupier of any premises within the water limits 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 furnishing such supply.

Detection of
waste.

31. Subject to the provisions of this Act the Council may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Council and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets roads lanes footpaths thoroughfares tramways and gas or water pipes.

Notice to
Council of
connecting or
disconnecting
meters.

32. Before any person connects or disconnects any meter by means of which any of the water of the Council is intended to be or 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 some 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. A.D. 1902.

33. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Council. Provided that if the Council and the persons to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties. Register of meter to be *primâ facie* evidence.

34. 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 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 or the punishment of the offender) for every such offence forfeit and pay to the Council a sum 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 fittings 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 insuring 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 fittings is or are under Injuring meters &c.

A.D. 1902. 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 fittings.

Entry on premises to cut off pipes after notice given.

35. In all cases in which any premises which shall have been supplied with water by the Council shall have become unoccupied for a space of seven days the Council their agents and workmen after giving seven days' previous notice to the owner by serving the notice on him or sending the same by post addressed to him at his usual place of abode or business or if the owner or his usual place of abode or business be not known to the Council after inquiry by affixing the same for seven days on some conspicuous part of such premises may enter into any such premises between the hours of nine of the clock in the forenoon and four of the clock in the afternoon for the purpose of cutting off any pipes by which the water of the Council shall be conveyed to such premises and may remove any pipe meter fittings or apparatus the property of the Council repairing and making good all damage that may be done by reason of such removal.

Council not bound to supply several houses by one pipe.

36. 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.

Notice of discontinuance.

37. 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 and be left at or sent in a prepaid letter to the office of the Council.

Public drinking fountains.

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

Contracts for supplying water in bulk.

39. The Council may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of this Act 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 the limits of this Act.

A.D. 1902.

PART III.

GAS.

40. The limits of this Act for the purpose of the supply of gas shall be the district. Gas limits.

41.—(1) The Council shall within two years after the passing of this Act by notice in writing under their common seal require the Gas Company to sell and transfer to the Council and the Gas Company shall thereupon sell and transfer to the Council the undertaking of the Gas Company for such sum in gross and on such terms and conditions as may be agreed upon between the Gas Company and the Council or as failing such agreement shall be determined by arbitration in manner provided by the Lands Clauses Acts. Gas Company to sell their undertaking.

(2) The provisions of the Lands Clauses Acts relating to the settlement of questions of disputed compensation by arbitration shall apply to the herein-before mentioned arbitration and in the construction of the said provisions for the purposes of this section "the special Act" means this Act "the promoters of the undertaking" means the Council and "lands" means the undertaking of the Gas Company.

42. The sections of this Act whereof the marginal notes are as follows shall apply to the Gas Company and to the purchase of the Gas Company's undertaking as if the Gas Company were for the purposes of this part of this Act mentioned instead of the Water Company (that is to say) :— Application of water sections to purchase of Gas Company's undertaking.

On payment of purchase money undertaking to vest.

Receipt for purchase money.

Liabilities and actions by or against Water Company.

Water Company to pay outgoings and be entitled to receipts until transfer.

Contracts of Water Company to be binding on Council.

Application of purchase money.

Payment into court by directors.

Maintenance of undertaking by Water Company until transfer.

A.D. 1902.

Powers as to construction and maintenance of gasworks &c.

43. Subject to the provisions of this Act the Council may upon the lands on which the existing gasworks and gas holders of the Gas Company are erected and which are described in the First Schedule to this Act maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasometers receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of this Act and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar and all other products or residuum of any materials employed in or resulting from the manufacture of gas.

Power to purchase lands by agreement for gas undertaking.

44. The Council may for the purposes of their gas undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands which they may acquire from the Gas Company any lands and hereditaments not exceeding in the whole five acres which the Council may from time to time require for the purposes of their gasworks and undertaking but the Council shall not create or permit a nuisance on any such lands and no lands shall be used by the Council for the purpose of manufacturing gas or residual products except the lands described in the First Schedule to this Act.

Power to supply gas apparatus for heating motive and other purposes.

45. The Council may purchase provide supply sell let for hire and otherwise deal in and fix set up alter repair remove and refix but shall not manufacture gas meters and fittings gas engines stoves ranges pipes and other apparatus and appliances articles and things for lighting motive power the warming and ventilation of buildings the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all work 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 supply letting fixing setting up altering repairing or removing of such meters fittings engines stoves ranges pipes and other apparatus and appliances articles and things as aforesaid and for securing (both as regards the consumer and third parties) their safety and return to the Council as may be agreed upon between the Council and the person to or for whom the same are sold supplied let fixed set up altered repaired or removed The meters fittings engines stoves ranges pipes and other apparatus appliances articles and things let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or to be taken in execution under any process of

any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such engines stoves ranges pipes 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. A.D. 1902.

46. The Council may upon the application of the owner or occupier of any premises abutting on or being erected in any road laid out but not dedicated to public use within the limits of this Act supply such premises with gas and may lay down take up alter relay or renew in across or along such road such mains and pipes as may be requisite or proper for furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof. Power to lay pipes in streets not dedicated to public use.

47. From and after the transfer the price to be charged by the Council for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed four shillings for every thousand cubic feet and so in proportion for any smaller quantity. Limiting price of gas to ordinary consumers.

48.—(1) All gas supplied by the Council to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six-tenths of an inch and from sunset to midnight not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer. Pressure of gas.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall apply to such testing of pressure and two hours' previous notice shall be given to the Council of the time and place at which such testing shall be conducted.

49. The prescribed number of candles shall be not less than fifteen. Quality of gas.

50. Within six months from the transfer a testing place or testing places shall be provided at some convenient part or parts of the gasworks of the Council or at the offices of the Council. Testing place.

