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THE
PUBLIC GENERAL ACTS

Passed in

The Twenty-sixth Year of the Reign of His Majesty

King George the Fifth

And the First Year of the Reign of His Majesty

King Edward the Eighth

Being the First Session of the Thirty-seventh
Parliament of the United Kingdom of
Great Britain and Northern Ireland

and the

Church Assembly Measures

Which received the Royal Assent during that Session
with

Tables of the Titles

The Effect of Legislation
and an Index

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[IN TWO VOLUMES]

VOLUME II

Public General Acts, Chapters 43 to 54

Church Assembly Measures

Table of the Effect of Legislation,
and Index



LONDON

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FOR SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E.

THE KING'S PRINTER OF ACTS OF PARLIAMENT

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CHAPTER 43.

An Act to extinguish tithe rentcharge and extraordinary tithe rentcharge, and to make provision with respect to the compensation of the owners thereof and rating authorities and to the liabilities of the owners of land charged therewith in respect of the extinguishment thereof; to reduce the rate at which tithe rentcharge is to be payable pending its extinguishment and to make provision with respect to the recovery of arrears thereof; to make provision for the redemption and extinguishment of corn rents and similar payments; and for purposes connected with the matters aforesaid.

[31st July 1936.]

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.

EXTINGUISHMENT OF TITHE RENTCHARGE, COMPENSATION OF OWNERS THEREOF AND LIABILITIES OF LANDOWNERS.

*Extinguishment, Compensation by issue of Stock,
Charge of Redemption Annuities.*

1. Subject to the provisions of this Act, all tithe rentcharge shall be extinguished on the second day of October, nineteen hundred and thirty-six (in this Act referred to as "the appointed day"), and accordingly as from that day the land out of which any tithe rentcharge issued immediately before that day shall be absolutely discharged and freed therefrom.

Extinguishment of tithe rentcharge.

2.—(1) Subject to the provisions of this Act, stock (to be called "redemption stock"), charged by way of guarantee on the Consolidated Fund and the growing

Compensation by issue of stock.

PART I.
—cont.

produce thereof, shall be issued for the compensation of the persons interested in a tithe rentcharge in respect of the extinguishment thereof by this Act.

(2) The amount of stock to be issued for compensation in respect of a rentcharge shall be such an amount as will yield interest equal in amount to the gross annual value of the rentcharge less the deductions specified in Part I of the First Schedule to this Act :

Provided that, in the cases specified in Part II of the said First Schedule, the amount of stock to be issued shall be modified in accordance with the provisions of the said Part II.

(3) For the purposes of this Act the gross annual value of a rentcharge shall be taken to be the amount which bears to the amount of the rentcharge the same proportion as the following sum bears to the sum of one hundred pounds, that is to say—

(a) if any of the land out of which the rentcharge issued immediately before the appointed day was on the first day of April, nineteen hundred and thirty-six, agricultural land, ninety-one pounds eleven shillings and twopence ;

(b) if none of the said land was on the said first day of April agricultural land—

(i) in the case of a lay tithe rentcharge, one hundred and five pounds, or

(ii) in the case of an ecclesiastical tithe rentcharge, ninety-one pounds eleven shillings and twopence.

Charge of
redemption
annuities.

3.—(1) Subject to the provisions of this Act, an annuity (to be called a “redemption annuity”) shall be charged in respect of the land out of which a tithe rentcharge extinguished by this Act issued immediately before the appointed day, for the use of His Majesty, for the period commencing on the appointed day and ending on the day preceding the sixtieth anniversary thereof.

(2) The amount of an annuity charged by this section in respect of the land out of which a rentcharge issued shall

be the amount which bears to the amount of the rentcharge the same proportion as the following sum bears to the sum of one hundred pounds, that is to say—

PART I.
—cont.

- (a) if any of the said land was on the first day of April, nineteen hundred and thirty-six, agricultural land, ninety-one pounds eleven shillings and twopence;
- (b) if none of the said land was on that day agricultural land, one hundred and five pounds:

Provided that an annuity charged by this section in respect of the land out of which a contingent rentcharge issued shall be an annuity of such amount as would have been charged if the rentcharge had not been a contingent rentcharge reduced by such an amount, to be determined by the Commission to be established for the purposes of this Act, as appears to them to be just having regard to the special incidents to which the rentcharge was subject.

Establishment of Commission and Delivery of Information as to Rentcharges.

4.—(1) There shall be established for the purposes of this Act a Commission to be called the “Tithe Redemption Commission” (in this Act referred to as “the Commission”), consisting of a chairman and not more than four other commissioners appointed by the Treasury after consultation with the Minister of Agriculture and Fisheries (in this Act referred to as “the Minister”).

Tithe Redem-
ption
Commission.

(2) It shall be the duty of the Commission, subject to and in accordance with the provisions of this Act—

- (a) to determine what tithe rentcharges have been extinguished by this Act, the amount of stock to be issued for compensation in respect of the extinguishment thereof, and the persons entitled to receive the stock to be so issued;
- (b) to determine what annuities are charged by section three of this Act and to record particulars thereof, to apportion annuities which are charged in respect of land in the ownership of two or more owners, and to manage annuities until directions for the transfer of the management thereof to the Commissioners of Inland Revenue have been given under the subsequent provisions of this Act;

PART I.
—*cont.*

and to perform such other functions for the purposes of this Act as are hereafter in this Act mentioned.

(3) The expenses incurred by the Commission in the performance of their functions under this Act, to such amount as may be approved by the Treasury, shall be defrayed out of moneys provided by Parliament.

(4) The provisions of the Second Schedule to this Act shall have effect with respect to the constitution, procedure, staff and expenses of the Commission.

Obligation of owners of rent-charges to give particulars thereof to the Commission.

5.—(1) Not later than the thirty-first day of October, nineteen hundred and thirty-six, there shall be transmitted to the Commission, in respect of every tithe rent-charge extinguished by this Act, particulars in writing, in such form as may be prescribed by rules made by the Minister, as to—

- (a) the amount of the rentcharge;
- (b) the land out of which the rentcharge issues including (except in the case of an extraordinary tithe rentcharge) a statement whether any of that land was on the first day of April, nineteen hundred and thirty-six, agricultural land;
- (c) the collection of the rentcharge last effected, including particulars as to the payment date on which the sum collected became due, the name and address of the person by whom and of the person from whom and the land in respect of which that sum was collected and, in a case in which that sum was recovered under an order of the court, the date of commencement of the proceedings;
- (d) the title to the rentcharge, including particulars as to the person in whom the legal estate in fee simple therein is vested, the instrument, if any, other than an instrument of apportionment or a public general Act, by virtue of which that estate became vested in that person, and as to any other estate or interest subsisting in or affecting the rentcharge by virtue of any settlement, trust for sale, lease, mortgage, or other disposition, or otherwise howsoever.

(2) The particulars to be transmitted under the foregoing subsection, other than particulars thereby

required to be related to a date therein mentioned, shall, if transmitted before the appointed day, be related to the facts as existing at the date on which the particulars are transmitted and, if transmitted on or after the appointed day, be related to the facts as existing immediately before the appointed day.

PART I.
—cont.

(3) The particulars to be transmitted under subsection (1) of this section as to matters relating to the title to a rentcharge shall be in the form of a statutory declaration made by the person in whom the legal estate in fee simple in the rentcharge is vested or was vested immediately before the appointed day :

Provided that, if it appears to the Commission, in the case of any rentcharge or of rentcharges in the ownership of any person or class of persons, that it is impracticable or is in the circumstances unnecessary for the statement to be made by way of statutory declaration or to be made by the person in whom the said estate is or was vested or that it is expedient that the statement should be made by some other person, they may accept or require, in lieu of a statutory declaration made by the person in whom the said estate is or was vested, a statement made in writing under the hand of that person or a statutory declaration or statement in writing made by some other person approved by them in that behalf.

(4) If, in the case of any rentcharge in respect of which the foregoing requirements of this section have effect, those requirements are not satisfied on or before the thirty-first day of October, nineteen hundred and thirty-six, or within such period thereafter as the Commission may in special circumstances allow on application being made to them in that behalf, or if any person interested in any rentcharge refuses or neglects to give to the Commission on being requested by them so to do any information in his possession with respect thereto which they may reasonably require, the Commission shall have power to direct that the provisions of this Act relating to compensation in respect of extinguishment shall not have effect in relation to that rentcharge, or shall have effect in relation thereto subject to a reduction of the amount of the stock to be issued, or to a postponement of the date from which interest thereon is to accrue.

PART I.
—cont.
Documents
to be placed
at disposal
of the Com-
mission.

6.—(1) A person having in his custody or control any collecting list or similar document relating to tithe rentcharge shall place it at the disposal of the Commission on being required by them so to do :

Provided that, where any person who but for the provisions of this subsection would have been entitled to the custody of such a list or document satisfies the Commission that the custody thereof is reasonably required by him, the Commission shall either authorise him to retain it, or if it has been transmitted to them return it to him subject to an obligation to transmit a true copy thereof to them, or, if they require it to be transmitted to them or to remain in their custody, shall furnish him with a true copy thereof, and a person who transmits a copy to the Commission under this proviso shall be entitled to be paid by the Commission such sum as appears to them to represent the reasonable cost of the preparation thereof. •

(2) Any person having such a list or document in his custody or control who fails to place it at the disposal of the Commission on being required by them so to do, or who fails to transmit to them a copy thereof which he is under obligation to transmit within twenty-eight days after the obligation is incurred, shall be liable on summary conviction to a fine not exceeding five pounds.

(3) As soon as may be after the commencement of this Act, the Minister shall place at the disposal of the Commission all instruments of apportionment in his custody or control and all such other documents relating to tithe rentcharge in his custody or control as ought in his opinion to be so placed. •

(4) Any person having in his custody or control a sealed copy made pursuant to the Tithe Acts of an instrument of apportionment shall place it at the disposal of the Commission on being required by them so to do.

Stock.

Issue of
stock
and provi-
sion as to
beneficial
interests
therein.

7.—(1) Stock to be issued for compensation in respect of a tithe rentcharge shall be issued to the person specified in that behalf in Part I of the Third Schedule to this Act, and shall be held and disposed of for the like purposes as if the stock had been an investment of consideration money paid for the redemption

of the rentcharge under the Tithe Acts, and, in the case of stock issued to the proper officer of the court, according to the orders of the court :

PART I.
—cont.

Provided that the foregoing provisions of this subsection shall have effect subject, in the case of stock to be issued to Queen Anne's Bounty, to the provisions of Part II of the Third Schedule to this Act, and subject to the provisions of this Act relating to the issue of stock in certain cases in respect of liabilities to repair chancels of churches or other ecclesiastical buildings,

(2) When the Commission have satisfied themselves that a tithe rentcharge has been extinguished by this Act, and have determined the amount of the stock to be issued in respect thereof, and the person entitled to receive the stock, they shall transmit to the Bank of England a certificate specifying the amount of the stock to be issued and the name and address of the person entitled to receive it, and stock of that amount shall be issued to that person in accordance with the provisions of Part II of this Act.

8.—(1) Interest in respect of stock shall, subject to the provisions of this Act, commence to accrue on the first day of October, nineteen hundred and thirty-six.

Transitional provisions as to interest on, and issue of, stock.

(2) When as regards any tithe rentcharge the right to an issue of stock in respect thereof, and the minimum amount of the stock to be issued, have been established to the satisfaction of the Commission with reasonable certainty, the Commission shall thereupon pay to the person appearing to them to be the person who will be entitled to receive the stock an amount equal to the interest accrued on that amount of stock up to the day preceding the interest date then last, and shall on each interest date thereafter pay to that person an amount equal to the interest in respect of so much of that amount of stock as remains unissued accrued between the interest date then last and the day preceding the date on which the payment is to be made.

Interest paid under this subsection is in this Act referred to as "provisional interest."

(3) In a case in which the Commission are authorised to pay provisional interest, they may, if the person to whom such interest would be payable so requests,

PART I.
—cont.

transmit to the Bank of England a certificate specifying an amount of stock equal to the amount in respect of which they are authorised to pay provisional interest less such deduction, not being less than ten per cent., as they think fit, and the name and address of the person appearing to the Commission to be entitled to receive it, with a view to the immediate issue of stock of that reduced amount to that person, and stock of that amount shall be issued to that person in accordance with the provisions of Part II of this Act:

Provided that, before transmitting a certificate under this subsection, the Commission shall obtain from the person to be therein specified such security or indemnity as appears to the Treasury to be sufficient to provide against loss in the event of it appearing that that person was not in fact entitled to the amount of stock specified.

