



CHAPTER clxxxii.

An Act to confer powers on the urban district council of Willesden with respect to their electric lighting undertaking and recreation grounds streets buildings sanitary and other matters for the good government of their district and to transfer to them the powers of the vestry of the parish of Willesden and for other purposes. A.D. 1903.

[11th August 1903.]

WHEREAS the parish and urban district of Willesden in the county of Middlesex (herein-after in this Act called "the district") is an urban district within the meaning of the Local Government Act 1894 and is under the control and management of the urban district council of Willesden (herein-after in this Act called "the Council"):

And whereas various powers in regard to streets buildings electric lighting sanitary matters and the improvement and government of the district have been conferred upon the Council by the Local Government Board's Provisional Orders Confirmation Act 1874 (No. 4) the Willesden Local Board Act 1876 the Willesden Local Board Act 1887 (herein-after in this Act referred to as "the Act of 1887") the Willesden Sewerage Act 1896 and the Willesden Electric Lighting Order 1898 (herein-after in this Act referred to as "the Order of 1898") which Acts and Order are now in force in the district:

And whereas the Council are the owners or reputed owners of lands herein-after described in the district and it is expedient to authorise the Council to hold and use the said lands as a station for generating electrical energy and to exercise the powers in

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A D. 1903. connexion therewith herein-after contained and to confer on the Council further powers in relation to their electric lighting undertaking and the supply of electrical energy :

And whereas it is expedient that better provision should be made with reference to sanitary matters streets and buildings within the district and that the powers of the Council in relation to the health good government and improvement of the district should be enlarged as by this Act provided :

And whereas it is expedient to confer further powers on the Council as regard the public parks and recreation grounds within the district :

And whereas it is expedient that all the powers duties and liabilities of the vestry of the parish of Willesden not exclusively ecclesiastical should be transferred to the Council and that the office of vestry clerk of the said parish should cease as by this Act provided :

And whereas it is expedient that the Council should be authorised to borrow moneys for the purposes in this Act set forth and that better provision should be made as to financial matters as by this Act provided :

And whereas it is expedient that the additional powers in this Act contained should be conferred on the Council :

And whereas an absolute majority of the whole number of the Council at a meeting held on the 4th day of November 1902 after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the *Willesden Chronicle* 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 expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate of the district :

And whereas such resolution was published twice in the *Willesden Chronicle* a newspaper published and circulating in the district and has received the approval of the Local Government Board in respect of matters within the jurisdiction of that Board and the approval of one of His Majesty's Principal Secretaries of State in reference to other matters :

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 10th day of February 1903 being not less than fourteen days after the deposit of the Bill for this Act in Parliament: A.D. 1903

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

And whereas the purposes aforesaid 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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the Willesden Urban District Council Act 1903. Short title.

2. This Act is divided into Parts as follows (that is to say):— Act divided into Parts.

- Part I.—Preliminary.
- Part II.—Electricity.
- Part III.—Sanitary.
- Part IV.—Streets and Buildings.
- Part V.—Recreation Grounds.
- Part VI.—Transfer of Jurisdiction.
- Part VII.—Financial.
- Part VIII.—Miscellaneous.

3. This Act shall except so far as otherwise expressly provided come into operation on the passing thereof. Commencement of Act.

4. This Act except where otherwise expressly provided shall apply exclusively to the district. Limits of Act.

5. In this Act unless the subject or context otherwise requires the following expressions have the following meanings (that is to say):— Interpretation.

“ The clerk ” and “ the surveyor ” respectively mean the clerk and the surveyor of the district ;

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- “The medical officer of health” means the medical officer of health of the district including any person duly authorised to act temporarily as medical officer of health ;
- “District fund” and “general district rate” mean respectively the general district fund and the general district rate of the district ;
- “The electric lighting undertaking” means the electric lighting undertaking of the Council ;
- “Electric line” has the same meaning as in the Electric Lighting Act 1882 ;
- “Sky sign” means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any house building or structure which or any part of which sky sign shall be visible against the sky from some point in any street or public way and includes all and every part of any such post pole standard framework or other support The expression “sky sign” shall also include any balloon parachute or other similar device employed wholly or in part for the purposes of any advertisement or announcement on over or above any building structure or erection of any kind or on or over any street or public way but shall not include (1) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purpose of any advertisement or announcement (2) Any sign or any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or on the cornice or blocking course of any wall or to the ridge of a roof Provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported (3) Any word letter model sign device or representation as aforesaid relating exclusively to the business of a railway company and placed wholly upon or over any railway railway station yard platform or station approach belonging to a railway company and so placed that it cannot fall into any street or public place ;

“The Public Health Acts” means the Public Health Act 1875 A.D. 1903.
and any Act amending the same;

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

“Roadway” in relation to any street means and includes the whole space open for traffic whether carriage traffic and foot traffic or foot traffic only ;

“Centre of the roadway” in relation to any street existing at the passing of this Act means the centre of the roadway of such street as existing at the date of the passing of this Act and in relation to any street formed after the passing of this Act means the centre of the roadway of such street at the time when the first building or structure fronting towards or abutting upon such street is begun to be constructed ;

“The prescribed width” in relation to the width of any street means the width of any street prescribed by any Act or byelaw or byelaws relating to streets for the time being in force in the district ;

“The prescribed distance” means twenty-five feet from the centre of the roadway or half the prescribed width if the prescribed width is greater or less than fifty feet ;

“Dwelling-house” means a building used or constructed or adapted to be used wholly or principally for human habitation ;

“External wall” means an outer wall or vertical inclosure of any building not being a party wall ;

“Party wall” means—

(A) A wall forming part of a building used or constructed to be used in any part of the height or length of such wall for the separation of adjoining buildings belonging to different owners or occupied or constructed or adapted to be occupied by different persons ; or

(B) A wall forming part of a building and standing (in any part of the length of such wall) to a greater extent than the projection of the footings on one side on lands of different owners ;

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

“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 stock debenture debenture stock rent or other security 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 (but does not include annuities rentcharges and securities payable to bearer or any securities of the Council);

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

Subject to the special definitions herein contained words to which meanings are assigned in the Public Health Acts or which have in those Acts respectively special meanings have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction.

