

**CHAPTER iv.**

An Act to transfer to and vest in the Bognor Urban District Council the undertaking of the Bognor Water Company and to make further and better provision for the health local government finance and improvement of the district and for other purposes.

A.D. 1928

[19th December 1928.]

WHEREAS the urban district of Bognor (in this Act called "the district") is under the local government of the Bognor Urban District Council (in this Act called "the Council") and besides the powers conferred on them by the Public Health Acts and other public and general Acts they have divers powers under the Bognor Order 1914 the Bognor Order 1918 the Bognor Order 1922 and the Bognor Order 1924 which last-mentioned Order continued in force and consolidated various unrepealed provisions of certain local Acts and other Provisional Orders confirmed by Parliament :

And whereas the Bognor Water Company (in this Act called "the company") under and by virtue of the Bognor Water Act 1891 have constructed water-works and are supplying with water the urban district of Bognor and neighbourhood :

And whereas by the said Act it was declared that the capital of the company should be fifty thousand pounds (including eight thousand nine hundred and fifty pounds being the nominal amount of capital represented by old shares issued and fully paid up and further

A.D. 1928. — capital of forty-one thousand and fifty pounds authorised by the said Act) and that the company might borrow in respect of their capital any sum or sums not exceeding in the whole twelve thousand five hundred pounds :

And whereas by the Bognor Water Capital Issues Consent 1924 the Board of Trade acting under the Public Utility Companies (Capital Issues) Act 1920 consented to the creation and issue of debenture stock or the borrowing of money by the company to an extent not exceeding one-half of their capital for the time being issued and paid up :

And whereas the company have raised the whole of the share capital of fifty thousand pounds authorised by their said Act and such capital consists of eight hundred and eighty-six ordinary shares of ten pounds each and eighteen ordinary half shares of five pounds each entitled to a maximum dividend of ten per centum per annum one thousand six hundred ordinary shares of ten pounds each entitled to a maximum dividend of seven per centum per annum two thousand and fifty-two preference shares of ten pounds each entitled to a preferential dividend of five per centum per annum and four hundred and fifty-three preference shares of ten pounds each entitled to a preferential dividend of five and one-half per centum per annum :

And whereas the company have also exhausted their borrowing powers under their said Act and under the said consent of the Board of Trade and there is now outstanding debenture stock to the amount of ten thousand and sixty pounds carrying interest at four per centum per annum and fourteen thousand nine hundred and forty pounds carrying interest at five and one-half per centum per annum :

And whereas it is expedient that the water supply of the district should be under the control of the Council and that the undertaking of the company should be transferred to and vest in the Council upon the terms prescribed by this Act and that the further provisions in regard to the supply of water contained in this Act should be conferred on the Council :

And whereas it is expedient that further provision be made with regard to the health local government and improvement of the district as by this Act provided :

And whereas it is expedient that the other provisions contained in this Act be enacted : A.D. 1928.

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

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 the approval of the Minister of Health has been obtained :

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

PART I.

PRELIMINARY.

1. This Act may be cited as the Bognor Urban District Council Act 1928. Short title.

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

Part I.—Preliminary.

Part II.—Acquisition &c. of undertaking of company.

Part III.—Supply of water.

Part IV.—Marine lake baths public buildings &c.

Part V.—Streets buildings sewers and drains.

Part VI.—Infectious disease and sanitary provisions.

Part VII.—Police and hackney carriages.

Part VIII.—Lands.

Part IX.—Financial.

Part X.—Miscellaneous.

3. The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) (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. Incorporation of Acts

A.D. 1928.

—
Interpreta-
tion.

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.

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

“The district” means the urban district of Bognor;

“The Council” means the Bognor Urban District Council;

“The company” means the Bognor Water Company;

“The directors” means the directors of the company;

“The company’s Act” means the Bognor Water Act 1891 recited in the preamble to this Act;

“The day of transfer” means the first day of April the first day of July the first day of October or the first day of January next following the day three months after the date of the Royal Assent to this Act;

“The undertaking of the company” includes all waterworks mains pipes machinery plant fixed and moveable stock-in-trade lands buildings registers of debenture stock and books (other than the minute books of the directors and such books as relate exclusively to the shareholders in and the constitution of the company and as may be necessary for the purpose of winding up the company) deeds agreements engineers’ opinions and reports plans descriptions of works vouchers letter books records of business and proceedings and all other the real and personal property assets and effects of whatever nature and all the rights powers and privileges vested in or belonging to or had and enjoyed by the company at the day of transfer except such a sum of money as may be required to make up dividends to be paid by the company to the holders of the preference shares and to the holders of the ordinary shares of the company in respect of the portion of the

period from the passing of this Act to the day of transfer for which dividends shall not have been paid by the company to the full amount at the rate of five per centum per annum and five and one-half per centum per annum and ten per centum per annum and seven per centum per annum respectively;

“The treasurer” “the clerk” “the medical officer” “the surveyor” and “the sanitary inspector” mean respectively the treasurer the clerk the medical officer of health the surveyor and the sanitary inspector of the district and include respectively any persons duly authorised to discharge temporarily the duties of those officers;

“The district fund” and “the general district rate” mean respectively until the date of the first new valuation as defined in the Rating and Valuation Act 1925 the district fund and the general district rate of the district and after the date of the first new valuation the general rate fund and the general rate of the district;

“The water limits” means the limits within which the Council are for the time being authorised to supply water;

“The water undertaking” means the water undertaking of the Council as from time to time authorised;

“Child” means a person under the age of sixteen years;

“Sunday school” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not;

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

“Food” has the meaning assigned to it by section 26 (Definition of “food”) of the Sale of Food and Drugs Act 1899;

A.D. 1928.

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

“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;

“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 Council;

“Revenues of the Council” includes the revenues of the Council from time to time arising from any land undertaking or other property for the time being of the Council and the rates or contributions leviable by or on the order or precept of the Council;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878.

Water
limits.

5. The limits of this Act for the supply of water by the Council after the day of transfer shall subject to the provisions of section 5 (Limits of Act) of the company's Act be the limits described in that section and which

limits now comprise the district and the parishes of Bersted Felpham Boxgrove Eartham Aldingbourne Slindon Oving Tangmere Eastergate Walberton North Mundham Merston Pagham Barnham Yapton and Middleton in the rural district of Westhampnett and the parish of Tortington in the rural district of East Preston in the county of Sussex. A.D. 1928.

PART II.

ACQUISITION &C. OF UNDERTAKING OF COMPANY.

6. On the day of transfer or on such later day as the price or consideration referred to in paragraphs (a) and (b) of subsection (1) of the next succeeding section of this Act are paid and satisfied the undertaking of the company shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Council subject to the provisions of this Act and to the debenture stock of the company. Transfer of undertaking of company.

7.—(1) The price or consideration to be paid by the Council to the company shall be the sum of seventy-four thousand six hundred and fifty-three pounds and shall be paid and satisfied on the day of transfer— Consideration payable to the company.

(a) As to the sum of sixty-five thousand eight hundred and three pounds by the issue by the Council to the company or to the company's nominees of five per centum stock of the nominal value of sixty-five thousand eight hundred and three pounds created by virtue of the section of this Act of which the marginal note is "Creation of stock as consideration for transfer" and issued by the Council under the provisions of this Act The certificates of such stock shall be made out in the names of such persons as the company having regard to the provisions of the section of this Act of which the marginal note is "Distribution of stock among shareholders of company" may require;

(b) As to the sum of eight thousand eight hundred and fifty pounds in cash.

(2) The Council shall also pay to the company the costs of winding up of the company not exceeding the sum of two hundred and fifty pounds.

A.D. 1928.

—
Distribution
of stock
among
shareholders
of company.

8.—(1) The said amount of sixty-five thousand eight hundred and three pounds five per centum stock of the Council shall be distributed by the directors among the several persons who on the day of transfer are the registered holders of shares in the capital of the company or their respective executors or administrators (in this section referred to as "holders") as follows:—

- (a) The sum of seventeen thousand nine hundred pounds of such stock among the holders of ordinary shares entitled to a maximum dividend of ten per centum per annum in proportion to the amounts of their respective holdings;
- (b) The sum of twenty-two thousand four hundred pounds of such stock among the holders of ordinary shares entitled to a maximum dividend of seven per centum per annum in proportion to the amounts of their respective holdings;
- (c) The sum of twenty thousand five hundred and twenty pounds of such stock among the holders of five per centum preference shares in proportion to the amounts of their respective holdings;
- (d) The sum of four thousand nine hundred and eighty-three pounds of such stock among the holders of five and one-half per centum preference shares in proportion to the amounts of their respective holdings.

(2) The said sum of eight thousand eight hundred and fifty pounds cash shall be distributed by the directors among the holders of the ordinary shares of the company entitled to a maximum dividend of ten per centum and also among the holders of the ordinary shares of the company entitled to a maximum dividend of seven per centum in proportion to the amounts by which the dividends actually paid on such shares have fallen short of the said maximum dividends.

Debenture
stocks of
company to
be a first
charge on
under-
taking.

9. The debenture stocks of the company and the interest thereon shall as from the day of transfer and until discharged be a first charge on the water undertaking and notwithstanding the transfer of the undertaking of the company to the Council remain a trustee security. Provided that nothing in this or in any other section of this Act contained shall affect the priority of any rent charge or sum reserved by or payable under

any conveyance or lease granted to the company in pursuance of the company's Act or any Acts incorporated therewith and which is entitled to rank in priority to or *pari passu* with the interest on the debenture stock of the company.

A.D. 1928.

10.—(1) If any person who on the day of transfer is the registered holder of debenture stock of the company or his executors or administrators desires the whole or any part of the debenture stock of which he is the holder to be exchanged for five per centum stock of the Council or to be redeemed and of such his desire shall within two months after the date of the Royal Assent to this Act give to the Council notice in writing in that behalf the Council shall issue to such person or his executors or administrators five per centum stock of the Council created by virtue of the section of this Act of which the marginal note is "Creation of stock as consideration for transfer" or pay to such person or his executors or administrators cash at the following rates:—

Power to debenture stock holders to require issue of substituted stock or redemption.

(a) The amount of eighty pounds of such stock or eighty pounds cash in respect of every one hundred pounds of debenture stock of the company carrying interest at four per centum per annum and so in proportion for any smaller sum; and

(b) The amount of one hundred and ten pounds of such stock or one hundred and ten pounds cash in respect of every one hundred pounds of debenture stock of the company carrying interest at the rate of five and one-half per centum per annum and so in proportion for any smaller sum.

(2) A copy of this section shall within one month after the date of the Royal Assent to this Act be sent by the Council by registered post to every person whose name and address was entered in the registers as a holder of debenture stock of the company on that date.

11.—(1) The Council may by agreement with the holder of any portion of either of the debenture stocks of the company at any time substitute for the debenture stock so held by him any stock or other security of the Council or pay off the amount secured by such stock and redeem the security with moneys raised under the

Power to redeem debenture stocks of company.