A.D. 1902.

Burner.

51. The prescribed burner shall be an argand twenty-four hole burner with a seven-inch chimney or any other burner or chimney approved for this purpose by the Board of Trade on the application of the Council.

Council to pay interest on money deposited as security for meters.

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

No penalty in case of unavoidable cause.

53. No penalty shall be incurred by the Council for neglect or refusal to give a supply of gas in accordance with the provisions of this Act or for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which the court having cognisance of the case are of opinion that such neglect refusal insufficiency defect or excess was caused by circumstances beyond the control of the Council or was of so slight or unimportant a character as not materially to affect the value of the supply. Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Council.

Council may contract with local authority for supply in bulk.

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

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

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

Gas consumers to give notice before removing.

56. Twenty-four hours' notice in writing shall be given to the Council by every gas consumer before he shall quit any premises supplied with gas by meter by the Council and in default of such notice the consumer so quitting shall be liable to pay to the Council the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such

premises shall require the Council to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed on every demand note for gas rent. A.D. 1902.

57. A notice to the Council from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Council. Notice of the effect of this enactment shall be endorsed upon all demand notes for gas rent. Notice of dis-
continuance.

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

59. In order to prevent danger or escape of gas and to enable the Council to ensure a satisfactory supply of gas the following provisions shall have effect with respect to pipes or other fittings for the supply of gas by the Council in any new house building or premises within the gas limits of the Council:— Specification
for and in-
spection of
gas fittings
in new
buildings.

(1) The Council may specify the size and material of the pipes and fittings thereof which are to be laid by the consumer between the Council's mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises:

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

(3) The specification shall be published twice in some newspaper circulating in the district and a copy thereof shall be kept exhibited in the office of the Council:

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Council's main but within the outside wall of the building:

A.D. 1902.

- (5) When any such meter pipes or fittings as aforesaid have been laid or placed notice thereof shall be given to the Council and the pipes shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Council. Any officer of the Council duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such meter pipes and fittings and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Council's specification or if the meter is not placed as required by this section the Council may refuse to supply gas to the premises until the provisions of this section have been complied with :
- (6) Any person to whom the Council refuse a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Council's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

PART IV.

TRANSFER OF POWERS OF COMMISSIONERS OF SEWERS.

Transfer to
Council of
jurisdiction
of Commis-
sioners of
Sewers.

60. On and as from the first day of January one thousand nine hundred and three (which date is in this part of this Act referred to as "the date of transfer") the Commissioners of Sewers shall notwithstanding anything contained in any charter commission letters patent or Act of Parliament cease to have or exercise any jurisdiction within the district and subject to the provisions of this part of this Act the Council and any officers appointed by them shall as from that date have and may exercise within the district all the rights powers authorities and privileges of or exerciseable or enjoyed by the Commissioners of Sewers or any one or more of them or any court of sewers or other meeting of the Commissioners of Sewers or any official appointed by them whether under charter commission letters patent Act of Parliament decree ordinance or otherwise howsoever :

Provided that notwithstanding anything contained in any Act of Parliament or in any commission charter or letters patent granted or issued to the Commissioners of Sewers or any of them the transfer to the Council of rights powers authorities and privileges by this section made shall not constitute the Council or any person justices

or a justice and shall not authorise the Council or any person or persons to distrain or punish any person or save as herein-after mentioned to distrain for arrearages of any collection tax or assessment or otherwise to punish any debtor or detainer by fines amerancements pains or other like means or to arrest or take any cart horse ox beast or other instrument or any workman or labourer or to take any tree wood underwood or timber or other thing or to compel any person negligent gainsaying or rebelling by distress fines or amerancements or other punishments ways or means but the Council in addition to any other remedy may recover in a summary manner any rate or tax made or any money assessed or charged by the Commissioners of Sewers which may be due at the date of transfer in manner directed by the Summary Jurisdiction Acts before a court of summary jurisdiction :

A.D. 1902.

And provided that save so far as may be necessary for the recovery of sums due at the date of transfer as from the date of transfer the enactments described in the Second Schedule to this Act annexed shall not apply or have any cause or effect within the district and the Council shall not nor shall any officer or officers appointed by them exercise within the district any of the rights powers authorities or privileges under any of the enactments described in the said schedule of or exerciseable or enjoyed by the Commissioners of Sewers or any one or more of them or any court of sewers or other meeting of the Commissioners of Sewers or any official appointed by them.

61. All duties imposed upon the Commissioners of Sewers with respect to and all rights powers and property of the Commissioners of Sewers in and over any river stream watercourse or any sewer ditch bank river wall bridge hatch dam floodgate locks or other work situate within the district and all lands buildings erections goods tools and utensils situate within the district shall as from the date of transfer but subject to the provisions of this part of this Act devolve upon and be discharged by and vested in the Council.

Transfer of duties &c. of Commissioners of Sewers.

62. From and after the date of transfer and subject to the provisions of this part of this Act the Council shall punctually and duly perform and discharge within the district all duties and obligations which but for the passing of this Act the Commissioners of Sewers or any of them would have been liable to perform and discharge whether the performance and discharge of such duties and obligations shall be necessary for the benefit or protection of the district or of any other part or parts which immediately before the passing of this Act was or were within the limits of the

Obligations of Commissioners transferred to Council.

