



CHAPTER xcvi.

An Act to confer further powers on the mayor aldermen and burgesses of the county borough of Newport with regard to the health improvement and good government of the borough and for other purposes. A.D. 1906.

[20th July 1906.]

WHEREAS the borough of Newport in the county of Monmouth is a municipal borough and under the government of the mayor aldermen and burgesses thereof (hereinafter called "the Corporation") and is a county borough under the Local Government Acts 1888 and 1894 and the Corporation acting by the council of the borough are the sanitary authority of the borough with the powers and obligations of an urban authority :

And whereas it is expedient that the powers of the Corporation with respect to infectious disease and sanitary matters should be extended and that further powers should be conferred upon the Corporation with reference to their electrical undertaking and otherwise as in this Act provided and that further provision should be made for the good government of the borough :

And whereas by the Newport Corporation Act 1900 the Corporation were authorised to acquire lands for the purpose of the erection of a lunatic asylum and were authorised to borrow moneys for such purpose :

And whereas it is expedient that the Corporation should be authorised to borrow further moneys for the purpose of and in connection with the lunatic asylum :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

A.D. 1906.

And whereas estimates have been prepared by the Corporation of the further amounts required for the purposes of and in connection with the lunatic asylum and such estimates amount to the sum of thirty-five thousand pounds in respect of the erection of the lunatic asylum and five thousand pounds in respect of the purchase of furniture in connection with such asylum :

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

And whereas an absolute majority of the whole number of the council at a meeting held on the twelfth day of December one thousand nine hundred and five after ten days' clear notice by public advertisement of such meeting and of the purposes thereof in the *South Wales Argus* a local newspaper published and circulating in the borough (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 :

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

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

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

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the *Newport Corporation Act 1906.*

2. This Act is divided into Parts as follows (that is to say):—
- | | |
|-------------------------------------|-------------------------|
| Part I.—Preliminary. | A.D. 1906. |
| Part II.—Sanitary Provisions. | Act divided into Parts. |
| Part III.—Tuberculosis. | |
| Part IV.—Advertisements. | |
| Part V.—Ice Creams. | |
| Part VI.—Police and Street Traffic. | |
| Part VII.—Electricity. | |
| Part VIII.—Finance. | |
| Part IX.—Miscellaneous. | |

3. In this Act the following words and expressions have the several meanings hereby assigned to them unless there is something in the subject or context repugnant to such construction (that is to say):—

“The borough” means the municipal borough of Newport;

“The Corporation” and “the council” mean respectively the mayor aldermen and burgesses and the town council of the borough;

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

“Town clerk” “surveyor” “borough engineer” “borough treasurer” “medical officer” and “inspector of nuisances” mean respectively the town clerk surveyor borough engineer borough treasurer medical officer of health and inspector of nuisances of the borough and “medical officer” includes any person duly authorised to act temporarily as medical officer of health;

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

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

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

“Dairyman” includes any cowkeeper purveyor of milk or occupier of a dairy;

A.D. 1936.

“Sky sign” means any letter word 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 purpose of an advertisement or announcement on over or above any house building structure or erection of any kind or on or over any street or public way but shall not include (1) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purpose of any advertisement or announcement (2) Any sign or any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or on the cornice or blocking course of any wall or to the ridge of a roof provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported (3) Any word letter model sign device or representation as aforesaid relating exclusively to the business of a railway company and placed wholly upon or over any railway 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 ;

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

or given by authority of any Act of Parliament passed or to be passed ; A.D. 1906.

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security 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 or securities transferable by delivery or any securities of the Corporation :

And the several words and expressions to which by the Public Health Acts meanings are assigned shall in this Act (except where otherwise expressly provided) have the same respective meanings unless there is something in the subject or context repugnant to such construction.

PART II.

SANITARY PROVISIONS.

4. 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 : Improper construction or repair of watercloset or drain.

Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him 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 prove to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any fine and the said other person may be summarily convicted of the offence.

