

[13 & 14 GEO. 5.] *Chatham Corporation*
Act, 1923.

[Ch. civ.]



CHAPTER civ.

An Act to empower the mayor aldermen and burgesses of the borough of Chatham to construct street improvements and to make further provision with regard to the health local government and improvement of the borough and for other purposes.

A.D. 1923.

[2nd August 1923.]

WHEREAS the borough of Chatham in the county of Kent is under the management of the mayor aldermen and burgesses of the borough of Chatham (in this Act called "the Corporation") who acting by the council are also the urban sanitary authority for the borough:

And whereas it is expedient to authorise the Corporation to construct the street improvements described in this Act:

And whereas it is expedient to make further and better provision in relation to the health local government and improvement of the borough and that the powers of the Corporation in regard thereto should be enlarged as is provided in this Act:

And whereas it is expedient that the other provisions contained in this Act be enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas an estimate has been prepared by the Corporation for the purposes hereinafter mentioned and such estimate is as follows:—

For the construction of the street improve-	£
ments authorised by Part II. of this Act -	450

[Price 6s. Net.] A 1

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Kent which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

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.

Short title.

1. This Act may be cited as the Chatham Corporation Act 1923.

Division
of Act
into Parts.

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

Part I.—Preliminary.

Part II.—Street improvements and lands.

Part III.—Streets buildings sewers drains &c.

Part IV.—Infectious disease and sanitary provisions.

Part V.—Offensive trades.

Part VI.—Common lodging-houses.

Part VII.—Parks and public buildings.

Part VIII.—Hackney carriages.

Part IX.—Financial and rating provisions.

Part X.—Miscellaneous.

3. The Lands Clauses Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act with the following exception and modification:—

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Incorporation of
Acts.

- (1) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;
- (2) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpreta-
tion of
terms.

(2) In this Act unless the subject or context otherwise requires—

- (a) "The Corporation" means the mayor aldermen and burgesses of the borough of Chatham;
- (b) "The borough" means the borough of Chatham;
- (c) "The council" means the council of the borough;
- (d) "The town clerk" "the surveyor" "the treasurer" "the medical officer" and "the sanitary inspector" mean respectively the town clerk the surveyor the treasurer the medical officer of health and any sanitary inspector of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;
- (e) "The borough fund" "the borough rate" "the district fund" and "the general district rate" mean respectively the borough fund the borough rate the district fund and the general district rate of the borough;
- (f) "The tribunal" means the tribunal or other authority to whom any question of disputed purchase money or compensation under this

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Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

- (g) "Infectious disease" means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the borough;
- (h) "Daily penalty" means a penalty for each day on which an offence is continued by a person after conviction;
- (i) "Hackney carriage" means a hackney carriage as defined by the Town Police Clauses Act 1847 and shall not include an omnibus as defined by the Town Police Clauses Act 1889;
- (j) "Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;
- (k) "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;

- (l) "Revenues of the Corporation" includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation; A.D. 1923.
- (m) "The overseers" means the overseers of the poor for the parish of Chatham Extra and includes all persons who execute the duties of overseers;
- (n) "Sunday school" means any school in which children assemble for instruction on a Sunday or specially for religious instruction whether or not on a Sunday;
- (o) "Child" means a person under the age of fourteen years.

PART II.

STREET IMPROVEMENTS AND LANDS.

5.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described together with all necessary and proper works and conveniences connected therewith or incident thereto and may enter on take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the construction of such works or for the purpose of providing space for the erection of buildings adjoining or near to such works or for other the purposes of this Part of this Act. Power to construct street improvements.

(2) The works hereinbefore referred to and authorised by this Part of this Act will be situate in the borough and are:—

Work No. 1 A widening and improvement of the Brook on the south-westerly side thereof;

Work No. 2 A further widening and improvement of the Brook on the south-westerly side thereof;

Work No. 3 A further widening and improvement of the Brook on the south-westerly side thereof;

Work No. 4 A widening and improvement of the Brook on the north-easterly side thereof.

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Limits of
deviation.

6. In constructing the street improvements authorised by this Part of this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate from the levels thereof as shown on the deposited sections to any extent not exceeding three feet.

Subsidiary
works.

7.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation may in connection with the street improvements authorised by this Part of this Act and for the purposes thereof make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to such works and may make diversions widenings or alterations of the lines or levels of any existing streets for the purposes of connecting the same with such works or of crossing under or over the same or otherwise and may alter divert or stop up all or any part of any drain sewer channel or gas or water main or pipes or electricity or telephone wire or apparatus within the said limits the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or electricity or telephonic communication in any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this section.

(2) Provided that the Corporation shall not alter divert or otherwise interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act.

Power to
alter steps
pipes &c.

8. Within the limits of deviation shown on the deposited plans the Corporation may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and also the drains and the pipes or wires for the purpose of conveying water electricity or gas to any house or other place and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 308 (Compensation in case of damage by

local authority) of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act. A.D. 1923.

9.—(1) The Corporation during the execution of the powers of this Part of this Act may break up and also temporarily stop up divert and interfere with any street for the purpose of executing such powers and may for any reasonable time prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same. Temporary stoppage of streets.

(2) The Corporation shall provide reasonable access for foot passengers bonâ fide going to or returning from any such house.

10. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the thirty-first day of December nineteen hundred and twenty-three. Period for compulsory purchase of lands.

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

(a) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are in this section included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":

(b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without

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material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

- (c) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :
- (d) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion so determined to be severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owners by severance or otherwise as shall be awarded by the tribunal :
- (e) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :

(f) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

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

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

(3) The provisions of this section shall be stated in or endorsed on every notice given thereunder to sell and convey any premises.

12. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Kent for the correction thereof and if it appear to the justices that

Correction
of errors in
deposited
plans and
book of
reference.

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the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Kent and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans or book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Persons
under
disability
may grant
easements
&c.

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

Compensa-
tion in
case of
recently
acquired
interests.

14. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the seventeenth day of November nineteen hundred and twenty-two if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Further
powers for
acquisition
of lands.

15.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable the Corpora-

tion should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough and with the consent of the Minister of Health may borrow money for the purchase or acquisition of such lands or for the payment of any capital sum payable under a lease thereof Any moneys so borrowed shall be repaid within such period as may be prescribed by the Minister of Health.

(2) The Corporation may enter into contracts for the purposes of this section and may pay any sum payable under the contract and for that purpose may borrow money temporarily from their bankers for a period not exceeding twelve months Provided that no moneys (other than those so temporarily borrowed as aforesaid) shall be borrowed by the Corporation for the purposes of this section except with the consent of the Minister of Health and that any contract so entered into in respect of which the Corporation propose to borrow money with such consent as aforesaid shall be provisional until the consent of the said Minister shall have been given to the borrowing of money in respect thereof and shall only become binding if and when such consent shall have been given.

(3) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the borough fund and borough rate or the district fund and general district rate as the case may be.

(4) The Corporation may so far as they consider necessary apply subject to the approval of the Minister of Health any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this section in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same either—

(a) in or towards the extinguishment of any loan raised by them under the powers of this Act such

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application being in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister of Health; or

(b) in such other manner as may be approved by the Minister of Health.

Power to
retain
sell &c.
lands.

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

Proceeds
of sale of
surplus
lands.

17.—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Minister of Health:

(2) Provided that—

(a) the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by or under this Act for the purpose of such purchase;

- (b) the borrowing powers conferred by or under this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section. A.D. 1923.

PART III.

STREETS BUILDINGS SEWERS DRAINS &C.

18. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any other Act or byelaw for the time being in force within the borough be deemed to be a new street. Continuation of existing streets to be deemed new streets.

19. The power of the Corporation to make byelaws with respect to new streets under the provisions of section 157 of the Public Health Act 1875 shall extend to enable them to require intersecting streets in connection with the laying out of new streets at such intervals as the byelaws may determine. For the purposes of this section the expression "intersecting street" means a side or cross-street forming a junction with another street. Byelaws as to intersecting streets.

20.—(1) Where any street or road repairable by the inhabitants at large or any part of such street or road is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where at the corner of any street or road it is in their opinion desirable to set back the line of frontage in order to facilitate traffic or where in any other case it is in their opinion necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road or any part thereof. The line which in any case the Corporation propose to prescribe and define shall be distinctly marked and shown on a plan to be signed by and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by this section to every occupier and to every owner interested whose name and address they can ascertain. Power to define future line of existing public streets.

A.D. 1923. — and in cases where such name and address cannot with reasonable diligence be ascertained by affixing such notice to or on the premises No new building erection excavation or obstruction shall be made or placed nearer to the centre of the street or road than such line except with the consent in writing of the Corporation which may be given for such period and upon and subject to such terms and conditions as they may deem expedient.

(2) The Corporation may and if required so to do by the owner shall purchase and the owner and all other persons interested shall if required so to do by the Corporation sell the land for the time being unbuilt upon lying between any line prescribed by the Corporation under this section and the street or road and the same when purchased shall vest in the Corporation as part of the street or road and the amount of purchase money shall in case of difference be settled under the Lands Clauses Acts as amended by the Acquisition of Land (Assessment of Compensation) Act 1919.

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

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

(5) If after any such line has been prescribed and defined as aforesaid any person offends against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

21.—(1) The Corporation may at any time after prescribing and defining the line of frontage of any street or road in pursuance of the power conferred upon them by the section of this Act whereof the marginal note is "Power to define future line of existing public streets" on giving six months' previous notice in writing to the owner require that any building erection excavation or obstruction which or any part of which was beyond or in front of any such line of frontage at the date when the same was so prescribed or defined shall be pulled down set back filled in or altered so that the same shall not project beyond or in front of such line of frontage.

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Setting
back of
buildings
after future
line of
street is
defined.

(2) The owner may and if so required by the Corporation shall notwithstanding any contract lease or agreement or any provision therein contained enter upon any land building erection excavation or obstruction affected by any requirement of the Corporation under this section and carry out such requirement.

(3) In the event of any building erection excavation or obstruction being pulled down set back filled in or altered in accordance with any requirement of the Corporation under this section the Corporation shall make compensation to the owner lessee and tenant of any such building erection excavation or obstruction and to any or either of them for any loss or damage sustained by such owner lessee or tenant in consequence of such building erection excavation or obstruction being pulled down set back filled in or altered as aforesaid.

(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Arbitration Act 1889 but in estimating the amount of any such compensation the benefits arising from the widening or improvement of the street or road and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation.

(5) After any such line of frontage shall be so prescribed and defined as aforesaid any person who shall act contrary to the provisions of this section shall for every such offence be liable to a penalty not exceeding

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Frontage
line in new
streets.

22.—(1) Every person who intends to lay out a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactments or byelaws with respect to streets and buildings in force within the borough distinctly define and mark on a plan drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line") and the Corporation shall within six weeks after the date of submission thereof signify to the person submitting the same their approval or disapproval thereof.

(2) The Corporation may also prescribe the building line to be observed in those parts of any street already laid out upon which buildings have not already been erected.

(3) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building if the building line for such street has been disapproved by the Corporation or before the expiration of the six weeks aforesaid without their approval nor beyond or in front of the building line approved or prescribed by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(4) The provisions of section 3 (Buildings not to be brought forward) of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been approved or prescribed by the Corporation.

(5) In the event of the Corporation requiring as a condition for their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of a new street than one-half of the width of the street and ten feet in addition or of their prescribing a building line at a greater distance from the centre of a street already laid out than the line provided under the Public Health (Buildings in

Streets) Act 1888 the Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

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(6) For the purpose of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Corporation determine the centre of any street or intended street.

(7) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Arbitration Act 1889.

23.—(1) Before placing or erecting any hoard or fence at or within a distance of ten yards from the corner of any street the person proposing to place or erect such hoard or fence shall give notice of his intention so to do to the Corporation and such notice shall be accompanied by plans and particulars of the hoard or fence proposed to be so placed or erected.

As to
erection of
hoards &c.
at street
corners.

