



Towns Improvement Clauses Act 1847

CHAPTER 34

TOWNS IMPROVEMENT CLAUSES ACT 1847

[1.] Extent of Act.

Interpretations in this Act

And with respect to the construction of this Act, whether...

- 2 “the special Act:” “prescribed:” “the commissioners.”
- 3 Interpretations in this and the special Act. Number: Gender: “Person:” “Lands:” “Street:” “Month:” “Justice:” “Two Justices:” “Owner:” “Cattle:”

Citing the Act

And with respect to citing this Act or any part...

- 4 Short title of this Act.
- 5 Form in which portions of this Act may be incorporated with other Acts.

Officers

And with respect to the officers to be appointed by...

- 6 Until an inspector is appointed under some general Act, execution of works may be proceeded with without his approval.
- 7—12

Surveys and plans

And with respect to plans of the district within the...

- 13 Commissioners to cause a map of the district within the limits of the special Act to be made, and to be open to inspection.
- 14 Ordnance may furnish commissioners with maps, or cause surveys to be made.

Changes to legislation: There are currently no known outstanding effects for the Towns Improvement Clauses Act 1847. (See end of Document for details)

- 15 Level lines to be marked on map, and bench marks to be made for denoting the same.
- 16 Commissioners may cause maps to be engraved, &c., and pay expences out of rates.
- 17 Commissioners to cause plans to be prepared of alterations of new works or alterations of existing works.
- 18 Before giving notice of construction of works, plans to be prepared and deposited in the office of the commissioners.

Lands

And with respect to taking lands, and the compensation to...

- 19 The taking of lands to be subject to the provisions of this Act and the Lands Clauses Consolidation Act 1845.
- 20 Errors and omissions in plans, &c. may be corrected by justices, who shall certify the same. Certificate to be deposited.
- 21 Commissioners to make compensation for damage done. If parties cannot agree as to compensation, the same to be determined in manner provided by 7 & 8 Vict. c. 18.

Sewers

And with respect to making and maintaining the public sewers,...

- 22 Management of sewers and other works vested in the commissioners.
- 23 Drainage districts to be formed, subject to approval of inspector.
- 24 Power to commissioners to construct sewers where none exist, making compensation to owners of property.
- 25 Commissioners may alter sewers from time to time.
- 26 Commissioners not to destroy existing sewers, &c. without providing others. Penalty for neglect.
- 27 Commissioners to cause estimates to be prepared and submitted to the inspector.
- 28 As to the expence of making new sewers. Where lands, &c. were sufficiently drained before making new sewer, occupier to have a reduction made in his rates.
- 29 As to the expence of maintaining sewers, &c.
- 30 Penalty for making unauthorized drains.
- 31 Vaults and cellars under streets not to be made without the consent of the commissioners.
- 32 Streets may be stopped for repairs.
- 33 All sewers, &c. to be covered with traps.
- 34 Sewers may be used by owners and occupiers of land beyond limits of town or district.

House drains

And with respect to the drainage of houses, be it...

- 35 Commissioners empowered to construct drains from houses, charging owner, &c. with the expence.
- 36 No house to be hereafter built without drains being constructed.
- 37 Where houses are rebuilt, the level shall be sufficient to allow a drain to be constructed.
- 38 Notice of buildings and rebuildings to be given to the commissioners.
- 39 Commissioners may signify disapproval within fourteen days.

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- 40 Houses built without notice, or contrary to provisions of this or the special Act, may be altered.
- 41 If commissioners fail to signify their approval, &c. within fourteen days, parties may proceed without.
- 42 Commissioners may require owners of houses to provide privies and ashpits for the same.
- 43 Penalty for neglecting to provide privy, &c.
- 44 Drains, privies, and cesspools to be kept in good order by owners. If owners neglect, commissioners may cause the same to be done, and charge the owners with the expence.
- 45 As to the inspection of drains, privies, and cesspools.
- 46 Penalty on persons making or altering drains, &c. contrary to the orders of the commissioners.

Paving

- And with respect to paving and maintaining the streets, be...
- 47 Management of streets vested in the commissioners.
 - 48, 49
 - 50
 - 51 Power for the commissioners to pave public streets.
 - 52 Commissioners may place fences to footways.
 - 53 Where public streets have not heretofore been paved, commissioners may cause them to be paved, at the expence of the occupiers of adjoining lands.
 - 54 Future streets may be declared highways.
 - 55 Commissioners, upon completion of two thirds of any street, may upon application require remaining one third to be completed by owners of houses.
 - 56 Penalty on persons altering pavements without the consent of the commissioners.

New streets

- And with respect to laying out new streets, be it...
- 57 Notice of intention to lay out new streets to be given to commissioners.
 - 58 Levels to be fixed by the surveyor to the commissioners.
 - 59 If the commissioners fail to fix the level, the party may proceed without.
 - 60 Persons laying out streets without notice to be liable to the expences of subsequent alterations of levels.
 - 61 Situation of gas and water pipes to be altered at the expence of the commissioners.
 - 62 If gas or water company neglect to make the alteration, the commissioners may cause the same to be done.
 - 63 As to the width of new streets.