5. If any person cause any drain watercloset earth-closet privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or Wilful damage to drains water-closets &c.

A.D. 1906. improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Reconstruction of drains.

6. It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Corporation except in accordance with the provisions of the byelaws and regulations relating to the drainage of new buildings Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five shillings.

Notice of intention to repair drains.

7. It shall not be lawful for any person to repair any drain communicating with any sewer of the Corporation without giving to the Corporation or the medical officer twelve hours' previous notice in writing of intention to do so and free access to such drain or work of repair shall be afforded to the inspector of nuisances or any one officer of the Corporation authorised in writing by the medical officer for the purpose of inspection Any person offending against this section shall be liable to a penalty not exceeding five pounds.

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

8. Whenever the borough engineer or the medical officer or an inspector of nuisances of the borough 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.

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 Corporation 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 Corporation 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.

A.D. 1906.

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

Public conveniences and lavatories.

10.—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer the Corporation shall have all the powers conferred by section 41 of the Public Health Act 1875 and the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly.

Provision in lieu of section 19 of Public Health Acts Amendment Act 1890.

(2) Section 19 of the Public Health Acts Amendment Act 1890 shall cease to be in force within the borough.

(3) For the purposes of this section the expression "drain" includes 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)

A.D. 1906.

are at the date of the passing of this Act or may at any time hereafter 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 premises directly or by means of any other sewer or drain into 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 Corporation under section 152 of the Public Health Act 1875 or any sewer which has been constructed by the Corporation for the effectual drainage of the borough.

(4) Section 131 of the Newport (Monmouthshire) Corporation Act 1889 is hereby repealed.

Prohibition of blowing or inflating carcases.

11. It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal intended for the food of man or to expose or deposit for sale within the borough a carcase so blown or inflated or any part thereof and any person who shall offend against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

PART III.

TUBERCULOSIS.

Penalty for selling milk of diseased cows.

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

Penalty on failing to isolate diseased cows.

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

Obligation to notify cases of tuberculosis.

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

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

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

A.D. 1906.
Power to
take samples
of milk.

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

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

Power to in-
spect cows
and to take
samples of
milk.

(B) If the medical officer is of opinion that tuberculosis is caused or is likely to be caused to persons residing in the borough from consumption of the milk supplied from a dairy situate within the borough or from any cow kept therein he shall report thereon to the Corporation and his report shall be accompanied by a report to be furnished to him by the veterinary surgeon and the Corporation may thereupon serve on the dairyman notice to appear before them within such time not less than twenty-four hours as may be specified in the notice to show cause why an order should not be made requiring him not to supply any milk from such dairy within the borough until the order has been withdrawn by the Corporation.

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

A.D. 1906. having jurisdiction in the place where the dairy is situate an order authorising such entry and inspection which order any such justice is hereby empowered to make.

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

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

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

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

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

Appeal.

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

The Board of Agriculture and Fisheries may at any stage require payment to them by the dairyman of such sum as they deem right to secure the payment of any costs incurred by the Board of Agriculture and Fisheries in the matter of the appeal. A.D. 1906.

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

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

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

Any dispute as to the fact whether the order has been made or maintained without due cause or as to the fact of default where any such fact has not been determined by the court or Board of Agriculture and Fisheries or as to the fact of damage or as to the amount of compensation shall be determined in the manner provided by section 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.

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

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

A.D. 1906.

As to
expenses.

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

Execution
of this Part
of this Act
by com-
mittee.

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

PART IV.

ADVERTISEMENTS.

Restriction
on hoard-
ings.

23.—(1) Every hoarding or similar structure in or abutting on or adjoining any street or so near to any street that it might if not supported fall thereon shall be securely erected and maintained.

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

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

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

(5) Any consent or condition given or made under this section may be under the hand of the town clerk or borough engineer. A.D. 1906.

(6) Any person aggrieved by the refusal of the Corporation to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after the decision of the Corporation is notified to him in writing under the hand of the town clerk provided he gives twenty-four hours written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt.