A.D. 1902.

jurisdiction of the Commissioners of Sewers or any of them under any commission charter or letters patent and the Commissioners of Sewers and the local authority of every part within and every person within the limits of the jurisdiction aforesaid shall respectively have as against the Council all such and the like remedies as but for the passing of this Act any such local authority or person might have had against the Commissioners of Sewers for or in respect of any default by the Commissioners of Sewers in the performance or discharge of any duty or obligation which the Commissioners of Sewers or any of them would have been liable to perform or discharge and which after the passing of this Act the Council shall be liable to perform or discharge.

As to adjustment with Commissioners.

63. An equitable adjustment respecting all financial matters shall if necessary be made between the Commissioners of Sewers and the Council by agreement within twelve months after the passing of this Act and in default of such agreement by an arbitrator to be appointed on the application of either party by the Board of Agriculture.

All mortgage debts and liabilities of the Commissioners of Sewers the repayment whereof is wholly charged upon the sewers rates rents profits and other moneys arising or accruing by virtue of the several before-recited Acts relating to Commissioners of Sewers from the marsh lands meadow lands and low grounds in the district under the jurisdiction of the Commissioners of Sewers which is known as the valley of Whitstable or such portions of such mortgage debts and liabilities as shall remain unpaid on the date of transfer shall become debts and liabilities of the Council and the Council shall from and after the date of transfer duly and punctually pay and discharge such debts and liabilities out of the district fund and general district rate by such instalments of principal and interest and on such days and times as the Commissioners of Sewers are liable to pay and discharge the same under the several instruments creating such mortgage debts and liabilities.

Decrees &c. valid if under seal.

64. All decrees ordinances orders warrants precepts or certificates to be made issued or granted by the Council under the powers by this part of this Act transferred to and exerciseable by them shall be deemed to be duly executed if signed by the clerk and shall when so executed be valid and effectual any statute law usage or custom to the contrary notwithstanding and any business or act directed to be and which may be transacted or done at a court of sewers or any other meeting of the Commissioners of Sewers or otherwise by

the Commissioners of Sewers or any of them may be transacted and done at any meeting of the Council summoned and held in accordance with and subject to the provisions of the Public Health Acts. A.D. 1902.

65. The clerk and surveyor shall be clerk of the sewers and surveyor within the meaning of any charter commission letters patent Act of Parliament decree or ordinance the powers of which are by this Act transferred to the Council. As to officers.

66. With reference to the inspection and production of decrees ordinances awards and orders of and of books papers registers and other documents relating to the affairs of the Commissioners of Sewers (which decrees ordinances awards orders books papers registers and documents are in this section referred to as and included in the expression "documents") the following provisions shall have effect (that is to say) :-- As to decrees
of Commis-
sioners &c.

- (1) The Commissioners of Sewers shall within six months after the receipt of demand in writing under the hand of the clerk furnish to the clerk a complete list certified under the hand of two of such Commissioners of all and every document relating to or affecting the district or any works or property therein or relating to any rentcharge or other charge in respect of any lands within the district :
- (2) The Commissioners of Sewers shall within seven clear days after the receipt of demand in writing under the hand of the clerk produce at the office of the clerk for the time being of the said Commissioners for the inspection of the clerk and any officer or officers of the Council duly authorised by the clerk in that behalf all or any documents or document relating to or affecting the district or any works or property therein or any such rentcharge or other charge as aforesaid and shall permit such officer or officers to take copies thereof and afford all necessary facilities in that behalf :
- (3) The Commissioners of Sewers shall if so required at any time by the Council under the hand of the clerk certify under the hand of their clerk the correctness of the copy of any document so taken or made and such certified copy shall be admitted as evidence in any court of law or equity :
- (4) The reasonable costs and expenses of the said Commissioners of or incidental to the making of such list of documents and any such production inspection or certifying of documents shall be paid by the Council :

A.D. 1902.

(5) The Commissioners of Sewers may if so requested by the Council in writing under the hand of the clerk surrender to the Council the documents named in any notice under this section and relating to the affairs of the Commissioners of Sewers and which exclusively relate to or affect the district or any works or property therein or the jurisdiction powers and duties transferred to the Council by this part of this Act and after such surrender the Council shall if so requested by the Commissioners of Sewers in writing under the hand of their clerk produce at all reasonable times to the Commissioners of Sewers or any of their officers duly authorised in writing all or any of the documents so surrendered and permit and give facilities for the same or any of them to be examined or copied or for extracts to be made therefrom.

Compensation to officers.

67.—(1) Any officer of the Commissioners of Sewers who in consequence of the passing of this Act shall lose the whole or any part of the legal emoluments of his office shall be paid compensation in respect of such loss by the Council out of the district fund and general district rate.

(2) Provided that any such officer who shall accept employment in any office under the Council shall to the extent of the annual salary attached to such employment be deemed to have waived all right to compensation under this section.

(3) In case of difference between the Council and any such officer as aforesaid as to the amount (if any) of compensation legally payable to him such amount shall be determined by the Local Government Board who shall take into consideration all the circumstances of the case including any reasonable offer of employment made to such officer by the Council and the decision of the said Board shall be final.

Extending powers of Council as to sea defence.

68.—(1) The powers contained in section 16 of the Land Drainage Act 1861 transferred to and conferred upon the Council under this part of this Act shall be deemed to include and shall include power to construct and maintain within the district all such new works and improvements to any existing works as may in the opinion of the Council be necessary to prevent the flooding or inundation of any lands whether agricultural or otherwise within the district from extraordinary floods or tides and for such purpose the Council may by themselves and by their officers exercise and enjoy all the powers rights authorities and privileges now exerciseable or enjoyed by the Commissioners of Sewers or their officers relating to the execution of or in regard to any new works or improvements

to existing works which such Commissioners are now authorised to construct and maintain. A.D. 1902.