(4) On the date of the issue of any stock the Commission shall pay to the person to whom it is issued any interest accrued thereon up to the day preceding the interest date then last which has not been paid to him as provisional interest.

(5) If any interest is paid under this section in respect of any stock to a person other than the person entitled to receive that stock, or to the last mentioned person in excess of the interest accrued thereon for the period for which the interest was paid, the Commission shall be entitled to recover the amount so paid, or the amount of the excess, as the case may be, as money had and received to the use of the Commission, and, in the case of an amount paid in excess to the person entitled to receive any stock, to a charge in respect of that stock for that amount, enforceable against the person to whom the stock is issued in like manner as if the rentcharge in respect of which the stock is issued had been subject immediately before the appointed day to a mortgage to secure the amount charged, with priority over all other interests so enforceable.

(6) Nothing in this section shall affect the Bank of England, or a person purchasing in good faith and for valuable consideration stock in respect of which any such charge as aforesaid exists, with notice of any such charge.

Annuities.

PART I.

—cont.

Register of annuities and of lands in respect of which they are charged.

9.—(1) As soon as may be after the appointed day, the Commission shall determine in relation to every district the amount of each annuity charged in respect of land in the district and the land in respect of which each such annuity is charged, and shall prepare a register specifying the amount of each such annuity and indicating by reference to a map the land in respect of which it is charged, and, after giving to the owners of land in the district an opportunity of inspecting the register and map and after making any amendments therein which in accordance with information furnished to them by such owners or otherwise in their possession appear to them to be requisite, shall seal two copies thereof, of which one shall be deposited at the principal office of the Commission and the other shall be deposited at such place in, or in the neighbourhood of, the district as the Commission may direct.

(2) Where under the subsequent provisions of this Act an annuity charged in respect of land in a district in respect of which an annuities register has been sealed is extinguished or reduced in amount, or a substituted annuity is charged in respect of land in such a district, the Commission shall forthwith make such consequential alterations in the annuities register and map as appear to the Commission to be requisite.

(3) Entries relating to an annuity in an annuities register shall be conclusive evidence that an annuity of the amount therein specified was charged in respect of the land therein indicated, as delineated in the annuities map, at the following date, that is to say, in the case of original entries, at the date stated in the register as the date of sealing thereof, or, in the case of entries consequent upon an alteration of the register, at the date stated therein as the date on which the alteration was made, and shall be prima facie evidence that an annuity of the said amount is for the time being so charged.

(4) If it is shown to the satisfaction of the Commission that any error exists in an annuities register or map, they shall forthwith amend it in such manner as appears to them to be requisite.

PART I.

—cont.

Apportionment and extinguishment of certain annuities.

10.—(1) Subject to the provisions of this Act, the Commission shall, in every case in which they ascertain that an annuity is charged in respect of land in the ownership of two or more owners, apportion the annuity as between the several parts of the land that are in different ownership in such manner as appears to the Commission to be just and equitable :

Provided that in making any such apportionment they shall have regard—

- (a) to any informal arrangement which is shown to their satisfaction to have been made before the appointed day for the apportionment of the tithe rentcharge which issued out of the land in respect of which the annuity is charged;
- (b) to any agreement with respect to the apportionment which may be arrived at between the owners of the land and notified to the Commission;
- (c) to the annual value of the land or any part thereof as ascertained for the purposes of income tax under Schedule B; and
- (d) to the areas of the several parts of the land that are in different ownership.

(2) When the Commission have apportioned an annuity, they shall make an order specifying the amount apportioned to each part of the land, and, subject to the provisions of this Act, where such an order is made, the existing annuity shall be deemed to have been extinguished as from the day following the last payment date before the date on which the order is made, and annuities (in this Act referred to as “substituted annuities”) of the amounts apportioned to the several parts of the land shall be charged by virtue of this Act in respect of those parts respectively for the use of His Majesty for the period commencing on the day following that payment date and ending on the day preceding the sixtieth anniversary of the appointed day.

(3) Where an annuity is charged in respect of land in the ownership of numerous owners and it appears to the Commission that the cost of apportioning the annuity under the foregoing provisions of this section would be

excessive in relation to the amount of the annuity, the Commission may, with the consent of the Treasury, either—

PART I.
—cont.

- (a) make an order extinguishing the annuity without ordering any apportionment; or
- (b) include in an order for apportionment a direction as respects any parts of the land as to which difficulties of apportionment exist that no substituted annuities shall be charged in respect thereof.

(4) If it appears to the Commission that the cost of collection and management of an annuity would be excessive in relation to the amount thereof, the Commission may, with the consent of the Treasury, by order extinguish the annuity.

11.—(1) Where—

- (a) an annuity of one pound or less,* or two or more annuities amounting in the aggregate to one pound or less, is or are charged in respect of land in any district or of land in that district and of adjacent land in another district, being land which is in the ownership of a single owner who does not own in the same capacity any other land in respect of which an annuity is charged situate in that district or adjacent to the land in respect of which that annuity, or any of those annuities, is charged;
- (b) an annuity is charged in respect of land the whole of which is divided for building or other purposes into numerous plots; or
- (c) the Commission are satisfied that the whole of the land in respect of which an annuity is charged is about to be divided as aforesaid;

Compulsory
redemption
of certain
annuities.

the annuity or annuities shall be redeemable compulsorily.

(2) Where a part of land in respect of which an annuity is charged is land divided or about to be divided for building or other purposes into numerous plots, the annuity shall be apportioned and the provisions of subsections (1) and (2) of the last foregoing section shall have effect as if the part so divided or about to be so divided and the residue of the land had been in different ownership.

PART I.

—cont.

Transfer
of manage-
ment of
annuities
from Com-
mission to
Commis-
sioners of
Inland
Revenue.

12.—(1) Annuities whilst under the management of the Commission, that is to say until directions given by the Treasury in relation thereto respectively under this section take effect, shall be ascertained, recovered and applied by the Commission.

(2) At any time after an annuities map and register have been sealed by the Commission, and the entering in the register by the Commission under the subsequent provisions of this Act of the names of the owners of land in the district charged with annuities has been completed or nearly completed, the Treasury may direct that the management of annuities charged in respect of land in the district shall be transferred to the Commissioners of Inland Revenue (hereafter in this Act referred to as "the Board").

(3) A direction under this section shall specify a date, not being earlier than the expiration of seven years from the appointed day, on which the direction is to take effect, and as from that date the annuities charged in respect of land in the district to which the direction relates shall be under the management of the Board and shall be ascertained, recovered and applied by them.

(4) Proceedings pending in any court at the date on which a direction under this section takes effect, for the recovery of a sum payable in respect of an annuity charged in respect of land in the district to which the direction relates, may be continued by the Commission, but, subject as aforesaid, all sums which have become so payable before that date shall be recoverable by the Board.

(5) The provisions of section six of this Act relating to the placing of documents at the disposal of the Commission shall have effect, as respects documents relating to tithe rentcharge which issued out of land in a district in relation to which a direction under this section has taken effect, as if for references therein to the Commission there had been substituted references to the Board.

(6) The foregoing provisions of this Part of this Act relating to the apportionment, extinguishment and redemption of annuities, the charging of substituted annuities, and the deposit, alteration and amendment of an annuities register and map shall have effect, in relation

to a district in respect of which a direction under this section has taken effect, as if for references therein to the Commission there had been substituted references to the Board.

PART I.
—*cont.*

13.—(1) An annuity shall be payable half-yearly on each payment date. Incidents of annuities.

(2) The first instalment of an annuity charged by section three of this Act shall be payable on the first day of April, nineteen hundred and thirty-seven, and the first instalment of a substituted annuity shall be payable on the first payment date occurring after it is charged.

(3) The extinguishment or termination of an annuity shall not affect any right or liability in respect of sums which became due theretofore on account thereof.

(4) An annuity shall be deemed to be a periodical payment in the nature of income within the meaning of the Apportionment Act, 1870.

33 & 34
Vict. c. 35.

(5) No deduction in respect of income tax shall be made from any instalment of an annuity.

(6) For all the purposes of the Income Tax Acts, five-sixths and no more of each instalment of an annuity shall be deemed to be a payment by way of interest, and the amount deemed to be so payable in any year of assessment shall be allowed as a deduction in respect of that year from the annual value, as assessed under Schedule A, of the lands in respect of which the annuity is charged :

Provided that, if by reason of a remission under this Act or for any other cause an instalment is not paid, no such deduction shall be allowed in respect thereof, and, if part of an instalment is not paid, the amount of the deduction to be allowed shall be reduced in the proportion which the amount not paid bears to the amount of the instalment.

(7) Where an annuity is charged in respect of land in the ownership of two or more owners, any one of those owners who makes pursuant to this Act a payment in respect of an instalment of the annuity, or in respect of an amount payable in respect of the compulsory redemption of the annuity, shall be entitled to recover from the other, or from each of the others, of

PART I.
—*cont.*

them as a simple contract debt such proportion of the payment as may be agreed between the owners or, in default of agreement, may be fixed by the appropriate authority.

15 & 16
Geo. 5. c. 20.

(8) An annuity shall be deemed to be an incumbrance for the purposes of section one hundred and eighty-three of the Law of Property Act, 1925 (which relates to the concealment of incumbrances by persons disposing of property).

(9) Subject to the provisions of this Act, section one hundred and twenty-one of the Law of Property Act, 1925 (which relates to remedies for the recovery of annual sums charged on land), and sections one hundred and ninety-one and one hundred and ninety-two of that Act (which relate to the redemption and apportionment of certain annual sums issuing out of land), shall not have effect in relation to an annuity.

15 & 16
Geo. 5. c. 22.

(10) An annuity shall not for the purposes of the Land Charges Act, 1925, be deemed to be a land charge of a class which may be registered under that Act.

15 & 16
Geo. 5. c. 21.

(11) An annuity shall for the purposes of the Land Registration Act, 1925, be deemed to be included among the interests specified in subsection (1) of section seventy of that Act (which relates to over-riding interests).

Remission
of excess of
annuity
over one-
third of
annual
value of
agricultural
land.

14.—(1) Where one or more annuities is or are charged in respect of land wholly comprised in an agricultural holding, then, if the amount of the annuity, or the aggregate of the amounts of the annuities, as the case may be, exceeds one-third of the annual value, for the twelve months ending on the fifth day of April in any year, of the holding exclusive of any part thereof in respect of which no annuity is charged, payment of an amount equal to one-half of the excess shall, subject to the provisions of this section, be remitted, in proportion where there are two or more annuities to the amounts thereof respectively, in the case of each instalment payable in that year.

(2) In this section the expression "annual value" means annual value for income tax purposes under Schedule B as specified in a certificate issued in accordance with the provisions of the Fourth Schedule to this Act, subject to any amendment which may be made in such a

certificate for the correction of any clerical or arithmetical error.

PART I.
—*cont.*

(3) An owner of land comprised in an agricultural holding shall not be entitled to a remission under this section in respect of an instalment payable in any year unless he has, before the first day of March in that year, made in relation to the holding such an application for a certificate as is mentioned in paragraph 2 of the Fourth Schedule to this Act.

(4) Where an owner has made an application for a certificate with a view to a remission under this section in the case of an instalment which becomes payable on a date before the certificate is issued, the instalment shall be recoverable in full on or after that date, but on the issue of the certificate the owner shall be entitled to recover from the appropriate authority an amount equal to any remission to which he may then appear to have been entitled under this section in the case of that instalment, and for the purposes of the proviso to subsection (6) of the last foregoing section that amount shall be deemed not to have been paid.

(5) Where an annuity is charged in respect of land part of which constitutes, or is comprised in, an agricultural holding, the appropriate authority may, if so requested by the owner of the land, apportion the annuity as between that part and the residue of the land, and the provisions of subsections (1) and (2) of section ten of this Act shall have effect as if that part and the residue of the land had been in different ownership.

(6) In this section and in the Fourth Schedule to this Act the expression "agricultural holding" means agricultural land which is occupied or farmed or, in the case of land used for a plantation or a wood or for the growth of saleable underwood, managed, as a single unit or which is usually so occupied or farmed, or managed, as the case may be, except that, in relation to a case in which such agricultural land is in the ownership of two or more owners, that expression means each part of that land which is in the ownership of a single owner.

15.—(1) Subject to the provisions of this section, the amount of the consideration money to be paid for the redemption of an annuity, and the procedure for the redemption of an annuity, and for the reduction under

Procedure
for redemp-
tion of
annuities.