(2) If the placing or erection of such hoard or fence would constitute a danger to the traffic in the streets of the borough upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation may within one month of the receipt of the said notice prohibit such placing or erection or may allow the same subject to such conditions or modifications of the said plans and particulars as they may think fit. If within one month of the receipt of the said notice the Corporation shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

(3) Any person who places or erects any hoard or fence in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and the Corporation may remove the hoard or fence so placed or erected and may recover the expense incurred by them in so doing from such person.

(4) For the purposes of this section the corner of any street shall be deemed to be the point at which the

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frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

Plans to be submitted on application for approval of new street.

24.—(1) Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street (including in that expression the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Corporation with plans and particulars showing the general scheme (if any) for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

(2) The Corporation may refuse to approve the laying out of such new street and may prohibit such laying out until their requirements under this section have been complied with.

Appeal as to certain provisions of this Part of Act.

25.—(1) Any person deeming himself aggrieved by any requirement or prohibition of the Corporation or by the withholding of any approval by the Corporation under the last three preceding sections of this Act may within fourteen days from the date of such requirement prohibition or withholding of approval appeal to a petty sessional court and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

(2) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the petty sessional court may direct.

Widening of roads when only one side is built upon.

26.—(1) When a road footpath or way within the borough is about to become a new street within the meaning of the Public Health Acts but the land on only one side of such street has been or is in course of being built on the Corporation may in any case in which they

would be empowered to require the owner of the land built on or in course of being built on to widen such road footpath or way to a width prescribed by the byelaws in force in the borough require such owner to widen such road footpath or way so as to give a width not less than one-half of such prescribed width from the old centre line of such road footpath or way to the boundary thereof adjoining such land.

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(2) If and when the land on the opposite side of such road footpath or way shall be in course of being built on the owner of such land shall complete the widening of such road footpath or way so as to comply in all respects with the byelaws of the Corporation :

Provided that he shall not under this subsection be required to pull down any building erected before the passing of this Act.

27. The Corporation may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street in the borough repairable by the inhabitants at large.

Power to determine width of carriage and foot ways.

28. The Corporation may agree with the owner of any land in any street to give up land for the purpose of widening opening enlarging or otherwise improving such street in exchange for any part of such street which shall front other land belonging to such owner and shall be behind the general line of such street and which shall in the opinion of the Corporation be no longer required for public use or for approach to any property adjoining the same and for such other consideration (if any) as may be agreed and all public rights of way over any portion of any street so exchanged shall be extinguished.

Exchange of parts of streets disused.

29.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new streets to be constructed are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and

Adjustment of boundaries.

A.D. 1923
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the provision to be so made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estates or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister of Health and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid. Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration of boundaries or exchange of lands or the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and the costs charges and expenses of any such arbitration shall unless and except in so far as the award shall otherwise provide be borne and paid by the Corporation.

(3) Any lands or moneys received by any person in or in respect of an adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the lands exchanged therefor. Where any such covenants restrictions or conditions shall in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Corporation may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the Minister of Health and until such sale or appropriation may

occupy manage or let the same or any part thereof in such manner as the Corporation may think reasonable. A.D. 1923.

30.—(1) The owners or occupiers of all lands abutting upon any public street and the owners or occupiers of all lands abutting upon any private street communicating with any public street shall so fence off channel or embank their lands as to prevent soil sand clay cinders refuse or other like substances from such lands from falling upon or being washed or carried into any public street or sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully. For preventing soil from being washed into streets.

(2) 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.

(3) For the purposes of this section "public street" means so much of a street repairable by the inhabitants at large as is sewered and "private street" means a street not so repairable.

(4) Provided that—

(a) such owner or occupier shall not be responsible for any soil sand clay cinders refuse or other substances from land other than his own although such soil sand clay cinders refuse or other substances may have passed over the land of such owner or occupier;

(b) this section shall not apply to any land of a bonâ fide agricultural character or to any woodland.

31. Where premises abutting upon any street are so situate that surface water from such premises flows on to or over the footpath of such street the owner of such premises shall within fourteen days after service of a notice by the Corporation for that purpose execute such works as may be reasonably practicable to prevent the water from such premises from flowing over the footpath and in default of compliance with such notice within the period aforesaid such owner shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. For preventing water from flowing over footpaths.

32.—(1) Whenever any person erecting any building shall be desirous of leaving an opening which may be a Forecourts to be

A.D. 1923.
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fenced off
from streets.

source of danger to the public or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required by the Corporation be well and sufficiently fenced off from the footpath or street.

(2) 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.

Courts to
be flagged
and drained.

33.—(1) The owner or owners of premises the occupiers of which use in common any court or yard or passage (not being a highway repairable by the inhabitants at large) or any part of such court yard or passage shall if so required by the Corporation flag asphalt concrete or pave such court yard or passage or any part thereof and make a drain through or along the same and provide gullies and grids in suitable positions and at proper levels and keep such flagging asphalt concrete paving and drain gullies and grids in good repair.

(2) If such owner or owners shall for two months after notice in writing from the Corporation fail in any respect to comply with any requirements of the Corporation under the provisions of subsection (1) of this section he or they shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Corporation may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners.

Byelaws
as to
alteration
of streets.

34.—(1) The Corporation may make byelaws to prevent streets which have been laid out or constructed in accordance with byelaws made under the Public Health Acts from being altered in such a way that if at first so laid out or constructed they would have contravened the byelaws.

(2) When any person shall have taken advantage of a condition in any byelaw for the time being in force in the borough with respect to the width and construction of new streets in order to secure the laying out or construction of a new street of a width less than would have been required to comply with such byelaws had such condition not have been taken advantage of such condition shall be deemed to run with the land and shall be

binding not only upon any such person but also upon his successors in title and any breach of such condition by any such person or his successors in title shall be deemed as regards penalty and other consequence to be a breach of the byelaws containing such condition.

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

Prevention and removal of projections over streets.

36.—(1) It shall not be lawful for any person to fix or place any overhead rail or beam or other similar apparatus (other than apparatus for telegraphic telephonic or railway signalling or railway electrical working purposes) over across or along any street without the consent of the Corporation which consent shall be in writing under the hand of the town clerk and may contain such terms and conditions as the Corporation think fit Any person acting in contravention of the provisions of this section and of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings Provided that nothing in this section shall extend to any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of the said Act apply.

Restrictions on placing rails beams &c. over streets.

(2) Nothing in this section shall extend to any apparatus belonging to His Majesty's Postmaster-General.

37.—(1) The Corporation may grant to the owner or with the consent of the owner to the lessee or occupier of any premises abutting upon any street repairable by the inhabitants at large or any public highway a licence to construct and use a way (exclusive or otherwise) for himself his servants and agents at all times with or without trucks by means of a bridge over such street or highway for such term as shall be co-extensive with or less than the interest of such owner lessee or occupier in the premises in respect of which such licence shall be given on such terms and with under and subject to such

Power to grant licences for bridges over streets.

A. D. 1923. — covenants conditions and agreements as to the Corporation may seem fit Provided that—

- (a) no fine rent or other sum of money (except a reasonable sum in respect of legal or other expenses incurred) shall be payable for or in respect of such licence;
- (b) any licence given under this section shall not in any way interfere with the convenience of persons using such street or affect the rights of the owners of the property adjoining and up to the line of the highway;
- (c) it shall be a condition of every such licence that the licensee shall at the request of the Corporation and at his own expense remove or alter such bridge in such manner and within such time as the Corporation require in the event of their considering such removal or alteration necessary or desirable in connection with the carrying out of improvements in such street or highway at any time and the decision of the Corporation that such removal or alteration is necessary or desirable shall be final and conclusive;
- (d) in the event of the construction of any such bridge involving the alteration of a telegraphic line of the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration and any such bridge shall for the purposes of the placing or maintenance of overground telegraphic lines under the powers conferred by the Telegraph Acts 1863 to 1922 be deemed part of the street or road which it crosses.

(2) If any person shall construct a bridge over any such street or highway without such licence or shall construct or use the same otherwise than in accordance with the terms and conditions of the licence or fail to remove or alter the same when required so to do under the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

(3) Notwithstanding anything contained in any licence given under this section no pier abutment or other

structure shall be erected on any part of the carriage-way or footway of any main road maintained under section 11 (1) of the Local Government Act 1888 without the consent of the county council of Kent.

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38.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to obstruct vehicular traffic or passengers or where any tree is dangerous to such traffic or passengers the Corporation may serve a notice on the owner or occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within fourteen days so as to prevent such obstruction interference or danger and such notice shall be sufficient authority to the person so served to execute the work prescribed in the notice. In default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage and the expenses incurred by them shall be repaid by the person in default.

Lopping of overhanging trees and shrubs.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within fourteen clear days after the service of such notice provided he gives 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.

(3) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

39. The Corporation may within the borough 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 and troughs respectively.

Public drinking fountains.

40.—(1) The Corporation may from time to time if it shall appear to them that any public highway in the borough may be diverted and turned either entirely or partially so as to make the same nearer or more commodious and the owner of the lands through which such new highway so proposed to be made shall consent thereto in writing under his hand by order divert and turn such public highway either entirely or partially

Power to stop up highways where necessary.

A.D. 1923.

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substituting therefor such new highway proposed to be made or if it shall appear to the Corporation that any public highway in the borough is unnecessary they may by order stop up entirely or partially such highway and on any public highway being so diverted turned or stopped up all public and other rights of way and other rights in over or upon the same shall be absolutely extinguished Provided that—

(a) fourteen days before making any order under this subsection the Corporation shall give notice to the Minister of Transport of their intention to make such order and of the proposals to be contained therein;

(b) any such order shall only be made by the Corporation on such terms as to the vesting of the soil and other matters as may be agreed on between the Corporation and the owners lessees and occupiers of buildings and lands abutting on the highway so proposed to be diverted turned or stopped up.

(2) For twenty-eight consecutive days after the making of any such order the Corporation shall post and keep posted a copy of such order in conspicuous places in the highway or highways or the part or parts of the highway or highways thereby ordered to be diverted turned or stopped up and shall also during the first ten days of that period publish such order twice at least in some newspaper or newspapers published in the borough.

(3) On the completion of such posting and publication the order so advertised shall become absolute unless any person thinking himself aggrieved thereby shall previously have given to the town clerk notice in writing of his intention to appeal against such order to the next quarter sessions for the county of Kent which shall be held after the expiration of one month from the first posting of the order and thereupon such quarter sessions shall hear the appeal and confirm or annul the order and may determine by which of the parties the costs of the appeal are to be paid.

(4) Notice of the right to appeal shall be endorsed on the copy of every order of the Corporation posted and published under this section.

(5) In any case in which the Corporation fail to agree with all the owners lessees and occupiers of the buildings and lands abutting on a highway which the Corporation propose to divert turn or stop up under the provisions of this section the procedure prescribed by the Highways Act 1835 shall be observed as if this section had not been enacted.

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41. The Corporation may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper and the storage of sand grit or shingle in upon or under the streets of the borough of such dimensions and in such positions as the Corporation may from time to time determine.

Street
orderly
bins.

42. Every person who negligently or wilfully breaks throws down or otherwise damages any public lamp or lamp-post or street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish or street sand bin shall make full compensation to the Corporation for the damage done and the amount of such compensation to an amount not exceeding five pounds shall be recoverable summarily as a civil debt.

Compensa-
tion for
injuring
lamps &c.

43. The Corporation may erect or fix street fire alarms in such positions in any street road or public place within the borough as they think fit Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Fire
alarms.

44.—(1) No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundation thereof until the street so far as it lies upon his land shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof.

No build-
ings
allowed
until
street
defined.

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

45. The power given by subsection (4) of section 23 of the Public Health Acts Amendment Act 1890 to make byelaws with respect to the alteration of buildings shall

Byelaws
as to
alteration
of buildings.

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be extended so as to authorise byelaws with respect to the alteration of buildings whether or not erected in accordance with byelaws and with respect to the giving of notices as to the deposit of plans and sections as to inspection by the Corporation and as to the power of the Corporation to remove alter or pull down any work begun or done in contravention of byelaws made by the Corporation under the said power as extended by this section.

Elevation
of buildings
erected
on front
lands to
require
approval.