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

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

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

Provided also that if any sky sign be erected or retained contrary to the provisions of this Act or after the licence for

A.D. 1906. the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Corporation to take proceedings for the taking down and removal of the sky sign in the same manner and with the same consequences as to the recovery of expenses and otherwise in all respects as if it were an obstruction within the meaning of section 69 of the Towns Improvement Clauses Act 1847.

(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.

PART V.

ICE CREAMS.

For regulating manufacture and sale of ice cream &c.

25.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity who within the borough—

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

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

(2) In the event of any inmate of any building any part of which is used for the manufacture of ice cream or any similar commodity suffering from any infectious disease the medical officer may seize and destroy all ice cream or similar commodity or materials for the manufacture of the same in such building and the Corporation may compensate the owners of the ice cream or similar commodity or materials so destroyed.

26. 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. A.D. 1906.
As to dealers
in ice cream.

27.—(1) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry and inspection into and of the premises of any manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Corporation would have under section 102 of the Public Health Act 1875 in the cases therein mentioned. Inspection
of premises.

(2) Any person refusing entry into such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings for each offence.

PART VI.

POLICE AND STREET TRAFFIC.

28. Any person who shall frequent and use any street or public place in the borough either on behalf of himself or of any other person for the purpose of bookmaking betting or wagering or agreeing to bet or wager or paying or receiving or settling any bet or wager or receiving or paying any money as or in respect of any bet or wager shall be liable to a penalty not exceeding for the first offence five pounds for the second offence ten pounds and for the third and every subsequent offence fifty pounds. Betting.

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

30. The officer in charge of the police at any fire in the borough shall have power to stop or regulate the traffic in any street whenever in his opinion it is necessary or desirable to stop or regulate such traffic for the purpose of extinguishing the fire or for the safety or protection of life or property and any Regulation
of traffic at
fires.

A.D. 1906. — person who wilfully disobeys any order given by such officer in pursuance of this section shall be liable to a penalty not exceeding five pounds.

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

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

Captain of fire brigade or other officer to have control of operations.

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

PART VII.

ELECTRICITY.

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

33. Notwithstanding anything contained in the Newport (Mon.) Electric Lighting Order 1891 or in the Electric Lighting Acts 1882 and 1888 a person shall not be entitled to demand from the Corporation a supply of electrical energy to premises having a separate supply (that is to say a supply from an installation other than that of the Corporation) unless such person shall have previously agreed to pay to the Corporation such minimum annual sum as will give to the Corporation a reasonable return on the capital expenditure and other standing charges incurred by the Corporation to meet the possible maximum demand of such person. In case the Corporation and the person demanding such supply of electrical energy shall fail to agree on 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. A.D. 1906.

34. The Corporation 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 Corporation in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises. Corporation may refuse to supply electrical energy in certain cases.

35.—(1) The Corporation may within the borough provide sell let for hire and fix set up repair and remove but shall not manufacture lamps meters electric lines fuses switches fittings lampholders motors and other apparatus and things for lighting and motive power and for all other purposes for which electrical energy can or may be used or otherwise necessary or proper for the supply distribution consumption or use of electrical energy and may provide all materials and do all works necessary or proper in that behalf and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale letting fixing setting up altering repairing or removing of such lamps meters electric lines fuses switches fittings lampholders motors and other apparatus and things as aforesaid and for securing (both as regards the consumer and third parties) their safety and return to the Corporation as the Corporation may think fit or as may be agreed upon between them and the person to or for whom the same are sold let fixed set up altered repaired or removed. Power to supply electrical fittings motors &c.

(2) Any expenses incurred by the Corporation in carrying into effect the provisions of this section shall be deemed to be expenses incurred by the Corporation 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 money received by the Corporation under this section shall be applied in manner provided by section 52 of the Newport (Mon.) Electric Lighting Order 1891 except capital moneys which shall be applied in manner provided by section 53 of the said Order.