Naming streets

- And with respect to naming the streets and numbering the...
- 64 Houses to be numbered and streets named.
 - 65 Numbers of houses to be renewed by occupiers.
 - 66—74

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Ruinous or dangerous buildings

- And with respect to ruinous or dangerous buildings, be it...
- 75 Ruinous or dangerous buildings to be taken down or secured by owners, &c. If owner, &c. neglect to repair, commissioners may cause the same to be done, charging owner, &c. with the expences.
- 76 The expences to be levied by distress on the owner.
- 77 If owner cannot be found, commissioners may take the house or ground, making compensation provided by 7 & 8 Vict. c. 18.
- 78 Commissioners may sell the materials, restoring to the owner the overplus arising from the sale.
- 79—83

Objections to works

- And with respect to objections to the works to be...
- 84 Commissioners to give notice of new levels of sewers.
- 85 Meeting of commissioners to hear objections in the presence of the inspector.
- 86 Persons aggrieved by order of commissioners may appeal to quarter sessions.

Cleansing streets

- And with respect to cleansing the streets, be it enacted...
- 87 Commissioners to cause streets to be cleansed, and dust and ashes to be removed from the houses.
- 88 Occupiers to cause footways to be swept. Penalty for neglect.
- 89 Commissioners may compound for sweeping footways.
- 90 Dust, &c. collected to be vested in the commissioners.
- 91 Commissioners may provide lands, &c. for deposit of soil and materials.
- 92 Dust boxes to be erected by commissioners.
- 93 Commissioners may cause public conveniences to be erected.
- 94 Commissioners to cause streets to be watered, and wells, pumps, &c. to be provided.
- 95 Commissioners to appoint scavengers.
- 96 Penalty for obstructing scavengers.
- 97 Penalty on persons other than scavengers removing dirt.
- 98 Penalty for conveying offensive matter at improper times.

Nuisances

- And with respect to the prevention of nuisances, be it...
- 99 Stagnant pools of water and other annoyances to be removed.
- 100 Regulations to prevent accumulation of dung, &c.
- 101 On certificate of the officer of health, filth to be removed.
- 102 Houses to be whitewashed and purified, on certificate of officer of health, &c.
- 103 No interment in any grave without leaving two feet six inches clear of soil above the coffin.
- 104 Justices may order nuisances to be abated.
- 105 Penalty for disobedience of orders of justices.
- 106 Commissioners to order costs of prosecutions to be paid out of the rates.
- 107 Act not to affect nuisances at common law.
- 108

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Fire

- And with respect to the construction of houses for prevention...
- 109 Party walls to be carried up through the roof. Walls of buildings and coverings of roofs to be made of incombustible materials.

Ventilation

- And with respect to supplying buildings with fresh air, be...
- 110 Regulating construction of buildings intended as places for public meetings. No person to begin to build until plan has been approved by commissioners.
- 111 If commissioners fail to signify their approval of plan within fourteen days, party may proceed to build.
- 112 Persons may appeal against determination of commissioners.
- 113 Cellars in courts not to be occupied as dwellings, after letting prohibited.
- 114 No cellars under the height of seven feet from the floor to the ceiling to be let as dwellings.
- 115 Penalty on letting such cellars as dwelling places.

Lodging houses

- And with respect to lodging houses, be it enacted as...
- 116 For the regulation and inspection of lodging houses.
- 117 Commissioners to keep a register of lodging house keepers, and make rules for promoting cleanliness and ventilation.
- 118 Penalty on lodging house keepers not complying with the provisions of the Act.

Lighting

- And with respect to lighting the town or district, be...
- 119 Commissioners may contract for lighting the streets.
- 120 For ascertaining price to be paid for gas, in case of dispute.

Water

- And with respect to the supply of water, be it...
- 121 Power to commissioners to construct public cisterns and pumps for supply of water to baths and wash-houses. Commissioners not to construct such new works without approval.
- 122 Commissioners may contract for supply of water.
- 123 For ascertaining price to be paid for water in case of dispute.
- 124

Slaughter-houses

- And with respect to slaughter-houses, be it enacted as follows:...
- 125 Commissioners may license slaughter-houses, &c.
- 126 No new slaughter-houses in future to be erected without a licence.
- 127 Existing slaughter-houses, &c. to be registered.
- 128 Commissioners may make byelaws for regulation of slaughter-houses, &c.
- 129 Justice may suspend licence of slaughter-houses, &c. in addition to penalty imposed.

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- 130 Penalty for slaughtering cattle during suspension of licence, &c.
 131 Officers may enter and inspect slaughter-houses, &c.

Special order

- And with respect to things to be done by the...
- 132 As to certain matters authorized to be done by the commissioners by special order only.
- 133 Final resolution not to be carried into effect for one month, nor then if a majority of the ratepayers remonstrate against the same.
- 134 Commissioners may purchase slaughter-houses, &c.
- 135
- 136 Public bathing places and drying grounds.
- 137 Proportion of baths for the working classes.
- 138 Charges for the use of baths.
- 139 Recovery of charges for the use of baths, &c.
- 140 Publication of byelaws in regard to baths, &c.
- 141 Sale of baths, &c. on discontinuing them.
- 142 Application to be made to Parliament if additional powers necessary.