PART II.

ELECTRICITY.

Powers as to
generating
station.

6. The Council may hold and use the lands next herein-after described as and for a station or stations for generating electrical energy and may maintain and use such station or stations with all proper and necessary engines dynamos batteries accumulators machinery and other electrical plant apparatus buildings and works and may (subject to the provisions of section 16 of the Order of 1898) by means thereof produce transform transmit use and supply such energy for the purposes of the electric lighting undertaking and the other purposes authorised by this Act or the Order of 1898 (that is to say):—

Certain lands containing one hundred and forty-three thousand and sixteen square feet or thereabouts belonging or reputed to belong to the Council situate in or near Taylors Lane Harlesden in the parish of Willesden in the county of Middlesex and bounded on the east side thereof

by the Midland and South Western Junction Railway and on the north side thereof by a new road intended to be called Gibbons Road and on the west and south-west sides thereof by land belonging or reputed to belong to Frederick Gibbons and on the south-east side thereof partly by Selwyn Road and partly by land forming the garden of No. 44 Selwyn Road.

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7. The Council may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for lighting any street in the district Provided that--

Attachment of brackets &c. to buildings for lighting.

- (1) Where in the opinion of the Council any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable in the circumstances or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid;
- (2) Any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Council notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under proviso (1);
- (3) The owner may require the Council to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

8. The Council on the one hand and any authority company or person owning or working any tramway tramroad railway light railway or canal within the district on the other hand may enter into and carry into effect agreements for the supply by the Council

Supply of electrical energy for traction purposes.

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A.D. 1903. — of electrical energy within the district to such authority company or person for the purposes for which such authority company or person is empowered to use the same in the district.

Power to supply electrical fittings &c.

9.—(1) The Council may purchase provide supply sell let use and otherwise deal in fit up fix alter repair remove and refix (but shall not manufacture) electric lines fuses switches fittings meters lamps lamp-holders motors and other apparatus incidental to or connected with the use or used in the supply of electrical energy and may provide materials and do all work necessary or proper in that behalf and may take such remuneration rents or charges and make such terms and conditions with respect to such supply sale letting using fitting fixing altering repairing or removal or refixing of such apparatus or the provision of such materials or the doing of such work and for securing the safety and return to the Council of articles and fittings let and otherwise as may be agreed upon between the Council and the persons to or for whom the same are supplied sold let fitted fixed altered repaired removed refixed provided or done :

Provided that nothing in this section shall authorise the Council themselves to fix upon any consumer's premises electric light fittings or electric wiring other than may be required to complete the service line between the Council's supply mains and their own apparatus upon such consumer's premises.

(2) No electric line fuse switch fitting meter lamp lamp-holder motor apparatus or thing let for hire by the Council shall be subject to distress or to the landlord's remedy for rent or to be taken in execution under any process of law or equity or any proceeding in bankruptcy against the person or persons in whose possession the same may be. Provided that such electric line fuse switch fitting meter lamp lamp-holder motor apparatus or thing is marked or impressed with a sufficient mark or brand indicating the Council as the actual owners thereof.

Discount on electrical energy accounts.

10. The Council may if they think fit make an allowance by way of discount not exceeding the rate of five pounds per centum on all sums of money due to the Council for the supply of electrical energy from every person who pays the same within such time of the demand thereof as the Council think fit to prescribe in that behalf and notice to this effect shall be endorsed on every demand note in respect of such charges. Provided that the Council shall make the same allowance to all consumers under similar circumstances.

11. The Council may refuse to supply electrical energy to any person whose payments for the supply of electrical energy are for the time being in arrear whether any such payments be due to the Council in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

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Council may refuse to supply electrical energy in certain cases.

12.—(1) Notwithstanding anything contained in the Electric Lighting Acts 1882 and 1888 a person shall not be entitled to demand from the Council a supply of electrical energy to premises having a separate supply unless such person shall have previously agreed to pay to the Council such minimum annual sum as will give to the Council a reasonable return on the capital expenditure and other standing charges incurred by the Council to meet the possible maximum demand of such person.

As to supply of electrical energy where consumer has separate supply.

(2) In case the Council and the person demanding such supply of electrical energy shall fail to agree as to the amount of such minimum annual sum to be paid by such person the amount of such minimum annual sum shall be fixed by an electrical engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers.

13. Notwithstanding anything contained in section 9 of the Electric Lighting Act 1882 the annual statement of accounts of the electric lighting undertaking shall after the passing of this Act be filled up on or before the twenty-fourth day of June in every year and shall be made up to the thirty-first day of March next preceding and section 9 of the Electric Lighting Act 1882 shall as from the passing of this Act be read and have effect as regards the electric lighting undertaking as if the twenty-fourth day of June and the thirty-first day of March were therein mentioned instead of the twenty-fifth day of March and the thirty-first day of December.

Altering date for filling up annual accounts for electric lighting undertaking.

14. The Council shall once in every year after the first year's working of the electric lighting undertaking cause to be laid before them a statement and balance sheet of the accounts of the electric lighting undertaking drawn up in accordance with the form of accounts prescribed by the Board of Trade for a local authority under the Electric Lighting Acts 1882 and 1888 and the Council shall thereupon fix annually the charges to be made for the supply of electrical energy in the then ensuing year at such rates (not exceeding the maximum rates specified in the Order of 1898)

Annual statement and balance sheet of accounts.

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As to
expenses
under this
Part of Act.