A.D. 1928.

powers of this Act and the holder of any such debenture stock whether or not he is a trustee or under any disability may agree with the Council to accept any stock or other security of the Council in lieu of money in consideration for his debenture stock and the Council may in either of such cases make such reasonable payment as they may think fit to the holder of any such debenture stock for his consent or for otherwise compensating him for the substitution or the payment of or redemption of his security and any such payment may be either by money or by stock or other security of the Council or partly by one and partly by the other.

(2) Any stock or other security under this section substituted for any debenture stock shall be held in the same rights on the same trusts and subject to the same powers provisions charges and liabilities as those in on or subject to which the debenture stock was held immediately before the substitution and so as to give effect to and not to revoke any deed will or other instrument or testamentary or other disposition disposing of or affecting the same and every such deed will instrument or disposition shall take effect with reference to the whole or a proportionate part as the case may be of the substituted stock or security.

Council to pay debts and to be entitled to rents after transfer.

12. The Council shall pay and discharge (so far as the same shall not have been previously discharged by the company) the debts and liabilities of the company and shall indemnify the company from all claims in respect thereof and shall be entitled to all rates rents profits and other receipts receivable in respect of the undertaking of the company.

Exercise of powers until transfer.

13. Until the day of transfer the company shall maintain and carry on their undertaking as heretofore in the ordinary course of business maintaining normal quantities of consumable stores but the company shall not without the previous consent of the Council under the hand of the clerk (which consent shall not be unreasonably withheld) make or enter into any new contract agreement liability or other obligation in respect thereof which shall extend beyond the day of transfer.

Receipt for purchase money.

14. The receipt in writing of three directors of the company for any money or stock certificates paid or

delivered to the company shall effectually discharge the Council from the sum or amount of stock which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof and if from any cause the Council are unable to obtain any such receipt from the directors of the company they may pay the money or deposit the stock certificates due to the company into or with the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Council by the cashier of the said bank for the money or stock certificates which shall have the same effect as the receipt of three directors of the company.

A.D. 1928.
—

15.—(1) From and after the day of transfer the company shall continue to exist only for the purpose of receiving and recovering the consideration money or stock to which they become entitled under this Act and of distributing the consideration money or stock and any dividends or other moneys to be distributed by them and for winding up their affairs and carrying into effect the purposes of this Act so far as they relate to the company and the directors who are in office on the day of transfer and the survivors or survivor of them shall continue without re-election to hold office as directors and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the provisions of this Act relating to the company. If the number of the directors be reduced by death resignation or otherwise below three before the completion of such winding up the continuing directors shall from time to time choose a shareholder of the company to fill the vacancy so caused.

Winding up
of company.

(2) As soon as may be after the day of transfer the directors shall proceed to wind up the affairs of the company and shall pay and distribute the net consideration moneys or stock in accordance with the provisions of this Act.

(3) The company shall on publication in a local newspaper circulating in the district of a notice signed by three or more directors and certifying that all the

A.D. 1928. — provisions of this Act relating to the company have been complied with be dissolved.

(4) In case the directors are for six months after the day of transfer unable after diligent inquiry to ascertain the person to whom any money ought to be paid or stock issued or who can give an effectual receipt for the same they may pay or deposit such money or stock into or with the High Court under any Act for the time being in force for the relief of trustees and every such payment or deposit shall effectually discharge the company and the directors from any further liability with respect to such money or stock.

(5) If any money or stock is payable or issuable to any holder of shares of the company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the company and the directors.

(6) After the day of transfer the company shall have access at all reasonable times to their respective books documents and accounts for the purpose of making up the accounts of the company and for all other reasonable purposes in relation to the execution of the provisions of this Act.

Evidence of transfer.

16. The production of a King's Printer's or Royal Assent copy of this Act duly stamped together with a receipt for the price or consideration purporting to be signed by three directors of the company or by the cashier of the Bank of England shall (unless it can be proved that the price or consideration has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Council of the undertaking of the company.

Compensation to directors and auditors.

17.—(1) The Council shall on the day of transfer pay to the chairman of the directors the sum of five thousand two hundred and fifty pounds in cash which sum shall be applied as compensation to such of the directors as were in office both on the seventeenth day of December one thousand nine hundred and twenty-seven and on the day of transfer and such sum shall be distributed between such directors in such manner as they or a majority of them may determine.

(2) The Council shall also on the day of transfer pay to the chairman of the directors the sum of one

hundred and eighty-nine pounds in cash to be applied as compensation to such of the auditors of the company as were in office on the seventeenth day of December one thousand nine hundred and twenty-seven and on the day of transfer and such sum shall be distributed between the auditors in such manner as the directors or a majority of them may determine.

A.D. 1928.

(3) The receipt by the chairman of the directors for the payment of the said sums of five thousand two hundred and fifty pounds and one hundred and eighty-nine pounds respectively shall be a sufficient discharge to the Council.

18. The Council shall as from the day of transfer take over and employ for a period of not less than five years as engineer and manager of the water undertaking Frank John Martin the engineer and manager of the company at a rate of remuneration not less than that which the said Frank John Martin was receiving from the company on the thirty-first day of July one thousand nine hundred and twenty-eight or as may be otherwise agreed between the Council and the said Frank John Martin. The said Frank John Martin shall be entitled to retire from the service of the Council at the expiration of the said period of five years and to receive from the Council a superannuation allowance during life equal to two-thirds of the amount of the salary received by the said Frank John Martin at the date of his retirement.

As to
engineer and
manager of
company.

19. If the sums of money payable to the company under the provisions of subsection (1) (b) of the section of this Act of which the marginal note is "Consideration payable to the company" or to the chairman of the directors under the provisions of the section of this Act of which the marginal note is "Compensation to directors and auditors" are not paid on the day of transfer the Council shall pay to the company or to such chairman as the case may be interest at the rate of five and one-half per centum per annum on the sums unpaid from the day of transfer to the actual day of payment.

Interest on
unpaid
purchase
money &c.

20.—(1) The Council shall pay compensation to any officer or servant (other than the directors and auditors of the company and servants in receipt of weekly wages) in the regular employment of the company who shall not be retained by the Council in the same or similar

Compensa-
tion to
officers &c.
of company

A.D. 1928. office or employment and at the remuneration in and at which he was employed by the company on the seventeenth day of December one thousand nine hundred and twenty-seven in respect of any loss of office or loss or diminution of salary or income by reason of the transfer of the undertaking of the company to the Council and no such officer or servant who shall have been in the service of the company for fifteen years previous to the day of transfer shall lose his right to compensation as aforesaid by reason of his declining to enter into or continue in the service of the Council.

(2) The amount of compensation payable to any such officer or servant under this section shall be an annual amount calculated in accordance with the following scale :—

(i) For each completed year of service one equal sixtieth part of the loss or diminution suffered by him in the annual salary and emoluments of his office as received by him for the year ending on the thirty-first day of December one thousand nine hundred and twenty-seven but not exceeding in any case forty such sixtieths ;

(ii) In calculating the number of years' service of any such officer or servant as aforesaid the following additions shall be made :—

For twenty years of service and upwards ten years ;

For fifteen years of service or more than fifteen but less than twenty such years seven years ;

For ten years of service or more than ten but less than fifteen such years five years ;

For five years of service or more than five but less than ten such years three years ;

Under five years of service one year ;

(iii) Where any such officer as aforesaid was temporarily absent from his employment whilst serving in His Majesty's forces during the war such period of temporary absence shall be reckoned as service under the company.

(3) If within a period of five years after the day of transfer the services of any such officer or servant are

dispensed with by the Council because his services are not required and not on account of misconduct or incapacity or the salary of any such officer or servant is reduced on the ground that his duties have been diminished in consequence of the provisions of this Act the officer or servant shall be entitled to compensation in accordance with the provisions of subsection (2) of this section.

A.D. 1928.

(4) In awarding after the day of transfer pensions or calculating superannuation allowance to any such officer or servant taken over from the company the Council shall take into account the continuous service with the company of such officer or servant as if the same had been service with the Council.

21. Notwithstanding the transfer to the Council of the undertaking of the company the following provisions shall have effect (that is to say):— Savings.

(a) If at the day of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of such transfer but the same may be continued prosecuted and enforced by against or in favour of the Council as and when it might have been continued prosecuted and enforced by against or in favour of the company if this Act had not been passed :

(b) Except as in this Act otherwise expressly provided all agreements conveyances contracts deeds and other instruments entered into or made with or by the company and in force at the day of transfer shall so far as the same relate to or affect the undertaking of the company be as binding and of as full force and effect in every respect against or in favour of the Council and may be enforced as fully and effectually as if instead of the company the Council had been a party thereto :

(c) All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the company shall be admitted in evidence in

A.D. 1928.
—

respect of the same or the like matter for or against the Council :

- (d) All rates rents and charges in connection with the undertaking of the company which have been lawfully made charged or imposed and which at the day of transfer are due or if this Act had not been passed would have accrued due shall continue in force and be due and payable to and may be collected recovered and enforced by the Council as and when the same might have been payable to and collected recovered and enforced by the company if this Act had not been passed.

Application
of com-
pany's Act
to Council.

22. As from the day of transfer all the powers rights privileges authorities duties and obligations of the company under the company's Act shall be by virtue of this Act transferred to vested in and imposed on the Council and that Act shall be read and have effect as if the Council had been therein named instead of the company subject nevertheless and according to the following exceptions and provisions (namely):—

- (1) The provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Act 1863 as amended by subsequent Acts incorporated with the company's Act shall not apply to the Council :
- (2) None of the provisions of the company's Act or of any Acts incorporated therewith in any matter relating to the share or loan capital of the company or to any limitation of the amount of profit to be received by the company or undertakers or to the constitution meetings or directors of the company shall apply to the Council :
- (3) In the provisions of the Waterworks Clauses Acts 1847 and 1863 incorporated with the company's Act "the undertakers" shall mean the Council :
- (4) In the provisions of the Lands Clauses Acts incorporated with the company's Act "the promoters of the undertaking" shall mean the Council.

23. If at any time after the transfer of the undertaking of the company to the Council the Westhampnett Rural District Council (in this section called "the rural council") shall promote a Bill in Parliament for the constitution of a joint board consisting of representatives of the Council and the rural council for the supply of water within the water limits and for the transfer of the water undertaking to the joint board the Council shall not oppose such Bill directly or indirectly except in so far as they may deem it necessary in order to secure the insertion therein of provisions to protect their interests with respect to such transfer and to the terms of the Bill.

A.D. 1928.

—
Council not
to oppose
Bill by
West-
hampnett
Rural
District
Council for
formation
of joint
board.

24. The rural district council of Westhampnett in respect of the part of their district within the water limits may give and enter into any guarantee or contract for securing payment to the Council of such periodical or other sum or sums of money at such time or times in such manner and subject to such stipulations as may be agreed by and between such rural district council and the Council for the purpose of or with respect to the providing or laying down by the Council of any pipe or works for the supply of water within any part of such district which is within the water limits.

Guarantee
by West-
hampnett
Rural
District
Council.

PART III.

SUPPLY OF WATER.