Clocks

- 143 Power to commissioners to provide public clocks.

Execution of works by commissioners

- And with respect to entry by the commissioners or their...
- 144 Commissioners empowered to enter upon lands for the purposes of this Act.
- 145 Penalty on persons obstructing commissioners in their duty.

Execution of works by owners

- And with respect to ensuring the execution of the works...
- 146 As to service of notice on owners and occupiers of buildings and lands.
- 147 Commissioners, in default of owner or occupier, may execute works and recover expences.
- 148 Occupier, in default of owner, may execute works, and deduct expences from his rent.
- 149 How expences are to be recovered from owner.
- 150 Power to levy charges on occupier who may deduct the same from his rent.
- 151 Occupier not to be liable for more than the amount of rent due.
- 152 Commissioners may allow time for repayment by owners of improvement expences.
- 153 Proceedings in case of tenants opposing the execution of this Act.
- 154 Respecting existing contracts for building.
- 155 Respecting contracts for leases.

Rates

- And with respect to the rates directed by this Act...
- 156 As to the recovery of private improvement expences.
- 157 Where new sewers are made commissioners may make special sewer rates.

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- 158 Commissioners to make a general sewer rate distinct from other rates.
- 159 Commissioners may borrow money by mortgage of sewer rates.
- 160 Sewer rate to be of such amount as to pay off monies borrowed thereon in thirty years.
- 161 Cases where rates may be charged upon separate and distinct districts.
- 162 Rates to be levied on separate and distinct districts.
- 163 Drainage rates.
- 164 Occupiers may deduct a proportion of drainage rate from their rent.
- 165 Landlords being also tenants, may deduct proportion of drainage rate from their rent.
- 166 Limitation of expenditure for house drains, &c.
- 167 Rates to be levied on persons holding, using, or occupying houses, &c. Proportion to be paid by holders of lands, nursery grounds, &c.
- 168 Exemptions from rates.
- 169 Rates may be made prospective or retrospective.
- 170 Commissioners to cause estimates to be prepared before making a rate.
- 171 Notice of rate to be given.
- 172 Form of rate.
- 173 Rate to be open to inspection of ratepayers, who may take copies, &c.
- 174 Rates may be amended.
- 175 Value of property to be ascertained according to poor rate.
- 176, 177
- 178 Poor rate to be open to inspection by commissioners.
- 179 Owner of property unoccupied to be assessed to the sewer rate.
- 180 Unoccupied premises to be included in the rates; and if the premises are afterwards occupied, a portion of rates to be paid.
- 181 Owners of property not exceeding 10*l.* per annum net annual value to pay rates instead of occupier.
- 182 Not necessary to name the owner where unknown.
- 183 Tenants under existing leases to repay the owner.
- 184 Occupiers may be rated if they think fit.

Appeal

- And with respect to the appeal to be made against...
- 185 Persons aggrieved may appeal to petty sessions on the ground of incorrectness, &c. of valuation. Their decision to be final unless appealed from to quarter sessions.
- 186 Parties may appeal to the quarter sessions against a rate.
- 187
- 188 No order of special sessions to be in force pending appeal.
- 189 On appeal, the quarter sessions and petty sessions to have same power of amending and quashing rates, and of awarding costs, as in appeals against poor rates.
- 190

Recovery of rates

- And with respect to the recovery of rates, be it...
- 191 Rates to be recovered by distress.
- 192 Form of warrant of distress. Constables to assist in making distress.
- 193 Rate books to be evidence.
- 194 Remedy against persons quitting before payment of rates.
- 195 Rates to be apportioned on holder quitting.

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196 Rates due from owner may be recovered from occupier.
 197 Occupier not to be required to pay more than the amount of rent owing by him.
 198 Occupier refusing to give name of owner liable to a penalty.
 199 Surveyors of highways may proceed for the recovery of arrears of highway rates.
 200—
 208
 209

Recovery of damages and penalties

And with respect to the recovery of damages not specially...
 210 Clauses of 8 & 9 Vict. c. 20., as to recovery of damages and penalties incorporated with this and special Act, &c.
 211
 212 Things required to be done by two justices may, in certain cases, be done by one.
 213

Access to special Act

And with respect to affording access to the special Act...
 214 Copies of special Act to be kept by commissioners at their office, and deposited with the clerks of the peace, &c., and be open to inspection.
 215 Penalty on commissioners failing to keep or deposit such copies.
 216

SCHEDULES referred to by the foregoing Act

SCHEDULE (A) — *Form of Rate*

An assessment to the sewer rate [or other rate,&c., as...
 Signed by us this day of in the year of...
 A.F.M
 C.D.
 E.F. _____ Improvement
 G.F. Commissioners
 L.K.
 L.M.

SCHEDULE (B) —

Form of Warrant of Distress for the recovery of a Rate

County of
 [or Borough, &c.]
 to wit.
 Whereas complaint hath been duly made by , one of...
 J.P. (L.S.)

Changes to legislation:

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