15. Any expenses incurred by the Council in carrying into effect the provisions of this Part of this Act shall be deemed to be expenses incurred by the Council under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses and any moneys received by the Council under this Part of this Act shall be applied in manner provided by section 52 of the Order of 1898 except capital moneys which shall be applied in manner provided by section 53 of the said Order.

PART III.

SANITARY.

As to
nuisances.

16. For the purposes of the Public Health Acts—

- (A) Any cistern used for the supply of water for domestic purposes so placed constructed or kept as to render the water therein liable to contamination causing or likely to cause risk to health ;
- (B) Any gutter drain shoot stack-pipe or down-spout of a building or any rain-water cistern well or cesspool belonging to any premises which by reason of its insufficiency or its defective condition shall cause damp in an adjoining building ;
- (C) Any deposit of material in or on any building or land which shall cause damp in an adjoining building ;
- (D) Any stream or watercourse or any part or parts thereof respectively within the district being so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such stream or watercourse on to or into land or property adjacent thereto notwithstanding that the same may not be injurious to health ;

shall be deemed to be a nuisance.

Byelaws as
to cisterns
&c.

17. The Council may make byelaws for securing the accessibility for purposes of cleansing and the cleanliness and freedom from pollution of tanks cisterns and other receptacles used for the

storing of water used or likely to be used by man for drinking or domestic purposes or for manufacturing any liquid to be used by man for drinking whether aërated or otherwise. A.D. 1903. —

18. The powers of the Council under section 39 of the Public Health Act 1875 and section 20 of the Public Health Acts Amendment Act 1890 shall extend to authorise them to provide and maintain sanitary conveniences urinals and lavatories in or under any street vested in or 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 sanitary convenience (other than a urinal) or of any lavatory so provided and the Council may make byelaws for the management of such sanitary conveniences and lavatories and as to the conduct of persons resorting to the same and may let any such sanitary conveniences urinals and lavatories for such periods and upon and subject to such terms and conditions as they may think fit. Public conveniences and lavatories.

19. Where any inn public-house beer-house eating-house or other place of public entertainment built before or after the passing of this Act has no urinal belonging or attached thereto the Council may by notice in writing require the owner of such inn public-house beer-house or other place of public entertainment to provide and maintain on the premises in a suitable position a proper and sufficient urinal or urinals to the satisfaction of the Council. Urinals to be attached to inns &c.

Any such owner who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

20. If any urinal or closet now or hereafter erected in or opening on any street shall in the opinion of the Council be so placed or constructed as to be a nuisance or offensive to public decency the Council by notice in writing may require the owner to remove the same. Council may require removal or alteration of urinals &c.

Any such owner who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

21.--(1) In this Part of this Act—

“Dairy” means any farm farmhouse cowshed milk store milk shop or other place from which milk is supplied or in which milk is kept for purposes of sale ;

Tuberculosis and milk. Definitions.

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“Dairyman” means any cowkeeper purveyor of milk or occupier of a dairy.

Penalty for selling milk of diseased cows.

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

Penalty on failing to isolate diseased cows.

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

Obligation to notify cases of tuberculosis.

(4) 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.

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

Power to take samples of milk.

(5) (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.

(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.

Power to inspect cows and to take samples of milk.

(6) (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. A.D. 1903.

(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 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 subsection 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 subsection and any person refusing such assistance or obstructing such medical officer of health person or veterinary surgeon in carrying out the purposes of this subsection 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.

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(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 subsection.

Appeal.

(7) The dairyman may appeal against an order of the Council made under the preceding subsection or the refusal of the Council to withdraw any such order either to a petty sessional court having jurisdiction within that part of the district where the dairy is situate or the offence is committed 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.

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.

Compensa-
tion to
dairyman.

(8) 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 the refusal of the Council to withdraw the order.

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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. A.D. 1903.

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.

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

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

(11) All expenses incurred by the Council in carrying into execution the provisions of this section 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. As to expenses.

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

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Provisions as
to retailers
of milk.

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

For regulat-
ing manu-
facture and
sale of ice
cream.

23. Any person being a manufacturer of or merchant or dealer in ice cream or other similar commodity who within the district—

(A) Causes or permits ice cream or any similar commodity to be manufactured sold or stored in any cellar or room in which there is an inlet or opening to a drain; or

(B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(C) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer of health;

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

As to dealers
in ice cream.

24. Every dealer in ice cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand must have his name and address legibly painted or inscribed on such cart barrow or stand and if he fails to comply with this enactment he shall be liable to a penalty not exceeding forty shillings.

Power to
medical
officer to
examine
school
children.

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

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

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Any person who shall obstruct the medical officer of health in carrying into effect the provisions of this section or who shall permit any scholar to attend school after he shall have been excluded as aforesaid and before the expiration of the period of exclusion shall be liable to a penalty not exceeding forty shillings.

26. No person shall take out of any lending library any book for use in any house in which there is a person suffering from infectious disease and no person shall return to any lending library any book which has been to his knowledge exposed to infection from any infectious disease but shall at once give notice thereof to the medical officer of health or to an inspector of nuisances of the district who shall cause the same to be disinfected and then returned to the librarian. Any person who shall offend against this enactment shall be liable to a penalty not exceeding forty shillings.

Protection against infection of books in lending libraries.

27. If any person shall at the request of the Council or of the medical officer of health stop his employment for the purpose of preventing the spread of infectious disease the Council may if they think fit make compensation to him for any loss he may sustain by reason of such stoppage.

Compensation to persons ceasing employment for prevention of spread of infectious disease.

28. The Council may provide and supply (with or without charge therefor) to any medical practitioner antidotes and remedies against infectious disease.

Council may supply anti-dotes against infectious disease.

29. The Council may appoint more than one inspector of nuisances and section 189 of the Public Health Act 1875 and section 24 of the Local Government Act 1888 shall for the purposes of the execution of those Acts within the district be construed accordingly.

Inspectors of nuisances may be appointed.