25. Notwithstanding the provisions of section 70 of the Waterworks Clauses Act 1847 the Council may from time to time by resolution declare that all or any of the rates rents and charges which they are by this Act or any other Act or Order relating to the water undertaking authorised to demand and make shall commence and be payable at such time or times as the Council may by any such resolution determine Provided that nothing herein contained shall authorise the Council to require the payment of any rate rent or charge under this Act or any other Act or Order relating to the water undertaking more than three months in advance.

Dates for
payment of
water
rates &c.

26. The Council may if they think fit make an allowance by way of discount not exceeding the rate of five pounds per centum on all sums of money due to the Council for the supply of water from any person

Discounts
for prompt
payment
of water
charges.

A.D. 1928. — who pays the same within such time of the demand thereof as the Council think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Council shall allow such discount) be endorsed on every demand note in respect of such charges. Provided that the Council shall make the same allowance to all consumers under similar conditions.

Supply of water by hose-pipe to stables &c.

27. When water of the Council supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept for private use the Council may if a hose-pipe or other similar apparatus is used charge such additional sum not exceeding twenty-five shillings per annum (and where more motor cars than one are ordinarily kept a further sum not exceeding ten shillings per annum for each motor car beyond the first as the Council may prescribe) and any sum charged under the provisions of this section shall be paid quarterly in advance and be recoverable in the same manner as water rates.

Exclusion of supplies for certain purposes from domestic purposes.

28.—(1) Where a supply of water to a farmhouse is used for farming purposes the Council may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Council to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the annual value thereof.

(2) Where a person who takes a supply of water for domestic purposes from the Council desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Council shall be entitled to require that all water so used shall—

- (i) be taken by measure and be paid for accordingly and in that event the minimum quarterly charge for the water shall be ten shillings; or
- (ii) be paid for at such rates as may be agreed between the consumer and the Council.

Equality of charges for water.

29.—(1) The rates and charges for the supply of water for domestic purposes and for public purposes under section 37 of the Waterworks Clauses Act 1847 and to consumers by meter shall not be higher within

so much of the water limits as is within the West-hampnett Rural District than the rates and charges for the time being charged within the district.

A.D. 1928.

(2) The terms and conditions required by the Council for laying pipes for the supply of water whether under section 35 of the Waterworks Clauses Act 1847 or otherwise shall be the same in like circumstances throughout the water limits.

30.—(1) In the event of any meter used by a consumer of water being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

Period of error in defective meters.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in the like manner as charges for water supplied by meter are recoverable by the Council.

31. Every person who shall wilfully (without the consent of the Council) or negligently close or shut off any valve cock or other work or apparatus belonging to the Council whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Council) be liable on conviction to a penalty not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

Penalty for closing valves and apparatus.

32. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of the supply of water by the Council who shall without the authority of the Council turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Council and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Penalty for interfering with valves &c.

A.D. 1928.

—
Meters in
streets to
measure
water or
detect
waste.

33.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Council may for the purposes of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Council and stop-cocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus and the provisions of the said Act with respect to the opening and breaking up of sewers drains and tunnels shall *mutatis mutandis* extend and apply to the breaking up and interference with gas or water pipes under the powers of this section.

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

(3) Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1926 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section :

Provided also that the Council shall not without the previous consent of the Southern Railway Company exercise the powers of this section in respect to any street road land footway court or passage which is the property of or maintained by such company but such consent shall not be unreasonably withheld.

Amendment
of section 65
of com-
pany's Act.

34. If the owner of any house supplied with water by the Council when so required in pursuance of section 65 (Company not bound to supply several houses by one pipe) of the company's Act fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house the Council may themselves do the work necessary in that behalf and may recover from such

owner the cost incurred by them in so doing summarily as a civil debt. A.D. 1928.

35. Notwithstanding anything contained in any Act relating to the Council the Council shall have the exclusive right of executing any works on any of the water mains of the Council for connecting any communication pipe therewith and the Council shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Council execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Council in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt. Council to connect communication pipes with mains.

36.—(1) If it should appear to the Council that by reason of any injury to or defect in any communication pipe which the Council are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property it shall be lawful for the Council to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been ascertained the expense incurred by the Council for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Council from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier. Power to Council to repair communication pipes.

(2) Provided that except in case of emergency the Council shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises and in any case where the communication pipe is repairable by the owner of such house or premises to such owner not less than twenty-four hours' previous notice of their intention so to enter.

37. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several Maintenance of common pipe.

A.D. 1928.

owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Council in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer of the Council or other officer duly authorised in that behalf by the Council.

Opening of
ground by
person liable
to maintain
pipes &c.

38.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Council may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street execute such works on behalf of such owner or occupier and any expenses incurred by the Council shall be repaid by the owner or occupier with whom the agreement is made.

Application
of provisions
of Public
Health Acts
as to laying
of water
mains.

39. The Council shall have and may exercise the powers which a local authority would have under section 54 of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the water limits shall be deemed to be the district :

Provided that the Council shall not exercise such powers under over or across any lands or property belonging to the Southern Railway Company and used for the purposes of their undertaking without the consent of that company which consent shall not be unreasonably withheld and any question which may arise under this section between the Council and such railway company shall be referred to arbitration under the Arbitration Act 1889 the arbitrator unless otherwise agreed being appointed by the President of the Institution of Civil Engineers.

Byelaws for
preventing
waste &c. of
water.

40.—(1) The Council may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such

byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans water-closets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

A.D. 1928.

(2) Such byelaws shall apply only in the case of premises to which the Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Council may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirement of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Council as the water rates in respect of the premises are recoverable.

PART IV.

MARINE LAKE BATHS PUBLIC BUILDINGS &C.

41.—(1) Subject to the provisions of this Act the Council may on any part of the seashore beach or foreshore belonging or leased to them construct and maintain a marine lake and bathing pool together with such works appliances and conveniences as may be necessary or proper in connection therewith.

Marine lake
and bathing
pool.

(2) The Council may make such reasonable charges as they may think fit for the admission to and use of the marine lake and bathing pool by this Act authorised to be constructed or any part thereof or any works appliances or conveniences provided in connection therewith and the Council may if they think fit let any such works appliances conveniences and buildings.

(3) The provisions of subsection (2) of section 44 of the Public Health Acts Amendment Act 1890 shall apply as if the marine lake was a lake or piece of water in a park or pleasure ground provided by the Council.

A.D. 1928.

As to baths
and bathing
pools.

42. Subject to the provisions of this Act—

- (1) The Council may construct and may maintain alter extend enlarge improve repair furnish and equip or discontinue sell and dispose of open or covered sea-water or fresh-water swimming and other baths and bathing pools with all necessary conveniences and appliances :
- (2) The Council may make and enforce byelaws for the management use and regulation of the said baths and bathing pools and for regulating the conduct of the persons resorting thereto in like manner as byelaws under the Baths and Washhouses Acts 1846 to 1899 as amended by section 86 of the Public Health Act 1925 may be made and enforced and the provisions of section 32 of the Baths and Washhouses Act 1846 so far as the same are applicable and are not inconsistent with the provisions of this Act shall extend and apply to such baths and bathing pools and the Council may demand and take for the use of such baths and bathing pools or for the admission of persons thereto such reasonable charges as they may think fit to make :
- (3) The Council may also lay down and provide such sea-water intake pipes apparatus and fittings as may be incidental to or necessary for supplying sea-water to any baths belonging to them and for the purpose of laying and repairing such pipes apparatus or fittings may break up streets repairable by them and alter the position of any culverts pipes and wires under any street Provided that the Council shall not alter the position of or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 :
- (4) The Council may let on lease to any company or person for such term and on such conditions as they may think fit any baths or

bathing pools provided by them as aforesaid or the powers and rights with regard to the provision maintenance and carrying on of baths or bathing pools contained in this section.

A.D. 1928.

—

43. Subject to the provisions of this Act—

- (1) The Council may erect acquire and construct and hold furnish equip maintain insure and carry on a concert hall public hall assembly rooms rooms for all social purposes pavilions conservatories winter gardens bandstands and other buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms ante rooms shelters refreshment rooms kitchens cloak rooms lavatories gardens pleasure grounds promenades model yacht ponds outbuildings conveniences and appurtenances and may for any such purposes alter adapt extend or otherwise deal with existing buildings for the time being belonging to the Council and may provide erect and maintain offices as part of any such building or buildings Provided that nothing in this section shall be deemed to empower the Council to erect acquire or construct a theatre :

Power to provide and let public hall and other buildings.

- (2) The Council may grant or let with or without charge the use of the whole or any part of any buildings acquired or constructed by them under the powers of this section for the purpose of any public or other meetings or any musical or other entertainments or for other purposes approved by the Council on such terms and conditions as they may think fit.

44. The Council may close to the public and may reserve the exclusive use of any swimming bath open bathing place or bathing pool belonging to them and may grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises or regattas or for other similar purposes and may demand and take or authorise to be demanded and taken at the door or entrance of such swimming bath open bathing place or bathing pool such sums for the exclusive use of

Use of swimming baths &c. for swimming contests &c.

A.D. 1928. such bath place or pool or for admission of persons thereto as they may think fit.

Power to
charge for
admission.

45. The Council may make such reasonable charges as they may think fit for admission to and for the use of any public building belonging to them or for the use of model yacht ponds or lands used for the purposes mentioned in this Part of this Act and they may also make such charge for the use of chairs and for admission to the public halls concert halls pavilions conservatories winter gardens assembly rooms and conveniences in connection therewith authorised by this Act as the Council may deem fit.

Provision
of concerts
entertain-
ments &c.