46.—(1) All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Corporation becomes front land shall be erected according to such elevation as the Corporation approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the door or entrance or the building wall or fence in a line and the elevation of the building wall or fence fronting to or towards the street in accordance with a drawing approved by the Corporation and in case the Corporation for a space of six weeks after any drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof.

(2) 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.

(3) The Corporation shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

Erection
of retaining
walls.

47.—(1) Before any person shall erect on any land a retaining wall of greater height than six feet abutting on or adjacent to any street or road he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Corporation.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner

who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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48. Section 157 of the Public Health Act 1875 shall be extended so as to empower the Corporation to make byelaws for securing the adequate lighting of buildings.

Extension of section 157 of Public Health Act 1875.

49. The Corporation may make byelaws with respect to the following matters (namely):—

Byelaws as to materials and construction of buildings &c.

(1) The materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or re-set in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act :

(2) The uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united :

(3) The testing of drains of new buildings :

(4) The nature size materials position and level of waterclosets the provision to be made for securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost.

50. Section 23 of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section.

Area of habitable rooms.

51.—(1) Every building erected after the passing of this Act and exceeding two storeys in height used or intended to be used as flats or as a tavern hotel restaurant hospital boarding-house common lodging-house or school or as a shop in which building sleeping accommodation

Means of escape from buildings in case of fire.

A.D. 1923. — is or is intended to be provided for the use of persons employed in or about such shop shall be provided on each of the storeys above the second storey (hereinafter referred to as an "upper storey") with such means of escape in the case of fire for the persons dwelling sleeping or employed in each upper storey or resorting thereto as may be reasonably required under the circumstances of the case and no such building shall be allowed by the owner thereof to be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) After the first day of January nineteen hundred and twenty-four the Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as a shop in which sleeping accommodation is or is intended to be provided for the use of persons in or about such shop if in their opinion such building is not provided with proper and sufficient means of escape from each upper storey in case of fire for the persons dwelling or sleeping in each such upper storey may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he gives twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and award costs.

Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection.

(3) If the owner alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Corporation under this section he may apply to the county court and thereupon the county court after hearing the occupier may make such order as appears to the court just and equitable under all the circumstances of the case.

(4) The owner of the building shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any requirements of the Corporation under this section. A.D. 1923.

(5) The means of escape in case of fire provided in any building in pursuance of this section shall be maintained in good and efficient condition and free from obstruction.

(6) This section shall not apply to premises to which sections 14 and 15 of the Factory and Workshop Act 1901 or any enactment amending those sections apply.

(7) 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.

52. When the plans of any new mill factory or similar building are submitted to the Corporation for approval the Corporation may require that no firing place shall be constructed so as to open directly on to any street or road and any person who shall contravene any such requirement shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings. Firing places in mills &c. not to open on to streets.

53.—(1) In any case where a building shall have been reported to the Corporation as dangerous to the inmates thereof or persons working therein or in the case of any building which may appear to the Corporation on the report of the surveyor to be dangerous to such inmates or persons the Corporation may order a complete external and internal inspection and examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours' notice to the occupier of the building and on producing written authority from the town clerk enter at any hour of the day between nine o'clock in the morning and six o'clock in the afternoon with such other persons as he may deem necessary upon such building and examine and inspect the same. Powers as to dangerous buildings.

(2) If upon such examination and inspection it shall appear necessary that any works shall be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Corporation in respect of such building and the works to be carried out therein shall

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have and may exercise all or any of the powers vested in the Corporation with respect to dangerous structures in the borough.

Power to
require
taking
down or
repair of
neglected
buildings.

54.—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may order the owner at his option either to take down or to repair such building (in this section referred to as a “neglected structure”) or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed the Corporation may with all convenient speed enter upon the neglected structure and execute the order.

(3) Where the order directs the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

Byelaws as to
food storage
accommoda-
tion.

55. The Corporation may make byelaws for securing the provision of sufficient and properly ventilated food

storage accommodation in dwelling-houses erected after the passing of this Act. A.D. 1923.

56.—(1) Every person intending to erect any stand or structure for affording sitting or standing accommodation for a number of persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the Corporation a plan and section thereof and shall comply with such regulations as the Corporation may prescribe for securing the stability of such stand or structure and for securing the safety of persons to be accommodated thereon. Restriction on erection of temporary stands &c.

(2) Any person acting in contravention of this section or offending against such regulation shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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

(2) Any person who acts in contravention of any of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

58.—(1) The owner of any dwelling-house erected after the passing of this Act which is not provided with a proper and sufficient water supply within such dwelling-house who shall occupy or allow to be occupied such dwelling-house and the owner of any dwelling-house erected before the passing of this Act which is not provided with a proper and sufficient water supply within such dwelling-house who shall occupy the same or allow the same to be occupied shall respectively be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings: As to houses without water supply.

(2) Provided that—

(a) The owner of any dwelling-house erected before the passing of this Act shall not be liable to the

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penalties provided by subsection (1) of this section unless the Corporation shall have given to such owner one month's notice in writing requiring him to provide such dwelling-house with a proper and sufficient water supply within such dwelling-house;

- (b) The Corporation shall repay to the owner of any such dwelling-house erected before the passing of this Act one-third of the amount reasonably expended by him in complying with the requirements of such notice (including the cost of providing and fixing any necessary sink and connection to the drain);
- (c) This section shall not apply to a dwelling-house erected before the passing of this Act which has no scullery or to any dwelling-house in respect of which a sewer or drain and a water main are not reasonably available.

Byelaws as
to stables.

59. The Corporation may make byelaws for securing the proper ventilation and lighting of and for the prevention of insanitary conditions (a) in or about or arising out of any existing stable not being used as such at the passing of this Act or (b) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

Existing
closets
when
altered to
be replaced
by water-
closets.

60.—(1) Where a sufficient water supply and sewer are reasonably available no new closet shall be erected or maintained in place of any existing closet accommodation in connection with any building unless such new closet be a watercloset which shall comply with the byelaws for the time being in force.

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

Improper
construc-
tion or
repair
of water-
closet
or drain.

61.—(1) If a watercloset drain or soil pipe 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 nuisance or injury or danger to health could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

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(2) 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 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.

62. Section 22 (Sanitary conveniences for manufactories &c.) of the Public Health Acts Amendment Act 1890 shall be extended so as to confer upon the medical officer and the sanitary inspector respectively the same power as is conferred upon the surveyor by subsection (2) of that section.

Extension of powers as to sanitary conveniences for manufactories &c.

63.—(1) The contractor or builder engaged in or upon the erection of a new building or the construction or reconstruction of any works in the borough shall where practicable provide to the reasonable satisfaction of the Corporation and until the completion of any such construction re-construction or alteration such water or other closets and urinals in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed.

Sanitary conveniences for workmen engaged on buildings.

(2) 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.

64.—(1) The Corporation may by resolution declare that any sewer for the time being belonging to or vested in them shall thenceforth be appropriated and used for sewage (in this section called a "sewage sewer") and they may also declare that any other sewer for the time being belonging to or vested in them shall thenceforth be appropriated and used for surface water (in this section called a "surface water sewer").

Separate sewers for surface water and sewage.

(2) Where under the provisions of any Act for the time being in force in the borough the Corporation have power to require any street to be sewered they may require provision of separate sewage sewers and surface

A.D. 1923. — water sewers and the provisions of that Act shall apply to such sewers accordingly :

Provided that the provisions of this subsection shall not be exercised unless and until the Corporation shall have provided sewers adequate and proper for the purpose of receiving the sewage from such separate sewage sewers and shall have provided sewers or other outlets adequate and proper for the purpose of receiving the surface water from such separate surface water sewers.

(3) (a) Where separate sewage sewers and surface water sewers shall have been provided (whether before or after the passing of this Act) no sewage shall be allowed to pass from any premises into the surface water sewers and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers except with the consent in writing of the Corporation.

(b) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(c) Provided that in the case of any premises existing at the time of the provision of separate sewers the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient effectually to drain such premises the provisions of this subsection shall not apply to such premises until the Corporation have at their own expense made all necessary alterations to the drains and pipes of such premises in order to keep separate the sewage and surface-water drainage thereof and the Corporation may if they think fit make all such alterations.

Power to require specially large sewer in new street.

65. If in any street not repairable by the inhabitants at large the Corporation for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street or the lands draining thereto the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Corporation and the additional cost thereof as ascertained by the surveyor shall be paid by the Corporation.

Prohibiting entry of petrol &c. into sewers.

66.—(1) Every person who wilfully or negligently turns or permits to enter into any sewer of the Corporation or any drain communicating therewith any

petroleum spirit or carbide of calcium from any workshop motor garage or other like premises shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

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(2) In this section the expression "petroleum spirit" means such crude petroleum oil made from petroleum coal shale peat or other bituminous substances and other products of petroleum and mixtures containing petroleum as when tested in manner set forth in Schedule 1 to the Petroleum Act 1879 gives off an inflammable vapour at a temperature of less than seventy-three degrees of Fahrenheit's thermometer.

67. The Corporation may on the application and at the expense of any person owning or occupying premises abutting or fronting on any street not repairable by the inhabitants at large wherein a sewer has been laid lay down take up alter re-lay or renew in across or along such street such drains as may be requisite or proper for connecting such premises with the sewer doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers such compensation to be ascertained by and recovered before a court of summary jurisdiction.

Power to lay drains in private streets.

68.—(1) It shall not be lawful for any person to re-construct or alter the course of any drain which communicates or is intended or required to communicate with any public sewer or cesspool or other receptacle for drainage except in accordance with the enactments and byelaws relating to the drainage of buildings for the time being in force.

Re-construction of drains to be approved.

(2) 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.

69.—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Corporation or communicating with any cesspool or other receptacle for drainage without giving to the Corporation twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving the like notice of his intention to do so.

Notice of intention to repair drains.

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(2) Free access to such drain or work of repair shall be afforded to the surveyor or any officer of the Corporation authorised in writing by him for the purpose of inspection.

(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

Corporation
may order
houses to
be drained
by a
combined
drain.

70.—(1) If it appears to the Corporation 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 the premises the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and of the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners subject to a right of appeal under subsection (4) of this section.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Corporation shall not except by agreement with the owners exercise the powers conferred by this section in respect of any house for the drainage of which plans shall have been previously approved by them.

(4) Any person deeming himself aggrieved by the amount of any costs and expenses proposed to be recovered by the Corporation under this section or the amount to be borne and paid by him may appeal to a petty sessional court provided that such appeal be made within two months from the date of the service of notice by the Corporation intimating the amount payable or their apportionment thereof. On any such appeal the petty sessional court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just. The costs of any such appeal shall be paid in such manner and

by such parties to the appeal as the petty sessional court may direct. A.D. 1923.

71.—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage 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
Amend-
ment 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 a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

72.—(1) Where in connection with any building existing at the passing of this Act any pipe from any bath sink or lavatory in such building or any pipe in such building for carrying off foul waste water is not provided or constructed in the manner which is specified in respect of such matters by the byelaws for the time being in force in the borough with respect to the drainage of existing buildings and the Corporation consider it desirable for sanitary reasons that any such pipe as aforesaid shall be provided or constructed in the manner which is specified by such byelaws the Corporation may by order require that any such pipe as aforesaid shall where practicable be so provided or constructed in the manner specified by such byelaws.

Discharge
and trap-
ping of pipes
from slop
stones &c.

(2) Any person neglecting or refusing for a period of twenty-eight days to comply with any such order from the Corporation shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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(3) Any expense incurred in complying with any such order under this section beyond a sum of four pounds shall be borne by the Corporation.

Soil pipes
to be
ventilated.

73.—(1) Where in connection with any watercloset within a house or building the soil pipe is not properly ventilated by means of a pipe carried up therefrom or otherwise is not constructed in the manner which is specified in respect of such matters by the byelaws for the time being in force in the borough with respect to the drainage of existing buildings and the Corporation consider it desirable for sanitary reasons that such soil pipe shall be ventilated or constructed in the manner which is specified by such byelaws the Corporation may by order require that such soil pipe shall if practicable be so ventilated or constructed in the manner specified by such byelaws and if impracticable then by such other method as the Corporation shall direct.