30. 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

Public drinking fountains.

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A.D. 1903. — 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 which penalty may be recovered by the Council.

Provisions as to houses without proper water supply. **31.** The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy such dwelling-house or who shall allow such dwelling-house to be occupied shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Vacant land to be fenced. **32.** If any land in the district (other than land now forming part of any common) adjoining any street is allowed to remain unfenced or the fences thereof are allowed to be or remain out of repair and such land is in the opinion of the Council owing to the absence or inadequate repair of any such fence a source of danger to passengers or is used for any immoral or indecent purposes or for any purpose causing inconvenience or annoyance to the public then after the expiration of fourteen days notice from the clerk or surveyor to the owner or occupier of the same or without any notice if the Council are unable after diligent inquiry to discover the name or place of abode of such owner or occupier the Council may cause the same to be fenced or may cause the fences to be repaired in such manner as they think fit and the expenses thereby incurred may be recovered from such owner or occupier summarily as a civil debt.

For preventing water flowing on footpath. **33.** Where premises abutting upon any street are so situate that the surface water from such premises is liable to flow on to the footpath of such street the owner of such premises shall within one month after service of an order of the Council for that purpose execute such works as may be necessary to prevent the water from such premises from flowing over the footpath and in default of compliance with such order within the period aforesaid such owner shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding forty shillings.

If no sufficient closet accommodation Council may require waterclosets. **34.—(1)** If on the report of the medical officer of health or an inspector of nuisances of the district the Council are satisfied that any building has not sufficient closet accommodation provided thereat or in connexion therewith the Council may (notwithstanding anything in the Public Health Acts) when a

sewer and water supply sufficient for the purposes are reasonably available by written notice to the owner require that such building shall be provided with proper and sufficient waterclosets. A.D. 1903.

(2) If the owner of any such building fail in any respect to comply with a notice of the Council under this section the Council may at the expiration of a time to be specified in the notice (not being less than fourteen days after the service of the notice) do the work specified in such notice and may recover from the owner all expenses reasonably incurred by the Council in so doing in a summary manner before a court of summary jurisdiction.

(3) Where any person deems himself aggrieved by any requirement of the Council under subsection (1) of this section such person may within fourteen days after the service of notice of the requirement appeal to a court of summary jurisdiction and the court may make such order in the matter as to them may seem equitable. Pending the decision of the court upon such appeal the Council shall not be empowered to execute any works included in the notice.

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

Provided always that any byelaws made by the Council under this section shall be subject to any regulations made under the Metropolis Water Act 1871 or any Act amending or extending the same.

36. If a watercloset or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds. Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the Improper construction or repair of watercloset or drain.

A.D. 1903. — said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

As to re-
construction
of drains.

37. No person shall construct reconstruct extend or alter the course of any drain communicating with any sewer of the Council except in accordance with the provisions of the Acts and byelaws for the time being in force within the district relating to the drainage of new buildings.

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

Council may
order houses
to be drained
by combined
operation.

38. If it appear to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of such houses the Council may when the drains for such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owners in such manner as the Council shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners or occupiers of such houses in such manner as the Council shall determine and if constructed by the Council may be recovered by the Council from such owners or occupiers in a summary manner Provided that the Council shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by the Council.

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

39. Whenever the surveyor or the medical officer of health or an inspector of nuisances of the district 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 such test (other than test by water under pressure) as he may consider efficient to such drains for the purpose of discovering any defects therein Any owner or occupier who refuses notwithstanding 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. A.D. 1903. —

If the drains be found defective so as to cause risk to health the owner or occupier of the premises shall be bound on receiving notice from the Council to that effect specifying generally the nature of the defect to carry out all reasonable 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 occupier in a summary manner or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts but nothing in this section shall affect contracts between owner and occupier.

40. In and for the purposes of section 19 of the Public Health Acts Amendment Act 1890 the word "drain" shall be deemed to include any sewer or drain whether constructed before or after the passing of this Act with which two or more houses or premises (whether belonging to the same or different owners) are at the date of the passing of this Act or may at any time thereafter be connected or which is used or capable of being or intended to be used for the conveyance of the drainage of such houses or buildings directly or by means of any other sewer or drain to any public sewer situate under a street repairable by the inhabitants at large but shall not include any sewer which has been constructed to the satisfaction of the Council under section 152 of the Public Health Act 1875 or any sewer which has been constructed by the Council for the effectual drainage of the district. As to drains.

PART IV.

STREETS AND BUILDINGS.

41. Sections 9 10 and 11 of the Act of 1887 are hereby repealed. Repeal of certain sections of Act of 1887.

42. 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.

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Act, 1903.

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Line of
frontage of
new streets
to be shown
on plan.

43. Every person who intends to form or lay out a new street shall in addition to the information required to be supplied to the Council by virtue of any enactments or byelaws with respect to streets and buildings for the time being in force within the district distinctly define and mark on a plan drawn to a convenient scale to be prepared and submitted by such person to the Council for their approval the proposed line of frontage of any new buildings or erections to be erected or built in or fronting such street.

Greater
width of
street may
be required
in certain
cases.

44. In any case where it is intended—

(A) To form or lay out any new street for carriage traffic ;

(B) To adapt or permit to be used for carriage traffic any street not previously so adapted ;

and the Council shall deem it expedient in the public interest that the street should by reason of its length or importance or in consequence of its forming or being so situate as to be likely to form part of an important line of communication or for other sufficient reason be of a greater width than the prescribed width they may make it a condition of their sanction that the street shall be throughout or in such part as they may direct of a greater width than the prescribed width but nothing in this section shall authorise the Council to require a greater width than sixty feet.

Position of
buildings
with refer-
ence to
streets.