46. Subject to the provisions of this Act—

(1) The Council may provide or arrange for the provision or carrying on of suitable concerts entertainments exhibitions swimming contests athletic meetings regattas and amusements in any concert hall public hall assembly room pavilion conservatory winter garden bandstand or other building provided by them under the powers of this Act or in any baths bathing pools or model yacht ponds belonging to them or in any parks or recreation grounds for the time being vested in them or under their control or upon any land belonging or leased to them and may make such charges as they may think fit for admission thereto and the Council may let any such buildings baths bathing pools model yacht ponds or rooms belonging to them or any parks or recreation grounds for the purpose of such concerts entertainments exhibitions swimming contests athletic meetings regattas or amusements or for the sale of refreshments for such periods or occasions and upon such terms and conditions as the Council may think fit :

Provided that nothing in this subsection contained shall enable the Council to use any concert hall public hall assembly room pavilion conservatory winter garden or other building provided by them under the powers of this Act for the purposes of a cinematograph theatre :

- (2) The Council may in any baths bathing pools model yacht ponds parks or recreation grounds provided by them enclose an area for the purpose of any such concerts or other entertainments exhibitions swimming contests athletic meetings regattas and amusements as aforesaid : A.D. 1928.
—
- (3) The Council may provide and sell or authorise any person or persons to provide and sell programmes of any concerts entertainments or performances given in pursuance of this section :
- (4) The Council may make byelaws for securing good and orderly conduct during any concerts entertainments exhibitions or amusements provided or carried on in pursuance of the provisions of this section :
- (5) The Council may pay or contribute towards the cost of providing and maintaining at public places in the district and on passenger boats and omnibuses plying between the district and other places and in newspapers published in the county of Sussex advertisements of any concerts entertainments swimming contests athletic meetings exhibitions regattas or amusements given or provided in pursuance of this section :
- (6) Provided that if the Council themselves provide or arrange for the provision or carrying on of stage plays or of variety performances other than those of a concert party (in costume or otherwise) under the provisions of this section they shall (unless otherwise authorised by Act of Parliament) either—
- (a) let the public hall pavilion assembly room or other building in consideration of the payment to them of a sum or sums of money; or
 - (b) enter into an arrangement under which a share in the gross or net receipts in respect of the production of such stage plays or variety performances shall be credited to them;

A.D. 1928.

and the Council shall not under the provisions of this section undertake any liability for any loss that may be occasioned in the production of any such stage plays or variety performances :

- (7) Any expenses incurred by the Council under the provisions of this section may be paid by the Council out of the district fund Provided always that the net amount of any payments or expenses made and incurred by the Council under the provisions of (a) this section (b) article 2 of the Bognor Order 1922 confirmed by the Ministry of Health Provisional Orders Confirmation (No. 2) Act 1922 and (c) section 56 of the Public Health Act 1925 after deducting any moneys received by them under the provisions of such sections and article shall not in any one year exceed a sum equivalent to that which would be produced by a rate of fourpence in the pound levied on property in the district assessable in that year to the general district rate :
- (8) The powers conferred on the Council by this section shall subject to the provisions of subsection (7) hereof be in addition to and not in derogation from the powers conferred on the Council by article 2 of the said Bognor Order 1922.

47. Subject to the provisions of this Act—

- (1) The Council may upon the foreshore belonging or let to them erect provide furnish equip and repair and may let to or may permit any person subject to such charges and upon such terms and conditions as the Council think fit to occupy any site and thereon to use or carry on booths tents bathing huts shops stalls or stands for the sale of refreshments or of articles or commodities of any kind or for the giving of entertainments exhibitions and amusements and for any other purpose tending to promote the recreation health or pleasure of the public :
- (2) The Council may let for such periods and upon such terms and conditions as they think fit

Provision
and use of
booths tents
shops stalls
stands &c.

any booths tents bathing huts shops stalls or stands erected or provided by them under this section :

A.D. 1928.

- (3) The Council may upon such terms and conditions as they think fit permit any person by whom any booths tents bathing huts shops stalls or stands are used or carried on under this section to make charges for the use of the same or for admission to entertainments exhibitions and amusements therein :
- (4) The Council may provide and let for hire bathing tents huts and vans and towels costumes and other apparatus for bathing purposes and may provide construct and maintain upon the pleasure grounds and sea-shore belonging or let to them sheds and other conveniences for the storing of the same :
- (5) The Council may employ and pay boatmen for the purpose of protecting persons while bathing and may provide any boats for that purpose.

48.—(1) The Council 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.

Power to
appoint
officers.

(2) Nothing in this section shall be deemed to render applicable to any such officer the provisions of the Police Pensions Act 1921 or any other enactments relating to pensions gratuities and allowances in respect of police service.

49. Subject to the provisions of this Part of this Act any moneys received by the Council in consequence of the exercise of the powers of this Part of this Act may be carried to the credit of a separate account to be called the "entertainments undertaking" and all expenses incurred by the Council in the exercise of such powers shall be paid out of such receipts Any surplus upon the

As to re-
ceipts and
payments
under this
Part of
this Act.

A.D. 1928. — entertainments undertaking in any year shall be carried to the credit of the district fund and any deficit in the said undertaking shall be paid out of the district fund.

PART V.

STREETS BUILDINGS SEWERS AND DRAINS.

As to urgent repairs of private streets.

50. Where in the opinion of the Council repairs are required in the case of any street not being a highway repairable by the inhabitants at large to obviate or remove danger to any passenger or vehicle in the street the Council may at their own expense execute such repairs as they deem necessary and the execution thereof shall not prejudice or affect the operation with regard to such street at any subsequent date of the Private Street Works Act 1892 or of section 19 (As to urgent repairs of private streets) of the Public Health Acts Amendment Act 1907 Provided that the cost of any such repairs shall not exceed five pounds in the case of any such street.

Adjustment of boundaries of streets.

51.—(1) The Council may enter into and carry into effect agreements with any owner of lands adjoining any street for the adjustment of the boundary of any such street and for such purpose may give up to such owner land including land forming part of the street in exchange for other land For the purposes of this section the Council shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section.

(2) Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the district and if during such period of one month any four inhabitant householders of the district by themselves or their agent give notice to the Council of their intention to appeal under the provisions of this section the Council shall not proceed with their proposals (unless the notice of appeal is withdrawn) pending a decision on or a withdrawal of the appeal The advertisement in the newspaper shall include notice of this proviso.

(3) Any four inhabitant householders of the district may appeal to a court of summary jurisdiction against

any proposal of the Council for an adjustment of the boundaries of a street under this section within the period mentioned in subsection (2) of this section. A.D. 1928.
—

(4) On any such appeal the 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.

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

(6) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line belonging to or used by him which remains in under upon over along or across the site of any such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement it becomes necessary to alter any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration as though the Council or the owner of the adjoining land (as the case may be) were "undertakers" within the meaning of the said Act.

(7) In any case where the adjustment of the boundary of any street under the powers of this section would affect any mains pipes cables wires or apparatus of the Bognor Gas and Electricity Company (in this section referred to as "the company") the Council shall in addition to the notice required by subsection (2) of this section give notice in writing of their proposals to the company and notwithstanding any agreement entered into under this section the company shall continue to have the same powers and rights in respect of any such mains pipes cables wires or apparatus belonging to or used by them which remain in under or upon the land so conveyed by the Council as if the same had continued to be part of the street:

Provided that—

- (a) the Council may by such last-mentioned notice require the company to alter and the company when so required shall alter; or
- (b) the company may if they notify the Council within the period of one month after the receipt by them of such last-mentioned notice of their intention so to do alter

A.D. 1928. the position of any such mains pipes cables wires or apparatus so that the same shall be situate in the street as altered under the provisions of this section and any expense reasonably incurred by the company in effecting any such alteration as aforesaid shall be repaid to them by the Council.

Adjustment
of boun-
daries of
estates.

52.—(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 street (including in that expression the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) are submitted to the Council for approval the Council 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 the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Council and the respective persons interested in such estates or lands be determined on the application of the Council or any such person by an arbitrator to be appointed by the Minister of Health and the Council 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 Council.

(3) Any lands or moneys received by any person in or in respect of any 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.

A.D. 1928.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Council 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 Council may think reasonable.

53.—(1) If the Council shall by resolution determine that any banner streamer sign or lettering suspended across or hung over any street for the purposes of advertisement or announcement is a nuisance or objectionable by reason of its size construction or situation or an injury to the amenities of the street across or over which such banner streamer sign or lettering is suspended or hung they may by notice in writing require the owner of or person responsible for the suspension or hanging of such banner streamer sign or lettering to remove the same within such period not being less than seven days as may be specified in the notice.

Banners and
signs over
streets.

(2) Any person neglecting or refusing to comply with the requirement of any such notice and any person who shall have removed any such banner streamer sign or lettering as is referred to in any such notice (whether the removal be effected before or after the receipt of the notice) and shall after such removal suspend or hang the same or any similar banner streamer sign or lettering without the permission in writing of the Council or without complying with any conditions attaching to any such permission shall be liable to a

A.D. 1928. penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

(3) For a period of two years from the passing of this Act the foregoing provisions of this section shall not apply to any such banner streamer sign or lettering as is referred to in subsection (1) hereof which was in use on the twentieth day of November nineteen hundred and twenty-seven.

(4) Any person aggrieved by any requirement of any notice of the Council or the withholding of permission by the Council or the conditions attached to any such permission under the provisions of this section may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs. Notice of the right to appeal shall be endorsed on every notice of the Council under this section.

Byelaws
as to
intersecting
streets.

54. The power of the Council to make byelaws with respect to new streets under 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 "intersecting street" means a side or cross street forming a junction with another street.

As to
erection of
retaining
walls.

55.—(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 Council 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 Council.

(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 Council requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Council be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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 Council a plan and section thereof and shall comply with such regulations as the Council may prescribe for securing the stability of such stand or structure and for securing the safety of persons to be accommodated thereon.

A.D. 1928.
—
Restriction
on erection
of temporary
stands &c.

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

57. Section 17 (Power to vary position or direction and to fix beginning and end of new streets) of the Public Health Acts Amendment Act 1907 shall in its application to the district be read and have effect as if subsection (2) of the said section were omitted therefrom.

Amendment and
application of
section 17 of
Public Health
Acts Amend-
ment Act 1907...

58.—(1) The Council may cause to be put up or painted on a conspicuous part of any house building or place at or near to the corner of any street signs indicating the direction or the distance to towns railway stations public buildings and other places of a public character.

Direction
signs.

(2) Before putting up or painting a sign on a house building or place the Council shall give notice thereof to the owner of such house building or place and such owner if aggrieved by such notice may appeal to a court of summary jurisdiction within one month after the service of such notice provided he give written notice of such appeal and of the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs.

Notice of the right to appeal shall be endorsed on every notice given by the Council under this section.

(3) Any person who shall wilfully and without the consent of the Council obliterate deface obscure remove or alter any such sign shall be liable to a penalty not exceeding forty shillings and the Council may recover the expenses of replacement and making good from such person.

59.—(1) Where plans and sections of a new street have been deposited with and approved by the Council no person except with their consent shall in any such

No building
allowed
until street
defined.

A.D. 1928.

street commence to erect any new building or to excavate for the foundation thereof until he has defined by posts or in some other suitable manner the approved line and level of so much of the street as abuts upon or adjoins the land on which the building is to be erected or any land which will be occupied in connection with that building and it shall not be lawful for such person except with such consent to erect the building or any fence nearer to the centre of the street than such line.

(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.

Byelaws
as to
erection of
dwelling-
houses
under
continuous
roof.

60. Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the district shall be extended so as to empower the Council to make byelaws with respect to—

- (i) the number of dwelling-houses which may be erected in one block or in one continuous row;
- (ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;
- (iii) the situation construction and height of walls or fences upon or across such open space.

Byelaws
as to
alterations
to old
buildings.

61. 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 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 submission in respect of the alteration of such plans and sections as can be required in relation to the erection of a new building.

As to
hoardings
and
similar
structures.

62.—(1) (a) No fence hoarding or other similar structure (in this section referred to as "structure") of a greater height than six feet six inches above the level of the ground at the nearest boundary of the road or street shall be erected or brought forward on any land in any street—

- (i) beyond any building line prescribed by the Council in respect of the land under the provisions of any local or public Act in force; or

A.D. 1928.

(ii) if there be no such line beyond any line which is enforceable by the Council for buildings under subsection (2) of section 100 of the Housing Act 1925; or

(iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

(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 and the Council may take down or remove any structure erected in contravention of those provisions and recover the expense incurred by them in so doing from the offender.