(2) Previously to executing any new works or improvements to existing works under this section where such new work or improvement involves an expenditure of more than five hundred pounds the Council shall prepare specifications sections and estimates of such works and a plan of the area over which the expenses of and incidental to such works will be levied and cause the same to be kept deposited at the offices of the Council where the same shall be open to inspection at all reasonable times and the Council shall publish in a newspaper circulating in the district notice of such deposit.

(3) The proprietor or proprietors of lands or premises of not less than one-fourth part of the whole of the area shown on the said plan may within one month from the date of such publication object to the proposals of the Council on the ground either that such works are unnecessary or are unreasonable and the proprietor or proprietors or the Council may at any time after the expiration of the said month apply to the Board of Agriculture to hold an inquiry for determining the matter of all such objections and the said Board may appoint a time and place and may proceed to hear and determine the said matter and the Board of Agriculture may either sanction the works objected to in whole or in part and whether with or without alteration or may refuse to sanction the same.

(4) In this section the expression "proprietors" has the meaning assigned to it by section 6 of the Land Drainage Act 1861.

(5) The Council may declare the whole or part of the expenses incurred under this section to be private improvement expenses and thereupon the provisions of the Public Health Acts relating to private improvement expenses shall apply thereto.

(6) Any officer of the Board of Agriculture directed by them to hold an inquiry under this section shall for the purposes of the inquiry have all the powers of a petty sessional court.

The Board of Agriculture may at any stage require payment to them by the Council or proprietors applying for the inquiry 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 inquiry including any sum not exceeding three guineas a day paid by the Board to the officer directed to hold the inquiry and the expenses of any witnesses summoned by him.

The Board of Agriculture may direct to and by whom the costs of the inquiry (including any sum paid or payable to the Board of Agriculture as aforesaid) are to be paid.

A.D. 1902.

As to expenses of Council in exercise of powers of Commissioners of Sewers.

69. Save as in the last preceding section mentioned all costs charges and expenses incurred or payable by the Council in the execution of the powers and duties by this part of this Act transferred to or conferred upon them and all salaries of officers payable by the Council under the provisions of this part of this Act shall be charged upon and may be defrayed out of the district fund and general district rate and no sewers rate shall be made after the date of transfer. But the Council shall distinguish in accounts of receipts and expenditure which by the Public Health Act 1875 they are required to keep all moneys collected and received or expended by them under and in accordance with any powers transferred to or conferred upon and exerciseable by them by or under this part of this Act.

Audit of accounts.

70. All accounts kept by the Council under this part of this Act shall be subject to the same provisions in all respects as other accounts of the Council acting as an urban sanitary authority.

PART V.

RECREATION GROUNDS.

Council may erect reading refreshment rooms &c.

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

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 four consecutive days on any one occasion.

Power to Council to let refreshment rooms &c.

72. 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.

Council may let assembly rooms.

73. 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.

Application of moneys received for admission.

74. The moneys (if any) received from the admission of any persons to the pleasure grounds or any reading room assembly room

or enclosure therein or from the letting of any refreshment rooms or other buildings or for the use of chairs or any apparatus as in this part of this Act mentioned shall be carried to the district fund. A.D. 1902.

75. 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. Power to provide apparatus for games.

76. 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 penny 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. Power to contribute towards band.

77. 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:— Pleasure grounds to be deemed streets.

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. 1902.

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

Power to provide and let chairs.

78. 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.

PART VI.

SEASHORE.

Byelaws as to seashore.

79. The Council may make and enforce byelaws for the prevention of danger obstruction nuisance or annoyance to persons using the seashore and in particular may by such byelaws—

- (1) Regulate the erection or placing on the seashore or on such part or parts thereof as may be prescribed by such byelaws (all of which are in this section included in the words "the seashore") 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 or persons and the playing of any games on the seashore and generally regulate the user of the seashore for such purposes as shall be prescribed by such byelaws ;
- (2) Regulate the selling and hawking of any article commodity or thing on the seashore ;
- (3) Regulate the user of the seashore for riding and driving ;
- (4) Provide for the preservation of order and good conduct among persons frequenting the seashore.

For protection of Whitstable Oyster Fishery Company.

But no byelaw under paragraph (1) of this section shall apply to any seashore belonging to the Whitstable Oyster Fishery Company under the Whitstable Oyster Fishery Act 1896 or the Act of the thirty-third year of George the Third in the said Act of 1896 recited as owners of the fishery therein mentioned and of the ground and soil thereof and of the manor and royalty of Whitstable and under the management of the said Whitstable Oyster Fishery Company without the consent in writing of the said Whitstable Oyster Fishery Company or their successors in title first had and obtained for that purpose.

80. The Council may make byelaws—

Byelaws as
to bathing.

- (1) For appointing and limiting the places on the seashore from which persons of each sex may bathe without using a bathing machine or tent and for prohibiting the use of any other place on the seashore for bathing without using a bathing machine or tent ;
- (2) For the preservation of decency and order at public bathing places on the seashore and for appointing and limiting the places on the seashore from which persons of the male and female sex may bathe together and from which they may bathe separately ;
- (3) For regulating the hours during which bathing may take place from public bathing places on the seashore and for prohibiting the use of such places except during the hours so fixed ; and
- (4) For prescribing the use of decent and sufficient bathing garments.

81. Every part of the seashore shall for the purposes of the Vagrancy Acts be deemed to be a public place and shall be deemed to be a street for the purposes set forth in the section of this Act the marginal note whereof is "Pleasure grounds to be deemed streets."

Seashore to be deemed public place and street for certain purposes.