PART I.
—cont.

this section of the amount of an annuity, shall be such as may be prescribed by rules made by the Treasury (in this section referred to as “the rules”).

(2) The rules shall provide for the determination of the amount of the consideration money to be paid for the redemption of an annuity on the basis of the discounting of all sums which, if the annuity were not redeemed, would be payable in respect of instalments of the annuity on or after the redemption date, reduced by such sum, if any, as the Treasury may think fit in respect of cost of collection, at a rate of interest fixed by reference to the yield of such Government security or securities as the Treasury consider appropriate.

(3) Where an annuity is redeemable compulsorily, the appropriate authority may serve upon the owner of any land in respect of which the annuity is charged a notice in writing (in this Act referred to as a “redemption notice”):

Provided that the appropriate authority may postpone service of a redemption notice during such period as they may think fit, and may revoke or amend such a notice, and generally may make such provision in respect of the compulsory redemption of annuities as will avoid any undue hardship on any owner of land in respect of which an annuity redeemable compulsorily is charged.

(4) A redemption notice shall specify the amount of the consideration money to be paid for the redemption, shall require the owner to pay that amount on a date to be specified therein, and shall be served on the owner not less than one month before the redemption date:

• Provided that the appropriate authority may provide for payments by instalments on dates to be specified in the notice.

(5) An annuity in respect of which a redemption notice is served shall be extinguished as from the day following the payment date next before the redemption date.

(6) An owner of land in respect of which an annuity is charged shall be entitled, on making application in that behalf to the appropriate authority, to have notified to him the amount of the consideration money required for the redemption of the annuity in accordance with

the rules, and, on payment by an owner in accordance with the rules of an amount notified to him under this subsection, the annuity shall be extinguished as from the day following the payment date next before the redemption date.

PART I.
—*cont.*

(7) Where on an apportionment of an annuity under this Act a substituted annuity would, if charged, be redeemable compulsorily, the appropriate authority may include in the order for apportionment a direction that the annuity shall not be charged and serve upon the owner of the land in respect of which it would have been charged the like notice as if it had been charged and the notice were a redemption notice served in respect thereof.

(8) Where the appropriate authority are satisfied that the owner of the land in respect of which a substituted annuity would be charged on an apportionment of an annuity under this Act is willing to pay to them, within such period as they may determine, the amount of the consideration money which would be payable for the redemption of the substituted annuity, they may include in the order for apportionment directions for securing that if that amount is paid to them within that period the substituted annuity shall not be charged.

(9) An owner of land in respect of which an annuity is charged may at any time pay to the appropriate authority, with a view to the reduction of the amount of the annuity, a capital sum not being less than twenty-five pounds, and, where such a payment is made, the amount of the annuity shall be reduced by such an amount, and as from such date, as may be determined by the appropriate authority in accordance with the rules, and the annuity as so reduced shall continue to be charged in respect of the whole of the land in respect of which it was theretofore charged.

(10) The appropriate authority may, on the application of the person by whom any sum is paid in respect of the redemption of an annuity, grant to him a certificate charging any land in respect of which the annuity was charged or any estate or interest therein with that sum or any part thereof, together with interest at such rate as the authority may determine, and a person to whom such a certificate is granted shall be entitled to a charge

PART I.
—cont.

in accordance with the terms thereof having such priority in relation to other charges on the property charged as may be specified in the certificate.

(11) Rules made under this section shall be laid before each House of Parliament as soon as may be after they are made, and if either House, within the next subsequent twenty-eight days on which that House has sat after any such rules are laid before it, resolves that the rules shall be annulled, they shall thenceforth be void, but without prejudice to anything previously done thereunder or to the making of any new rules.

(12) In this section the expression “redemption date” means, in a case in which a redemption notice or a notice under subsection (7) of this section is served, the date or the first date, as the case may be, on which a payment is thereby required, and means, in a case in which a payment is made under subsection (6) of this section, the date on which that payment is made.

Recovery
of annuities
from owners
of land.

16.—(1) An instalment of an annuity payable on any payment date shall be a debt due to His Majesty from the person who is on that date the owner of any land in respect of which the annuity is charged.

(2) A payment required by a redemption notice or by a notice served under subsection (7) of the last foregoing section, together with interest thereon from the date on which the payment is thereby required at the rate fixed under subsection (2) of the last foregoing section for the purpose of the determination of the amount of the consideration money, shall be a debt due to His Majesty from the person on whom such a notice is duly served.

54 & 55 •
Vict. c. 8.

(3) The provisions of sections two, three and seven of the Tithe Act, 1891 (other than the provisions of subsections (6) and (9) of section two thereof), shall have effect with the necessary modifications in relation to the recovery by the Commission of a debt due to His Majesty under this section from an owner of land as defined by this Act as they had effect in relation to the recovery of sums due on account of tithe rentcharge from an owner of land as defined by that Act, and shall so have effect as respects recovery from a railway company notwithstanding anything in subsection (1) of section ten of that Act:

Provided that an order made under subsection (1) of section two of the said Act for the recovery of a debt due to His Majesty under this section may, and shall if the Commission so request, be executed as an order for the recovery of a debt from the defendant personally, and—

PART I.
—cont.

- (a) the words “ in manner provided by this Act, and “ tithe rentcharge as defined by this Act shall “ not be recoverable in any other manner ”, in subsection (1) of the said section two, shall not have effect in relation to the recovery of a debt due to His Majesty under this section; and
- (b) the words “ and may provide that if the owner of any lands is not known any proceedings “ under this Act may be taken against the owner “ of the lands without naming the person who “ is the owner ”, in subsection (7) of the said section two, shall not have effect in relation to the recovery of a debt due to His Majesty under this section from a defendant personally.

(4) A debt due to His Majesty under this section may be recovered by the Board either by proceedings in the High Court or in the county court or by any other means whereby a debt due to the Crown may be recovered, and, where the sum claimed in respect of a debt due to His Majesty under this section is less than fifty pounds, that sum may be recovered by the Board summarily as a civil debt in proceedings commenced in the name of some person authorised in that behalf by the Board.

(5) If an owner, upon demand made by a person who holds an appointment by the Board as collector of taxes, neglects or refuses to pay a debt due from him to His Majesty under this section, the collector may, for non-payment thereof—

- (a) in a case where the owner is in occupation of land in respect of which the annuity is charged or of any other land in the same district, distrain upon that land; and
- (b) in any case, distrain the owner by his goods and chattels;

and the provisions of subsections (2) to (5) of section one hundred and sixty-two of the Income Tax Act, 1918, shall have effect in relation to any such distress as they have

8 & 9 Geo. 5.
c. 40.

PART I.
—cont.

effect in relation to a distress under subsection (1) of that section, with the substitution for the reference to the general commissioners of a reference to the Board.

(6) The Board may, for the purpose of recovering a debt due to His Majesty under this section from an owner who is in occupation of the land in respect of which the annuity is charged or of any other land in the same district, take such proceedings as are specified in subsection (4) of section one hundred and twenty-one of the Law of Property Act, 1925, as if the amount of that debt had been such a sum as is mentioned in that subsection unpaid for the period therein mentioned.

(7) No application to the court for an order for recovery shall be made, and no proceedings under subsection (5) or (6) of this section shall be taken, in respect of an instalment of an annuity payable on any payment date until the expiration of three months from that date.

11 & 12
Geo. 5. c. 32.

(8) Section twenty-nine of the Finance Act, 1921 (which relates to evidence of payment of wages in proceedings under subsection (2) of section one hundred and sixty-nine of the Income Tax Act, 1918, for recovery of income tax), shall apply in the case of proceedings taken under this section by the Board and as if references therein to wages included references to salaries, fees and other emoluments.

Definition
of "owner"
in relation
to land.

17.—(1) Subject to the provisions of this Act, the person who is to be deemed for the purposes of this Act to be the owner of land shall be—

- (a) the estate owner in respect of the fee simple thereof, unless it is subject to a long lease at a rent less than a rack rent; or
- (b) if the land is subject to a long lease at a rent less than a rack rent, the estate owner in respect of the term.

(2) Where land is subject both to a head lease and to one or more original or derivative underleases each of which is a long lease at a rent less than a rack rent, the foregoing subsection shall have effect as if that one of the terms thereby created on which the other or others is or are reversionary were alone subsisting.

(3) In this section—

PART I.
—*cont.*

“lease” includes an original or derivative underlease, and an agreement for a lease or underlease where the right to have the lease or underlease granted is subsisting, but does not include a mortgage;

“long lease” means a lease granted for a term of more than fourteen years;

“estate owner” has the same meaning as in the Law of Property Act, 1925, so, however, that in relation to such an agreement as aforesaid that expression means the person entitled to have vested in him the legal term agreed to be created;

“rack rent” means a rent which is not less than two-thirds of the full net annual value of the property out of which the rent arises, and the full net annual value shall be taken to be the rent at which the property might reasonably be expected to let from year to year, free from all usual tenant’s rates and taxes, and deducting therefrom the probable average annual cost of the repairs, insurance and other expenses (if any) necessary to maintain the property in a state to command such rent.

(4) Where the estate owner, who by virtue of the foregoing provisions of this section would be deemed to be the owner of any land, is the official trustee of charity lands or other trustee on or for charitable, ecclesiastical or public trusts or purposes not entitled to act in the trust, or the Public Trustee holding in circumstances in which he is not entitled to act in the trust, references in this Act to the owner of the land in relation to any action required or authorised to be taken by or against the owner shall be construed as references—

(a) in the case of a trustee on or for charitable, ecclesiastical or public trusts or purposes, to the managing trustees or committee of management; and

(b) in the case of the Public Trustee, to the person in receipt of the rent incident to the Public Trustee’s estate, or, if there is no rent incident thereto, to the person in occupation of the land.

PART I.
—cont.
15 & 16
Geo. 5. c. 23.

(5) Where under section nine of the Administration of Estates Act, 1925, the estate of a person who died intestate is vested in the Probate Judge, that judge shall not be deemed to be the owner of any land comprised in the estate for the purpose of any action required or authorised by this Act to be taken by or against the owner of the land, but upon administration being granted the administrator shall be deemed for those purposes to have been the owner thereof as from the date of the death.

(6) For the purposes of this Act—

(a) land in the ownership of two or more persons holding as joint tenants shall be deemed to be in the ownership of a single owner;

(b) where a person owns a part of the land in respect of which an annuity is charged in one capacity and another part thereof in a different capacity, those parts shall be deemed to be in different ownership and the land to be in the ownership of two or more owners.

(7) Where, by virtue of a contract entered into before the commencement of this Act, a person would have been entitled to an indemnity from another person in respect of the recovery from the first mentioned person of a sum due on any payment date on account of a tithe rentcharge if the rentcharge had not been extinguished by this Act, the first mentioned person shall be entitled to the like indemnity from that other person in respect of the recovery from the first mentioned person of an instalment due on that payment date of an annuity charged in respect of any land as being land out of which the rentcharge issued, or of a substituted annuity charged on an apportionment of such an annuity.

Ascertainment and registration of owners of land.

18.—(1) The appropriate authority may serve upon the person who appears to them to be the owner of any land in respect of which an annuity is charged notice in writing that they propose to enter his name in the annuities register as the owner of that land.

(2) If a person, on whom a notice has been served by the appropriate authority under the foregoing subsection in relation to any land, by notice in writing served on the authority within three months of the date

of the service on him of the authority's notice, denies that he is the owner thereof, the High Court or the county court may, if satisfied that he is the owner thereof, make, on the application of the authority, a declaration that he is the owner thereof.

PART I.
—cont.

(3) Where a person has been served by the appropriate authority with a notice under this section in relation to any land and has not within the period aforesaid served on the authority notice in writing denying that he is the owner thereof, or has been declared by the court on an application under this section to be the owner of any land, or has consented to the entry of his name in the annuities register as the owner of any land, then, notwithstanding any change in the ownership of the land, any sum becoming payable under this Act to the appropriate authority on any date thereafter from the owner of the land may be recovered by the authority from that person or, after his death, from his personal representative, and anything which is authorised or required by this Act to be done on any date thereafter by or to the owner of the land shall be deemed to be validly done if done by or to that person, or, after his death, by or to his personal representative, unless that person or his personal representative has before that date given to the appropriate authority notice in writing of the change of ownership and all information in his possession as to the identity of the person who has become the owner of the land or of any part thereof.

(4) Where under the last foregoing subsection a sum becoming payable to the appropriate authority on any date is recovered from a person who was not on that date the owner of the land in respect of which that sum became due, that person shall be entitled to recover from the owner as a simple contract debt the amount recovered by the authority from that person.