(2) Any owner or occupier of such house or building who shall neglect or fail to comply with any such order of the Corporation for a period of twenty-eight days shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Power to
reconstruct
drain if laid
in contra-
vention
of Public
Health Act
1875.

74. Where any person has been convicted of causing any drain to be constructed in contravention of section 25 (Penalty on building house without drains in urban district) of the Public Health Act 1875 the court may in addition to imposing a penalty under that section order that the drain shall be laid re-laid or amended or re-made as the case may require in accordance with the provisions of that section and if such person shall not comply with the order within one month after the date thereof the Corporation may cause the drain in respect of which such conviction has been obtained to be laid re-laid or amended or re-made as the case may require and may recover from such person the expenses incurred by them in so doing.

Wilful
damage
to drains
water-
closets &c.

75. If any person cause any drain watercloset earthcloset 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 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 compen-
sation in respect of any damage suffered by him by
reason of such act.

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76. The owner or owners of any premises the water
from which is carried away by any covered or uncovered
drain or channel crossing the footpath in any public
street shall keep such drain or channel and all gullies
traps grates and appurtenances thereto belonging in good
repair and any person who after reasonable notice in
writing from the Corporation shall fail to comply with the
provisions of this section shall be liable to a penalty not
exceeding five pounds and to a daily penalty not exceed-
ing forty shillings and the Corporation may themselves
if they think fit do the work and recover the expense
incurred by them in that behalf from such owner or
owners.

Repair of
surface-
water
channels.

77. 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 this Part of
this Act or under any byelaw made thereunder then after
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.

Penalty on
occupiers
refusing
execution
of Act.

78. The provisions of this Part of this Act shall not
extend or apply to any building structure or erection
(not being a dwelling-house) belonging to or used or occu-
pied by the Southern Railway Company as part of or
in connection with their undertaking under any Act
of Parliament.

Saving for
Southern
Railway
Company.

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PART IV.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Power to
close
Sunday
schools and
exclude
children
from enter-
tainments.

79.—(1) If the Corporation or any committee of the council acting on the advice of the medical officer with the view of preventing the spread of infectious disease in the borough require the closing of any Sunday school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with.

(2) Any person responsible for the conduct or management of any school or any department thereof or place of public entertainment or assembly wilfully failing to comply with any such requirement shall be liable to a penalty of five pounds.

Restriction
on attend-
ance of
children
at Sunday
schools and
places of
assembly
when
infectious
disease
prevails.

80.—(1) No person over the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the borough without having procured from the medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding forty shillings.

Special
provisions
to prevent
spread of
infectious
disease.

81. Any parent or other person liable to maintain a child in attendance at a school (including a Sunday school) who is aware of or has reason to suspect the occurrence of any infectious disease in any member of the family and who fails forthwith to notify such

occurrence to the head teacher or superintendent of the school shall be liable to a penalty not exceeding forty shillings :

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Provided that in any proceeding under this section a certificate purporting to be under the hand of the head teacher of an elementary school or continuation school stating that he has not received any notification as required under this section shall be evidence of the facts stated in the certificate.

82. For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes in addition to the diseases included in the definition contained in the section of this Act of which the marginal note is "Interpretation of terms" measles german measles whooping cough chicken pox and influenza.

Extended meaning of "infectious disease" for certain purposes.

83.—(1) If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly.

Names of laundrymen to be furnished.

(2) Any person who offends against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

84.—(1) The occupier of any building which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

Information to be furnished in case of infectious disease.

(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

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(3) In this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

Power to compensate dairymen for stoppage of milk supply in case of disease.

85. If any dairyman shall at the request of the Corporation stop his milk supply within the borough on account of the spread or suspected spread of infectious disease, or the probability that the consumption of such milk may cause tuberculosis to persons residing within the borough the Corporation may make compensation to him for any loss occasioned by such stoppage.

Prevention of contact with body of person dying of infectious disease.

86. Any person who being in charge of the body of any person who has died from any infectious disease shall permit or allow any other person unnecessarily to come into contact with such body shall be liable to a penalty not exceeding five pounds.

Removal of body of person dying of infectious disease.

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

Regulation of manufacture of ice cream.

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

(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

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

(c) Omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice cream or other similar commodity to give notice thereof to the medical officer;

shall be liable to a penalty not exceeding five pounds.

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice cream or similar commodity or materials for the manufacture of the same in any of the premises and the Corporation shall compensate the owner of the ice cream or similar commodity or materials so destroyed Provided that no compensation shall be payable in respect of any ice cream or similar commodity manufactured by such owner after such seizure.

(3) Every dealer in ice cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4) (a) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer vendor or merchant of 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 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned.

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(b) Any person refusing entry into or inspection of such premises as aforesaid or refusing inspection of the materials or commodities or articles of food therein or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

Power
medically
to examine
inmates of
common
lodging-
houses when
infectious
disease
prevails.

89. Whenever the medical officer shall report in writing to the Corporation or to a committee of the Corporation that there is a prevalence of dangerous infectious disease in the borough or the neighbourhood thereof and that there are reasonable grounds to apprehend the spread or communication of such disease to persons within the borough by persons resorting to common lodging-houses the Corporation or such committee as aforesaid may by resolution declare that by reason of the prevalence of the dangerous infectious disease named in the resolution it is expedient that the medical officer should be entrusted with the special powers hereinafter mentioned and subject as hereinafter provided the following provisions shall thereupon be in force within the borough for such period as the Corporation or such committee as aforesaid having regard to the circumstances of the case shall in the resolution determine (that is to say) :—

- (1) The medical officer may when authorised by warrant granted by any justice on complaint on oath by the medical officer that he has reason to believe that the dangerous infectious disease named in the resolution of the Corporation or such committee as aforesaid may exist or has recently existed in any common lodging-house in the borough medically examine any person found in any common lodging-house in the borough with a view to ascertaining whether such person is suffering or has recently suffered from such disease. Any person obstructing the medical officer in making the examination aforesaid shall be liable to a penalty not exceeding forty shillings :
- (2) A copy of every resolution shall forthwith be sent by the Corporation or such committee as aforesaid to every keeper of a common lodging-house in the borough and to the Minister of Health :

(3) Unless approved by the Minister of Health any such resolution shall cease to be in force at the expiration of fourteen days after it is passed or any earlier date fixed by the Minister of Health: A.D. 1923.

(4) A warrant granted under this section may authorise the medical officer to exercise the powers of examination hereinbefore conferred during such period not exceeding the period during which the provisions aforesaid shall be in force as may be specified in such warrant.

90.—(1) If the Corporation deem it necessary on account of the existence or recent existence therein of infectious disease to close a common lodging-house they may make an application to a justice for an order to close the same and the justice if satisfied of the necessity of such closing may make an order for the closing of such house until the same shall have been disinfected to the satisfaction of and certified to be free from infection by the medical officer and any keeper of a common lodging-house who shall receive any lodger or suffer or permit any lodger to remain in such house after an order has been made to close the same and during the continuance of such order shall be liable to a penalty of five pounds for every day during which the offence continues. Power to close infectious common lodging-houses.

(2) The Corporation shall make compensation to the keeper of any such lodging-house for any loss he may sustain by reason of any such closing.

91. The Corporation may provide and supply (with or without charge therefor) to any registered medical practitioner antidotes and remedies against infectious disease. Power to supply anti-dotes against infectious disease.

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

93.—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any boat tent van shed or similar structure used for human habitation) in the borough would tend to prevent or check tuberculosis the town clerk shall Disinfection in case of tuberculosis.

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give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by and at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice.

(b) If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as aforesaid or if having so informed the Corporation as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer :

Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer.

(c) For the purpose of carrying into effect the provisions of this subsection the Corporation may by any officer who shall be authorised in that behalf in writing under the hand of the medical officer and who shall produce his authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

(d) Every person who shall wilfully obstruct any duly authorised officer of the Corporation in carrying out the provisions of this subsection shall be liable to a penalty not exceeding forty shillings.

(2) (a) The medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to an officer of the Corporation for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds.

(b) Such articles books things bedding and clothing shall be disinfected by the Corporation and returned to the owner free of charge.

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(3) If any person sustains any damage by reason of the exercise by the Corporation of any of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default compensation shall be made to such person by the Corporation and the amount of compensation shall be recoverable in and in case of dispute may be settled by a court of summary jurisdiction.

94.—(1) If the Corporation on the report in writing of their medical officer are satisfied that any person is suffering from pulmonary tuberculosis and is in an infectious state and that by reason of the lodging or accommodation with which such person is provided being such that proper precautions to prevent the spread of infection cannot be taken or by reason of such precautions not being taken serious risk of infection is caused to other persons and that thorough inquiry and consideration have shown the necessity in the public interest for the compulsory isolation of the person the Corporation may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such report and subject to examination if they think fit by a registered medical practitioner to be nominated by them may make an order for the removal of such person to a suitable hospital or place for the reception of the sick provided within the borough or within a convenient distance of the borough subject to the consent of the superintending body of such hospital or place and subject to the like consent for the detention and maintenance of such person therein for such period not exceeding three months as may be determined by such order or such further period not exceeding three months as may be determined by any further order made under and in accordance with the provisions of this section.

Removal of person suffering from pulmonary tuberculosis to hospital.

(2) The Corporation shall give to the person so suffering or some person being in charge of the person so suffering three clear days' notice of their intention to make such application and of the time and place when and where such application will be made.

(3) The Corporation may in their discretion during the period of detention make payments for or towards

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the effective support and maintenance of the relatives of or those actually dependent upon any person so suffering and removed to a suitable hospital or place as aforesaid whether voluntarily or in pursuance of an order made by the court as aforesaid and on the hearing of any application under this section the court shall take into consideration the amount necessary for such effective support and maintenance and shall not make an order unless they are satisfied that the Corporation will make a sufficient payment in any case in which it appears that a contribution is necessary for the support and maintenance of such relatives or dependents.

(4) An order under this section may be addressed to such constable or officer of the Corporation as the court making the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made. Such person or other person making the application shall give to the town clerk not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

Places
used for
storage &c.
of human
food not
to be used
as sleeping
places.

95.—(1) No room shop or other part of a building in which any food is sold or prepared or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale shall be used as a sleeping place.

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of a building as a sleeping place in contravention of this section he shall be liable to a penalty not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings.

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(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall be entitled at all reasonable times to enter into and inspect any premises on which he suspects that there is any contravention of the provisions of this section and any person refusing such entry or inspection or obstructing any such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

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96.—(1) Any premises used or proposed to be used for the preparation or manufacture of potted or preserved meat fish or other food intended for the purposes of sale shall be registered by the owner or occupier thereof with the Corporation from time to time and no premises shall be used for the purposes aforesaid unless the same are registered as aforesaid.

Registra-
tion of
premises
used for
preparation
of potted
and pre-
served
foods.

(2) Any person offending against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) Provided that the provisions of this section shall have no application to any premises occupied as a factory or workshop of which notice is required by subsection (1) of section 127 (Notice of occupation of factory or workshop) of the Factory and Workshop Act 1901 to be given or shall in any way affect the operation of that Act.

97.—(1) Subject to the provisions of this Act the medical officer and the sanitary inspector or any officer duly authorised by the Corporation in that behalf shall at all reasonable times have power to enter the premises of any vendor of or merchant or dealer in any commodity intended for the food of man or any premises where any such commodity is for the purposes of sale deposited or stored or in preparation for sale for the purpose of inspecting such premises and the materials or commodities or articles of food therein.

Power to
enter and
inspect
premises
where
food is
deposited
for sale.

(2) On any such inspection the said sanitary inspector or officer of the Corporation shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment therefor if required and if he intends to submit any sample to analysis he shall forthwith notify to the vendor merchant or dealer or the agent of such person his intention to have

A.D. 1923. — the same analysed and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such vendor merchant dealer or agent. The officer shall afterwards retain one of the said parts for future comparison and submit the third part if he deems it right to have the sample analysed to the analyst.