82. The Council may make byelaws requiring the owner or lessee of any bathing machine to provide or employ boats boatmen and attendants and to provide life-saving apparatus for the purpose of ensuring the safety of bathers and prescribing the qualification of such boatmen and attendants and the Council may employ and pay boatmen for the purpose of protecting persons whilst bathing.

Byelaws for protection of bathers.

83.—(1) The Council may grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire and to the boatmen or persons assisting in the charge of navigation of such boats and vessels and may charge a fee of not exceeding one shilling for every such licence.

Power to license pleasure boats &c.

(2) Any such licence may be granted for such period as the Council may think fit and may be suspended or revoked or endorsed by the Council whenever they shall deem such suspension or revocation or endorsement to be necessary or desirable in the interests of the public Provided that the existence of the power to suspend revoke or endorse the licence shall be plainly set forth in the licence itself.

[Ch. ccxxxix.] *Whitstable Water and Improvement* [2 EDW. 7.]
Act, 1902.

A.D. 1902.

(3) No person shall let for hire any pleasure boat or pleasure vessel not so licensed nor shall any person carry or permit to be carried passengers for hire in any pleasure boat or vessel not so licensed.

(4) No person shall act as boatman or assist in the charge or navigation of any pleasure boat or pleasure vessel when let for hire or when carrying passengers for hire who is not licensed by the Council as aforesaid.

(5) A licence under this section shall not be required for any boat or vessel duly licensed by or under any regulations of the Board of Trade or for any boatmen or person assisting in the charge or navigation of such boat or vessel.

(6) No person shall carry or permit to be carried in any pleasure boat or pleasure vessel a greater number of passengers for hire than shall be specified in the licence applying to such boat or vessel and every owner of any such boat or vessel shall before permitting the same to be used for carrying passengers for hire paint or caused to be painted on a conspicuous part of the said boat or vessel the number of persons which it is licensed to carry.

(7) Every person who shall act in contravention of the provisions of this section shall for each offence be liable on summary conviction to a penalty not exceeding two pounds.

(8) Any person deeming himself aggrieved by the granting withholding suspension revocation or endorsement of any licence under the provisions of this section may appeal to a petty sessional court held for the district after the expiration of two clear days after such granting withholding suspension revocation or endorsement Provided that the person so aggrieved shall give twenty-four hours' written notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as they see fit and to award costs to the successful party such costs to be recoverable in like manner as a penalty under this section.

(9) Offences against the provisions of this section and penalties imposed or recoverable thereunder may be prosecuted and recovered summarily.

PART VII.

INFECTIOUS DISEASE.

84. 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. 1902.

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. 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.

85. 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. 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.

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

86. The Council may if they think fit provide or contract with any other 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.

Power to provide nurses.

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

Dairymen to notify infectious disease existing amongst their servants.

88. No person suffering from an infectious disease shall milk any animal the milk of which is intended for consumption within the district or pick fruit intended for consumption within the district or engage in any trade or business connected with food intended for

Infected person not to carry on business &c.

A.D. 1902. consumption within the district or carry on any trade or business in such a manner as to be likely to spread infectious disease within the district and if he does so he shall be liable to a penalty not exceeding twenty shillings.

The Council shall cause to be given public notice of the effect of the provisions of this and of the last preceding section of this Act by advertisement and notice in accordance with the section of this Act the marginal note of which is "Public notice to be given of provisions of this part of Act" and such provisions shall come into operation at such time not being less than one month after the first publication of such an advertisement and notice as aforesaid as the Council may fix.

Compensation to dairy-men.

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

Power to compensate nurses &c.

90. 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.

Public notice to be given of provisions of this part of Act.

91. 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.

PART VIII.

TUBERCULOSIS.

Penalty for selling milk of diseased cows.

92. 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.

A.D. 1902.

93. 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.

Penalty on failing to isolate diseased cows.

94. 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 of health stating his name and address and the situation of the dairy or premises where the cow is.

Obligation to notify cases of tuberculosis.

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

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

Power to take samples of milk.

(B) The like powers in all respects may be exercised outside the district by the medical officer of health 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.

96.—(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 of health or any person provided with and if required exhibiting the authority in writing of the medical officer of health 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 of health 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.

Power to inspect cows and to take samples of milk.

(B) If the medical officer of health 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

A.D. 1902.

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 of health 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 of health 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 of health or such authorised person or veterinary surgeon as aforesaid as may be required by such medical officer of health 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 of health 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 should 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 of health being satisfied that the milk supply has been changed or that it is not likely to cause tuberculosis to persons residing in the district.

(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. A.D. 1902.

97. The dairyman may appeal against an order of the Council made under the last preceding 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 situate 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. Appeal.

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.

98. 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. Compensation to dairymen.

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. 1902.

Notice of provisions of this part of Act.

99. 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.

Procedure.

100. 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.

As to expenses.

101. 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 general 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.

Execution of this part of Act by committee.

102. 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.

PART IX.

BUILDINGS AND STREETS AND SANITARY MATTERS.

Definition of new buildings.

103. From and after the passing 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 ;

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 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 of the Public Health Acts and of any byelaw made thereunder respectively be deemed to be the erection of a new building. A.D. 1902.

104.—(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. As to temporary and movable buildings.

(2) The Council shall within twenty-one days after the delivery of the plan 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.

(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 ;

A.D. 1902.

- (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.

Power to sell materials of temporary and movable buildings.

105. When a temporary or other building referred to in the last preceding section is pulled down or removed by the Council under the powers of this part of this Act the Council may sell the materials thereof or any part of them and shall apply the proceeds of the sale in and towards payment of the costs and expenses incurred by them in relation to such building and shall pay the balance to the owner of such structure.

Approval of plan to be void after certain interval.