(5) When the requirements of subsection (3) of this section have been satisfied as respects any person, the appropriate authority shall make in the annuities register entries specifying the name of that person as the owner of the land in relation to which those requirements have been satisfied and indicating the land by reference to the annuities map or otherwise, and such entries shall be prima facie evidence that the said requirements were satisfied as respects that person in relation to that land

PART I.
—cont.

before the date stated in the register as the date on which the entries were made.

(6) Where the appropriate authority are satisfied that a person other than the person specified in an annuities register as the owner of any land is the owner thereof, or that a person has been so specified otherwise than in accordance with the provisions of this section, they shall alter the register as appears to them to be requisite.

(7) Proof that a person paid a sum due on account of a tithe rentcharge which issued out of any land, or that a person was treated by the court as the owner of any land for the purposes of an order for the recovery of a tithe rentcharge which issued thereout, shall for the purposes of this Act be *prima facie* evidence that that person was the owner of that land on the date on which the payment or order, as the case may be, was made and that he remains the owner thereof.

(8) A person who is in occupation of, or who receives rent in respect of, land in respect of which an annuity is charged shall, on being required so to do by an officer of the appropriate authority, inform him of the name and address of any other person to whom that person pays rent in respect of that land or of any part thereof and give him any other information in that person's possession relevant to the ascertainment of the identity of the owner of the land, and any person who when required to give information under this subsection fails so to do, or gives any information which is to his knowledge false, shall, without prejudice to any other liability, be liable on summary conviction to a fine not exceeding five pounds.

(9) Where an estate or interest in any land, in respect of which an annuity under the management of the Commission is charged, is disposed of or created in such manner as to bring about a change in the ownership of the land, it shall be the duty of the person who was the owner of that land immediately before the execution of the instrument whereby that estate or interest was disposed of or created, within one month from the date of the execution thereof, to furnish to the Commission particulars in the prescribed form of that instrument and of the name and address of every person who has thereby become an owner of the land or of any part thereof, and any person who fails to furnish within the period mentioned in this

subsection any particulars which he is thereby required to furnish shall be liable on summary conviction to a fine not exceeding five pounds.

PART I.
—cont.

Transitional Provisions.

19.—(1) The sum becoming payable on the first day of October, nineteen hundred and thirty-six, in respect of a tithe rentcharge to be extinguished by this Act shall, if the person from whom it is demanded claims, or in the event of dispute proves, that any of the land out of which the rentcharge issued was on the first day of April, nineteen hundred and thirty-six, agricultural land, be computed as if a reference to ninety-one pounds eleven shillings and twopence had been substituted for the reference to one hundred and five pounds in subsection (1) of section one of the Tithe Act, 1925.

Abatement of tithe rentcharge and sinking fund payments due on 1st October, 1936.

(2) Any sum which, by virtue of section four of the Tithe Act, 1925, would but for this provision have been payable on the first day of October, nineteen hundred and thirty-six, by way of sinking fund payment in respect of a tithe rentcharge to be extinguished by this Act, shall not be payable, and accordingly the amount to be carried by Queen Anne's Bounty to the sinking fund in respect of any such rentcharge in the year ending on the said first day of October, under paragraph (a) of subsection (1) of section five of that Act, shall be computed as if for the reference therein to four pounds ten shillings there had been substituted a reference to two pounds five shillings.

15 & 16
Geo. 5. c. 87.

20.—(1) The extinguishment by this Act of tithe rentcharge shall not affect any right or liability in respect of sums which became due on account thereof before the appointed day (in this Act referred to as "arrears").

Recovery of tithe rentcharge due on or before 1st October, 1936.

(2) On the first day of April, nineteen hundred and thirty-seven, power to recover and give a discharge for arrears shall vest in the Commission to the exclusion of any other person, and the subsequent provisions of this section shall have effect with respect to the recovery thereof on or after that date.

(3) No legal proceedings for the recovery of arrears of a rentcharge shall be commenced or continued by the Commission on or after the said first day of April until one month after the person who would have

PART I.
—cont.

been entitled to recover the arrears (in this section referred to as the "tithe-owner") has, by notice in writing served after that date, given to the person who for the purposes of an application for an order under section two of the Tithe Act, 1891, for the recovery of the arrears would be treated as the owner of the land out of which the rentcharge issued (in this section referred to as the "tithe-payer"), and to the Commission, particulars in writing in the prescribed form of the arrears which the tithe-owner claims to be recoverable from the tithe-payer.

(4) A tithe-payer upon whom a notice is served for the purposes of the last foregoing subsection may, within one month after service thereof upon him, or within such extended period as the Commission may in special circumstances allow on application being made to them in that behalf by the tithe-payer, serve upon the Commission notice in writing, in the prescribed form stating that he desires to have the matter of the recovery from him of the arrears referred to a committee (to be called the "Arrears Investigation Committee") which shall be established for the purposes of this section and shall consist of a chairman appointed by the Lord Chancellor and two other members appointed by the Minister.

(5) Where a tithe-payer duly serves notice on the Commission claiming to have the matter of the recovery from him of arrears referred to the Committee, the Commission shall refer the matter to them and shall not commence or continue any legal proceedings for the recovery of the arrears until the matter has been disposed of by them.

• (6) If the tithe-payer satisfies the Committee, on a reference to them under this section, that his financial circumstances are such as to render it fair and reasonable that a part or the whole of the arrears should be remitted, or that any order made for the recovery thereof should provide for the recovery thereof by instalments, the Committee, after giving to the tithe-owner an opportunity of making representations, may direct accordingly.

(7) Where a tithe-payer serves notice on the Commission claiming to have the matter of the recovery from him of arrears referred to the Committee, he shall be deemed thereby to admit legal liability for the payment thereof, and as soon as the matter has been disposed of

by the Committee, the Commission shall pay to the tithe-owner an amount equal to the arrears in respect of which the notice was served, less an amount equal to any remission directed by the Committee :

PART I.
—cont.

Provided that this subsection shall not have effect as respects any arrears which are irrecoverable by the Commission by virtue of proviso (a) to subsection (10) of this section.

(8) As respects any arrears as to which a tithe-payer does not claim a reference to the Committee within one month after service on him of a notice giving particulars thereof served for the purposes of subsection (3) of this section, or within such extended period as may have been allowed under subsection (4) of this section, the Commission shall at the expiration of that period, unless they are satisfied, after consultation with the tithe-owner, that the tithe-payer is not legally liable for the payment thereof, or that there is no reasonable prospect of the recovery thereof or of any part thereof, take all requisite steps, including if necessary the commencement or continuance of legal proceedings, for the recovery thereof, and pay to the tithe-owner a sum equal to the amount thereof in respect of which the tithe-payer has admitted or admits legal liability or the court has made or makes an order for recovery.

(9) For the purposes of the Tithe Act, 1925, sums received by a tithe-owner from the Commission under this section in respect of any arrears shall be deemed to be sums received by him on account of tithe rentcharge for the year in which the arrears became due, and a proportionate part of any remission directed by the Committee of arrears of a rentcharge to which the provisions of section four of that Act, relating to sums payable by way of sinking fund payment, apply shall be treated as attributable to the sum so payable for that year.

(10) The right to recover arrears vested in the Commission by this section may be enforced in any manner in which the right of the Commission to recover an instalment of an annuity may be enforced under section sixteen of this Act :

Provided that—

(a) the provisions of subsection (2) of section ten of the Tithe Act, 1891 (which provides that

PART I.
—*cont.*

a sum on account of tithe rentcharge shall not be recoverable under that Act unless proceedings for such recovery have been commenced before the expiration of two years from the date at which it became payable), shall have effect in relation to the recovery of arrears by the Commission from a tithe-payer, so, however, that in reckoning the said period of two years time after the tithe-owner has served a notice for the purposes of subsection (3) of this section on the tithe-payer, during which legal proceedings may not, by virtue of this section, be commenced or continued, shall be excluded;

(b) the court before which legal proceedings for the recovery of arrears are taken by the Commission shall give effect to any direction given by the Committee in relation thereto.

(11) A county court by which directions for the execution of an order for the recovery of arrears have been given before the first day of April, nineteen hundred and thirty-seven, shall have power to give such directions as the court thinks just and equitable for the prevention of injustice which might otherwise arise from the suspension of proceedings by virtue of this section on that date.

(12) The Committee shall have power, in a case in which it appears to them that the claim of a tithe-payer to have a matter referred to them was frivolous, to direct that the tithe-payer shall pay to the Commission or to any other person a sum fixed by the Committee in respect of the expenses incurred by the Commission or by that person in relation to the reference, and any sum so fixed shall be recoverable from the tithe-payer either as an addition to the arrears or summarily as a civil debt.

(13) Subject to the foregoing provisions of this section, the procedure of the Committee shall be such as they may determine.

(14) The expenses incurred by the Committee in the performance of their functions under this section, to such amount as may be allowed by the Treasury, shall be defrayed out of moneys provided by Parliament.

(15) There shall be paid to the members of the Committee such remuneration as the Treasury may determine.

PART I.
—cont.

21.—(1) Where immediately before the appointed day a tithe rentcharge and the whole of the land out of which it issues are vested in the same person, having been so vested on the twenty-sixth day of February, nineteen hundred and thirty-six, and continuously thereafter, the provisions of this Act, other than the provisions of sections one and thirty-one thereof, shall not have effect in relation to that rentcharge or, so far as regards provisions relating to that rentcharge, to that land.

Provisions as to tithe rentcharge vested in owner of land charged.

(2) For the purposes of this section a tithe rentcharge and the land out of which it issued shall be deemed to have been vested in the same person at any date—

(a) in any case, if the legal estate in fee simple in the rentcharge and in the land respectively were vested in the same person at that date, and, where any other estate or interest, whether legal or equitable, vested in any person was then subsisting in the rentcharge, if the like estate or interest was then subsisting in the land and was vested in that person; or

(b) in the case of a rentcharge the fee simple in possession whereof was vested in Queen Anne's Bounty by the Tithe Act, 1925, if the land was at that date land belonging to the benefice for the incumbent of which, or belonging to the ecclesiastical corporation for which, the rentcharge was held in trust;

and not otherwise. •

22.—(1) Except in a case in which—

(a) an application to the Minister for redemption, or for the confirmation of a deed or declaration of merger, of a tithe rentcharge was made before the twenty-sixth day of February, nineteen hundred and thirty-six; or

(b) such an application was or is made on or after that date (whether before or after the commencement of this Act) and the Minister is satisfied and certifies to the Commission that the application was or is made for the

Provisions as to redemption or merger on or after 26th February, 1936.

PART I.
—cont.

purpose of giving effect to arrangements made before that date; or

- (c) the Minister is satisfied and certifies to the Commission that it is expedient that the provisions of this section should not have effect;

the provisions of the Tithe Acts relating to redemption or merger shall be deemed to have ceased to have effect as respects tithe rentcharge, other than extraordinary tithe rentcharge, on that date, and accordingly—

- (i) no proceedings under any of the said provisions as respects any such tithe rentcharge shall be commenced or continued after the commencement of this Act otherwise than in such a case as aforesaid; and
- (ii) the provisions of this Act shall have effect in relation to any such tithe rentcharge which has been extinguished by virtue of any of the said provisions on or after the said twenty-sixth day of February otherwise than in such a case as aforesaid, and to the land out of which it issued, as if that rentcharge had been extinguished by this Act on the appointed day, and any consideration money payable in respect of the redemption or merger thereof (whether by way of annual payment or otherwise) shall cease to be payable and, if and so far as paid before the commencement of this Act, shall be repaid.

(2) Where in any such case as aforesaid proceedings for the redemption or merger of any such tithe rentcharge under any of the said provisions of the Tithe Acts are commenced or continued after the commencement of this Act, the provisions of this Act shall not have effect in relation to that rentcharge or, so far as regards provisions relating to that rentcharge, to the land out of which it issued, unless the proceedings are discontinued, but upon a discontinuance thereof the rentcharge shall be extinguished and the provisions of this Act relating to a tithe rentcharge extinguished by this Act and the land out of which it issued, except the provisions of subsections (1) to (3) of section five thereof, shall have effect accordingly.

23.—(1) The sum payable by way of rates in respect of the ownership during the whole or any part of the half-year ending on the thirtieth day of September, nineteen hundred and thirty-six, of a tithe rentcharge to be extinguished by this Act issuing out of land any of which was on the first day of April, nineteen hundred and thirty-six, agricultural land shall be reduced to seven-eighths of the sum which but for this provision would have been so payable, and accordingly the amount to be paid by Queen Anne's Bounty on account of rates in respect of any such rentcharge in the year ending on the first day of October, nineteen hundred and thirty-six, under paragraph (b) of subsection (1) of section five of the Tithe Act, 1925, shall be computed as if, for the reference therein to the sum of five pounds or, in the case of a rentcharge previously attached to an ecclesiastical corporation, sixteen pounds, there had been substituted a reference to fifteen-sixteenths of that sum.