Houses
infested
with vermin
to be
cleansed.

98.—(1) If the medical officer or the sanitary inspector has reasonable cause to suppose that any house is infested with vermin he may enter on such house and may inspect and examine the same and any articles therein for the purpose of ascertaining whether such house is infested with vermin.

(2) Where on the certificate of the medical officer or the sanitary inspector it appears to the Corporation that any house is infested with vermin the Corporation shall give notice in writing to the occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and any articles therein and if so required in the notice to remove the wall paper or other covering from the walls of such house or the portion thereof specified in the notice and to take such other steps for the purpose of destroying and removing vermin as the case may require.

(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable to a penalty not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the Corporation may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all reasonable costs and expenses incurred by the Corporation in so doing shall (subject as hereinafter provided) be recoverable from the person making the default.

(4) Every person who shall wilfully obstruct any authorised officer or servant of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(5) Upon any proceedings under this section the court may inquire as to whether any requirement con-

tained in any notice given or any work done by the Corporation was reasonable and as to whether the costs and expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such costs and expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

A.D. 1923.

(6) For the purposes of this section the word "house" includes any boat tent van shed or similar structure used for human habitation.

99.—(1) The power of making and enforcing byelaws under section 90 (Local Government Board may empower local authority to make byelaws as to lodging-houses) of the Public Health Act 1875 shall be deemed to include the making of byelaws for requiring the provision in every building constructed or reconstructed by way of conversion so as to comprise two or more separate or self-contained flats or tenements of closet accommodation adequate for the use of and readily accessible to the persons occupying each such flat or tenement and where necessary for securing separate accommodation as aforesaid for every part of such building which is occupied as a separate dwelling.

Closet accommodation in houses occupied by more than one family.

(2) The provisions of subsections (2) (3) and (4) of section 26 (Byelaws respecting houses divided into separate tenements) of the Housing and Town Planning &c. Act 1919 shall apply with any necessary modifications as if the same were set out in this section.

100. Section 90 (Local Government Board may empower local authority to make byelaws as to lodging-houses) of the Public Health Act 1875 shall operate so as to empower the Corporation to make byelaws with respect to the following matters relating to houses which are let in lodgings or occupied by members of more than one family (that is to say):—

Byelaws as to houses let in lodgings or occupied by more than one family.

- (1) For requiring a placard to be affixed in each room so let or occupied setting forth the cubical content and accommodation thereof;
- (2) For requiring a separate approach to each such room or tenement so occupied without passing through any other room or tenement.

A.D. 1923.

—
Cleansing of
verminous
persons.

101.—(1) The Corporation may from time to time provide free of charge temporary shelter or house accommodation with any necessary attendants and apparatus for cleansing and freeing from vermin the person and clothes of any person who shall be certified by the medical officer to be infested with vermin or in a foul and filthy condition or suffering from any contagious or infectious disease of the skin and may on the certificate of the medical officer cause any such person who consents to leave his house or whose parent or guardian (where the person is under the age of sixteen years) consents to his leaving the house to be removed therefrom to such temporary shelter or house accommodation for the purpose of disinfecting and cleansing his person and clothing and in the like case and on the like certificate may cause any such person who or (where the person is under the age of sixteen years) whose parent or guardian does not consent to his leaving the house to be removed therefrom to and detained in any such temporary shelter or house accommodation where a court of summary jurisdiction on the application of the Corporation and on being satisfied of the necessity of the removal and detention make an order for the removal and detention subject to such conditions (if any) as are imposed by the order. The Corporation shall in every case cause the removal and detention to be effected and the condition of any order satisfied without charge to the person removed or to the parent or guardian of that person.

(2) Any person who wilfully disobeys or obstructs the execution of an order under this section shall be liable to a penalty not exceeding five pounds.

(3) The cleansing of females under this section shall only be effected either by a person duly qualified as a medical practitioner or by a female person.

(4) If any person at the request of the Corporation or under an order of such court shall cease his employment in order to comply with such order the Corporation may and in case of an order of the court shall make compensation to him for any loss he may suffer thereby.

(5) For the purpose of this section the word "house" includes any boat tent van shed or similar structure used for human habitation.

(6) This section shall not apply to any child.

102.—(1) The medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer may examine the person and clothing of any child (other than children in boarding schools including reformatory and industrial schools) and if on examination the medical officer or any such authorised person as aforesaid shall be of opinion that the person or clothing of any such child is infested with vermin or is in a foul or filthy condition the medical officer may give notice in writing to the parent or guardian or other person who is liable to maintain or has the actual custody of such child requiring such parent guardian or other person to cleanse properly the person and clothing of such child within twenty-four hours after the receipt of such notice.

.A.D. 1923.
—
Cleansing
of children
and their
clothing.

(2) If the person to whom any such notice as aforesaid is given fails to comply therewith within the prescribed time the medical officer or some person provided with and if required exhibiting the authority in writing of the medical officer may remove the child referred to in such notice and may cause the person and clothing of such child to be properly cleansed in suitable premises and with suitable appliances and if necessary for that purpose may without any warrant other than this Act convey to such premises and there detain such child until such cleansing is effected.

(3) Where after the person or clothing of a child has been cleansed under this section the parent or guardian or other person liable to maintain the child allows him to get into such condition that it is again necessary to proceed under this section the parent guardian or other person shall be liable to a penalty not exceeding ten shillings.

(4) The examination or cleansing of females under this section shall only be effected either by a person duly qualified as a medical practitioner or by a female person being a member of the staff of the medical officer.

(5) Any notice required to be given under this section shall be deemed to be properly served by giving it to the person to whom it is addressed or leaving it for him with some inmate of his residence or by sending the same by post in a registered letter to his usual or last known residence.

In any such notice it shall be sufficient to designate the person to be served as the parent guardian or other

A.D. 1923. person liable to maintain or having the actual custody of
— such child whose person or clothing requires to be
cleansed.

As to filthy
premises.

103.—(1) If the owner of any dwelling-house or tenement or premises occupied therewith represents to the Corporation that the occupier of such dwelling-house tenement or premises habitually maintains the same in a filthy condition the medical officer or any officer of the Corporation duly authorised in that behalf may enter upon such dwelling-house tenement or premises and inspect the same and if the medical officer or other officer is satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house tenement or premises within such time as may be specified in the order and any such order may be enforced in the manner provided by section 34 (Summary order to do act other than a payment of money) of the Summary Jurisdiction Act 1879.

(2) Any expenses incurred by the Corporation under this section and not paid by the occupier shall be recoverable from the owner of the dwelling-house tenement or premises.

Rag and
bone
dealers
not to
sell food.

104.—(1) It shall not be lawful for any collector of or dealer in rags or bones or similar articles or any person carrying on the business of a rag and bone merchant or any person acting on behalf of any such person as aforesaid to sell or distribute within the borough any articles of food from any cart barrow or other vehicle used for the collection of rags bones or similar articles or in or from any shop or premises used for or in connection with the business of rag and bone merchants.

(2) Every person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

Public
notice of
provisions
of this Part
of Act.

105.—(1) Public notice of the foregoing provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in at least one newspaper published or circulating in the borough and by a notice affixed outside the town hall and by the distribution of hand-bills amongst persons affected or

likely to be affected so far as such persons can reasonably be ascertained. A.D. 1923.

(2) The production of a copy of a newspaper containing the advertisement shall be sufficient evidence that the provisions of this section as to advertisements in newspapers have been complied with.

106. The Corporation may from time to time make byelaws for securing the cleanliness and protection from contamination of articles intended for human food while being conveyed through or along any street and for securing the cleanliness of any cart vehicle or receptacle in which such articles are so conveyed. Byelaws requiring covering of meat &c. during conveyance through streets.

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

108.—(1) The Corporation may by notice in writing require the occupier of any house office warehouse shop stall or workshop to provide and maintain portable galvanised iron refuse bins with close fitting galvanised iron covers or lids and such bins shall be of such number size and construction as may be approved by the Corporation and any occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation shall for every such offence be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings. Regulation dustbins.

(2) Provided that this section shall not apply in respect of any premises where ashpits ashtubs or other receptacles for refuse are in use at the passing of this Act so long as the same are of suitable number material size and construction and in proper order and condition.

A.D. 1923.

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Notice of
slaughter of
animal
unfit for
human food.

109. Where any person being the owner of any bull ox cow heifer calf sheep lamb or pig which is emaciated or diseased and unfit for human food is about to slaughter the same or about to cause the same to be slaughtered he shall give previous notice to the medical officer or sanitary inspector of such intention and shall on the application of the medical officer or sanitary inspector within six weeks from the date of such slaughter furnish such information within his knowledge as the medical officer or sanitary inspector may reasonably require for the purpose of enabling inquiries to be made to trace the disposition of the carcase or any part thereof.

Any person failing to give such notice or refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding ten pounds.

Power to
close
slaughter-
houses if
injurious
to public
health.

110.—(1) (a) The Corporation may by written notice to the owner and occupier of any registered slaughter-house within the borough which from its situation or construction is in the opinion of the Corporation a nuisance or injurious or dangerous to the public health require that the premises shall cease to be used as a slaughter-house on and after such date (not being less than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises.

(b) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion a nuisance or injurious or dangerous to the public health the Corporation shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion a nuisance or so injurious or dangerous and also specifying their requirements in regard thereto and if within the said period of three months the owner or occupier of such slaughter-house or either of them shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Corporation.

(c) Provided also that any such owner or occupier may within one month after receiving any such notice in writing from the Corporation object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the public interests or the interests of public health and any such objection shall failing agreement between the Corporation and the owner or occupier making the same be determined on appeal to the Minister of Health by that Minister and unless and until that Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question.

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875 Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance to this section.

(3) If any person acts in contravention of the provisions of subsection (1) of this section he shall be liable for each offence to a penalty not exceeding five pounds.

PART V.

OFFENSIVE TRADES.

111.—(1) For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by this Act a trade business or manufacture shall be deemed to be established not only if it is established for the first time but also if without the consent of the Corporation (a) it is removed from any one set of premises to any other premises or (b) it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or

Amend-
ment of
law as to
offensive
trades.

[Ch. civ.] *Chatham Corporation* [13 & 14 GEO. 5.]
Act, 1923.

A.D. 1923. — (c) any premises on which it is for the time being carried on are enlarged but a trade business or manufacture shall not be deemed to be established for the first time on any premises by reason only that the ownership or occupation of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

(2) Any consent of the Corporation to the establishment of any offensive trade or to the enlargement of any premises on which any offensive trade is carried on may be given so as to continue in force for such period only as the Corporation may prescribe by such consent and section 112 of the Public Health Act 1875 and this section shall be construed accordingly.

(3) If any person shall carry on such offensive trade beyond the period aforesaid he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Discon-
tinuance of
offensive
trades.

112.—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by this Act and in the opinion of the Corporation it is inexpedient in the interests of public health that such trade should be carried on in such premises the owner or occupier of the same may be required after six months' notice in writing by the Corporation under the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade.

(2) Any person who fails or neglects to comply with the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) If the Corporation under the provisions of this section require any person to cease to use such premises for the carrying on of an offensive trade they shall pay compensation to such person for any loss sustained by him in consequence of the action of the Corporation. Provided that this subsection shall not apply in the case of any premises with respect to which

the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

A.D. 1923

(4) The powers of this section shall be in addition to and not in derogation of the existing powers of the Corporation with reference to offensive trades.

PART VI.

COMMON LODGING-HOUSES.

113. The Corporation may give notice to every person who at the date of the passing of this Act is registered as the keeper of a common lodging-house in the borough requiring him to make application in writing to the Corporation within one month after receipt of such notice or within such further period as the Corporation may prescribe for a licence to keep a common lodging-house in the borough and to receive lodgers therein and such application shall specify the premises in respect of which application is made for such licence and the number of lodgers proposed to be received therein. Such notice shall be given by leaving the same for each registered common lodging-house keeper at his lodging-house and may be in the form set out in the Second Schedule to this Act or to the like effect.