106. 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 works specified in such plan or section shall not be commenced within the following periods (that is to say):—

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

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

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

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.

Retention of plans deposited with Council.

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

108. When any plans or sections of any new street are submitted to the Council for approval the Council may 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 compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section.

Power to vary position or direction of new streets.

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

No buildings allowed until street formed.

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

Intersecting streets.

111. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder respectively and for the time being in force within the district be deemed to be a new street Provided always that such new street shall in no case be of less available width than that specified in the byelaws of the Council for the time being in force Provided also that this section shall not apply to any continuation of any existing street the plan and section of which continuation have been approved of by the Council before the passing of this Act.

Continuations of existing streets to be deemed new streets.

112. The Council may by resolution declare the point or limits at or within which any new street is to be taken as beginning or ending.

Council may declare where streets begin and end.

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

Deposits of building materials or excavations not to be placed without consent.

A.D. 1902. Council may remove any such materials rubbish or thing or fill up such excavation as the case may be and recover the expenses from the offender.

Penalties on occupiers refusing execution of Act.

114.—(1) In case the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under this Act or under any byelaw made under the powers of this Act then after notice of the provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Council to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(2) If the occupier of any premises when requested by or on behalf of the Council to state the name of the owner of the premises occupied by him shall refuse or wilfully omit to disclose or wilfully misstate the same he shall (unless he shall show a cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding two pounds.

Crossing for horses or vehicles over footpath.

115. 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 provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and shall execute the works at his own expense under the supervision and to the 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.

A.D. 1902.

116. Where any tree hedge or shrub overhangs any street or public 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.

Trees or shrubs overhanging streets and footpaths.

117. Whenever the surveyor or the medical officer of health or inspector of nuisances has reasonable grounds for believing that the drains connected with any building are defective so as to cause risk to health he may after twenty-four hours' notice and with the consent (except in the case of houses let in separate dwellings) of the owner or occupier of such building or in the event of objection by any such owner or occupier after obtaining the order of a court of summary jurisdiction apply the smoke or coloured water or similar test as he may consider efficient to such drains for the purpose of discovering any defects therein. Any owner or occupier who refuses notwithstanding any such order to allow such test to be made or to give all reasonable facilities for making such test shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Owner &c. to permit application of test to drains.

If the drains be found defective the owner of the premises shall be bound (subject to the terms of any lease or other contract) on receiving notice from the Council to that effect specifying generally the nature of the defect to carry out all necessary operations for remedying the same within a reasonable time to be named in such notice and if he makes default in so doing the Council may enter and execute the work and recover the expenses thereof from the owner or other person liable under the lease or contract in a summary manner as a civil debt or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts.

Provided that nothing in this section shall authorise the use of a test by means of water under pressure.

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

Provision for filling up cesspools &c.

A.D. 1902. 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 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 &c.

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 and may let any such closet accommodation and lavatories for such periods and upon and subject to such terms and conditions as they may think fit.

A.D. 1902.

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 on the premises a urinal or urinals which shall be supplied with water to the satisfaction of the Council. 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.

Urinals to be attached to refreshment 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 contamination 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 projections over streets.

124. Without prejudice to any existing right of His Majesty there shall be exempted from so much of the provisions of this Act as relates to buildings and structures 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 purposes 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. There shall also be exempted from the said provisions every building (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connexion with their railway.

Exemption of Government and railway property from building regulations.

A.D. 1902.

PART X.

POLICE.

Provision as to hoardings and other structures used for advertising purposes.

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

(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 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 condition 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 or after the giving of such consent (as the case may be) 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.

Regulations as to sky signs.

126. It shall not be lawful to erect or fix to upon or in connexion with any building or erection any sky sign and it shall not be lawful to retain any existing sky sign so erected or fixed for a longer period than three years after the passing of this Act nor during that period except with the licence of the Council and in the event of such licence being granted then only for such period not exceeding three years from the passing of this Act and under and

subject to such terms and conditions as shall be therein prescribed A.D. 1902.
Provided that in any of the following cases a licence of the Council
under this section shall become void (namely) :—

- (1) If any addition to any sky sign be made except for the purpose of making it secure under the direction of the surveyor :
- (2) If any change be made in the sky sign or any part thereof :
- (3) If the sky sign or any part thereof fall either through accident decay or any other cause :
- (4) If any addition or alteration be made to or in the house building or erection 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 :
- (5) If the house building or erection 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 consequences as to the 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.

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.

127. It shall not be lawful in any street in the district to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Council which consent shall be in writing and may be for such time and contain such terms and conditions as the Council think fit. Any person aggrieved by the refusal of the Council to grant such consent or by the terms and conditions imposed may appeal to a court of summary jurisdiction held for the district after the expiration of two clear days after the decision of the Council is notified to him provided he give twenty-four hours' notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as to them may seem fit and to award costs such costs to be recoverable in like manner as a penalty under this Act.

Restriction
on adver-
tising
vehicles.

A.D. 1902.

As to unfenced ground.

128. 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.

PART XI.

HACKNEY CARRIAGES.

Powers of inspector of hackney carriages.

129. 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.

130. 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.

Occasional licences may be granted.

131. 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.

PART XIII.

FINANCE.

Power to borrow.

132.—(1) The Council may independently of any other borrowing power borrow at interest any sum or sums of money for the

purposes herein-after mentioned not exceeding the respective amounts following (that is to say) :-- A.D. 1902.