45.—(1) No person shall erect any new building or new structure or any part thereof or extend any building or structure or any part thereof in such manner that any external wall of any such building or structure or (if there be a forecourt or other space between such external wall and the roadway) any part of the external fence or boundary of such forecourt or other space shall without the consent in writing of the Council be in any direction at a distance less than the prescribed distance from the centre of the roadway of any street (being a highway).

(2) Where the Council shall deem it expedient in the public interest either by reason of the length or importance of the street or by reason of the street forming or being so situate as to be likely to form part of an important line of communication or for other sufficient reason that the prescribed distance from the centre of the roadway of any such street should where such roadway is used for the purpose of carriage traffic be greater than twenty-five feet it shall be lawful for the Council to determine that such distance shall be such greater distance not exceeding thirty feet from the centre of the roadway of such street on either side or both sides as the Council shall see fit to determine.

(3) In case the person intending to erect form or extend any such building structure forecourt or space shall be dissatisfied with the determination of the Council that the distance shall be greater than the prescribed distance from the centre of the roadway he may appeal to the court of quarter sessions in manner herein-after in this Act provided against such determination of the Council.

(4) The Council may in any case where they think it expedient consent to the erection formation or extension of any building structure forecourt or space at a distance less than the prescribed distance from the centre of the roadway of any such street and at such distance from the centre of such roadway and subject to such conditions and terms (if any) as they may think proper to sanction. Provided that the giving of such consent by the Council shall not in any way affect any rights of the owners of adjoining land. Any person dissatisfied with the determination of the Council under this subsection may appeal to the court of quarter sessions in manner herein-after in this Act provided.

(5) Provided that where any person intends to alter or re-erect a building or structure existing either at the passing of this Act or at any time within seven years previously and which shall not be or shall not have been in conformity with the provisions of this section relating to new buildings and structures such person may cause to be prepared plans showing the extent of such building or structure (or in the event of such building or structure having ceased to exist before the passing of this Act or having been accidentally destroyed the best plans available under all the circumstances of the case) and the extent of the forecourt or other open space (if any) between any external wall of such building or structure and the roadway and may cause such plans to be submitted to the surveyor who shall (if reasonably satisfied with the evidence of their accuracy) certify the same under his hand and such certificate shall be taken to be conclusive evidence of the correctness of the plans. Thereupon it shall be lawful for such person to alter or re-erect such building or structure but so that no land within the prescribed distance from the centre of the roadway shall be occupied by the re-erected building or structure or the forecourt or such other open space as aforesaid (if any) except that which was occupied within such distance by the previously existing building structure forecourt or open space.

A.D. 1903.

If such person should fail to submit such plans to the surveyor or the surveyor or the court of quarter sessions should refuse to certify the accuracy of the same such person shall in altering or rebuilding the said building or structure be bound by the preceding provisions of this section in all respects as though no building or structure had previously existed upon the land within the period aforesaid Provided always that no dwelling-house to be inhabited or adapted to be inhabited by persons of the working class shall without the consent of the Council be erected or re-erected within the prescribed distance from the centre of the roadway to a height exceeding the distance of the front or nearest external wall of such building from the opposite side of such street and that no building or structure shall be converted into such dwelling-house within the said distance so as to exceed such height.

(6) Nothing in this section shall affect the exercise of any powers conferred upon any railway company by any special Act of Parliament for railway purposes.

Notice to
comply with
preceding
section.

46. In every case where any new building or new structure is erected at a distance in any direction from the centre of the roadway of any street less than the prescribed distance permitted by this Act or contrary to the conditions and terms (if any) subject to which the Council or the court of quarter sessions has sanctioned the erection of such building the Council may serve a notice upon the owner or occupier of the said building or structure or upon the builder thereof requiring him to cause such building structure forecourt or space or any part thereof to be set back so that every part of any external wall of such building or structure or of the external fence or boundary of such forecourt or space shall be at a distance in every direction from the centre of the roadway of such street not less than the distance so permitted and shall be in accordance with such conditions and terms (if any) as the Council or the said court of quarter sessions may have prescribed.

As to com-
pensation
in certain
cases.

47. In any case where—

(1) The Council under the section of this Act the marginal note of which is “ Position of buildings with reference to streets ”

(A) make it a condition of their sanction to —

(i) the formation or laying out of any street for carriage traffic over land which either at the

commencement of this Act or at any time within seven years previously has or shall have been occupied by buildings or by market gardens ; or

(ii) the adaptation or use for carriage traffic of any street not previously so adapted or used

that the street shall be throughout or in any part of a greater width than the prescribed width ; or

(B) determine that the distance of buildings and structures from the centre of the roadway shall be greater than the prescribed distance ; and

(2) The Council under the section of this Act the marginal note of which is " Greater width of street may be required in certain cases " deem it expedient that the width of any street shall be greater than the prescribed width ;

the Council shall be liable to pay to the owner of land or buildings required for such greater width or such greater distance compensation for the loss or injury (if any) sustained by him by such requirement The amount of such compensation if not agreed within two months from the time of such condition being made or determination arrived at may (unless the Council waive the condition or determination) be recovered in a summary manner except where the amount of compensation claimed exceeds fifty pounds in which case the amount thereof shall be settled by arbitration according to the provisions contained in the Lands Clauses Acts which are applicable where questions of disputed compensation are authorised or required to be settled by arbitration :

Provided always that within two months from the time of such condition or determination being made or arrived at if the amount of such compensation has not been settled before the expiration of such time it shall be lawful for the Council to waive such condition or determination Provided also that if the Council waive such condition or determination they shall pay to the owner the reasonable costs charges and expenses incurred by him in consequence of such condition or determination and in connexion with the negotiations for the settlement of the amount of compensation.

For the purpose of this section the expression " owner " has the same meaning as in the Lands Clauses Acts.

A.D. 1903.

Proceedings
in case of
default in
compliance
with require-
ments of
notice.