(2) A person shall be entitled to recover from the rating authority any sum paid by him which by virtue of the foregoing subsection represents an over-payment of rates.

(3) No proceedings for the alteration for rating purposes of the value of such a tithe rentcharge as aforesaid on the ground of the reduction by section nineteen of this Act of the sum becoming payable in respect thereof on the said first day of October shall be entertained.

(4) For the purposes of valuation lists in force at the commencement of this Act, a tithe rentcharge to be extinguished by this Act shall, as from the first day of October, nineteen hundred and thirty-six, be deemed to have no rateable value, and, notwithstanding anything in any enactment relating to rating and valuation, no particulars with respect to such a tithe rentcharge shall be included in any subsequent valuation list.

PART II.

FINANCIAL PROVISIONS.

24.—(1) The Treasury shall from time to time by warrant directed to the Bank of England create stock in such amounts as may appear to them, after consultation with the Commission, to be required for the purpose of

PART I.
—cont.

Transitional provisions as to rating of tithe rentcharge.

Creation, incidents and management of stock.

PART II.
—cont.

issue by way of compensation for the extinguishment of tithe rentcharge, and shall authorise the Bank to issue stock in such amounts and to such persons as may be specified in certificates transmitted to the Bank by the Commission under Part I of this Act, and the Bank shall issue stock accordingly.

(2) Stock shall carry interest at the rate of three per cent. per annum, payable half-yearly on each interest date.

(3) A sinking fund sufficient to provide for the redemption of all outstanding stock on or before the day preceding the sixtieth anniversary of the appointed day shall be established in the hands of the National Debt Commissioners in accordance with directions given by the Treasury.

(4) Subject as aforesaid, the Treasury shall have power to determine the conditions of the issue of stock and to regulate the commencement, management and application of the sinking fund.

(5) The interest on stock, the sums required to be set aside for the purposes of the sinking fund, and the principal sums required for the redemption of stock, shall, so far as not otherwise provided for, be charged on and paid out of the Consolidated Fund or the growing produce thereof.

(6) For the purposes of calculating the annual sum payable to the Bank for the management of the National Debt, stock shall be considered as part of the National Debt inscribed in the books of the Bank, but the annual sum so payable in respect of stock shall be paid out of the Redemption Annuities Account hereinafter mentioned.

(7) Stock shall be transferable in the books of the Bank in like manner as other stock transferable under the National Debt Act, 1870, and shall be subject to the provisions of that Act as amended by any subsequent enactment so far as is consistent with the tenor of this Act.

33 & 34
Vict. c. 71.

(8) The First Schedule to the Savings Bank Act, 1893, shall have effect as if a reference to stock had been included therein.

56 & 57
Vict. c. 69.

25.—(1) There shall, in accordance with directions given by the Treasury, be established an account which shall be called the Redemption Annuities Account and shall be under the control and management of the Treasury.

PART II.
—cont.
Redemption
Annuities
Account.

(2) The Commission and the Board shall pay into the Account, in accordance with directions given by the Treasury, all sums received by them respectively on account of instalments of annuities, of the redemption of annuities, or of arrears, and all other sums received by them in the performance of their functions under this Act.

(3) There shall be issued to the Account out of the Consolidated Fund or the growing produce thereof in the twelve months beginning on the appointed day, and in each of the fifty-nine next succeeding periods of twelve months, the sum of six hundred and eighty-five thousand pounds.

(4) The Treasury shall issue from the Account—

- (a) such sums as may be required from time to time for the payment of interest on stock, the sums required to be set aside for the purposes of the said sinking fund, and the remuneration and expenses of the Bank of England;
- (b) such sums as may be required from time to time for the payment of provisional interest;
- (c) such sums as may be required from time to time for the payment of the amounts to be paid by the Commission under section twenty of this Act in respect of arrears;
- (d) to the Exchequer an amount equal to the expenses from time to time incurred by the Commission, the Board, the Arrears Investigation Committee and any Government department in connection with the execution of this Act (including such sums as, in the opinion of the Treasury, approximately represent the accruing liability attributable to the execution of this Act in respect of pensions, allowances and gratuities under the Superannuation Acts, 1834 to 1935, as amended by any subsequent enactment, and the rental

PART II.
—cont.

value of any premises belonging to the Crown and used for the purposes of this Act, being premises in respect of which no rent is payable);

- (e) such sums, by way of contribution towards making good the loss of rate income of rating authorities occasioned by the extinguishment or reduction of tithe rentcharge, as may be required for giving effect to the provisions of the Fifth Schedule to this Act, so however that no sum shall be issued under this paragraph on any date if the present value thereof together with the present value of the sums previously issued under this paragraph would exceed the present value of a series of annual payments, made on the first day of April, nineteen hundred and thirty-seven, and on the same date in each of the fifty-nine subsequent years, of six hundred thousand pounds each;
- (f) to Queen Anne's Bounty on the first day of April, nineteen hundred and thirty-seven, the sum of two million pounds;
- (g) to Queen Anne's Bounty an amount or amounts estimated by the Treasury to be the equivalent of the amount by which the aggregate of the payments in respect of the annuities charged by section three of this Act in respect of land no part of which was on the first day of April, nineteen hundred and thirty-six, agricultural land, and out of which ecclesiastical tithe rentcharge (not being extraordinary tithe rentcharge) issued immediately before the appointed day, exceeds the aggregate of the annuities which would have been charged under the said section three in respect of that land if the whole or part of it had been on that day agricultural land.

(5) Any sums standing to the credit of the Account may from time to time be invested in such manner as the Treasury may direct, and any interest received from an investment made under this subsection shall be credited to the Account.

26.—(1) The Treasury may from time to time issue out of the Consolidated Fund or the growing produce thereof, by way of advance to the Redemption Annuities Account, such sums as may be required to meet issues which are to be made from the Account under this Act and which the moneys standing to the credit of the Account are insufficient to provide.

PART II.
—cont.
Temporary advances to meet deficiencies in Account

(2) The Treasury may borrow money for the purposes of the last foregoing subsection in any manner in which they are authorised to raise money under and for the purposes of subsection (1) of section one of the War Loan Act, 1919, and any securities created and issued to raise money under this subsection shall for all purposes be deemed to have been created and issued under the said subsection (1).

9 & 10
Geo. 5. c. 37

(3) Any advances made out of the Consolidated Fund or the growing produce thereof under this section shall be repaid, together with interest thereon, compounded half-yearly if the Treasury think fit, at such rate as may be fixed by the Treasury, out of moneys standing to the credit of the Redemption Annuities Account, in such manner and at such times as the Treasury may direct.

(4) All sums received by way of interest on, or in repayment of, advances made as aforesaid shall be applied, in such manner as the Treasury may direct, to the redemption of debt.

27.—(1) The Treasury shall prepare an account of the transactions of the Redemption Annuities Account in each financial year, and such other accounts as the Treasury may direct shall be prepared in relation to other transactions under this Act.

Audit of accounts.

(2) On or before the thirtieth day of November in each year, the said accounts shall be transmitted to the Comptroller and Auditor-General, who shall examine and certify the accounts and lay copies thereof, together with his report thereon, before both Houses of Parliament.

28.—(1) If at any time the Treasury are satisfied that there are standing to the credit of the Redemption Annuities Account moneys sufficient, with the issues to be made to the Account thereafter out of the Consolidated Fund under subsection (3) of section twenty-five of this

Winding-up of financial arrangements.

PART II.
—cont.

Act and any further principal sums or interest to be paid into the Account thereafter under this Act other than sums to accrue thereafter in respect of annuities, to meet all issues to be made thereafter from the Account under this Act, including any repayments with interest of advances theretofore made out of the Consolidated Fund to the Account, the Treasury shall lay before both Houses of Parliament a draft of an order providing for the extinguishment of all annuities then charged as from a date to be specified in the order and, if a resolution approving the draft is passed by each House, the Treasury shall make an order in the terms of the draft.

(2) On the day preceding the sixtieth anniversary of the appointed day, all stock not theretofore redeemed shall be redeemed, and the Treasury shall cause the Redemption Annuities Account to be wound up as soon as may be thereafter, and any surplus standing to the credit of the Account shall be dealt with in such manner as Parliament may determine.

PART III.

MISCELLANEOUS AND GENERAL.

Miscellaneous.

Extraordi-
nary tithe
rentcharge.

29. The provisions of this Act shall have effect in relation to extraordinary tithe rentcharge subject to the following modifications and exceptions, that is to say:—

- (a) the amount of stock to be issued for compensation in respect of an extraordinary tithe rentcharge shall be an amount equal to the capital value thereof as ascertained under the Extraordinary Tithes Acts, 1886 and 1897;
- (b) the amount of the annuity charged by section three of this Act in respect of land out of which an extraordinary tithe rentcharge issued shall be an amount equal to four per cent. of such capital value as aforesaid;
- (c) the following enactments in this Act, that is to say, subsections (2) and (3) of section two, subsection (2) of section three, section nineteen, section twenty (except so much of subsection (1) thereof as provides that extinguishment shall not affect any right or liability in respect

of sums which became due before the appointed day), section twenty-two, and section twenty-three, shall not have effect in relation to extraordinary tithe rentcharge;

PART III.
—cont.

- (d) section fourteen of this Act shall not have effect in relation to an annuity charged in respect of land as being land out of which an extraordinary tithe rentcharge issued, or in relation to a substituted annuity charged on an apportionment of such an annuity;
- (e) where, by reason of the land in respect of which such an annuity as aforesaid is charged being subject on any date to a long lease at a rent less than a rackrent, a sum becoming payable to the appropriate authority on that date is recovered under this Act from a person other than the estate owner in respect of the fee simple of the land, that person shall be entitled to recover the amount recovered from him as a simple contract debt from the person from whom that sum would have been recoverable by the authority if the land had not been subject to any such lease, and any amount so recoverable may be deducted from the instalment of any rent incident to the fee simple payable by the person entitled to recover under this paragraph next after the date on which the said sum is recovered from him.

30.—(1) As from the appointed day the provisions of the Tithe Acts which relate to the redemption of tithe rentcharge, or to the alteration of apportionments, shall apply to corn rents, rentcharges and money payments which are liable to redemption under the Tithe Acts, subject to the following modifications, that is to say:—

Corn rents,
&c.

- (a) the powers conferred on the Minister by the said provisions shall be exercised by the Commission until all matters with respect to which they have jurisdiction otherwise than under this section have been settled;
- (b) for the references in section four of the Tithe Act, 1918, to the First Schedule to that Act there shall be substituted references to the Sixth Schedule to this Act;

8 & 9 Geo. 5.
c. 54.

PART III.
—cont.

(c) in default of agreement for the discharge of the consideration money by an annuity, the Commission or the Minister, as the case may be, may, if the consideration money exceeds thirty pounds, on the application of the owner within the meaning of the Tithe Acts of the land, direct that it shall be so discharged;

(d) for the references in section four of the Tithe Act, 1918, to interest at the respective rates therein mentioned, there shall be substituted references to interest at such rate as may be determined by an agreement made under the said section or, in default of agreement, by the Commission or the Minister, as the case may be, with the approval of the Treasury.

(2) The Minister may lay before both Houses of Parliament an order prepared by him or by the Commission containing such provisions as he or they in his or their discretion think expedient with a view to the extinguishment of such corn rents, rentcharges or money payments as aforesaid generally or of any of them, and if a resolution approving the order is passed by each House, the order shall have effect from such day as the Minister or the Commission, as the case may be, may appoint.

Liabilities
to repair
chancels,
&c.

31.—(1) The provisions of this section shall have effect with respect to liabilities to repair chancels of churches or other ecclesiastical buildings arising from the ownership of—

(a) tithe rentcharge extinguished by this Act in respect of which stock is to be issued under this Act;

(b) tithe rentcharge extinguished by this Act to which the provisions of section twenty-one of this Act apply; or

(c) land in which merger or extinguishment of tithe rentcharge has taken effect and to which the provisions of section one of the Tithe Act, 1839, apply.

2 & 3 Vict.
c. 62.