(A) For the purchase of the undertaking of the Water Company and defraying the costs charges and expenses incident to such purchase (other than the costs of this Act) the sums requisite for those purposes :

(B) For the extension and improvement of the waterworks undertaking of the Council and for working capital such sum as the Local Government Board may sanction :

(C) For the purchase of the undertaking of the gas company and defraying the costs charges and expenses incident to such purchase (other than the costs of this Act) the sums requisite for those purposes :

(D) For the extension and improvement of the gas undertaking of the Council and for working capital such sum as the Local Government Board may sanction :

(E) For paying the costs charges and expenses of this Act as herein-after provided the sum requisite for that purpose :

(F) For the purposes of that part of this Act which is entitled "Transfer of Powers of Commissioners of Sewers" such sums as the Board of Agriculture may sanction.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge for purposes (A) and (B) the revenue of the water undertaking of the Council and the district fund and general district rate of the district for purposes (C) and (D) the revenue of the gas undertaking of the Council and the district fund and general district rate of the district and for purposes (E) and (F) the district fund and general district rate of the district.

133. 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.

Mode of raising money.

134. 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 any sums which the Council may borrow under this Act shall not be reckoned.

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

A.D. 1902.

Provisions of
Public
Health Act
as to mort-
gages to
apply.

135. 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.

Periods for
payment off
of money
borrowed.

136. 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):—

As to moneys borrowed for the purpose (A) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within forty-five years from the date or dates of the borrowing of the same:

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

As to moneys borrowed for the purpose (E) in the said section mentioned within five years from the date or dates of the borrowing of the same:

As to moneys borrowed with the approval of the Local Government Board or the Board of Agriculture within such period as the Board sanctioning the loan may think fit to sanction.

Mode of
payment off
of money
borrowed.

137. 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) 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.

Regulations
as to sinking
fund.

138. 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:—

The Council in every year shall appropriate and set apart such equal annual sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three per centum per annum with yearly rests be sufficient to pay off the whole of the said sums repayable by sinking fund within the prescribed periods:

A.D. 1902.

The rate of accumulation on which the amounts paid to the sinking fund are based is herein-after 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 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 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 herein-before prescribed until the whole of the 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 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.

139.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated

Return
respecting
sinking fund
to Local
Government
Board.

A.D. 1902. or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk if so required by them 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.

(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 shall have 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.

Power to
re-borrow.

140. If the Council pay off any part of 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 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.

A.D. 1902.

141. 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 from time to time 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 incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books and the 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.

Council not to regard trusts.

142. 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 of any part thereof.

Protection of lender from inquiry.

143. 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.

Saving for existing charges.

144. 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.

Application of borrowed moneys.

A.D. 1902.

Audit of accounts.

145. 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.

Application of water revenue.

146. 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):—

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

Secondly In payment of the interest on moneys borrowed by the Council for the purposes of their water undertaking;

Thirdly In providing the requisite instalments appropriations annual repayments or sinking fund in respect of moneys borrowed by the Council for the purposes of their water undertaking;

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 two thousand pounds 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 sum of two thousand pounds 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 two thousand pounds.

Application of gas revenue.

147. The Council shall apply all money from time to time received by them in respect of their gas 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):—

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

A.D. 1902.

Secondly In payment of the interest on moneys borrowed by the Council for the purposes of their gas undertaking ;

Thirdly In providing the requisite appropriations instalments or sinking fund in respect of moneys borrowed by the Council for the purposes of their gas undertaking and in respect of the mortgage debt ;

Fourthly In providing a reserve fund for their gas 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 Government securities or any statutory security and accumulating the same at compound interest until the fund so formed amounts to a sum not exceeding ten per centum of the amount of the capital account of the gas undertaking of the Council for the time being 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 gas 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 amount aforesaid 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 gas 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 ten per centum of the amount of the capital account of the gas undertaking of the Council.

148. Any deficiency in the revenues or receipts of the Council on account of their water undertaking or of their gas undertaking shall be made good out 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.

As to deficiency in receipts.

149. The Council shall (after the completion of the respective purchase) keep the accounts in respect of their water undertaking and the accounts in respect of their gas undertaking separate from all their other accounts distinguishing therein capital from revenue.

Separate accounts to be kept as to water.

A.D. 1902.

Expenses of execution of Act.

150. 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 XIII.

LEGAL PROCEEDINGS.

General provision as to byelaws.

151. All the provisions with respect to the 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 the Secretary of State shall be the confirming authority for byelaws made under the section of this Act the marginal note whereof is "Byelaws as to seashore". Provided also that no byelaw affecting the seashore below high-water mark shall come into operation until the consent of the Board of Trade has been obtained.

Information may be laid by duly authorised officer.

152. 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.

153. 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.

154. Any person deeming himself aggrieved by any order determination or requirement or the withholding of any certificate licence or consent or approval of or by the Council or of any officer or valuer of the Council or by the 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.

Recovery of penalties.

155. 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

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. A.D. 1902.

156. 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.

157. 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.

158. 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.

159. All powers rights and remedies given to the Council by this Act (except those given by Part II. of 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 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.

PART XIV.
MISCELLANEOUS.

160. Notwithstanding anything in the Lands Clauses Acts 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 sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any such lands or any interest in lands acquired by them under this Act and not required for the purpose for which they were acquired and may sell exchange or dispose of any rents reserved on the sale exchange lease Power to retain sell &c. lands.

[Ch. ccxxxix.] *Whitstable Water and Improvement* [2 EDW. 7.]
Act, 1902.

A.D. 1902. 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.

Proceeds of sale of surplus lands.

161. So long as any lands remain to be acquired by the Council under the authority of this Act and the Council possess unexhausted borrowing powers for the purpose of the acquisition of such lands they may so far as they consider necessary apply moneys (being capital or in the nature of capital) received by them on any such sale lease exchange or disposition as aforesaid in the purchase of lands so remaining to be acquired but as to moneys so received and not so applied the Council shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board. Provided that the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the acquisition of such lands. Provided further that the borrowing powers by this Act authorised for the acquisition of such lands shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

Power to grant gratuities to officers and servants.