48. In case any person during twenty-eight days after the service of any notice by the Council under this Part of this Act neglects or refuses to comply with the requirements of such notice or after the expiration of such period fails to carry out or complete the works necessary for such compliance with all reasonable despatch the Council may cause complaint thereof to be made before a court of summary jurisdiction who shall thereupon issue a summons requiring such person to appear at a time and place to be stated in the summons to answer such complaint and if at the time and place appointed in such summons the said complaint is proved to the satisfaction of the court of summary jurisdiction before whom the same is heard such court shall make an order in writing on such person directing him to comply with the requirements of such notice within such time as such court may consider reasonable and in case such person makes default in complying with the requirements of such notice within the time limited by such order he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings Provided always that this section shall not apply to any non-compliance with the notice of the Council in the case of an intended highway where the same shall not be opened as a highway.

Council may
declare where
streets begin
and end.

49. The Council may by order declare the limits at or within which any street is to be taken as beginning or ending.

Continuation
of existing
street to be
deemed new
street.

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

Provision for
preventing
formation of
culs-de-sacs.

51. The Council may (if in the circumstances of the case they think it expedient so to do) make it a condition of approving the plans of any new street that such street shall be so laid out and formed that the same shall not terminate with a dead end or cul-de-sac and in any such case the street shall not be laid out and formed except in accordance with such condition unless the person laying out the street can show that it is impossible for him to comply therewith and any person who shall offend against this section shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

52. Before any name is given to any street notice of the intended name shall be given to the Council and the Council may by notice in writing given to the person by whom notice of such intended name has been given to them at any time within one month after receipt of such notice object to such intended name and it shall not be lawful to set up any name to any street in the district until the expiration of one month after notice thereof has been given as aforesaid to the Council or to set up any name objected to as aforesaid and any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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Notice of
new name
of street.

53. Every person desirous of forming a communication for horses cattle or vehicles across any kerbed or paved footway so as to afford access to any premises from a street repairable by the inhabitants at large shall first give notice in writing of such desire to the Council and shall if so required by them submit to them for their approval a plan of the proposed communication showing where it will cut the footway and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of the necessary works and shall execute the works at his own expense under the supervision and to the satisfaction of the surveyor and in case such plan shall have been required then in accordance with the plan so approved and not otherwise And if any person drives or permits or causes to be driven any horse cattle or vehicle across any footway unless and until such a communication as aforesaid has been so made or on or along any part of such footway other than the part over which such communication has been made he shall for each such offence be liable to a penalty not exceeding forty shillings in addition to the amount of damage (if any) thereby done to such footway.

Crossings
for horses
or vehicles
over foot-
ways.

54. Where any tree hedge or shrub overhangs any street so as to obstruct or interfere with any telephone telegraph tramway or electric wire or the light from any public lamp or to interfere with the free passage 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 within seven days after such notice 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 over-
hanging
streets.

A.D. 1903.

What to be deemed new buildings.

55. From and after the passing of this Act—

- (1) The conversion of two or more buildings originally constructed as separate dwelling-houses into one dwelling-house ;
- (2) The reconversion into a dwelling-house of any building which has been discontinued as and appropriated for any purpose other than that of a dwelling-house ;
- (3) The conversion of a dwelling-house into any other building not intended for human habitation ;
- (4) 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 ;
- (5) 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
- (6) The roofing or covering over of any open space between walls or buildings ;

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

Power to make byelaws as to buildings.

56. The Council may make byelaws with respect to the following matters viz. :—

- (1) The uniting of buildings and the making and stopping up of openings in party walls or external walls of buildings and as to the occupation of buildings when united ; and
- (2) Woodwork in external walls of buildings Provided always that any byelaw made under this subsection may authorise the Council if they think fit to exempt from the operation of such byelaw oak teak or other wood which the Council may approve.

As to temporary and moveable buildings.

57.—(1) Before any person erects or sets up any temporary or moveable building he shall apply to the Council for permission so to do and such application shall be accompanied by a plan and section of the proposed building drawn to a scale of not less than one inch to every eight feet and a plan drawn to a convenient

scale showing the intended situation and surroundings of the proposed building together with a specification describing the materials proposed to be used in the construction thereof and the purpose for which the building is intended.

(2) The Council shall within twenty-one days after the delivery of the plan 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 allowed by them 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 in a summary manner 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 ;

(B) Any wooden or other structure or erection of a moveable 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

A.D. 1903.

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 in a summary manner from the owner of the building or from the person erecting or setting up the same at their discretion;

- (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; and
- (d) Structures or erections (other than dwelling-houses) erected or set up upon the premises of any existing railway company and used in connexion with the traffic of their railway.

Power to sell materials of temporary building.

58. 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 (if any) to the owner.

Regulations as to sky signs.

59.—(1) It shall not be lawful to erect or fix to upon or in connexion with any building or erection any sky sign and it shall not be lawful to retain any existing sky sign so erected or fixed for a longer period than three years after the passing of this Act nor during that period except with the licence of the 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. Provided that in any of the following cases a licence of the Council under this subsection 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 structure on over or to which any sky sign is placed or attached if such addition or alteration involves the disturbance of the sky sign or any part thereof; or

(5) If the house building or structure over on or to which the sky sign is placed or attached become unoccupied or be demolished or destroyed : A.D. 1903.
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Provided also that if any sky sign be erected or retained contrary to the provisions of this Act or after the licence for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Council to take proceedings for the taking down and removal of the sky sign in the same manner and with the same consequence as to recovery of expenses and otherwise in all respects as if it were an obstruction within the meaning of section 69 of the Towns Improvement Clauses Act 1847.

(2) Any person acting in contravention of any of the provisions of this section or of the terms and conditions (if any) of any approval licence or consent under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

60.—(1) Every hoarding or similar structure in or abutting on or adjoining any street shall be securely erected and maintained. Restriction
on adver-
tising
hoardings.

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

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

(4) Any person who acts in contravention of any of the provisions of this section or who violates any conditions made 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.