(2) In respect of liability to repair arising from the ownership of a tithe rentcharge extinguished by this Act in respect of which stock is to be issued under this Act, the Diocesan Authority shall be entitled to receive a part

of the stock to be issued in respect of the rentcharge equal in amount to such a sum (in this section and in the Seventh Schedule to this Act referred to as "the sum required for repairs") as may be reasonably sufficient, having regard to the condition of the chancel or building at the appointed day, to provide for the cost of future repairs thereof and to provide a capital sum the income of which will be sufficient to insure it for a sum adequate to reinstate it in the event of its being destroyed by fire :

PART III.
cont.

Provided that, where the rentcharge was vested immediately before the appointed day for an interest in fee simple in possession in any of the following corporations or bodies, namely, Queen Anne's Bounty, the Ecclesiastical Commissioners, a spiritual rector of a rectory with cure of souls, an ecclesiastical corporation, or a university or college to which the Universities and College Estates Act, 1925, applies, the foregoing provisions of this subsection shall not have effect, but the corporation or body shall be subject to liability to repair in like manner as if the rentcharge had continued in existence and in the ownership of the corporation or body.

15 & 16
Geo. 5. c. 24.

(3) In respect of liability to repair arising from the ownership of a tithe rentcharge extinguished by this Act to which the provisions of section twenty-one of this Act apply, the land out of which the rentcharge issued immediately before the appointed day and the owner thereof for the time being shall be subject to liability to repair in like manner as if the land had been land to which the provisions of section one of the Tithe Act, 1839, apply.

(4) In respect of liability to repair arising from the ownership of land in which merger or extinguishment of a tithe rentcharge has taken effect and to which the provisions of section one of the Tithe Act, 1839, apply, the land and the owner thereof for the time being shall be subject to liability to repair in like manner as if this Act had not passed.

(5) The foregoing provisions of this section shall have effect subject to the provisions of Part I of the Seventh Schedule to this Act, which relate to the apportionment of liability to repair in certain cases.

(6) Where the Diocesan Authority are entitled to receive under this section a part of the stock to be issued in respect of any rentcharge or rentcharges, one-half of

PART III. any expenses appearing to the Commission to have been
—*cont.* reasonably incurred by the Authority or by Queen Anne's
Bounty in estimating the sum required for repairs shall
be made good to them by the issue to them of a further
part of that stock equal in amount to the said one-half :

Provided that the Commission may reduce the amount to be so made good, to such extent as they think just and equitable, in a case in which the liability to repair is apportionable as mentioned in Part I of the Seventh Schedule to this Act and a substantial part of such liability is not extinguished.

(7) The provisions of Part II of the Seventh Schedule to this Act shall have effect with respect to procedure and other matters relating to the receipt of stock by the Diocesan Authority under this section.

(8) This section and the Seventh Schedule to this Act shall have effect in relation to a chancel or building in Wales or Monmouthshire subject to the modifications specified in Part III of that Schedule.

14 & 15
Geo. 5.
No. 3.
19 & 20
Geo. 5.
No. 3.

(9) In this section and in the Seventh Schedule to this Act the expression "Diocesan Authority" has the meaning assigned to it by the Ecclesiastical Dilapidations Measure, 1923, and that Measure, as amended by the Ecclesiastical Dilapidations (Amendment) Measure, 1929, is referred to as "the Measure."

Furnishing
of informa-
tion by
rating
authorities.

32.—(1) The rating authority by whom a rate has been made shall, on being requested by the Commission so to do, supply to the Commission any information which is in their possession as to the amount paid or payable on account of the rate so far as assessed on any tithe rentcharge issuing out of land in the area to which the rate applied.

(2) A rating authority shall, on being requested by the Commission so to do, inform the Commission as respects any land in their area whether it was on the first day of April, nineteen hundred and thirty-six, land in respect of which rates were assessable.

Limitation
of personal
liability of
trustees &c.
as owners
of land.

33. In proceedings taken against any person for the enforcement of a personal liability to pay any sum imposed by this Act on that person as being the owner of land, if he proves that the ownership of the land was vested in him in the capacity of a trustee or personal representative, and that his rights of indemnity are, otherwise than by reason of negligence or default on

his part, insufficient to provide for his reimbursement in respect of that liability, the court may give such directions for the limitation or release of that liability as the court thinks just and equitable.

PART III.
—cont.

34. If any land in respect of which an annuity is charged is washed away by the sea, the appropriate authority shall by order make such reduction in the amount of the annuity as appears to them to be just, or, if the whole of the land is so washed away, shall by order extinguish the annuity.

Reduction of annuity charged in respect of land washed away by the sea.

35. This Act shall apply to tithe rentcharge, to corn rents, rentcharges and money payments which are liable to redemption under the Tithe Acts, and to land, belonging to any Government department, or belonging to any public officer or body on behalf of His Majesty for government purposes, or belonging to His Majesty in right of the Crown, or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, and in relation to such rentcharge, rent, payment or land this Act binds the Crown and, for the purposes of this Act, the officer or body having the management of any such rentcharge, rent, payment or land shall represent His Majesty.

Application to Crown lands, &c.

36.—(1) As soon as it appears to the Commission or to the Board that a document placed at their disposal under section six of this Act is no longer required by the Commission or the Board for the purpose of the discharge of their functions under this Act, they shall cause it to be delivered into the custody of the person who but for the provisions of that section would have been entitled to the custody thereof.

Ultimate custody of tithe apportionments, collecting lists, &c.

(2) Subject to the provisions of section six of this Act, sealed copies made pursuant to the Tithe Acts of instruments of apportionment shall be under the charge and superintendence of the Master of the Rolls, who may direct that any such copy shall be transferred to the Public Record Office, or to any public library or museum or historical or antiquarian society which may be willing to receive it, and if any such copy is transferred to any public library or museum or historical or antiquarian society, the governing body thereof shall thereafter have the custody thereof and shall be responsible for the proper preservation thereof.

PART III.
—cont.

The Master of the Rolls may make rules for giving effect to this subsection.

Adaptation
of references
to tithe
rentcharge.

37.—(1) Any enactment or instrument whereby the extent of any right or obligation is to be determined by reference to the amount for the time being payable in respect of tithe rentcharge shall, unless the context otherwise requires, have effect in relation to any period after the appointed day as if the amount so payable had been ninety-one pounds eleven shillings and twopence for every hundred pounds of tithe rentcharge, and proportionately greater or lesser amounts for tithe rentcharge of more or less than one hundred pounds.

(2) In the case of a testamentary instrument executed before the commencement of this Act, a disposition referring to tithe rentcharge shall be construed and have effect in relation to a rentcharge extinguished by this Act as if the reference had included a reference to the stock issued in respect thereof.

Power of
Queen
Anne's
Bounty to
make con-
sequential
adjust-
ments.

38. For the purpose of making adjustments consequential upon the extinguishment of tithe rentcharge, Queen Anne's Bounty shall give effect to the provisions of Part II of the Third Schedule, and shall have the powers specified in the Eighth Schedule, to this Act.

General.

Powers for
determin-
ation of
questions
in per-
formance of
functions
under this
Act.

39.—(1) The provisions of the Arbitration Acts, 1889 to 1934, with respect to—

- (a) the administration of oaths and the taking of affirmations;
- (b) the correction of mistakes and errors in awards;
- (c) the summoning, attendance and examination of witnesses and the production of documents;
- (d) the cost of proceedings; and
- (e) the statement in the form of a special case for the decision of the court of any question of law arising in the course of the reference;

shall apply in respect of proceedings before the Commission or the Board for the purposes of this Act, and, except as regards costs and the statement of special cases, in respect of references to the Arrears Investigation Committee, and at any inquiry held by the

Commission or the Board for the purposes of this Act, but save as aforesaid the said Acts shall not apply to or at any such proceedings, reference or inquiry.

PART III.
—*cont.*

(2) Before making a determination in relation to any matter which they are authorised by this Act to determine, the Commission or the Board, as the case may be, shall give to any person who satisfies them that he is interested in the land or in the compensation to be made in respect of the tithe rentcharge, as the case may be, to which the determination relates an opportunity of making representations, and any person who satisfies the Commission, or the Board, or the court, as the case may be, that he is so interested may apply for the statement in the form of a special case of any question of law arising in relation to the matter.

(3) Subject as aforesaid, a determination of the Commission or of the Board in relation to any matter which they are authorised by this Act to determine shall be binding and conclusive for all purposes.

(4) The Commission, the Board and the Arrears Investigation Committee shall cause proper records to be kept of determinations and directions made or given by them respectively, and any entry in any book or other document kept for the purposes of this subsection, or a copy thereof upon which is endorsed a certificate purporting to be signed by an officer of the Commission, or of the Board, or by a person authorised in that behalf by the Committee, as the case may be, stating that the copy is a true copy, shall in all legal proceedings be evidence of the entry and of the determination or direction referred to and of the regularity thereof.

40.—(1) The powers conferred by section three of the Tithe Act, 1847 (which relates to the correction of instruments of apportionment), and of section thirty-four of the Tithe Act, 1860 (which relates to the determination of the parish in respect of which a tithe rentcharge ought to have been charged where land has been made chargeable in more than one parish), shall be exercisable by the Commission either before or after the appointed day, and in relation to a tithe rentcharge or to land in respect of which any of the said powers is exercised by the Commission after the appointed day this Act shall have effect as if the correction or determination,

Exercise by
the Com-
mission of
certain
powers con-
ferred by
the Tithe
Acts.
10 & 11
Vict. c. 104.
23 & 24
Vict. c. 93.

PART III. as the case may be, had been made immediately before
—cont. the appointed day.

(2) The powers conferred by section twenty-six of the Tithe Act, 1860 (which relates to the detachment of maps from instruments of apportionment), shall be exercisable by the Commission either before or after the appointed day.

Power to enter and inspect land.

41. Any person authorised in writing by the Commission or the Board for the purpose shall have a right, on production of his authority, to enter on and inspect at all reasonable times any land for the purpose of obtaining any information required by them for the discharge of their functions under this Act.

Service and proof of documents.

42.—(1) Any notice or other document required or authorised to be served under this Act may be served either—

- (a) by delivering it to the person on whom it is to be served; or
- (b) by leaving it at the usual or last known place of abode of that person; or
- (c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode; or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at its registered or principal office or sending it in a prepaid registered letter addressed to the secretary or clerk of the company or body at that office.

(2) In relation to any document issued by or under the authority of any Government department for the purposes of this Act, the Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall have effect as if the Commission and the Board were included in the first column of the Schedule to the first-mentioned Act, and any person authorised to act on behalf of the Commission or the Board, as the case may be, were mentioned in the second column of that Schedule, and the regulations referred to in those Acts included any such document as aforesaid.

31 & 32 Vict.
c. 37.
45 & 46 Vict.
c. 9.

43.—(1) An annuities register and map shall be open for inspection by any person during all usual office hours, and any person may require a copy of, or extract from, entries in an annuities register or map to be certified by an officer of the appropriate authority, and there shall be paid for any such certified copy or extract such reasonable fee as may be prescribed.

PART III.
—cont.
Inspection of, and evidence of entries in, annuities register and map.

(2) A copy of, or extract from, entries in an annuities register or map, upon which is endorsed a certificate purporting to be signed by an officer of the appropriate authority stating that the copy is a true copy, shall in all legal proceedings be admissible in evidence as of equal validity with the register or map, without proof of the handwriting or official position of the person purporting to sign the certificate.

44. A consent, approval or direction, required to be given by the Treasury for the purposes of this Act may be given either generally for any class of case or for any particular transaction.

Treasury authorisation.

45. The Commission shall cause a report of their proceedings to be laid before both Houses of Parliament at the expiration of seven years from the commencement of this Act, and thereafter at the expiration of each period of two years until the date on which all matters with respect to which they have jurisdiction under this Act have been settled, and also as soon as may be after that date.

Commission's reports to Parliament.

46. In subsection (3) of section one of the Tithe (Administration of Trusts) Measure, 1928, there shall be substituted for the words "through a committee for a collection area constituted under section ten of the Tithe Act, 1925," the words "by Queen Anne's Bounty."

Consequential amendment of 18 & 19 Geo. 5. No. 2.

47.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Interpretation.

"agricultural land" means agricultural land as defined in section two of the Rating and Valuation (Apportionment) Act, 1928, and buildings (including dwelling-houses) occupied together with such land and used primarily in connection with agricultural operations thereon;

18 & 19 Geo. 5. c. 44.

PART III.
—cont.