(2) (a) The Council may by notice in writing require the owner or occupier of any land upon which any structure exists at the commencement of this Act which would (if erected after the commencement of this Act) have contravened the provisions of subsection (1) of this section to remove or alter such structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Council shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(b) Any person who shall neglect or refuse to comply with a notice from the Council given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may at their own expense take down or remove any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the commencement of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

A.D. 1928.

As to
repair of
hoardings.

63. The Council may by notice in writing require the owner of any hoarding to maintain the same in good order and condition and if any paper or other material affixed thereto for advertising purposes becomes detached forthwith to remove and clear away such paper or other material and if any owner shall neglect or refuse to comply with any such notice the Council may carry out the requirements thereof and recover from the owner any expense incurred by them in so doing.

Byelaws for
preventing
construction
of obstructive
buildings.

64. Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 is hereby extended so as to enable the Council to make byelaws for securing that any new building shall not be constructed in such situation or manner as to impede the proper ventilation of any other building or to render any such other building or any part thereof unfit for human habitation or dangerous or injurious to health or to prevent necessary access to any such other building for purposes connected with the remedying of nuisances or the enforcing of any legal provisions relating to the public health.

Means of
escape from
buildings in
case of fire.

65.—(1) Every new building which exceeds two storeys in height and in which the upper surface of the floor of any upper storey is above twenty feet from the street level and which is used or intended to be used as flats or as a tavern hotel hospital boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant shall be provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in case of fire for the persons dwelling sleeping or employed in each such upper storey or resorting thereto as may be reasonably required by the Council under the circumstances of the case and the owner shall not permit such building to be occupied until the Council shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) The Council in the case of every existing building exceeding two storeys in height and used or intended to be used as a tavern hotel hospital boarding-

house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in the Council's opinion such building is not provided with proper and sufficient means of escape from each storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling or sleeping therein 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.

(3) Where the means of escape in case of fire provided in connection with any such building as aforesaid shall become inadequate in consequence of any alteration in the circumstances or conditions affecting such building the owner of the building shall upon the requirement of the Council make such alterations in the said means of escape as may be reasonably necessary and shall if so required by the Council provide further or other means of escape.

(4) (a) Any person aggrieved by any requirement of the Council under subsection (2) or subsection (3) of this section may appeal to a court of summary jurisdiction within seven days after the receipt of the requirement provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs.

(b) Notice of the right to appeal shall be endorsed on every requirement of the Council under either of the said subsections.

(5) 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 requirement of the Council under this section.

(6) If the owner alleges that the occupier of the building ought to bear or contribute to the expenses of complying with any requirement of the Council under this section he may apply to the county court and thereupon the county court after hearing the occupier

A.D. 1928. — may make such order as appears to the court just and equitable under all the circumstances of the case.

(7) The means of escape in case of fire provided in connection with any such building as aforesaid shall not be altered without the consent in writing of the Council and shall at all times be maintained and kept by the occupier of the building in good and efficient condition and free from obstruction.

(8) This section shall not apply to premises to which section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 or any enactment amending those sections apply.

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

(10) Where an existing building is newly converted after the passing of this Act into flats it shall be deemed to be a new building within the meaning of this section.

Food storage accommodation to be provided.

66. Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated pantry or other food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Area of habitable rooms.

67. Section 23 (Extension of 38 & 39 Vict. c. 55 s. 157) of the Public Health Acts Amendment Act 1890 in its application to the district shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section.

Powers on inspection.

68. In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder of or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be guilty of an offence and shall be

liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

A.D. 1928.

69.—(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 Council 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 Council 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.

Dilapidated
and
neglected
buildings.

(2) If the order is not obeyed the Council 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 Council in executing the order may remove the materials to a convenient place and (unless the expenses of the Council 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 Council under this section in relation to a neglected structure may be deducted by the Council from the proceeds of the sale and the surplus (if any) shall be paid by the Council 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 Council or if the proceeds of the sale are insufficient to defray the said expenses the Council may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof but without prejudice to his right to recover the same from any lessee or other person liable for the expenses of repairs.

70.—(1) In any case where a building shall have been reported to the Council as dangerous to the inmates thereof or persons working therein or in the case of any

As to
dangerous
buildings.

A.D. 1928. building which may appear to the Council on the report of the surveyor to be dangerous to such inmates or persons the Council 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 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.

(2) If upon such examination and inspection it shall appear necessary that any works should 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 Council in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Council with respect to dangerous structures in the district.

Sanitary conveniences for workmen engaged on buildings.

71.—(1) The contractor or builder engaged in or upon the erection of a new building or the construction or reconstruction of any works shall where practicable provide to the reasonable satisfaction of the Council and until the completion of any such erection construction or reconstruction 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.

(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.

Closet accommodation in houses occupied by more than one family.

72.—(1) Section 36 (Power of local authority to enforce provision of privy accommodation for houses) of the Public Health Act 1875 shall apply to a part of a house occupied by a separate family as it applies to the whole of a house and that section shall with the necessary modifications apply accordingly.

(2) The provisions of subsections (1) (2) and (3) of section 7 (Execution of works to comply with byelaws) of the Housing Act 1925 shall apply with any necessary modifications as if the same were set out in this section.

73.—(1) If it appears to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Council 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 Council if they so decide or by the owners in such manner as the Council shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Council shall determine and if such drain is constructed by the Council such costs and expenses may be recovered by the Council from such owners subject to a right of appeal under subsection (4) of this section.

A.D. 1928.

—
Combined
drains.

(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 Council 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 Council under this section or the amount to be borne and paid by him may appeal to a court of summary jurisdiction provided that such appeal be made within two months from the date of the service of notice by the Council intimating the amount payable or their apportionment thereof. On any such appeal the court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

74.—(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 Council shall have all the powers conferred by section 41 of the Public Health Act 1875 and the Council may recover any expenses

As to houses
connected
with single
private
drain.

A.D. 1928. 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 Council may declare them to be private improvement expenses and may recover them accordingly.

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

(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.

As to
defective
drains &c.

75.—(1) In any case where it appears to the medical officer or sanitary inspector that any drain water-closet or soil-pipe is stopped up or otherwise defective the medical officer or sanitary inspector shall give notice to the owner or occupier of the premises to remedy such defect and if such notice is not complied with within twenty-four hours from the service thereof the Council may carry out the work necessary to remedy such defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier in a summary manner as a civil debt.

(2) Upon any proceedings under this section the court may inquire whether any requirement contained in any notice given under this section or work done by the Council was reasonable and whether the expenses incurred by the Council 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 expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

Amendment
of section 62
of Public
Health
Act 1875.

76. Section 62 (Local authority may require houses to be supplied with water in certain cases) of the Public Health Act 1875 shall be read and have effect as if the words "or the medical officer" were inserted therein after the words "the surveyor."

77.—(1) If a water-closet 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.

A.D. 1928.

—
Improper
construction
or repair of
water-closet
or drain.

(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 has 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.

78. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Council and if the owner or owners thereof shall fail to repair the same to the satisfaction of the Council within fourteen days after notice shall have been served on him or them requiring the drain to be repaired it shall be lawful for the Council if in their opinion such drain can be sufficiently repaired at a cost not exceeding thirty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners thereof in such proportions as the surveyor shall determine :

As to repair
of drains.

Provided that where such expenses do not exceed twenty shillings the Council may remit the payment of the same by the owner or owners if they think fit.

79. If any person cause any drain water-closet earth-closet privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds :

Wilful
damage to
drains water
closets &c.

A.D. 1928.

Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Saving for
railway
companies.

80. Nothing in this Part of this Act except the sections whereof the marginal notes are—

“Restriction on erection of temporary stands &c.”

“Means of escape from buildings in case of fire”

“Dilapidated and neglected buildings”

shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company with the authority of Parliament so long as any such building railway work or land is used or held by the said railway company primarily for railway purposes.

PART VI.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Information
to be fur-
nished as to
infectious
disease.

81.—(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.

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

(3) For the purposes of this section the expression “occupier” shall have the same meaning as in the Infectious Disease (Notification) Act 1889 and the expression “infectious disease” shall include pulmonary tuberculosis.

82.—(1) Any person being a parent or having the care or charge of a child attending at a school in the district who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

A.D. 1928.
—
Parents to notify infectious disease.

In any proceeding under this subsection a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

(2) For the purposes of this section the expression "school" shall include a Sunday school.

83.—(1) If the Council or a committee of the Council acting on the advice of the medical officer with the view of preventing the spread of infectious disease in the district 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.

Power to close Sunday schools and exclude children from entertainments.

(2) Any person responsible for the conduct or management of any Sunday school or any department thereof or place of public entertainment or assembly wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding five pounds.

84.—(1) No person of or exceeding 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 Council or of a 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

Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails.

A.D. 1928.

medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the district without having procured from the medical officer or school 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.

Extended meaning of "infectious disease" for certain purposes.

85.—(1) For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes measles German measles whooping cough chicken-pox ringworm and influenza as well as infectious disease as defined by the section of this Act of which the marginal note is "Interpretation."

(2) For the purposes of section 126 of the Public Health Act 1875 as amended by section 62 of the Public Health Acts Amendment Act 1907 the expression "dangerous infectious disorder" includes infectious disease as defined by the section of this Act of which the marginal note is "Interpretation" and also (in the case of exposure in covered buildings or public conveyances) measles and whooping cough.

Council may supply antidotes against infectious disease.

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

Power to compensate persons for ceasing employment to prevent spread of disease.

87. If any person shall at the request of the Council acting on the advice of the medical officer stop his employment for the purpose of preventing the spread of infectious disease the Council may make compensation to him for any loss he may sustain by reason of such stoppage.

As to filthy premises.

88.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Council that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Council duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Council or a committee of the Council are 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 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 orders) of the Summary Jurisdiction Act 1879.

A.D. 1928.

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

89. When any person suffering from infectious disease shall die of such disease the medical officer may give notice thereof to the person responsible for the conduct of the burial of the body of such person and in such case 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 ten pounds.

Removal
of body of
person who
has died of
infectious
disease.

90. If a person who is suffering from an infectious disease or who is living in a house in which there is a case of infectious disease knowingly engages in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household or knowingly carries on any trade or business connected with food in such a manner as to be likely to spread the infectious disease he shall be liable to a fine not exceeding forty shillings.

Prohibition
on infected
person
carrying on
business.

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

Disinfection
in case of
tuberculosis.

A.D. 1928.

and at the cost of the Council unless the owner or occupier of such building informs the Council 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 a 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 Council as aforesaid or if having so informed the Council 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 Council 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 Council under the superintendence of the medical officer.

(c) For the purpose of carrying into effect the provisions of this subsection the Council 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 Council in carrying out the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2) (a) The medical officer if generally empowered by the Council 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 Council 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 Council and returned to the owner free of charge.

A.D. 1928.
—

(3) If any person sustains any damage by reason of the exercise by the Council 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 Council and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

92.—(1) The Council may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide portable covered galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such dustbins shall be of such size and construction as may be approved by the Council.