Corporation may give notice requiring application for licence to keep a common lodging-house.

114. The Corporation shall as soon as practicable after any such application shall have been made to them make or cause to be made all necessary and proper inspections and inquiries as to whether (a) the person so applying is a fit and proper person to have the control and management of a common lodging-house and (b) the premises in respect of which application is made for a licence are suitable for use and occupation as a common lodging-house having regard to their structure surroundings adjoining or neighbouring buildings and other circumstances and also to the number health safety and convenience of persons occupying or intended to occupy the same and to the provision of sufficient means of escape in case of fire. If the Corporation are satisfied as respects the matters (a) and (b) aforesaid they may

As to granting of licences.

A.D. 1923.

grant to the applicant a licence to use the premises specified in his application for the purpose of a common lodging-house and to receive lodgers therein.

Period of
licence and
renewal
thereof.

115. Subject as hereinafter mentioned such licence shall be valid for the period of one year from the date thereof but after the expiration of the said period the same shall be of no force or effect. The person named in any such licence (hereinafter referred to as "a licensed lodging-house keeper") may at or before the expiration of the said period make application to the Corporation to renew his licence in respect of the same premises and if the Corporation shall think fit they may renew such licence accordingly for a further period of one year from the expiration of any licence and so from time to time. Provided that licences granted or renewed by the Corporation under this Part of this Act shall expire on such day in every year as the Corporation may fix notwithstanding that the period during which any such licence shall remain valid may exceed or be less than one year from the date thereof.

Appeal
against
refusal of
licence.

116.—(1) The Corporation shall not refuse to grant or renew a licence under this Part of this Act except upon the ground (a) that the person applying to be licensed is not a fit and proper person to be licensed as a common lodging-house keeper or (b) that the premises are not suitably equipped or are in other respects not suitable for use and occupation as a common lodging-house.

(2) If the Corporation refuse to grant a licence under this Part of this Act they shall if required by the applicant deliver to him a statement in writing of the ground or grounds upon which such licence is refused.

(3) If the licence or renewal of licence be refused any person aggrieved by such refusal may appeal to a court of summary jurisdiction provided that such appeal be made within fourteen days from the date of such refusal and that not less than twenty-four hours' notice of such appeal be sent to the town clerk.

(4) If a licence or renewal of licence be refused upon the ground that the premises are not suitably equipped or are in other respects not suitable for use and occupation as a common lodging-house the court shall have power to appoint a person being a properly

qualified surveyor or architect to examine and report to them upon the condition of such premises and their suitability for the purposes of a common lodging-house.

A.D 1923.

(5) The costs of any such appeal including the expenses of any such examination and report as aforesaid shall be paid in such manner and by such parties to the appeal as the court may direct.

(6) On any such appeal the court may after considering any representations made by the Corporation either confirm the refusal or direct the Corporation to grant a licence and the Corporation shall comply with any such direction.

117. From and after the expiration of the period of notice to be given by the Corporation as aforesaid no person unless he shall have applied for and obtained a licence under this Part of this Act shall keep a common lodging-house in the borough or receive lodgers therein 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.

Unlicensed person not to keep a common lodging-house.

118. Any person who shall hereafter be desirous of becoming a licensed lodging-house keeper in the borough shall be at liberty to make application to the Corporation in the same manner as if he had at the date of the passing of this Act been a registered common lodging-house keeper and the provisions of this Part of this Act shall apply accordingly.

Future application for licences.

119. Section 80 of the Public Health Act 1875 shall operate so as to include the making by the Corporation of byelaws as regards the maintenance in good condition and free from obstruction of all precautions and means of escape in case of fire which may be provided in or in connection with a common lodging-house.

Byelaws as to common lodging-houses.

120. Notice shall be given to the Corporation of the death of any common lodging-house keeper in the borough forthwith after the same shall have occurred and the right by section 77 of the Public Health Act 1875 conferred upon the widow or any member of the family of a common lodging-house keeper to keep such common lodging-house open and to receive lodgers therein for four weeks after such death without

Procedure on death of common lodging-house keeper.

A.D. 1923. — registration shall not be exerciseable unless such notice shall have been duly given.

As to appli-
cation of
provisions
of Public
Health
Acts.

121.—(1) The provisions of this Part of this Act shall as from the passing of this Act apply and have effect as respects the borough in substitution for the provisions of sections 76 77 and 78 of the Public Health Act 1875 and of section 69 of the Public Health Acts Amendment Act 1907 Provided that as respects any person who at the date of the passing of this Act is registered under the said Public Health Acts as a common lodging-house keeper and the common lodging-house kept by that person such substitution shall not take effect until the date of any notice given by the Corporation to that person under the section of this Act of which the marginal note is “ Corporation may give “ notice requiring application for licence to keep a “ common lodging-house.”

(2) Nothing in this section or in any other provision of this Part of this Act shall interfere with or affect the operation of sections 79 80 81 82 83 84 85 86 (other than paragraph (1) of that section which shall not apply within the borough) 87 and 89 of the Public Health Act 1875 or of sections 70 71 72 73 and 74 of the Public Health Acts Amendment Act 1907 as regards any common lodging-house in the borough and the keeper of any such common lodging-house except that all references in the said sections or any of them (other than the said sections 70 and 71) to registration shall be construed as references to licensing under the provisions of this Part of this Act.

Applica-
tion of
common
lodging-
house
provisions
to certain
houses &c.

122. No house or part of a house within the borough shall be exempt from the provisions with respect to common lodging-houses of the Public Health Acts or this Act or any byelaws made thereunder on the ground that accommodation in such house or part of a house is let for a longer period or longer periods than one day or is not let for a less period than one week.

PART VII.

PARKS AND PUBLIC BUILDINGS.

Power
to let
recreation

123. The Corporation may purchase take on lease or acquire land for the purposes of athletic meetings

cricket football and other games and for those purposes or any of them may lay out the whole or any portion of any land so purchased taken on lease or acquired or any portion of any park or place of public resort or recreation set apart by them under the provisions of the Public Health Acts Amendment Act 1907 and may from time to time let to any club company body or persons the whole or any portion of such land or any portion of any park or place of public resort or recreation so set apart by the Corporation and may upon such lands or upon the portions of parks or places of public resort or recreation so set apart erect construct and maintain all proper and convenient houses pavilions dressing - rooms and other buildings works and conveniences :

A.D. 1923.

—
grounds &c.
to cricket
clubs &c.

Provided that nothing in this section shall empower the Corporation to let at one and the same time more than fifty per centum of the total area of the parks and places of public resort and recreation for the time being belonging to them and under their control.

124. When any portion of a park or place of public resort or recreation is set apart by the Corporation for any purpose under paragraph (b) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 and specially laid out and maintained for any such purpose the Corporation may charge reasonable sums for the use thereof for that purpose.

Charge for
use of
recreation
grounds.

125. The Corporation may make such reasonable charges as they may think fit for admission to and for the use of any halls pavilions bandstands assembly rooms and other buildings belonging to them or for the use of any buildings or enclosures in any park or place of public resort or recreation or land used for the purposes mentioned in this Part of this Act and they may also make such charge for the use of chairs and conveniences as they may deem fit.

Power to
charge for
admission.

126. Subject to the provisions of this Act—

- (1) The Corporation may provide or arrange for the provision or carrying on of suitable concerts entertainments athletic meetings exhibitions and amusements and for the sale of programmes and refreshments in any buildings belonging to them or in any

Provision
of enter-
tainments.

A.D. 1923.
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park or recreation ground for the time being vested in them or under their control or upon any land for the time being belonging or leased to them and the Corporation may let any such building belonging to them or any part of such park or recreation ground or land as aforesaid or any building or part thereof erected in any such park or recreation ground or on any such land for the purposes of such concerts entertainments athletic meetings exhibitions or amusements or for the sale of refreshments for such periods or occasions and upon such terms and conditions as the Corporation may think fit :

Provided that any letting under this section of any building for the purpose of an entertainment other than for a period of less than one month shall be by tender and the Corporation shall secure the best rent reasonably obtainable ;

- (2) The Corporation may in any park or recreation ground vested in them or upon any such land as aforesaid enclose an area for the purpose of any such concert or other entertainment as aforesaid.

Power to
make bye-
laws.

127. The Corporation may make byelaws for securing good and orderly conduct during any concert entertainments exhibitions or amusements provided or carried on in pursuance of the provisions of this Part of this Act and also for regulating the use of any bowling greens lawn tennis courts and croquet lawns provided by them under the provisions of this Part of this Act.

Power to
advertise
entertain-
ments and
attractions.

128. The Corporation may pay or contribute towards the cost of providing and maintaining at public places in the borough and on passenger boats or public conveyances plying between the borough and other places and in newspapers published or circulating in the borough advertisements of the performances and entertainments provided at their halls pavilions band-stands assembly rooms and other buildings.

Power to
appoint
officers.

129. The Corporation may appoint officers for securing the observance of this Part of this Act and of

the provisions of all other Acts relating to parks and pleasure grounds and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

A.D. 1923.

130. Any moneys received by the Corporation under the provisions of the sections of this Part of this Act of which the marginal notes are respectively "Provision of entertainments" and "Power to advertise entertainments and attractions" shall be carried to the credit of the borough fund and the expenses incurred by them in the exercise of the powers contained in those sections shall be paid out of the same fund and rate Provided always that the net amount of any payments made by the Corporation under the provisions of this section after deducting any moneys received by them thereunder shall not in any one year exceed a sum equivalent to that which would be produced by a rate of one penny in the pound levied on property in the borough assessable in that year to the borough rate.

Receipts
and
expenses.

PART VIII.

HACKNEY CARRIAGES.

131.—(1) For the purpose of the provisions of the Town Police Clauses Acts 1847 and 1889 with respect to hackney carriages the borough shall be the prescribed distance except with respect to any hiring taking place within the borough in which case ten miles from the town hall shall be the prescribed distance Provided that it shall not be obligatory on the drivers of hackney carriages to contract to carry persons for hire a longer distance beyond the borough than five miles.

Alteration of prescribed distance for plying of hackney carriages.

(2) In the case of any such hiring within the borough any offence against any byelaw of the Corporation with respect to hackney carriages whether such offence shall have been committed within the borough or not may be brought before and determined by any justice or justices of the peace having jurisdiction in the borough.

132. The provisions of the Town Police Clauses Act 1847 and the byelaws of the Corporation in force with respect to hackney carriages shall be as fully applicable

Vehicles at railway stations.

A.D. 1923. — in all respects to hackney carriages standing or plying for hire at any railway station or railway premises within the borough as if such railway station or railway premises were a stand for hackney carriages or a street :

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

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand of any hackney carriage in any railway station or railway premises or in any yard belonging to a railway company except with the consent of the railway company owning such station premises or yard.

Power to grant occasional licences for hackney carriages and other public vehicles.

133. An occasional licence for a hackney carriage omnibus or other public vehicle to ply for hire may be granted by the Corporation to be in force for such day or days or other periods less than one year as may be specified in the licence.

Byelaws as to hackney carriages.

134. The power to make byelaws conferred upon the Corporation by section 68 of the Town Police Clauses Act 1847 shall be extended so as to include power to make byelaws for all or any of the following purposes (that is to say) :—

- (a) For the inspection of every hackney carriage at all reasonable times when required by the inspector of hackney carriages appointed by the Corporation ;
- (b) For the cessation of user of a hackney carriage which at any time fails in any way to comply with the requirements of the byelaws respecting the fitness of hackney carriages for public hire ;
- (c) For the fixing of fares to be charged for the use of any motor hackney carriage by time and distance combined ;
- (d) For the provision of a deposit of a reasonable sum by the owner of every motor hackney carriage applying for a licence for such carriage as a security for the number plate fare plate and inside number plate and for the deposit by the driver of every motor hackney carriage of a reasonable sum as security for his badge ;

- (e) For the furnishing by the owner of every hackney carriage to the inspector of hackney carriages or any police constable on request being made by him of the name and place of abode of any person who was authorised to drive such carriage at any specified time within seven days previous to such request being made; A.D. 1923.
- (f) For the notification in writing to the town clerk by the driver of any hackney carriage of any change in his place of abode.