“annuity” means a redemption annuity charged by section three of this Act or a substituted annuity, and “substituted annuity” has the meaning assigned to it by section ten of this Act;

“annuities register” and “annuities map” mean respectively a register and a map sealed under section nine of this Act;

“appropriate authority” means, in relation to an annuity under the management of the Commission, the Commission, and, in relation to an annuity under the management of the Board, the Board;

“arrears” has the meaning assigned to it by section twenty of this Act;

“benefice” includes all rectories with cure of souls, vicarages, perpetual curacies, endowed public chapels and parochial chapelries, and chapelries or districts belonging or reputed to belong or annexed or reputed to be annexed to any church or chapel, and districts formed for ecclesiastical purposes by virtue of statutory authority, and includes benefices in the patronage of the Crown or of the Duchy of Cornwall;

“contingent rentcharge” means tithe rentcharge issuing out of lands exempted by virtue of section seventy-one of the Tithe Act, 1836, from the payment thereof whilst in the occupation of the owner of the lands or otherwise subject to special incidents;

“district” means the parish or other district treated as a separate district for the commutation of tithes under the Tithe Act, 1836;

“ecclesiastical corporation” has the meaning assigned to it by the Episcopal and Capitular Estates Act, 1851;

“ecclesiastical tithe rentcharge” means tithe rentcharge the fee simple in possession whereof was vested in Queen Anne’s Bounty by the Tithe Act, 1925, or which became attached to a benefice or to an ecclesiastical corporation for an interest in fee simple in possession after the appointed day for the purposes of that Act, or which is at the commencement of this Act and

6 & 7 Will.4.
c. 71.

14 & 15
Vict. c. 104.

immediately before the appointed day vested in fee simple in possession in the Ecclesiastical Commissioners;

PART III.
—cont.

- “extraordinary tithe rentcharge” means a rentcharge payable under the Extraordinary Tithes Acts, 1886 and 1897;
- “interest date” and “payment date” mean the first day of April and the first day of October;
- “instrument of apportionment” means an instrument of apportionment made and confirmed, or an instrument of altered apportionment made, under the Tithe Acts, and includes a certificate of capital value sealed under the Extraordinary Tithes Acts, 1886 and 1897, and a map annexed to any such instrument or certificate or detached therefrom under section twenty-six of the Tithe Act, 1860;
- “lay tithe rentcharge” means any tithe rentcharge other than ecclesiastical tithe rentcharge;
- “prescribed” means prescribed by rules made by the Commission, or, in relation to annuities under the management of the Board, the Board;
- “present value” means, in relation to a payment made or sum issued on any date, the value of that payment or sum at the first day of October, nineteen hundred and thirty-six, as determined by the Treasury on the basis of interest at three per cent. per annum;
- “re-apportioned rentcharge” means a tithe rentcharge which has been re-apportioned by the authority for the time being exercising jurisdiction in that behalf under the Tithe Acts, or which has, before the first day of April, nineteen hundred and thirty-three, been re-apportioned, as between lands identified by numbers in an instrument of apportionment, by the owners of the rentcharge and of the lands and has been recovered on the basis of such re-apportionment;
- “stock” means redemption stock;
- “Tithe Acts” means the Tithe Acts, 1836 to 1925;

PART III.
—cont.

“tithe rentcharge” means tithe rentcharge issuing out of lands and payable in pursuance of the Tithe Acts, and includes a rentcharge into which a corn rent was converted under those Acts, and also (except in such portions of this Act as do not have effect in relation to extraordinary tithe rentcharge) extraordinary tithe rentcharge, but does not include a rentcharge payable under the Tithe Act, 1860, in respect of the tithes on any gated or stinted pasture, nor a sum or rate payable for each head of cattle or stock turned on land subject to common rights or held or enjoyed in common.

(2) In this Act, unless the context otherwise requires, in relation to a re-apportioned rentcharge, references to a tithe rentcharge shall be construed as references to each of the rentcharges resulting from the re-apportionment, and references to the land out of which a tithe rentcharge issued shall be construed as references to the lands respectively on which those rentcharges were re-apportioned.

(3) References in this Act to the amount of a tithe rentcharge shall be construed as references to the apportioned or par amount thereof.

(4) In calculating for the purposes of this Act the amount of any stock, of any annuity, of any instalment of an annuity, or of any sum payable on account of tithe rentcharge, fractions of a penny less than a halfpenny shall be disregarded, and fractions of a penny amounting to a halfpenny or more shall be treated as a whole penny.

Short title,
construc-
tion, extent
and repeal.

48.—(1) This Act may be cited as the Tithe Act, 1936, and shall be construed with the Tithe Acts, 1836 to 1925, and those Acts and this Act may be cited together as the Tithe Acts, 1836 to 1936.

(2) This Act shall extend to England and Wales only.

(3) The Acts mentioned in the Ninth Schedule to this Act shall be repealed as from the appointed day to the extent specified in the third column of that Schedule, except as regards any tithe rentcharge not extinguished by this Act.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

PART I.

DEDUCTIONS FROM GROSS ANNUAL VALUE OF A TITHE RENTCHARGE FOR DETERMINATION OF AMOUNT OF COMPENSATION.

For the purpose of determining the amount of stock to be issued for compensation in respect of the extinguishment of a tithe rentcharge, the following deductions shall be made from the gross annual value thereof, that is to say :—

1. In respect of the cost of collection and management, a sum equal to one twentieth of the gross annual value of the rentcharge.

2. In respect of land tax, a sum equal to the average of the amounts which would have been payable on account of that tax for the years ending on the twenty-fourth day of March, nineteen hundred and thirty-four, thirty-five and thirty-six (due regard being had to any exemption or abatement under section twelve of the Finance Act, 1898, as amended by any subsequent enactment), if the sum payable in respect of the rentcharge in each of those years had been equal to the gross annual value of the rentcharge : 61 & 62 Vict.
c. 10.

Provided that no deduction shall be made under this paragraph in the case of a rentcharge if the land tax in respect thereof was redeemed before the twenty-sixth day of February, nineteen hundred and thirty-six.

3. In respect of rates, subject to the provisions of paragraphs 4 and 5 of this Part—

- (a) in the case of a rentcharge vested for an interest in fee simple in possession in Queen Anne's Bounty by the Tithe Act, 1925, which was formerly attached to a benefice, a sum equal to one twenty-first part of the gross annual value of the rentcharge;
- (b) in the case of a rentcharge vested for an interest in fee simple in possession in Queen's Anne's Bounty by the Tithe Act, 1925, which was formerly attached

1st SCH.
—cont.

to an ecclesiastical corporation, a sum bearing the same proportion to the gross annual value of the rentcharge as the sum of sixteen pounds bears to the sum of one hundred and five pounds ;

(c) in the case of any other rentcharge, a sum to be calculated in the following manner, that is to say, the Commission shall ascertain as regards each of the three years ending on the thirty-first day of March, nineteen hundred and thirty-four, thirty-five and thirty-six—

(i) the poundage rate at which general rates were levied ;

(ii) the poundage rate at which any rates, in respect of which tithe rentcharge was rated on a proportion only of its rateable value, were levied ; and

(iii) particulars of deductions from net annual value in arriving at rateable value ;

and the Commission shall thereupon calculate the average annual rate of poundage at which the rentcharge was assessable to rates during those three years, any liability to pay on a proportion only of the rateable value and any deduction in arriving at the rateable value being treated as a corresponding reduction of poundage in respect of that rate, and the amount to be deducted under this paragraph shall be the sum which would have been levied as rates had such average annual rate of poundage been applied to the reduced rateable value of the rentcharge, and for the purposes of this sub-paragraph the expression "reduced rateable value" means, in relation to a rentcharge, a sum ascertained by deducting from nineteen-twentieths of the gross annual value thereof the following fraction of such nineteen-twentieths, that is to say, the ascertained average rate of poundage in shillings over that ascertained average rate plus twenty shillings. •

4. In the case of a rentcharge created in lieu of any corn rent or like payment which was free from rates, or a rentcharge which was otherwise free from rates, no deduction shall be made in respect of rates, and, subject to the provisions of paragraph 5 of this Part, in a case in which the owner of a rentcharge was liable during the three years aforesaid to be charged only a proportion of any rate, the deduction in respect of rates shall be that proportion of the sum calculated in accordance with the provisions of the last foregoing paragraph.

5. In the case of a rentcharge which was subject to a lease, or was held in trust for persons entitled in undivided shares,

immediately before the appointed day, or which was vested for an interest less than a fee simple in possession in Queen Anne's Bounty by the Tithe Act, 1925, the deduction in respect of rates shall be such amount, calculated by reference to sub-paragraph (c) of paragraph 3 of this Part, as the Commission may determine to be just having regard to the circumstances.

1st Sch.
—cont.

6. In respect of losses in collection, of remissions, and of the benefit resulting in relation to security of income from the replacement of the rentcharge by stock, a sum equal to one-twentieth of the amount of the rentcharge.

PART II.

MODIFICATIONS TO BE MADE IN CERTAIN CASES IN DETERMINING AMOUNT OF COMPENSATION.

1. In the case of a tithe rentcharge the fee simple in possession whereof was vested in Queen Anne's Bounty by the Tithe Act, 1925, the amount of stock to be issued for compensation as ascertained apart from this provision shall be reduced by an amount equal to the value at the appointed day, as estimated by the Treasury, of the sums accumulated in respect of the rentcharge in the sinking fund established under that Act (including any sum carried to the sinking fund after the appointed day) or, if any payment into the sinking fund has been postponed under proviso (ii) to subsection (1) of section five of that Act, of the sums which would have been so accumulated if there had been no such postponement, due account being taken of any increased payment prescribed under that proviso.

2. In the case of a contingent tithe rentcharge, the amount of stock to be issued for compensation shall be an amount ascertained, so far as the special incidents to which the rentcharge was subject permit, in like manner as if the rentcharge had not been a contingent rentcharge, but reduced by such an amount as appears to the Commission to be just having regard to those incidents.

3. In the case of a tithe rentcharge created in lieu of a corn rent or like payment which was free from income tax, the amount of stock to be issued for compensation as ascertained apart from this provision shall be increased by such an amount as appears to the Commission to be just having regard to the fact that the rentcharge was so free.

Section 4.

SECOND SCHEDULE.

CONSTITUTION, PROCEDURE, STAFF AND EXPENSES
OF THE COMMISSION.

1. The Treasury shall have power to remove a member of the Commission from his office if he has in their opinion become incapable or unfitted to perform his functions under this Act, and, in the event of any vacancy occurring among the commissioners for the time being by death, resignation or removal, the Treasury, after consultation with the Minister, may appoint a person to fill the vacancy.

2. If any commissioner becomes temporarily incapable to perform his functions under this Act, the Treasury, after consultation with the Minister, may appoint some other person to discharge his duties for any period not exceeding six months at one time, and the person so appointed shall, during that period, have the same powers as the commissioner in whose place he is appointed.

3. The Commission may act notwithstanding any vacancy in their number.

4. A member of the Commons House of Parliament shall be disqualified for being appointed or being a commissioner and for being appointed under paragraph 2 of this Schedule to discharge the duties of a commissioner.

5. The Commission shall have an official seal, which shall be officially and judicially noticed.

6. The functions of the Commission, and of the officers and servants of the Commission, shall be exercised on behalf of the Crown.

7. The Commission may hold such inquiries as appear to them to be necessary or desirable for the purpose of the proper discharge of their functions.

Before holding any such inquiry the Commission shall give such notice as appears to them best adapted for informing persons affected of the date on which and the place at which the inquiry will be held and at any such inquiry any person appearing to the person holding the inquiry to be affected may appear either in person or by counsel, solicitor or agent.

8. The Commission may sue and be sued, and may for all purposes be described, by the name of "the Tithe Redemption Commission."

9. The Commission may authorise, subject to such limitations or restrictions as they may determine, a committee

appointed by them, or any person appointed by them for the purpose, to exercise in the name and on behalf of the Commission any of the Commission's powers or to perform or discharge on their behalf any duty or liability of the Commission.

2ND SCH.
—cont.

10. Subject to the foregoing provisions of this Schedule, the Commission shall have power to make rules regulating the procedure of the Commission and the procedure at any inquiry under this Schedule.

11. The Commission may appoint such secretaries and other officers, and such servants, as the Commission may, with the consent of the Treasury, determine.

12. There shall be paid to the commissioners, and to any person appointed under paragraph 2 of this Schedule to discharge the duties of a commissioner and to any such secretaries, officers and servants as aforesaid, such remuneration as, in the case of the commissioners and of any person appointed as aforesaid, the Treasury, or, in the case of any other person, the Commission with the approval of the Treasury, may determine.

THIRD SCHEDULE.

Sections 7,
38.

PART I.