Regulation
dustbins.

(2) Every owner or occupier having provided any receptacle pursuant to this section shall maintain the same in good order and condition.

(3) Provided that the foregoing provisions of this section shall not apply to any ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable material size and construction and in proper order and condition.

(4) From and after the passing of this Act it shall not be lawful for any person to use any dustbin or ashtub for any purpose other than the deposit of dust ashes or other house refuse (not being of a liquid or partly liquid character) intended for removal by or on behalf of the Council.

(5) The owner or occupier of all premises in connection with which a dustbin has been provided as required by this section shall if so required by the Council pay to the Council on each first day of April after such provision such sum not exceeding five shillings as the Council may from time to time by resolution determine for or towards the maintenance repair and renewal by them of such dustbin. Such payments shall be in satisfaction of the obligation of such owner or occupier in regard to the maintenance of such dustbin.

A.D. 1928.

(6) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Council under subsection (1) of this section or who fails to comply with his obligation under subsection (2) of this section as the case may be shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings and any person contravening the provisions of subsection (4) of this section shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding ten shillings.

(7) Nothing in this section shall apply to any warehouse belonging to the Southern Railway Company.

Byelaws as
to stables.

93. The Council 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 (whether the same is used as such at the passing of this Act or not) 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.

As to
infected
stables and
other places.

94.—(1) Where the Council's veterinary surgeon has certified that any infectious or parasitic disease has appeared in any stable cowshed or other place within the district where animals are kept and the medical officer has thereupon certified that such stable cowshed or place cannot be efficiently disinfected a court of summary jurisdiction on complaint by the Council may make an order requiring the owner to demolish such stable cowshed or place or such part or parts thereof as they may think fit and to destroy the materials thereof in such manner as the order may prescribe.

(2) If the order is not obeyed within the time thereby prescribed the Council at any time after the expiration of such time may themselves execute the order and all expenses incurred by them under this section may be recovered by them from the owner but without prejudice to his right to recover the same from any lessee or other person occupying the stable cowshed or place.

Power
to close

95.—(1) (a) The Council may by written notice to the owner and occupier of any registered slaughter-

house within the district which from its situation or construction is in the opinion of the Council 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.

A.D. 1928.

—
slaughter-
houses if
injurious
to public
health.

(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 injurious or dangerous to the public health the Council shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so injurious or dangerous and also specifying their requirements with regard thereto and if within the said period of three months the owner or occupier of such slaughter-house shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Council.

(c) Provided also that any such owner or occupier may within one month after receiving any such notice in writing from the Council object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the interests of public health and any such objection shall failing agreement between the Council 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 Council shall make compensation to the owner and occupier of any registered slaughter-house who shall be injuriously affected by any requirement of the Council 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

A.D. 1928. — in settling the amount of compensation (if any) which shall be awarded in pursuance of 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.

Discon-
tinuance of
offensive
trade.

96.—(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 in the opinion of the Council 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 Council under the hand of the clerk to cease to use such premises for the carrying on of such offensive trade. Provided that the formation or expression by the Council of an opinion under this subsection shall be deemed to be a determination of the Council within the meaning of the section of this Act of which the marginal note is "As to appeals" and that the provisions of that section shall accordingly apply with respect to such opinion as well as to any requirement by the Council under this subsection.

(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 Council require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person such compensation for any loss sustained by him in consequence of the action of the Council as may be agreed upon between the Council and such person or as failing agreement shall be determined by arbitration under the provisions of the Arbitration Act 1889. Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Council shall have been given for a period only unless the Council 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.

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

A.D. 1928.

97. The power of the Council to make byelaws under section 26 of the Public Health Acts Amendment Act 1890 shall extend to refuse which is not faecal or offensive or noxious matter or liquid.

Byelaws
as to refuse.

98.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who within the district 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 for every such offence to a penalty not exceeding forty shillings.

For
regulating
manufac-
ture and
sale of
ice-cream
&c.

(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 Council 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 Council 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 or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

(3) Every vendor of or dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand or from a pail container or similar receptacle used without a cart barrow or other vehicle shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand pail container or receptacle and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4) The medical officer and the sanitary inspector and any other officer duly authorised by the Council in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities

A.D. 1928.

or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity and of any cart barrow or other vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Council would have under section 72 (Precautions against contamination of food intended for sale) of the Public Health Act 1925 in the cases therein mentioned and any person refusing inspection of the materials or commodities or articles of food in any such premises or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

Byelaws
as to food.

99.—(1) The Council may make byelaws for promoting and securing sanitary and cleanly conditions in the transport or exposure for sale in the open air of any article intended to be sold for food.

(2) At least one month before applying to the Minister of Health for confirmation of any byelaws made under this section applicable to the transport by a railway company of any article intended for the food of man the Council shall give notice to the company of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and such company shall be entitled to make representations to the Minister of Health with regard thereto.

Registration
of premises
used for pre-
paration of
potted and
preserved
foods.

100.—(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 Council from time to time and no premises shall be used for the purposes aforesaid unless the same are registered as aforesaid.

(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. A.D. 1928.

(4) In the case of meat or fish the word "preserved" in subsection (1) of this section includes preparation by any process of cooking but this section shall not apply to hotels restaurants or other premises where food is in the ordinary course of business prepared for consumption on the premises.

101.—(1) On any inspection carried out by the medical officer sanitary inspector or any other officer of the Council under the provisions of section 72 of the Public Health Act 1925 such officer shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment therefor 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 the same analysed by the public analyst 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 public analyst.

As to
inspection
of premises
used for
storage
of food.

(2) The expression "public analyst" in this section means the analyst appointed by the Council for the purposes of the Sale of Food and Drugs Acts 1875 to 1907.

102. Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any animal or any of the articles referred to in the said sections intended for sale or in the course of delivery after sale for the food of man and the provisions of such sections shall apply accordingly :

Further
powers in
relation to
unsound
food.

Provided that in the exercise at any railway station or upon any railway premises of a railway company of

A.D. 1928. the powers conferred upon him by this section such
 --- medical officer or sanitary inspector shall conform to
 such reasonable requirements of the railway company
 owning or using such station or premises as are necessary
 to prevent the working of their traffic being obstructed
 or interfered with and with respect to any cart or other
 vehicle belonging to the said company the powers con-
 ferred upon the medical officer or sanitary inspector by
 this section shall be so exercised as not unreasonably
 to obstruct or interfere with the collection of goods by
 the said company.

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

103.—(1) Public notice of the provisions of this
 Part of this Act shall be given forthwith after the passing
 of this Act by advertisement in two newspapers published
 or circulating in the district and by a notice affixed
 outside the council offices and by the distribution of
 handbills amongst persons affected or likely to be affected
 so far as such persons can reasonably be ascertained.

(2) Copies of the newspapers containing the adver-
 tisements shall be sufficient evidence that the provisions
 of this section so far as they relate to advertisements
 in newspapers have been complied with and the pro-
 duction of a certificate purporting to be signed by an
 officer or servant of the Council that the notice required
 by this section has been affixed outside the Council
 offices and that handbills have been distributed amongst
 persons affected or likely to be affected so far as such
 persons could reasonably be ascertained shall be sufficient
 evidence that the other provisions of this section have
 been complied with.

PART VII.

POLICE AND HACKNEY CARRIAGES.

Regulations
 as to stands
 or stopping
 places of
 omnibuses.

104.—(1) The Council may make regulations pre-
 scribing within the district—

(a) as respects omnibuses in general or omnibuses
 of any particular class or used on any particular
 route or running according to a published
 time-table the stands which may be occupied
 exclusively by them and the places where they
 may stop for longer than is necessary for
 the purpose of picking up and setting down
 passengers; and

(b) the time during which any omnibus shall be allowed to remain at a prescribed stand or stopping place; A.D. 1928.
—

and any omnibus standing upon any such stand or stopping place in accordance with regulations made under this section shall be deemed to be within the exception in the ninth paragraph of section 28 of the Town Police Clauses Act 1847.

(2) Upon the coming into force of the regulations first made under this section the sixth paragraph of section 6 of the Town Police Clauses Act 1889 shall cease to extend to the district and any byelaws made by the Council under that paragraph shall be repealed.

(3) Where the Council propose to make regulations under this section they shall cause notice of their proposal and a statement of the effect of the proposed regulations to be published in at least one newspaper circulating within the district and shall serve a copy of the notice upon the proprietor of every omnibus licensed to ply for hire within the district.

(4) Every such notice shall indicate the date (which shall not be less than twenty-eight days) within which any objection to the regulations shall be sent in writing to the Council and shall contain a notification of the place at which copies of the proposed regulations may be obtained free of charge.

(5) The Council shall consider and determine any objection to the proposed regulations which is sent to them in writing within the time fixed in that behalf and shall send notice of their decision to the objector who if he is dissatisfied with their decision may within fourteen days after the receipt of the notice appeal to the Minister of Transport (in this section referred to as "the Minister").

(6) A notification of the right of appeal under this section shall be included in any notice sent by the Council of their decision on an objection to the regulations and upon any appeal being made to the Minister notice in writing of the appeal and of the grounds thereof shall be given by the appellant to the Council.

(7) The Minister shall consider any appeal duly made to him and may make such order in the matter as he thinks fit and his decision shall be final.

A.D. 1928.
—

(8) Before making any order under this section the Minister may and if an appeal duly made is not withdrawn shall (unless the appeal appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the Council shall pay to the Minister any expenses incurred by him in relation to any such inquiry including the expenses of any witness summoned by the person holding the inquiry and a sum to be fixed by the Minister for the services of such person. The Council shall give at least fourteen days' notice of the intention to hold such local inquiry with particulars of any proposed regulations by advertisement in a local newspaper circulating in the district and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

(9) Where an objection has been made to regulations proposed by the Council under this section the regulations shall not be sealed by the Council until after the expiration of the time within which an appeal may be made by the objector to the Minister or if an appeal to the Minister has been made by the objector until after the determination or withdrawal of the appeal.

(10) Any company body or person running omnibuses in the district may at any time apply to the Minister to modify any regulation made under this section on the ground that such regulation as in force for the time being has been found to be or has become unsuitable for the traffic requirements of the district or has been unfairly enforced and upon any such application the Minister after considering any representations made to him by the Council may modify the regulation to which the application relates.

Power to
impose test
on motor
drivers.

105. No person shall be entitled to drive a motor vehicle licensed by the Council as a hackney carriage (which expression shall in this section include an omnibus) unless he shall have satisfied the Council of his ability to drive and for that purpose the Council may impose such reasonable test as they may think fit.

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

106. An occasional licence for a hackney carriage omnibus or other public vehicle to ply for hire may be granted by the Council to be in force for such day or days

or other periods less than one year as may be specified in the licence. A.D. 1928.

107.—(1) The Council may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage regularly plying for hire within the district to be tested and inspected and they may also require any taximeter or other similar apparatus to be re-tested and re-inspected at such reasonable intervals of time as the Council may prescribe and no such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register correctly and the expenses of such testing and certificate not exceeding five shillings in any one year shall be borne by the owner of the hackney carriage.