36. Notwithstanding anything in section 9 of the Electric Lighting Act 1882 contained the annual statement of accounts of the electric lighting undertaking of the Corporation for the time being shall after the passing of this Act be filled up on or before the thirtieth day of June in every year and shall be made up to the thirty-first day of March next preceding and Altering date for filling up annual accounts for electric lighting.

A.D. 1906. 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 of the Corporation as if the thirtieth 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.

Materials and fittings supplied by Corporation to be free from distress or seizure.

37. No electric line fuse switch fitting meter lamp lamp-holder motor apparatus or thing let for hire by the Corporation under the provisions of this Act shall be subject to distress or to the landlord's remedy for rent nor 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 and shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Corporation and shall not become the property of or liable to be disposed of by the owner of such premises or by any mortgagee or other person Provided that any such electric line fuse switch fitting meter lamp lampholder motor apparatus or thing have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof.

PART VIII.

FINANCE.

Power to borrow.

38. The Corporation may from time to time borrow at interest money for any of the following purposes (viz.) :—

(1) On the security of the borough fund and borough rate—

(A) For and in connection with the erection of the Newport County Borough Asylum thirty-five thousand pounds ;

(B) For the purchase of furniture in connection with the asylum five thousand pounds :

(2) On the security of the district fund and general district rate—

For the payment of the costs charges and expenses referred to in the section of this Act the marginal note whereof is "Costs of Act" such sum as may be ascertained as hereinafter provided :

And in calculating the amount which the Corporation may borrow under the provisions of any other enactment the amount which the Corporation may borrow under or for the purposes of this Act shall not be reckoned and the power of the Corporation of borrowing and reborrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts. A.D. 1906.

The provisions of sections 236 237 238 and 239 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority shall apply in the case of all mortgages granted by the Corporation under this Act as if they were with necessary modifications re-enacted in this Act.

39. A person lending money to the Corporation shall not be bound to inquire as to the observance by them 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 lenders
from inquiry.

40. All moneys borrowed by the Corporation under the authority of this Act may be borrowed for any terms not exceeding the terms hereinafter respectively mentioned:— As to repay-
ment of
borrowed
money.

As regards moneys borrowed for the purpose of paying the costs charges and expenses aforesaid five years from the date of the passing of this Act;

As regards moneys borrowed for purposes (A) mentioned in the section of this Act the marginal note whereof is "Power to borrow" sixty years from the date of the passing of this Act;

As regards moneys borrowed for purpose (B) mentioned in such section fifteen years from the date of the passing of this Act:

And subject as aforesaid all moneys borrowed by the Corporation under the authority of this Act shall be repaid by yearly or half-yearly instalments or by means of a sinking fund Provided that when the payment shall not be made by equal instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part shall in every year amount to the same sum.

41. The Corporation in case they borrow any moneys on mortgage under this Act repayable by means of a sinking fund Sinking
fund.

A.D. 1906. shall within twelve months after borrowing the same and thenceforth annually on the same or some earlier day set apart as a sinking fund for the payment of such moneys out of the funds and rates on the security of which such moneys shall have been borrowed such equal annual sum or sums as will with accumulations by way of compound interest after a rate not exceeding three per centum per annum be sufficient to pay within such a period as they may think fit (not exceeding the period in each case prescribed for the repayment thereof) the amount of the principal moneys so borrowed.

All sums so set apart and the income thereof shall from time to time be invested in statutory securities.

If and as often as the income derived from such investments is not equal to the income which would be derived therefrom at the rate per centum per annum on which the equal annual payments to the sinking fund are based any deficiency shall be made good out of the funds and rates which are liable for such equal annual payments and if and as often as the income derived from such investments is in excess of the income which would be derived therefrom at the rate per centum per annum on which the equal annual payments to the sinking fund are based any such excess may be applied as part of such equal annual payments.