A.D. 1903. — (5) Any consent or conditions given or made under this section may be under the hand of the clerk or the surveyor.

(6) Any person aggrieved by the refusal of the Council to give 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 shall have power to make such order as they think fit and to award costs such costs to be recoverable summarily as a civil debt.

Retention of plans deposited with Council. **61.** 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.

Saving for railway companies. **62.** Nothing in this Part of this Act or in any byelaws to be made thereunder shall apply to any building (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connexion with their railway.

PART V.

RECREATION GROUNDS.

Setting apart and closing of recreation grounds for games. **63.—(1)** The Council may permit the use of and set apart any part or parts of any park or recreation ground for the time being belonging to them (in this Act included in the expression "recreation ground") for cricket football lawn tennis and other games and sports for gymnastics for the drill of any military or police force for concerts and other amusements and for any purposes tending to promote the health amusement and enjoyment of the inhabitants of the district and the public.

(2) The Council may when any part of any recreation ground is used or set apart as in this section mentioned close such part thereof against the public and may demand and take or permit to be demanded and taken reasonable sums for the exclusive occupation of such part of such recreation ground or for the admission of persons vehicles goods and things into such part of such recreation ground so used or set apart and may exclude therefrom all persons vehicles goods and things unless payment

be made of the reasonable sums demanded Provided that the Council shall not close any part of a recreation ground on more than twelve days in any one year nor on more than four consecutive days on any one occasion nor on any Sunday or public holiday and the Council shall not charge for admission to any recreation ground except on the days on which such recreation ground is authorised to be closed. A.D. 1903. —

64. The Council may provide swings gymnasium apparatus and apparatus for games and recreation for the use of the public frequenting any recreation ground belonging to or under the management of the Council 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 swings or apparatus on such terms and conditions as they think proper. Power to provide apparatus for games.

65. The Council may pay or contribute towards the payment of a band of music to perform in any recreation ground or building for the time being belonging to or held by the Council or elsewhere in the district as they may direct and the Council may inclose a small area within which such band shall play and make byelaws for regulating the time and place for the playing of the band and the payments to be made for admission within such building or enclosure and for securing good and orderly conduct during the playing of the band Provided that the payments or contributions of the Council for or towards such band shall be paid out of the general district rate and shall not in any one year exceed the sum of two hundred pounds. Band of music.

66. The Council may place or authorise any person to place seats and chairs and erect shelters in any street and in any place of public resort or recreation belonging to or under the control or management of the Council for the use of the public and may if they think fit charge or allow such person 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. Seats chairs and shelters for public use.

67. The Council may erect maintain furnish and equip and may remove conservatories refreshment rooms and other temporary or permanent buildings erections and conveniences in any recreation ground as may be required or convenient for the purpose thereof and for the public resorting thereto and may let any such Power to erect maintain and let conservatories refreshment rooms &c.

A.D. 1903. — refreshment rooms or other buildings with their appurtenances belonging to them or under their control to such person for such term not exceeding three years at any one time at such rent payable at such times and under such covenants as the Council may think fit.

Money received to be carried to district fund.

68. The moneys (if any) received from the admission of any person to any recreation ground or for the use of chairs or any apparatus or from the letting of any refreshment rooms or other buildings as in this Part of this Act mentioned shall be carried to the district fund.

Extended definition of public place and street for certain purposes.

69.—(1) Any place of public resort or recreation belonging to or under the control of the Council; and

(2) Any unfenced ground adjoining or abutting upon any street shall for the purposes of the Vagrancy Act 1824 and of any Act for the time being in force altering or amending the same be deemed to be an open and public place and shall be deemed to be a street for the purposes of section 29 of the Town Police Clauses Act 1847 and also for the purposes of so much of section 28 of that Act as relates to the following offences:—

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

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

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

Every person who wilfully and indecently exposes his person;

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

Every person who wantonly discharges any fire-arm or throws or discharges any stone or other missile or makes any bonfire or throws or sets fire to any firework;

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

PART VI.

A.D. 1903.

TRANSFER OF JURISDICTION.

70. From and after the date of the passing of this Act all and every right custom privilege or power other than in matters ecclesiastical vested in or exerciseable by the parishioners rate-payers or inhabitants of the parish of Willesden in vestry assembled shall cease to be so vested or exerciseable and all rights powers duties liabilities obligations privileges and immunities not exclusively ecclesiastical incident or attaching to such parishioners rate-payers or inhabitants in vestry assembled shall be incident and attach to the Council and be exerciseable by them.

Transfer of powers &c. of vestry to Council.

71. From and after the date of the death of the present vestry clerk William Arthur Tootell or from the date of the said William Arthur Tootell for any reason ceasing to be clerk of the vestry of the parish of Willesden all powers of the inhabitants in vestry assembled of the parish of Willesden to appoint a vestry clerk shall cease and the office of clerk of the vestry of the parish of Willesden shall be abolished and the powers and duties incident or attaching to such office shall be transferred to and exerciseable by the persons who would have been liable or entitled to discharge the same respectively if no vestry clerk had been appointed by the vestry.

Power to appoint vestry clerk to cease and office of vestry clerk abolished.

PART VII.

FINANCIAL.

72. The Council may from time to time (in addition to any moneys they are now authorised to borrow) borrow at interest the sums herein-after mentioned (that is to say) :—

Power to borrow.

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

For the taxed costs of and incidental to the passing of this Act such sum as may be necessary for that purpose ;

And the Council may with the approval of the Local Government Board borrow such further moneys as the Council may require for the purposes of this Act.

73.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon

Inquiries by Local Government Board.

[Ch. clxxxi.] *Willesden Urban District Council* [3 EDW. 7.]
Act, 1903.

A.D. 1903. them or the giving of any consents under 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 referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by the Board not exceeding three guineas a day for the services of such inspector.

Mode of raising money.

74. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

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

75. The powers of borrowing money conferred on the Council by this Act 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 they may borrow under this Act (except for the costs of this Act) and any sums which they have borrowed or which they may hereafter borrow for the purpose of the electric lighting undertaking shall not be reckoned.

Provisions of Public Health Act as to mortgages to apply.

76. Sections 236 to 238 both inclusive of the Public Health Act 1875 (as to the form register and transfer of mortgages) shall extend and apply to mortgages granted under this Act.

Appointment of receiver.

77. The mortgagees of the Council by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole The application for the appointment of a receiver shall be made to the High Court.

78. The Council shall pay off all moneys borrowed by them under this Act within the respective periods following (that is to say) :—

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Periods for
payment off
of moneys
borrowed.

As to moneys borrowed for the payment of the costs and expenses of this Act within five years from the date or dates of the borrowing of the same ;

As to any other moneys within such periods not exceeding sixty years as may be sanctioned by the Local Government Board.

79. The repayment of moneys borrowed under this Act shall be effected 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 sinking funds and the sinking funds shall be provided as follows :—

How repay-
ments to be
effected.

(1) The Council in every year shall appropriate and set apart out of the district fund and general district rate or other fund rate or revenue chargeable therewith as the case may require such equal sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum be sufficient to pay off the whole of the principal moneys borrowed within the periods prescribed by this Act in relation thereto respectively :

(2) Provided as follows (that is to say)—

(A) All sums so to be appropriated and set apart shall be invested from time to time and accumulate in the way of compound interest by investing the same and the dividends interest and annual income thereof in statutory securities ;

(B) The Council may at any time apply the whole or any part of the sinking fund in or towards the discharge of the money for the repayment of which the fund is formed :

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 borrowed moneys for the repayment of which such sinking fund is formed are discharged a sum equal to the interest which would have been produced by such sinking fund or part thereof so

A.D. 1903.

applied if invested at the rate per centum per annum on which the annual payments to such sinking fund are based :

Provided also that whenever and so long as the yearly income arising from the sinking fund when invested at the same rate of interest as is payable on the borrowed moneys then outstanding shall be equal to the annual interest of such borrowed moneys then outstanding the Council may in lieu of so investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto.

Return
respecting
sinking funds
to Local
Government
Board.

80.—(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 or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder or in regard to the electric lighting undertaking under the Public Health Acts or otherwise and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(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 or any other Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

A.D. 1903.

81. A person lending money to the Council under this Act shall not be bound to inquire as to the observance by the Council of any 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.

82. The Council shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register or books of the 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 any 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 such receipt or be answerable or accountable for any loss mis-application or non-application of any such money.

Council not to regard trusts.

83. The Council may from time to time re-borrow at interest as aforesaid any money necessary for repaying any principal money borrowed under this Act and so toties quoties Provided that the time for the repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the term in that behalf by this Act prescribed for the repayment of the money in

Power to re-borrow.

A.D. 1903. lieu of which such re-borrowing has been made and that for the purpose of repayment the moneys re-borrowed and the moneys originally borrowed shall be deemed the same loan :

Provided also that the power conferred by this section shall not apply to any moneys paid off by means of instalments or appropriations or of a sinking fund or out of the proceeds of the sale of lands or other property or out of fines or premiums on leases.

Application of moneys borrowed.

84. Moneys borrowed by the Council under 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.

Saving for existing charges.

85. Nothing in this Act shall prejudicially affect any charge upon the estate property funds rates or revenues of the Council by way of mortgage or otherwise 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 (if any) and all the like rights and remedies in respect of the estate property funds rates or revenues subject to such charge as if this Act had not been passed.

Expenses of execution of Act.

86. Any expenses of the execution by the Council of this Act with respect to which no other provision is made may be defrayed by the Council out of the district fund and general district rate or other funds or revenue as the Council may in their discretion having regard to the object of the expenditure deem just.

PART VIII.

MISCELLANEOUS.

General provision as to byelaws.

87. All the provisions with respect to byelaws contained in sections 182 to 186 (both inclusive) of the Public Health Act 1875 (except as otherwise by this Act specially provided and except so much thereof as relates to byelaws of a rural sanitary authority) shall apply to all byelaws and regulations from time to time made by the Council under the powers of this Act.

As to breach of conditions of consent of Council.

88. Where the Council give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they were authorised to impose any breach of any such terms or conditions shall be deemed as regards

liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent. A.D. 1903.
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89. Where under the provisions of this Act the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Act are recoverable by the Council from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction. Apportionment of expenses in case of joint owners.

90.—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication. Authentication and service of notices &c.

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

91. All powers rights and remedies given to the Council by this Act shall (except as otherwise by this Act specially provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them by the Public Health Acts or any of them or any other Act or Acts and the Council may exercise such other powers and be entitled to such other powers rights and remedies as if this Act had not been 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 cumulative.

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

A.D. 1903.

Informations
&c. by whom
to be laid
&c.

93. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid and made by the Council or by an officer of the Council authorised in that behalf by resolution of the Council or by the clerk.

Evidence of
appoint-
ments.

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

Recovery of
penalties &c.

95. 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 and expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Penalties to
be paid over
to Council.

96. All penalties recovered under this Act or under any byelaw thereunder on the prosecution of the Council shall be paid to them and be carried to the credit of the district fund or such other fund or rate as the Council may direct.

Compensa-
tion how to
be deter-
mined.

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

As to appeal.

98. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Council or of or by any officer of the Council or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under

and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction or a petty sessional court the Council may in like manner appeal. A.D. 1903.

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

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

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

102. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act including the costs incurred by the Council in complying with the provisions of the Borough Funds Act 1872 with respect to the Bill for this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council and may be paid in the first instance out of the district fund and general district rate but shall be charged to and recouped by the moneys which the Council are authorised to borrow under this Act for that purpose. Costs of Act.

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