Inspection
and certifi-
cation of
taximeters.

(2) The Council shall issue a certificate in respect of any taxi-meter found by them to register correctly and such certificate shall be dated with the date upon which such taximeter was last tested and inspected.

(3) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable to a penalty not exceeding forty shillings.

108. The power to make byelaws conferred upon the Council 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):—

Byelaws as
to hackney
carriages.

- (a) For the examination and inspection of hackney carriages at such times and places as may be prescribed in the byelaws :
- (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 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. 1928.

Power to
make regu-
lations as to
traffic on
carnival
&c. days.

109. The powers conferred by section 21 of the Town Police Clauses Act 1847 shall extend to enable the Council within the district on days appointed for carnivals or similar occasions to direct the passage and stoppage of vehicles along or in particular streets to direct particular routes to be taken for particular descriptions of traffic and to prohibit the passage or stoppage of particular vehicles through or in certain streets at certain hours.

As to street
traffic.

110. The Council may delegate their powers under section 21 (Power to make orders for preventing obstructions in the streets during public processions &c.) of the Town Police Clauses Act 1847 and under the last preceding section of this Act to a committee consisting of not less than five members of the Council and any orders made or directions given by such committee under the said section shall have the same force and effect as if made or given by the Council.

Penalty for
crying
newspapers.

111. Every person who shall on Sundays in any street or public place in the district call or shout or ring any bell or use any noisy instrument for the purpose of selling or advertising any newspaper journal or serial shall for every such offence be liable to a penalty not exceeding forty shillings.

Power of
constables
to enforce
byelaws as
to parks &c.

112. From and after the passing of this Act every police constable shall have the same power of enforcing byelaws made by the Council under the Public Health Act 1875 relating to any park or place of public resort or recreation ground under the control of the Council as is given to the servants of the Council by the byelaws for the time being in force under the provisions of the said Act.

PART VIII.

LANDS.

Further
powers for
acquisition
of land.

113.—(1) The Council 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 Council 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 district 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 money so borrowed shall be repaid within such period as may be prescribed by the Minister of Health.

A.D. 1928.

(2) When any lands purchased or acquired or taken on lease by the Council 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 Council and pending such appropriation all expenses incurred by the Council under this section shall be payable out of the district fund and general district rate.

114. Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Council may retain hold and use for such time and for such purpose 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 or any general or local Act for the time being in force in the district (other than the Housing Acts 1890 to 1923) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests 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 :

Retention
and disposal
of lands.

Provided that the Council shall not without the consent of the Minister of Health sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

115.—(1) Nothing in this Act shall be taken to dispense with the necessity for obtaining the consent of any Government department to any sale lease appropriation or other disposition of any lands of the

Consent of
Government
depart-
ments &c.

A.D. 1928. Council in any case in which such consent would be required if this Act had not been passed.

(2) Nothing in this Act contained shall release the Council or any person purchasing or acquiring any lands from them under this Act from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Council or any person from or through whom the Council may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

Proceeds
of sale of
surplus
lands.

116.—(1) The Council 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 Act in the purchase of other lands but as to capital moneys so received and not so applied the Council shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or any other Act and such application shall be 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.

(2) Any capital moneys received by the Council on the re-sale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister of Health.

PART IX.

FINANCIAL.

Creation of
stock as
considera-
tion for
transfer.

117.—(1) On the passing of this Act there shall by virtue of this section be created so much stock to be called Bognor Urban District Council redeemable five per centum stock (in this section called "water stock") as may be necessary to give effect to the sections

of this Act of which the respective marginal notes are "Consideration payable to the company" and "Power to debenture stock holders to require issue of substituted stock or redemption." A.D. 1928.

(2) Such water stock shall be transferable in multiples of one pound and shall be entitled to dividends at the rate of five pounds per centum per annum as from the day of transfer payable upon the first day of April and the first day of October in each year until redemption and shall be redeemed by the Council at par at the expiration of fifty years from the day of transfer or (at the option of the Council) at the expiration of thirty years from the day of transfer but the Council may purchase such stock or any part thereof by agreement with the holders at any time.

(3) Such water stock and all dividends accrued or to accrue due thereon shall be charged on the revenues of the Council.

(4) The regulations of the Local Government Board or the Minister of Health made in pursuance of Part V of the Public Health Acts Amendment Act 1890 and for the time being in force shall subject to the provisions of this Act apply to the creation issue transfer and redemption of and other dealings with the stock created by virtue of this section as if the same were stock duly created and issued by the Council under the provisions of the Stock Regulations 1891 with the consent of the Minister of Health. Provided that the amounts of the several contributions from the revenues of the Council payable in each year for the redemption and extinction or purchase and extinction of stock issued under this section shall be determined by the provisions of paragraph (b) of article 14 (3) of the Stock Regulations 1891 and the rate per centum per annum for the purposes of those provisions shall be three pounds ten shillings or such other rate as the Minister of Health may from time to time approve.

(5) Trustees executors administrators and all persons legally holding shares in the capital of the company or debenture stock of the company in any representative or fiduciary capacity may hold water stock for such shares in the capital of the company or debenture stock of the company under the powers of this Act and are hereby indemnified for all acts bona fide done by them in pursuance of the provisions of this Act.

A.D. 1928.

(6) Such water stock shall rank *pari passu* with the existing mortgages granted by the Council and the Council shall not at any time create or issue any mortgage stock annuity or other security ranking either as to principal or interest in priority to such water stock but any such mortgage stock annuity or other security may be issued so as to rank *pari passu* with such water stock.

Power to
borrow.

118.—(1) The Council 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 of the said table and in order to secure the repayment of the said sums and the payment of interest thereon the Council may mortgage or charge the revenues of the Council and they shall pay off all moneys so borrowed within the respective periods (which for the purposes of this Act and of any enactment incorporated therewith or applied thereto shall respectively be “the prescribed period”) mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period for Repayment.
(a) For the purchase of the undertaking of the company (including any moneys payable by the Council on capital account under the section of this Act whereof the marginal note is “Council to pay debts and to be entitled to rents after transfer”) and for defraying the costs and expenses incident to such purchase and to the transfer of the said undertaking to the Council (other than the costs of this Act) and for the payment of any other sums payable by the Council to the company or to the debenture stock holders of the company or to the directors or auditors or any of the officers or servants of the company by way of compensation under this Act.	The sum requisite.	Fifty years from the date or dates of borrowing.

1	2	3	A.D. 1928.
Purpose.	Amount.	Period for Repayment.	
(b) For working capital for the water undertaking.	£5,000	Ten years from the date or dates of borrowing.	
(c) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.	

(2) (a) The Council 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 Council may mortgage or charge the revenues of the Council.

(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.

119. In calculating the amount which the Council may borrow under the provisions of the Public Health Acts any sums which the Council may borrow under or for the purposes of this Act shall not be reckoned and the power of the Council 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.

120. Subject to the provisions of the section of this Act of which 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) :—

Provisions of Public Health Act 1875 as to mortgages to apply.

- Section 236 (Form of mortgage);
- Section 237 (Register of mortgages);
- Section 238 (Transfer of mortgages).

A.D. 1928.

Mode of
raising
money.

121. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others. Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 (Discharge of loan by sinking fund) and section 16 (Annual return as to sinking fund) of that Act.

Mode of
payment
off of money
borrowed.

122. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest 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.

123.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of any statutory borrowing power (except money borrowed by the issue of stock) such sinking fund shall be formed or 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 or such other rate as the Minister of Health may from time to time approve 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.”

A.D. 1928.
—

(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 subject to the provisions of this Act unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

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

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the payment of which the sinking fund is formed. Provided that in the case of an accumulating sinking fund the Council 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 Council.

(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 Council in addition to the payments provided for by this Act.

(7) If it appears to the Council 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

A.D. 1928. 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 Council to make such increased payments to the sinking fund as 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 Council shall increase the payments to such extent as that Minister may direct.

(8) If the Council 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 Council 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 Council 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 Council with the consent of the Minister of Health may determine.

(12) All moneys which at the date of this Act are standing to the credit of any sinking fund in respect of moneys borrowed otherwise than by the issue of stock and not applied in repayment thereof shall be transferred to the sinking fund established under this Act and the

sums so transferred shall be taken into account in calculating the future payments to be made to the sinking fund under this section.

A.D. 1928.

—

124.—(1) The Council shall have power—

Power to
re-borrow.

(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 Council 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.

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

125.—(1) The Council shall make provision for the extinction of the debenture stocks of the company by means of a sinking fund so as to purchase and extinguish or to be in a position to purchase and extinguish

Sinking
fund for
debenture
stocks of
company.

A.D. 1928.

the said stocks within a period of fifty years from the day of transfer and if at the end of that period the said stocks are not wholly extinguished then the Council shall so long as they are liable to pay interest thereon apply in or towards payment thereof the annual income arising from the sinking fund provided under this section.

(2) The foregoing provisions of this Act with reference to sinking funds shall extend and apply with any necessary modifications to the sinking fund to be provided under this section and for the purposes thereof the prescribed period shall be the period of fifty years from the day of transfer.

(3) The Council may at any time apply the whole or any part of the sinking fund to be provided under this section in or towards the purchase of the said debenture stocks or any part thereof. Provided that if such fund be an accumulating sinking fund the Council 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.

(4) (a) At any time before the expiration of the prescribed period the Council may borrow at interest such money as they may require for the purchase of the said debenture stocks or any part thereof.

(b) The provisions of this Act with reference to the borrowing of money and re-borrowing and repayment thereof shall extend and apply to all money borrowed under this subsection and for the purposes of those provisions the prescribed period shall be the period of fifty years from the day of transfer.

As to
section 234
of Public
Health
Act 1875.

126. In calculating under subsection (2) of section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 the amount which the Council may borrow the amount at the time of such calculation of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Council under the Sanitary Acts and the Public Health Act 1875 shall be deducted from the outstanding loans contracted by the Council under those Acts.

127.—(1) Where the Council have from time to time any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

A.D. 1928.

—
Power
to use one
form of
mortgage
for all
purposes.

(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 common seal of the Council and may be made in the form contained in the 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 and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this section.

(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 Council.

(5) Nothing in this section contained shall alter or affect the obligations of the Council 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 and by the means within and by 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 Council to provide for the payment of interest upon the sums secured by mortgages granted under this section.

(7) There shall be kept at the office of the Council 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 inspection by any mortgagee or other person entitled to any mortgage granted under this section during office hours at the said

A.D. 1928.

office without fee or reward and the clerk or other the 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 rights 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 schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever.

(9) There shall be kept at the office of the Council 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 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 Council 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 and interest secured thereby and any transferee may in like manner transfer his estate rights 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 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.

Investment
of and
payments
into sinking
fund.

128. When under the provisions of this Act or 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 Council are empowered or required to form a sinking fund or loans fund the following provisions shall have effect with respect to the appropriate yearly sums and

to the accumulations (if any) thereof required to be set apart for or paid into such sinking fund or loans fund for the purpose of providing for the repayment of moneys borrowed by the Council (that is to say):—

A.D. 1928.