The Corporation may at any time apply the whole or any part of the sinking fund in or towards the repayment of moneys for which such sinking fund is set aside in such order and manner as they deem proper Provided that in such case they pay into the sinking fund in each year afterwards and accumulate as hereinbefore prescribed until the whole of such moneys are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum per annum on which the equal annual payments to the sinking fund are based Provided also that whenever and so long as the securities in which such sinking fund is invested shall be not less in value at the market price of the day than the principal moneys then outstanding and to be paid off by means of such fund the Corporation may in lieu of investing the said yearly income apply the same in payment of interest on such principal moneys and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto.

Return
respecting
sinking fund
to Local

42. Subsection 4 of section 76 of the Newport (Monmouthshire) Improvement Act 1876 section 64 of the Newport (Monmouthshire) Corporation Water Act 1888 section 150 of the

Newport (Monmouthshire) Corporation Act 1889 section 52 of the
Newport Corporation Act 1892 section 59 of the Newport Corpora-
tion Act 1897 section 86 of the Newport Corporation Act 1900
and section 37 of the Newport Corporation Act 1902 (which Acts
are in this section referred to as "the Newport Corporation
Acts") are hereby respectively repealed and in lieu thereof it is
enacted as follows:—

A.D. 1906.
Government
Board.

- (1) The borough treasurer 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 sinking funds in pursuance of the provisions of the Newport Corporation Acts or this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of such borough treasurer 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 funds under the Newport Corporation Acts and this Act and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking funds or investments 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 borough treasurer 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 Corporation have failed

A.D. 1906.

to pay any instalment or annual payment required to be paid by the Newport Corporation Acts or this Act or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund 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.

Power to
reborrow.

43. The Corporation may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal moneys borrowed under the foregoing provisions of this Act on the same becoming repayable or for paying off any part of any of such principal moneys as they can borrow at a lower rate of interest Provided as follows:—

- (1) The time for repayment of any moneys so reborrowed shall not be extended beyond the unexpired portion of the terms respectively in that behalf prescribed :
- (2) For the purpose of repayment all moneys so reborrowed and the moneys originally borrowed shall be deemed the same loan :
- (3) The Corporation shall not reborrow any money paid off by means of instalments or a sinking fund or appropriations or annual repayments or out of the proceeds of the sale of surplus lands or out of premiums or fines on leases or other moneys received on capital account not being borrowed moneys.

Power to
borrow under
Local Loans
Act 1875.

44. The Corporation if they think fit may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures or annuity certificates or partly in one way and partly in another.

Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon and shall be paid out of the same revenues funds and rates as they would be charged upon and paid out of if raised by mortgage

under this Act and such revenues funds and rates shall in each case be the local rate within the meaning and for the purposes of the Local Loans Act 1875. A.D. 1906.

Every such loan shall be discharged within the respective periods prescribed by or under this Act.

The section of this Act of which the marginal note is "Sinking fund" shall apply to any sinking fund provided by the Corporation for the repayment of any moneys borrowed by them under the Local Loans Act 1875 in lieu of the provisions of section 15 of that Act.

45. All money borrowed under the provisions of this Act shall be appropriated to purposes for which it is authorised to be borrowed and shall be expended exclusively on works or objects on which capital may properly be expended. Application of money borrowed.

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

47. The Corporation may appropriate the sum of thirty thousand pounds received by them from the Monmouthshire County Council in respect of the Abergavenny Asylum or any portion of such sum in the following manner (viz.) Towards the erection of the Newport County Borough Asylum including the laying out of grounds twenty-two thousand seven hundred and thirty-six pounds for furniture and equipment of such asylum five thousand pounds and for stock clothing and other articles required for the proper maintenance of such asylum two thousand two hundred and sixty-four pounds. Appropriation of moneys received from Monmouthshire County Council.

48. In the exercise of the borrowing powers of the Corporation under the Newport Corporation Act 1900 and the Newport Corporation may determine to

A.D. 1906.

which un-
dertaking
expenses
&c. to be
assigned.