PART IX.

FINANCIAL AND RATING PROVISIONS.

135.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective funds and rates mentioned in the third column of the said table and they shall repay all money so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the fourth column thereof (namely):—

1	2	3	4
Purposes.	Amount.	Charge.	Period for Repayment.
(a) The purchase of lands for the purposes of Part II. (Street improvements and lands) of this Act.	The sum requisite.	The district fund and general district rate.	Sixty years from the date or dates of borrowing.
(b) The construction of the street improvements authorised by the said Part II.	£450	The district fund and general district rate.	Thirty years from the date or dates of borrowing.
(c) For paying the costs charges and expenses of this Act.	The sum requisite.	The borough fund and borough rate.	Five years from the passing of this Act.

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(2) (a) The Corporation may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act.

(b) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Minister of Health.

(c) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister of Health.

(3) The provisions of this section prescribing the revenue fund or rate which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes."

Power to
use sinking
fund
instead of
borrowing.

136.—(1) Where the Corporation are authorised by any statutory borrowing power to raise moneys for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of a sinking fund as shall be available for the repayment of—

(a) a loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(b) moneys borrowed and charged upon all the revenues of the Corporation and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Corporation when exercising the powers conferred on them by this section shall—

(a) withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;

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—

(b) credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;

(c) debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Corporation shall furnish all such information (if any) to the Minister of Health with regard to the exercise of the powers contained in this section as that Minister shall require.

137. In calculating the amount which the Corporation may borrow under the provisions of the Public Health Acts any sums 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 re-borrowing 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.

Certain provisions of Public Health Acts not to apply.

138. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another 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 sections 15 and 16 of that Act.

Mode of raising money.

A.D. 1923.

—
Provisions
of Public
Health
Act 1875
as to mort-
gages to
apply.

139. Subject to the provisions of the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" the following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

Section 236 (Form of mortgage).

Section 237 (Register of mortgages).

Section 238 (Transfer of mortgages).

Mode of
payment
off of
money
borrowed.

140. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the moneys are repaid by half-yearly instalments within six months from the date of borrowing.

Sinking
fund.

141.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed and maintained either:—

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

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

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory

securities the Corporation being at liberty from time to time to vary and transpose such investments. A.D. 1923.

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

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

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

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

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

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as

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—

will cause the sinking fund to be sufficient for that purpose and if it appears to the Minister of Health that any such increase is necessary the Corporation shall increase the payments to such extent as that Minister may direct.

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

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

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

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

Rate of
accumulation
of
annual
payments
to sinking
fund for
repayment
of loans.

142. Notwithstanding anything contained in the Acts or regulations governing the same the rate of accumulation of the annual payments to every accumulating sinking fund which has been formed by the Corporation for any purpose shall be three pounds ten shillings per centum per annum or such other rate as the Minister of Health may from time to time approve.

143. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund for the payment off of moneys borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

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—
Power to invest all sinking funds in statutory securities.

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

Appoint-
ment of
receiver.

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

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

Protection
of lenders
from
inquiry.

146.—(1) The Corporation shall have power—

- (a) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended forthwith to be repaid; or
- (b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

Power to
re-borrow.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of

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the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

- (a) By instalments or annual payments; or
- (b) By means of a sinking fund; or
- (c) Out of moneys derived from the sale of land; or
- (d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Power to
use one
form of
mortgage
for all
purposes.

147.—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Third Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted

under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the town clerk a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without fee or reward and the town clerk or other person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Third Schedule to this Act or to the like effect.

(9) There shall be kept at the office of the town clerk a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal

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—

and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby.

(11) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Corporation not to regard trusts or bound to see to application of moneys.

148. The Corporation shall not be bound to see to the execution of any trust whether express 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 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.

Return respecting sinking fund to Minister of Health.

149.—(1) The treasurer shall within forty-two 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 respect of any moneys raised by the Corporation under any statutory borrowing power and not raised by the issue of stock and at any other time when the Minister of Health may require such a return to be made transmit to the Minister of Health a return in such form as may be prescribed by that Minister and if required by him verified by statutory declaration of the treasurer showing for the year next preceding the making of such return or for such other period as the Minister 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 have been applied during the same period and the total amount (if any) remaining invested at the end of the year together with such further information (if any) as the Minister shall require and in the event of his failing to make such return the 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 Minister of Health out of the High Court.

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(2) If it appears to the Minister of Health by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Minister of Health 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 Minister of Health 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 Minister of Health out of the High Court.

150. All moneys borrowed under the provisions of this Act shall be applied only to the purposes for which they are authorised to be borrowed and (except in the case of money borrowed for current expenses) to which capital is properly applicable.

Applica-
tion of
moneys
borrowed.

151. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the borough fund.

Expenses of
execution
of Act.

152. Where more persons than one are registered as joint holders of any mortgage of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them.

Interest on
mortgages
held
jointly.

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Receipt in
case of
persons not
sui juris.Evidence of
transfer or
transmis-
sion of
securities.

153. If any moneys are payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation.

154. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875) except upon the production to and temporary deposit with the treasurer of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Audit of
accounts.

155.—(1) From and after the thirty-first day of March nineteen hundred and twenty-four sections 25 26 and 27 of the Municipal Corporations Act 1882 and section 246 of the Public Health Act 1875 shall cease to apply to any accounts of the Corporation or of the treasurer of the borough or of the officers of the Corporation and all accounts of the Corporation and of the treasurer and the officers of the Corporation under any public or private Act of Parliament or otherwise relating to matters dealt with by the Corporation in any capacity and including the accounts of any joint committee and of the officers of any joint committee appointed by the Corporation with the council of any county borough or district or any parish council shall be audited by a district auditor appointed by the Minister of Health in like manner as accounts of an urban authority and their officers are audited under sections 247 and 250 of the Public Health Act 1875 and those sections and all enactments amending them or applying to audit by district auditors including the provisions of section 61 of the Finance Act 1921 and the enactments imposing penalties and providing for the recovery of sums as well as all enactments relating to matters incidental to or consequential upon any such accounts or audit shall apply in like manner as if so far as they relate to an audit of the accounts of an urban authority and the officers of that authority they were herein re-enacted with the

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necessary modifications and accordingly all burgesses of the borough and all ratepayers and owners of property in the borough shall have the like rights and there shall be the same appeal as in the case of that audit.

(2) Nothing in subsection (1) of this section shall apply to the audit of the accounts of the Corporation for the financial year ending the thirty-first day of March nineteen hundred and twenty-three.

156.—(1) The Corporation may if they think fit in lieu of themselves making assessing and levying any general district rate order such rate to be made assessed and levied in the same manner as a borough rate and may enforce the payment thereof from the overseers in the same manner as in the case of the borough rate and if any such order be made by the Corporation the general district rate shall be made assessed and levied by the overseers in the same manner and under the same provisions (including the provisions as to appeals) as in the case of the poor rate but subject to the exemptions (partial or otherwise) for the time being applicable to such general district rate in respect of any property in the borough and such rate may be assessed and levied either separately or together with the poor rate assessed and levied in respect of the hereditaments rateable to such rate.

General district rate may be assessed as borough rate.

(2) In the event of the Corporation making any order in pursuance of this section—

(a) Any other rate for the time being leviable by the Corporation may be included with the poor rate (but distinguished therefrom) in any book or books of assessment and in one demand note. The demand note shall be in such form as the Minister of Health may approve ;

(b) The overseers shall recover and enforce the poor rate in the same manner as the general district rate is recoverable and enforceable under the Public Health Act 1875 and the provisions of section 2 (In default of distress for non-payment of rates justices may issue warrant of commitment) of the Distress for Rates Act 1849 with respect to the recovery and enforcement of the poor rate shall cease to apply. Provided that any provisions limiting the period within which

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—

proceedings must be commenced for the recovery of the general district rate in a court of summary jurisdiction shall not apply to the poor rate.

Keeping
and audit
of accounts.

157.—(1) In the event of the Corporation making an order in pursuance of the section of this Act the marginal note whereof is “General district rate may be assessed as borough rate” the accounts of the overseers and collectors of poor and other rates relating to the general district rate shall be submitted to and be audited by the district auditor in the manner provided by section 37 (Rates made by overseers not now audited made subject to the audit of district auditor) of the Divided Parishes and Poor Law Amendment Act 1876 and that rate shall be deemed to be a rate within the meaning of that section.

(2) The expenses of the overseers in connection with the assessment levying and collection of the general district rate shall be paid out of the district fund.

(3) The provisions of section 5 (Regulations as to audit) of the District Auditors Act 1879 shall apply to the accounts of the overseers and collectors.

Owner may
be rated
instead of
occupier in
certain
cases.

158. On an order being made by the Corporation in pursuance of the section of this Act whereof the marginal note is “General district rate may be assessed as borough rate” the following provisions shall apply and have effect (that is to say):—

(1) The owner instead of the occupier may from time to time at the option of the Corporation be rated to the poor borough and general district rates leviable within the borough—

(a) Where the rateable value of the property does not exceed eight pounds or such other limit of value as shall be substituted by or under any Act of Parliament for the limit of eight pounds mentioned in section 3 of the Poor Rate Assessment and Collection Act 1869; or

(b) Where the premises are let in separate apartments; or

(c) Where the rents are collected weekly:
Provided that the owner so rated shall be bound to pay the rates whether the premises are

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occupied or not and shall be entitled to such deduction not being less than seventeen and a half per centum nor more than twenty-five per centum as the Corporation and the overseers may deem reasonable from the amount of the rates when paid by him if he shall pay the same within three months after the rates shall have been demanded :

(2) When the Corporation exercise the option under this section of causing the owner to be rated instead of the occupier they shall forthwith give notice thereof to the overseers and the overseers shall rate the owner accordingly and the provisions of this section shall apply within the borough in substitution for the provisions with regard to the rating of owners instead of occupiers which are contained in sections 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869 and in section 211 of the Public Health Act 1875 :

(3) Unless and until the Corporation exercise the option given to them by this section the provisions of sections 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869 as amended by or under any Act of Parliament for the time being in force in the borough shall remain in operation and shall extend and apply to the general district rate (in substitution for the said provisions of section 211 of the Public Health Act 1875) in like manner as they apply to the poor rate.

159.—(1) The Corporation may appoint and remove such officers as they may deem necessary to assist the overseers in the discharge of their duties and the salaries and expenses of such officers shall be determined by the Corporation and paid out of the poor rate and other local rates and funds in such proportions as the Corporation shall determine.

Power to
appoint
officers to
assist over
seers.

(2) All officers so appointed shall give security for the due performance of their duties as may be required by the Corporation and such security shall be deposited with the Corporation.

160. The powers of section 221 (Rates may be amended) of the Public Health Act 1875 shall extend

Power to
amend
rates to

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—
accord
with new
valuation
lists.

to enable the council to amend any rate made by them in pursuance of such Act so as to make the assessment to such rate accord with any new or supplementary valuation list made during the currency of such rate.

PART X.

MISCELLANEOUS.

Power to
grant
gratuities
to officers
and
servants
and their
families
in certain
cases.

161.—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Act 1906 or the School Teachers' (Superannuation) Act 1918 and not entitled to benefits under a scheme established under the Local Government and other Officers Superannuation Act 1922 grant a gratuity of any sum (not exceeding two years' pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or been paid if he had continued in his office or service.

(3) In and for the purposes of this section the expression "officers or servants" shall include any teacher who at the date of the passing of this Act is or shall thereafter be permanently and exclusively employed by the Corporation as the local education authority for the borough or permanently and exclusively employed in any public elementary school in the borough (whether provided by the Corporation as the local education authority or not so provided) or permanently and exclusively employed in any school college or hostel provided by the Corporation for the purposes of higher education under the provisions of the Education Act 1921.

Power to
subscribe
to hospitals
&c. and
pay
expenses
of public
ceremonies.