The accumulations of the said yearly sums shall be paid and provided out of the district fund and the general district rate and any interest dividends and the proceeds arising from the investment of the said yearly sums and the accumulations thereof (including such annual sums and accumulations as have been provided prior to the passing of this Act) shall be paid into and form part of the district fund.

129. Notwithstanding anything contained in any previous enactment the Council may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals depreciation contingent insurance or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

Use of
moneys
forming
part of
sinking and
other funds.

- (1) The moneys so used shall be repaid to the lending fund within the period by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be repayable:

Provided that the Council shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the fund rate or revenue aforesaid or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power:

- (2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the rate of interest which

A.D. 1928.

would be payable on a loan raised on mortgage under the statutory borrowing power and such interest shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power:

- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Application
of money
borrowed.

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

Evidence of
transfer or
transmission
of securities.

131. It shall not be obligatory on the Council 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 and except securities to which regulations made under section 52 (Issue of stock) of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the clerk 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.

As to
mortgage of
revenues of
Council.

132.—(1) Any reference in any mortgage or charge granted by the Council to the revenue of any undertaking of the Council shall be deemed to be a reference to the revenues of the Council.

(2) In order to secure the repayment of any money hereafter borrowed by the Council under any statutory borrowing power and the payment of interest thereon the Council may mortgage or charge the revenues of the Council.

A.D. 1928.

133. If any money is 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 Council.

—
Receipt in
case of
persons not
sui juris.

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

Protection
of lender
from
inquiry.

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

Council not
to regard
trusts.

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

Interest on
mortgages
held jointly.

137. Any expenses of the execution by the Council of this Act with respect to which no other provision is made shall be defrayed by the Council out of the district fund.

Expenses of
execution
of Act.

138.—(1) Any mortgagee of the Council by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. 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.

A.D. 1928.

—
Return to
Minister of
Health with
respect to
repayment
of debt.

139.—(1) The clerk shall if and when he is requested by the Minister of Health (in this section called "the Minister") so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Council under any statutory borrowing power.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the clerk or other the chief accounting officer of the Council and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction 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 out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Council shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) Any provision (other than the foregoing provisions of this section) of any enactment now in force in the district requiring an annual return to be made to the Minister with regard to the repayment of debt is hereby repealed.

140. Notwithstanding anything contained in any previous enactment all money received by the Council on account of the revenue of any undertaking for the time being of the Council from which revenue is derived including the income arising from the investment of any reserve funds authorised under the said enactments shall be carried to and shall form part of the district fund and all payments and expenses made and incurred in respect of those undertakings shall be paid out of that fund.

A.D. 1928.

—
Application
of revenue
and pay-
ment of
expenses of
under-
takings.

141.—(1) The Council shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of the water undertaking and the pavilion undertaking (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking (including the interest on any reserve fund authorised in connection therewith when such fund amounts to the prescribed maximum) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

Separate
accounts
to be kept.

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed and applied by the Council for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed and applied for the purposes of the undertaking;
- (d) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) The repayment to the district fund of any sums contributed therefrom to make up deficiencies in the undertaking in previous years;
- (f) The amount (if any) paid to any reserve fund formed for the purposes of the undertaking under the provisions of the section of this Act of which the marginal note is "Reserve fund" or under any other enactment.

A.D. 1928.
—

(2) The Council shall show in their accounts relating to the undertaking or purpose all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

(3) In all cases in which the Council keep separate accounts for separate purposes they shall so far as may be reasonably practicable apportion between those accounts or carry to either of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

(4) Whenever the money received by the Council from the water undertaking on account of revenue in any year shall exceed the amount expended or set aside in connection with that undertaking in respect of the several purposes mentioned in subsection (1) of this section then the charges of the Council for the supply of water to be made and charged in the next succeeding year shall be reduced in such manner as the Council think fit to an extent equivalent to the amount of such excess. Provided that if owing to an increase in the estimated expenditure or to a reduction in the estimated revenue for the said next succeeding year the amount of such excess or any part thereof will be required in order that the revenue may not be less than the amount to be expended or set aside the reduction in charges may be such only as will reduce the revenue by the amount of the balance of such excess.

Reserve
fund.

142.—(1) The Council may (if they think fit) provide a reserve fund in respect of the water undertaking and the pavilion undertaking (each of which is in this section separately referred to as "the undertaking") or either of such undertakings by setting aside in any year in which the moneys received on revenue account in respect of the undertaking shall be in excess of the payments and expenses on revenue account in respect of the undertaking such an amount not exceeding a sum equal to the amount of the said excess as they may from time to time think reasonable and investing the same in statutory securities and accumulating the same until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council in respect of the undertaking not being more than

one-tenth of the aggregate capital expenditure on each of the undertakings. A.D. 1928.

(2) Any reserve fund which has been formed for the purposes of the undertaking and which is in existence at the passing of this Act shall be deemed to have been formed under this section.

(3) Any reserve fund formed under this section shall be applicable for the payment to the district fund in any year in which as shown by the accounts to be kept in pursuance of the provisions of the section of this Act of which the marginal note is "Separate accounts to be kept" the payments and expenses made and incurred in respect of the undertaking shall exceed the money received in respect of the same undertaking of a sum not exceeding the amount of such excess or for meeting any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(4) Resort may be had to a reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

143. The Council may if they think fit form a fund to be called "the accident fund" to provide for meeting claims upon them under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1906 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of any accident whether to their officers servants and workmen or third parties occurring in the execution of any of their powers and such fund shall be formed by annually appropriating thereto such sums out of any of their revenues as they from time to time deem expedient and such sum shall be invested at compound interest in or upon any statutory security but when the fund shall amount to the sum of twenty thousand pounds the Council may if they think fit discontinue such yearly payments but so that if the fund is at any time reduced the Council shall recommence and continue the yearly

Power to
create
accident
fund.

A.D. 1928. — payments until the fund be restored to the sum of twenty thousand pounds. Provided that the Council may from time to time or at any time resort to that fund for any purpose mentioned in this section notwithstanding that the sum shall not then have reached or shall have been reduced below the said sum of twenty thousand pounds.

Subscriptions to local government associations and other expenses.

144. The Council may pay out of the district fund—

(a) Reasonable subscriptions whether annually or otherwise to the funds of any association of local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Council not exceeding in any case four at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

(b) The reasonable expenses of the Council in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the district.

Closing of registers.

145. The Council may close any transfer books or the registers of transfers of mortgages or other securities of the Council as the case may be on any day in the month next before that in which an instalment of interest on such mortgages or other securities is payable but so that the books be not at any time kept closed for more than one month.

PART X.

MISCELLANEOUS.

Power to establish information bureau.

146. The Council may within the district establish and maintain an information bureau for the purpose of supplying such information with regard to the district as may be desired by visitors or intending visitors to the district and others and may employ and pay such

number of clerks assistants and servants as they may think fit for the purpose and may if they think fit make charges for the use of such bureau or for information supplied by means thereof.

A.D. 1928.

147. The Council may provide and maintain barometrical and other instruments for recording the state of the weather and may take all necessary steps for making and publishing weather reports and statistics.

As to
publishing
weather
reports.

148. Whenever the Council or the surveyor under any enactment or byelaw for the time being in force within the district 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 Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Council 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 Council 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.

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

149. If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Council under Parts V or VI 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 Council to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings 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.

A.D. 1928.

Power of
entry.

150. 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 the provisions of Parts V and VI of this Act as if those purposes had been mentioned in the said section 102.

General pro-
visions as
to byelaws.

151. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Council under the powers of this Act:

Provided that no byelaws made by the Council affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been obtained.

Evidence of
appoint-
ments
authority
&c.

152. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or any committee of the Council under this Act or under any general or local Act for the time being in force in the district it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the chairman of the Council or of the 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.

Authentica-
tion and
service of
notices.

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

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Order or byelaw for the time being in force within the district may be served in the same manner as notices under the Public Health Act 1875 are

by section 267 (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. A.D. 1928.
—

154. Where under this Act or under any general or local Act for the time being in force in the district the Council give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they 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. As to breach
of conditions
of consent
of Council.

155. All consents given by the Council under the provisions of this Act or of any local Act Order byelaw or regulation for the time being in force within the district shall be given in writing and unless otherwise prescribed shall be given under the hand of the clerk or other duly authorised officer of the Council. Consents of
Council to be
in writing.

156. Where under the provisions of this Act or any local Act in force in the district the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Council from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction. Apportion-
ment of ex-
penses in
case of
joint
owners.

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

158. 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 Recovery
of demands.

A. D. 1928. matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

As to
appeals.

159. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Council or of or by any officer of the Council under the provisions of Parts IV V VI or VII of this Act or by any order made by a court of summary jurisdiction 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 the Council may in like manner appeal.

Several
sums in one
summons.

160. Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the district any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Informa-
tions by
whom to
be laid.

161. 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 byelaw made thereunder may be laid and made by any officer of the Council duly authorised in that behalf or by the clerk or by any police officer acting for or within the district.

Recovery
of penalties
&c.

162. 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.

Penalties to
be paid over
to clerk.

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

164. 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.

A.D. 1928.

—
Compensation how to be determined.

165. All powers rights and remedies given to the Council 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 Council or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not 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 cumulative.

166. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889.

Application of Arbitration Act 1889.

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

Saving for indictment &c.

168. 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 any local enactment as if the same were re-enacted therein.

Application of section 265 of Public Health Act 1875.

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

Judges not disqualified.

A.D. 1928.
—
Repeal.

170. As from the day of transfer the following sections of the company's Act shall be repealed (that is to say) :—

Section 78 (Regulations for preventing waste or contamination of water);

Section 80 (Form and service of notices by company);

Section 83 (Liability to water rent not to disqualify justices &c.);

Section 84 (Contents of summons &c.);

Section 85 (Warrant of distress to include costs).

Inquiries by
Minister of
Health.

171.—(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 may have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

(2) The Council 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.

Crown
rights.

172. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Works
below
high-water
mark not

173. The Council shall not under the powers of this Act construct on over or under the shore or bed of the sea or of any creek bay arm of the sea or navigable

river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Council shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Council and the amount of such costs and charges shall be a debt due from the Council to the Crown and shall be recoverable as a Crown debt or summarily.

A.D. 1928.

—
to be
constructed
without
consent of
Board of
Trade.

174. All 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 Council in the first instance out of the district fund and general district rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose.

Costs of Act.

A.D. 1928.

The SCHEDULE referred to in the
foregoing Act.

FORM OF MORTGAGE.

URBAN DISTRICT OF BOGNOR.

By virtue of the Bognor Urban District Council Act 1928 and of other their powers in that behalf them enabling the urban district council of Bognor (hereinafter referred to as "the Council") in consideration of the sum of pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the district 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 Council 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 offices of the Council in the said district [(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 Council to the mortgagee or by the mortgagee to the Council] [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 Council and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the clerk for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be