Corporation Act 1902 in respect of which sanction for such borrowing has already been given by the Local Government Board or the Board of Trade and in the exercise of any powers of reborrowing in respect of moneys borrowed or in respect of which such sanction has been given and the keeping of the accounts of the Corporation in regard to their tramway undertaking and their electrical undertaking the Corporation shall have full power to determine to which undertaking any capital expenditure or expense matter or thing arising under such Acts shall be assigned and in the exercise of any borrowing powers of the Corporation in the case of any moneys sanction to borrow which is required after the passing of this Act under the Newport Corporation Act 1900 and the Newport Corporation Act 1902 the Local Government Board or the Board of Trade as the case may be shall have full power to determine to which undertaking any moneys so to be borrowed or any capital expenditure or expense in respect of such moneys so to be borrowed shall be assigned.

PART IX.

MISCELLANEOUS.

Byelaws for
preventing
pollution of
water.

49.—(1) The Corporation may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water.

(2) The byelaws made under this section shall be in force within the areas from or through which the said waters flow or within so much of those areas as may be defined in the byelaws.

(3) The provisions with respect to byelaws to be made by an urban authority contained in sections 182 to 185 of the Public Health Act 1875 shall apply to byelaws made by the Corporation under this section.

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

(5) The Corporation shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws and such compensation shall include the cost of the construction and maintenance of any drains sewers or other works prescribed by such byelaws and shall be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889. A.D. 1906.

50. 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 an officer of the Corporation authorised in that behalf or by the town clerk. Informations by whom to be laid.

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

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

53. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part II. of this Act then after Penalty on occupiers refusing execution of Act.

A.D. 1906. notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Damages and charges to be settled by justices.

54. 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 costs or charges in case of dispute respecting the same may be settled and determined by a court of summary jurisdiction before whom any offender is convicted.

Penalties to be paid to treasurer.

55. All penalties recoverable by the Corporation or any officer of the Corporation on their behalf under this Act or any byelaw thereunder shall be paid to the borough treasurer and carried by him to the credit of the district fund or to such other fund as the Corporation shall direct.

Recovery of penalties.

56. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Compensation &c. how to be determined.

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

Saving for indictment.

58. 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 A.D. 1906.
nothing in this Act shall make a person liable to be punished
more than once for the same offence.

59. A judge of any court or a justice shall not be dis- Judges &c.
qualified from acting in the execution of this Act by reason of not disquali-
his being liable to any rate. fied.

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

The Corporation 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 that Board not exceeding three guineas a day for the
services of such inspector.

61. All powers rights and remedies given to the Corporation Powers of
by this Act shall (except where otherwise expressly provided) be Act cumu-
deemed to be in addition to and not in derogation of any other lative.
powers rights or remedies conferred on them or any committee
appointed by them by Act of Parliament charter law or custom
and the Corporation or such committee as the case may be may
exercise such other powers and be entitled to such other rights
and remedies as if this Act had not been passed Provided that
no person shall incur more than one penalty (other than a daily
penalty for a continuing offence) for the commission of the same
offence.

62. All expenses incurred by the Corporation in carrying Expenses
into execution the provisions of this Act except such of those incurred by
expenses as are to be paid out of borrowed moneys or are other- Corporation.
wise provided for shall be paid out of the revenues in connection
with the undertaking to which any such provisions may relate or
out of the district fund and the general district rate.

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

A.D. 1906.

Costs of Act.

64. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act (including the costs incurred by the Corporation in or with the object of complying with the provisions of the Borough Funds Acts 1872 and 1903 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 Corporation out of the district fund and general district rate or out of any moneys borrowed under the authority of this Act.

Printed by EYRE and SPOTTISWOODE,

FOR

ROWLAND BAILEY, Esq., M.V.O., I.S.O., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LTD., FETTER LANE, E.C.; or
OLIVER AND BOYD, EDINBURGH; or
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.