162. The Corporation may out of the borough fund—

(1) Pay reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and

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the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of the said associations or any of them and of purchasing reports and contributing towards the expenses of any such conferences or meetings :

(2) Pay the reasonable expenses of the Corporation in providing public entertainments on the occasion of public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough and on the conferring of the freedom of the borough on any persons and in providing suitable addresses and gifts on such occasions :

(3) Pay—

(a) reasonable subscriptions whether annually or otherwise not exceeding in the whole two hundred pounds in any one year to the funds of any hospital infirmary nursing institution or other institution of a similar character and of any home established in the borough for the care of boys and girls and which may be mainly supported by voluntary subscriptions; and

(b) reasonable subscriptions not exceeding in the whole twenty guineas in any one year in aid of local units of the territorial forces rifle clubs and other institutions established in or connected with the borough for the purpose of rendering national or public services.

163.—(1) For the better regulation of persons desiring to travel in carriages used on tramways (which expression shall be deemed to include light railways) and in omnibuses the Corporation may make byelaws applicable within the borough or any part thereof requiring persons waiting to enter such carriages and omnibuses at any stopping place or terminus to wait in lines or queues and to enter carriages and omnibuses in the order in which they stood in such line or queue and in the event of the Corporation making any such byelaws they may erect and maintain barriers and posts

Power to require intending passengers to wait in lines or queues.

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— may with the consent of the road authority use part
of the highway.

(2) Any byelaws made under this section shall be made subject and according to the provisions of section 46 (Byelaws by local authority Promoters may make certain regulations) and section 47 (Penalties may be imposed in byelaws) of the Tramways Act 1870 and those provisions shall apply accordingly.

Byelaws as to pleasure fairs.

164.—(1) The Corporation may from time to time make byelaws—

- (a) For regulating the hours during which pleasure fairs may be open to the public;
- (b) For securing safe and adequate means of ingress and egress to the ground upon which any pleasure fair is held;
- (c) For the prevention or suppression of nuisance or nuisances and for preserving decency order and public safety at any pleasure fair.

(2) In this section the expression “pleasure fair” means any entertainment which is run for profit and held wholly or mainly in the open air or in tents or other temporary erections and which consists of or includes any or all of the following whether or not in combination with any other forms of entertainment that is to say any travelling circus theatrical performance exhibition of human beings or performing animals merry-go-round roundabout switchback railway cocoanut shy hoop-la shooting gallery or swings or any thing similar to any of the foregoing Provided that the said expression does not include any fair held by statute charter royal licence letters patent or ancient custom.

Notice of processions to be given.

165. Any person or persons intending to organise or form a public or ceremonial procession or a circus procession or procession of wild animals through the streets of the borough shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets If any such procession passes through the streets of the borough without such notice having been previously given or

otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

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166. The power to make byelaws conferred on the Corporation by section 23 of the Municipal Corporations Act 1882 shall be deemed to enable the Corporation to make byelaws in accordance with the provisions of this section for prescribing the streets in which the hours during which and the manner according to which animals may be led or driven along the streets of the borough. Provided that the route or routes prescribed by any such byelaws shall not be such as would prevent the passage of cattle by a reasonably short and convenient route between any market or licensed or registered slaughter-house and any railway station in the borough or any place beyond the boundary of the borough when such animals are merely passing between such market or slaughter-house and railway station or other place as aforesaid. Provided also that any such byelaw shall not prevent the owner of any animal driving the same to his own premises.

Byelaws
as to
leading or
driving
cattle.

167.—(1) If any squatter or gipsy or other person dwelling in a tent or van or other similar structure occupies land within three hundred yards of any dwelling-house and the occupation of such land by him is a nuisance or injurious to health a court of summary jurisdiction may on complaint by the Corporation make an order prohibiting (either absolutely or subject to conditions) the further occupation of such land or any other land within a radius of one thousand yards thereof by such squatter gipsy or other person and if the order be not complied with the squatter gipsy or other person shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Power to
prohibit
tents
vans &c.

(2) The Corporation before making any complaint shall give to the owner or lessee of the land so occupied or to the person who has suffered the land to be so occupied not less than seven days' notice in writing of their intention so to complain and shall at the same time give a similar notice to any squatter gipsy or other person with regard to whom the complaint is intended to be made.

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(3) This section shall not apply to any person dwelling in a tent or van or other similar structure who is a roundabout proprietor or stallholder (not being a pedlar or hawker).

No person to have care of more than one cart.

168.—(1) Notwithstanding anything contained in the Highway Act 1835 or in the Town Police Clauses Act 1847 no person shall act as the driver of or have the care of more than one cart waggon or carriage each drawn by an animal or animals in any street in the borough within a radius of one mile from the town hall and no person shall fasten or allow to be fastened to the rear of any such cart waggon or carriage any other cart waggon or carriage drawn by an animal or any animal drawing a cart waggon or carriage.

(2) Any person acting in contravention of this enactment shall be liable to a penalty not exceeding twenty shillings.

Power to manufacture slabs &c.

169. The Corporation may convert any clinkers or other refuse or surplus material or product arising in connection with their undertakings into slabs of artificial stone bricks concrete mortar and other materials and may construct such buildings and works and may in connection therewith provide and erect such machinery plant and appliances as may be required and any such slabs bricks concrete mortar or other materials so produced may be utilised by the Corporation for making and repairing streets or for any other purposes connected with the work of the Corporation for which they may be suitable or may be sold by the Corporation who shall carry the proceeds arising from any sales thereof to the credit of the district funds.

Byelaws as to cemetery.

170. The Corporation shall with respect to any cemetery belonging to them and established under the Burial Acts have the same power of making byelaws as if such cemetery had been established under the Public Health (Interments) Act 1879.

In executing works in default of owner or occupier no liability for damages to be incurred

171. Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the

absence of any negligence on the part of the Corporation or the surveyor or any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

A.D. 1923.

—
except
in case of
negligence.

172. Where under the provisions of this Act the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Act are recoverable by the Corporation from the 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.

Apportion-
ment of
expenses of
sanitary
works
between
different
owners.

173. The provisions of the following sections of the Public Health Act 1875 (namely):—

Provisions
as to
confirma-
tion &c.
of byelaws.

Section 182 (Authentication and alteration of bye-laws);

Section 183 (Power to impose penalties on breach of byelaws);

Section 184 (Confirmation of byelaws); and

Section 185 (Byelaws to be printed &c.)

so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act except where otherwise provided and except byelaws made under the section of this Act of which the marginal note is "Byelaws as to leading or driving cattle" Provided that as respects byelaws made under the section of this Act of which the marginal note is "Byelaws as to pleasure fairs" the Secretary of State shall be substituted for the Minister of Health.

174. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of Part III. (Streets buildings sewers drains &c.) and Part IV. (Infectious disease and

Power to
enter
premises.

A.D. 1923.

—
Application
of section
265 of
Public
Health
Act 1875.Deter-
mination of
amount of
compensa-
tion &c.Damages
and charges
to be settled
by justices.Recovery of
penalties
&c.Recovery
of demands
in county
court.Laying of
informa-
tions and
complaints.Evidence of
appoint-
ments

sanitary provisions) of this Act as if those purposes had been mentioned in the said section 102.

175. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein.

176. 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.

177. 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 or determined by a court of summary jurisdiction before whom any offender is convicted.

178. 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.

179. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

180. 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 any officer of the Corporation duly authorised in that behalf or by the town clerk.

181. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant

solicitor or agent of the Corporation or of any committee of the Corporation under this Act or under any general or local Act for the time being in force in 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 or order of the Corporation or any resolution order or report of any committee of the Corporation a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be primâ facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

A.D. 1923.

—
authority
&c.

182. Any person deeming himself aggrieved by any condition order judgment determination prohibition apportionment or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Parts III. IV. V. and VI. of this Act or by any conviction or order made by a court of summary jurisdiction or a petty sessional court under the provisions 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 Corporation may in like manner appeal.

Appeal to
quarter
sessions.

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

Application
of penalties.

184. 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

Saving for
indictments
&c.

A.D. 1923. — Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Summons or warrant may contain several sums.

185. Where the payment of more than one sum by any person is due under this Act any summons or warrant issued for the purposes of this Act in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Judges &c. not disqualified.

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

Authentication and service of notices &c.

187.—(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 borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

(2) Notices demands orders and any other documents required or authorised to be served under this Act or byelaw for the time being in force within the borough may be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) 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 registered office or at their principal office or place of business.

Consents to be in writing.

188. All consents given by the Corporation under the provisions of this Act or of any local Act Provisional Order byelaw or regulation for the time being in force within the borough shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation.

Effect of breach of conditions attached to consent.

189. Where under this Act or under any general or local Act for the time being in force in the borough the Corporation 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 are 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.

190.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Minister of Health shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

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Inquiries by
Minister of
Health.

(2) The Corporation shall pay to the Minister of Health any expenses incurred by that Minister 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 Minister not exceeding five guineas a day for the services of such inspector.

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

Powers of
Act cumu-
lative.

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

Crown
rights.

193. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of 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 borough fund or out of money to be borrowed for that purpose.

Costs of
Act.

[Ch. civ.]

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The SCHEDULES referred to in the
foregoing Act.

FIRST SCHEDULE.

LIST OF PROPERTIES OF WHICH PART ONLY MAY BE TAKEN.

Borough	Numbers on deposited Plans.													
	—	—	—	—	—	—	—	—	—	—				
Chatham -	-	-	-	-	-	2	3	4	5	6	7	8	9	10.

SECOND SCHEDULE.

FORM OF NOTICE TO LODGING-HOUSE KEEPER.

Take notice that in pursuance of the provisions of the Chatham Corporation Act 1923 the mayor aldermen and bur-
gesses of the borough of Chatham hereby require you to make
application to them in writing on or before the day
of for a licence to keep a common
lodging-house in the borough of Chatham and to receive lodgers
therein and to specify in such application the premises in respect of
which your application is made and the number of lodgers proposed
to be received therein And the Corporation hereby give you
notice that if you omit to make such application on or before the
said day of and thereafter keep
or continue to keep a common lodging-house in the said borough
you will under the provisions of the said Act be liable to a penalty
not exceeding five pounds and to a penalty not exceeding forty
shillings for every day during which the offence continues after
conviction thereof And further take notice that on your applying
to the town clerk of the borough at the town hall Chatham such
a licence as aforesaid if granted will be so granted by the
Corporation free of all charge to you.

Dated this day of

Town Clerk.

THIRD SCHEDULE.

A.D. 1923.

(Referred to in the section of the foregoing Act of
which the marginal note is "Power to use one
form of mortgage for all purposes.")

FORM OF MORTGAGE.

BOROUGH OF CHATHAM.

By virtue of the Chatham Corporation Act 1923 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Chatham (hereinafter referred to as "the Corporation") in consideration of the sum of _____ pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the borough by _____ (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee (his) executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee (his) executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of _____ per centum per annum from the _____ day of _____ nineteen hundred and _____ until payment of the principal sum such interest to be paid half-yearly on the _____ day of _____ and the _____ day of _____ in each year And it is hereby agreed that the principal sum shall be repaid at the town hall in the said borough [(subject as hereinafter provided) on the _____ day of _____ nineteen hundred and _____ or (if not repaid on that date) at any time thereafter on the expiration of three calendar months' notice in writing by the Corporation to the mortgagee or by the mortgagee to the Corporation] [by _____]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Corporation and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the town clerk of the borough for the time being and that upon any such endorsement being made whether relating to extension

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A.D. 1923. of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their corporate seal to be hereunto affixed this day of nineteen hundred and .

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named consenting the within-mentioned time for repayment of the within-mentioned principal sum of is hereby extended to the day of nineteen hundred and [and the interest to be paid thereon on and from the day of nineteen hundred and is hereby declared to be at the rate of per centum per annum].

Dated this day of nineteen hundred and .

FORM OF TRANSFER OF MORTGAGE.

I (the within-named) of in consideration of the sum of pounds paid to me by of (hereinafter referred to as "the transferee") do hereby transfer to the transferee (his) executors administrators and assigns (the within-written security) (the mortgage number of the revenues of the mayor aldermen and burgesses of the borough of Chatham bearing date the day of) and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this day of nineteen hundred and .

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