162. 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 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.

163. 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

164. 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.

A.D. 1902.
liable for
damage.

165. For the protection of the South Eastern Railway Company the London Chatham and Dover Railway Company and the South Eastern and Chatham Railway Companies Managing Committee (herein-after respectively referred to as "the railway company") the following provisions shall (unless otherwise agreed) apply and have effect (that is to say):—

For protec-
tion of South
Eastern Rail-
way Com-
pany London
Chatham and
Dover Rail-
way Com-
pany and
South
Eastern and
Chatham
Railway
Companies
Managing
Committee.

In laying down and executing or in effecting the repairs or renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands and property now or hereafter belonging to or used or occupied by the railway company or the bridges approaches viaducts stations or other works or any level crossings of the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to plans to be submitted to and in such manner as shall previously be reasonably approved by him and in all things by and at the expense of the Council who shall also restore and make good the roads over any such bridges level crossings and approaches which the railway company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Council and all such works matters and things shall be constructed executed and done so as to cause as little injury as may be to such railways bridges level crossings approaches viaducts stations works lands or property and so as to cause no interruption to the passage or conduct of traffic over such railways or at any station thereon and if any injury or interruption shall arise from or be in any way owing to the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Council shall make compensation in respect thereof to the railway company.

If the Council lay down any water mains or pipes in or under any embankment or over any bridge tunnel or viaduct of the railway company they shall provide and maintain such stop cocks on either

[Ch. ccxxxix.] *Whitstable Water and Improvement* [2 Edw. 7.]
Act, 1902.

A.D. 1902. side of such embankment bridge tunnel or viaduct as in the opinion of the engineer of the railway company shall be necessary.

Saving rights of Crown.

166. Nothing herein contained shall authorise the Council to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

Copy of Act to be registered.

167. The Council shall forward to the Registrar of Joint Stock Companies a printed copy of this Act and it shall be recorded by him and if such copy is not forwarded within three months from the passing of this Act the Council shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the copy is omitted to be forwarded and every penalty shall be recovered summarily.

There shall be paid to the registrar by the Council on such copy being recorded the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

Power to Local Government Board to direct inquiries.

168.—(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.

A.D. 1902.

169. 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. Compensation how to be determined.

170. 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 by being sent through the post in a prepaid letter addressed to the clerk. Service of notice on Council.

171. The Council may appoint officers for securing the observance of Parts V. and VI. 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.

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

173. 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 officer of the House of Lords or of 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.

A.D. 1902.

The **SCHEDULES** referred to in the foregoing Act:

FIRST SCHEDULE.

GAS LANDS.

Lands on which the existing gasworks and gasholders of the Gas Company are erected.

A piece of land situate in the urban district of Whitstable in the county of Kent containing one acre two roods, or thereabouts bounded on or towards the north by the high road known as Church Road leading from Whitstable to Herne Bay and having a frontage thereto of one hundred and sixty feet or thereabouts on or towards the east by land belonging or reputed to belong to Emily Holdin on or towards the south in part by land belonging or reputed to belong to the Whitstable Charity Trustees, and now used as allotment gardens and in part by a house and garden belonging or reputed to belong to George Henry Goldfinch and on or towards the west partly by the last-mentioned house and garden and by eight other houses being numbers 13 15 17 19 21 23 25 and 27 Swanfield Road partly by Swanfield Road partly by a house and garden belonging or reputed to belong to John Johnson and partly by hereditaments houses and gardens abutting upon Church Road and belonging or reputed to belong to James Callingham.

SECOND SCHEDULE.

This schedule is to be read as referring to the revised edition of the Statutes prepared under the direction of the Statute Law Committee. A description or citation of a portion of an Act is inclusive of the words section or other part first or last mentioned or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

23 Hen. VIII. c. 5.—A Gen'ral Act conc'nyng commissioners of Sewers to be directed in all parts within the Realm.

Part namely—Section one from "That Commissions of Sewers" to "Lorde Chauncellour to be one."

Section two.

Section five and further sections of the Act to the end.

[2 EDW. 7.] *Whitstable Water and Improvement* [Ch. CCXXXIX.]
Act, 1902.

3 & 4 Edw. VI. c. 8.—An Acte for the contynuance of the Statute of A.D. 1902.
Sewers.

Part namely—Section three.

13 Eliz. c. 9.—An Acte for the Commission of Sewers.

Part namely—Sections two and three.

7 Anne c. 10.—An Act for rendering more effectual the Laws concerning
commissions of Sewers.

The whole Act.

3 & 4 Will. IV. c. 22.—An Act to amend the Laws relating to Sewers.

Part namely—Sections one to six.

Sections eight and nine.

Sections fourteen and fifteen.

Section eighteen.

Section twenty-one.

Section thirty.

Sections forty-one to forty-three.

Section fifty-seven and the remaining sections to the end of the Act.

4 & 5 Vict. c. 45.—An Act to amend an Act passed in the third and
fourth years of the reign of His late Majesty King William the Fourth
intituled “An Act to amend the Laws relating to Sewers.”

The whole Act.

12 & 13 Vict. c. 50.—An Act for further amending the Laws relating to
Sewers.

The whole Act.

24 & 25 Vict. c. 133.—The Land Drainage Act 1861 sections twenty-nine
to thirty-two.

Sections thirty-eight to fifty-two.

Printed by EYRE and SPOTTISWOODE,

FOR

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

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