PERSONS TO WHOM STOCK IS TO BE ISSUED.

Stock to be issued for compensation in respect of the extinguishment of a tithe rentcharge shall be issued in the following cases to the following persons, that is to say:—

1. In the case of a rentcharge which immediately before its extinguishment was vested in a person of full age absolutely entitled thereto for his own benefit free from incumbrances, the stock shall be issued to him or his personal representative or assigns,

2. In the case of a rentcharge which was then vested in Queen Anne's Bounty or attached to a benefice or to an ecclesiastical corporation, the stock shall be issued to Queen Anne's Bounty.

3. In the case of a rentcharge which was then vested in the Ecclesiastical Commissioners or in the Commissioners of Church Temporalities in Wales, the stock shall be issued to the Commissioners in whom the rentcharge was vested.

4. In the case of a rentcharge which was then vested in a University or College to which the Universities and College Estates Act, 1925, applies, the stock shall be issued at the option of the University or College either to the Minister or to trustees appointed by the Minister.

3RD SCH.
—cont.
15 & 16
Geo. 5. c. 18.

5. In the case of a rentcharge which was then so vested that the legal estate in fee simple therein could then have been sold and conveyed to the purchaser under the powers conferred by the Settled Land Act, 1925, or any additional powers conferred by a settlement, or by trustees for sale, or by a mortgagee or personal representative in the exercise of his paramount powers, in such manner as to overreach all equitable interests, and powers, and to extinguish any other legal estate subsisting therein, the stock shall be issued to the person to whom the purchase money arising on such a sale would have been payable.

6. In any other case, and also in any such case as aforesaid if the Commission consider it expedient in order to avoid expense or delay or for any special reason, the stock shall be issued, according as the Commission may determine, either—

- (a) to the proper officer of the Supreme Court or, in a case where the amount of the stock does not exceed five hundred pounds, of the county court, in accordance with rules of court, or
- (b) to trustees appointed by the Commission.

PART II.

PROVISIONS AS TO STOCK TO BE ISSUED TO QUEEN ANNE'S BOUNTY.

1. Stock issued to Queen Anne's Bounty in respect of tithe rentcharges which immediately before their extinguishment were vested in Queen Anne's Bounty for an interest in fee simple in possession and held on account of a benefice or were attached to a benefice for such an interest, together with any securities representing sums carried or to be carried to the sinking fund in relation to any such rentcharges under section five of the Tithe Act, 1925, shall be held by Queen Anne's Bounty on their general corporate account, with the same powers of sale and reinvestment as if the stock or securities had been purchased by them out of moneys standing to the credit of that account, and no part of such stock or securities shall be appropriated to, or be at the individual risk of, any particular benefice.

2. Queen Anne's Bounty shall, subject to the provisions of paragraph 1 of the Eighth Schedule to this Act, appropriate to each benefice concerned a sum of money equal to the aggregate of—

- (a) the amount of the stock issued to Queen Anne's Bounty in respect of such of the rentcharges aforesaid as were held on account of or attached to that benefice; and
- (b) the value, as estimated by Queen Anne's Bounty, of such of the securities aforesaid as are held on account of that benefice.

3. The sum appropriated to a benefice under the provisions of the last foregoing paragraph, together with any securities representing investments of sums received for redemption or merger which are held on account of that benefice under the proviso to subsection (2) of section six of the Tithe Act, 1925, shall be applied and disposed of by Queen Anne's Bounty as money or securities in their hands appropriated for the augmentation of the benefice should by law and under the rules of Queen Anne's Bounty be applied and disposed of.

3RD SCH
—cont.

4.—(1) Where any such rentcharge as aforesaid was immediately before its extinguishment charged with an annual money payment, the charge shall pass to the sum appropriated as aforesaid to the benefice :

Provided that, where any such charge is vested in the holder of any ecclesiastical office, Queen Anne's Bounty shall have power by Order to abate it either permanently or for such term as they may direct, if in their discretion they are satisfied that such abatement is desirable.

(2) Queen Anne's Bounty shall have the like powers to abate any charge, being a charge so vested as aforesaid, on the general revenues of a benefice in cases in which the general revenues included income derived from tithe rentcharge extinguished by this Act.

FOURTH SCHEDULE.

Section 14.

CERTIFICATION OF ANNUAL VALUE OF LAND IN AGRICULTURAL HOLDING.

1. In this Schedule the expression "charged land" means all land comprised in an agricultural holding exclusive of any part thereof in respect of which no annuity is charged.

2. If the owner of any charged land makes before the first day of March in any year to the surveyor of taxes for the parish in which the land is assessed or situate an application in the prescribed form for a certificate of the annual value of the charged land for the period of twelve months ending on the fifth day of April in that year, the surveyor shall—

- (a) if the charged land is land assessed for income tax purposes under Schedule B by reference to annual value for that period apart from other land, furnish to the owner and, if the annuity or annuities is or are under the management of the Commission, to the Commission, a statement in writing of the annual value as ascertained for the purposes of assessment;

4TH SCH.
—cont.

- (b) if the charged land is so assessed for that period together with other land, apportion the annual value in the assessment between the charged land and the other land and furnish as aforesaid a statement in writing of the annual value as ascertained for the purposes of the assessment and of the apportioned amounts;
- (c) if the charged land is not so assessed for that period, estimate what, if it had been so assessed for that period apart from other land, would have been the annual value as ascertained for the purposes of the assessment and furnish as aforesaid a statement in writing of his estimate.

3. The annual value of charged land for the period in respect of which an application is made as aforesaid shall be taken to be the amount specified in a statement furnished under sub-paragraph (a) or (c) of the last foregoing paragraph or the amount specified as apportioned to the charged land in a statement furnished under sub-paragraph (b) thereof, as the case may be :

Provided that, if the owner or, in a case where the annuity or annuities is or are under the management of the Commission, the Commission, is or are dissatisfied with the correctness of a statement furnished by the surveyor of annual value as ascertained for the purposes of an assessment, or with an apportionment or estimate made by the surveyor, the owner, or the Commission, as the case may be, may within one month from the date on which the statement of the surveyor is furnished to him or them, appeal to the general commissioners of income tax for the division in which the charged land is assessed or situate, and the said annual value shall be taken to be such amount as, in the case of a statement furnished under sub-paragraph (a), may be found by those commissioners to be the value which ought to have been specified therein, or, in the case of a statement furnished under sub-paragraph (b) or (c), may be determined by those commissioners, after due notice to and hearing the parties or their agents and the surveyor if any of them wishes to be heard.

4. Immediately after the expiration of the said period of one month, or, if an appeal is made, after the said annual value has been found or determined by the general commissioners, the surveyor or the general commissioners, as the case may be, shall issue to the owner by whom the application was made a certificate specifying the annual value which is by virtue of the last foregoing paragraph to be taken as the annual value of the charged land for the period to which the application relates.

FIFTH SCHEDULE.

Section 25.

ISSUE AND DISTRIBUTION OF SUMS BY WAY OF
CONTRIBUTION IN RESPECT OF DIMINUTION OF
INCOME OF RATING AUTHORITIES.*Amounts and mode of distribution between rating
authorities.*

1. Subject to the provisions of paragraph (e) of subsection (4) of section twenty-five of this Act and of this Schedule, the Treasury shall issue from the Redemption Annuities Account to the Minister of Health the following sums in respect of the following periods, that is to say :—

- (a) in respect of the period of twelve months beginning on the first day of October, nineteen hundred and thirty-six, a sum (in this paragraph referred to as the "standard grant") equal to ninety-two hundredths of the aggregate, as ascertained and certified by the Minister of Health, of the diminution of rate income of all rating authorities in England and Wales;
- (b) in respect of each subsequent period of twelve months, a sum less than the sum to be issued in respect of the last preceding period under the provisions of the last foregoing sub-paragraph or of this sub-paragraph, as the case may be, by an amount equal to a fraction of the standard grant ascertained in accordance with the provisions of paragraph 2 of this Schedule;
- (c) in respect of the period of twelve months beginning on the first day of October, nineteen hundred and thirty-six, a further sum equal to eight-hundredths of the aggregate aforesaid, and a like further sum in respect of the next subsequent period of twelve months;
- (d) in respect of the period of six months beginning on the first day of April, nineteen hundred and thirty-six, such amount as may be estimated by the Minister of Health to represent the loss of income sustained by all rating authorities arising from the operation of subsection (1) or (2) of section twenty-three of this Act.

2.—(1) The fraction referred to in sub-paragraph (b) of the foregoing paragraph shall, if the ninety-two hundredths certified under sub-paragraph (a) thereof is the sum of eight hundred and sixty-five thousand pounds, be one and a half hundredths.

(2) If the said ninety-two hundredths is more or less than the said sum, the fraction referred to in sub-paragraph (b) of the foregoing paragraph shall be such fraction as the

5TH SCH.
—cont.

Minister of Health may from time to time determine, so, however, that the fraction shall be calculated so as to secure that the issues made under the said sub-paragraph (b) amount in the aggregate to not less, and are made within a period not longer, than if sub-paragraph (1) of this paragraph had had effect.

3. Subject to the provisions of this Schedule, the sums to be issued thereunder in respect of any period shall be distributed amongst rating authorities in accordance with directions to be given by the Minister of Health, after consultation with such associations of local authorities as appear to him to be concerned, and with any local authority with whom consultation appears to him to be desirable.

4. The directions given by the Minister of Health under the last foregoing paragraph may provide that any sum which would otherwise have been payable under the directions to a rating authority in respect of any period shall not be paid—

(a) in the case of a period after the thirtieth day of September, nineteen hundred and thirty-six, if the sum which would have been payable is less than ten pounds or is less than one-half of one-hundredth of the gross rate income of the authority for the financial year next before that in which that period began;

(b) in the case of the period of six months beginning on the first day of April, nineteen hundred and thirty-six, if the diminution of rate income of the authority was less than ten pounds or less than one-half of one-hundredth of the gross rate income of the authority for the standard year.

5. The Minister of Health may direct that there shall be applicable, in such manner as he may determine, towards making payments to rating authorities appearing to him, in view of special circumstances arising from the operation of this Act, to be in need of assistance—

(a) any sums which would otherwise be payable to a rating authority in respect of any period but which are not so payable by virtue of a direction given under the last foregoing paragraph; and

(b) if the said ninety-two hundredths is less than the sum of eight hundred and sixty-five thousand pounds, any sums by which the issues that would have been made under paragraph 1 of this Schedule if sub-paragraph (1) of paragraph 2 thereof had had effect exceed the issues made under paragraph 1 thereof.

6.—(1) The Minister of Health may request the Treasury to deduct from any issue which but for this provision they would have made in respect of any period an amount equal to any sums

which might have been applied in respect of that period under sub-paragraph (a) of the last foregoing paragraph but which he determines ought not to be so applied, and the Treasury shall give effect to any such request and shall on the request of the Minister of Health issue an amount equal to the whole or any part of any deductions made under this sub-paragraph and not theretofore issued as an addition to any issue to be made in respect of any subsequent period.

5TH SCH.
—cont.

(2) The Treasury shall on the request of the Minister of Health issue an amount equal to any sums which he determines ought to be applied in respect of any period under sub-paragraph (b) of the last foregoing paragraph as an addition to the issue to be made in respect of that period.

Application by rating authorities of sums distributed.

7. The Minister of Health shall give directions for securing that the sums payable to a rating authority for a rural rating area on a distribution under paragraph 3 of this Schedule shall be credited, as to such part thereof as may be fixed by the directions, in aid of the general rate for such period as may be fixed by the directions, and, as to the balance thereof, in aid of the special rates for such period as aforesaid levied in the several parts of the area in which special rates assessed on tithe rentcharge were levied in the standard year, in proportion to the amount of special rates assessed on tithe rentcharge issuing out of land in those parts respectively and collected in respect of the standard year :

Provided that—

- (a) the Minister of Health may, if satisfied by the authority to whom any such sum is payable that the whole or a greater part thereof than is fixed by the directions ought to be credited in aid of the general rate, authorise them so to credit the whole or such part thereof as appears to him to be proper in the circumstances; and
- (b) a rating authority shall have power in their discretion to credit the balance of any such sum which is to be credited in aid of special rates otherwise than in such proportion as aforesaid.

8. Sums payable to a rating authority for an area other than a rural rating area on a distribution under paragraph 3 of this Schedule shall be credited in aid of the general rate :

Provided that, in the case of an area which was divided for rating purposes in the standard year, the said sums shall be credited in aid of so much of the general rate as is levied in each specially rated area in such proportions as appear to the Minister of Health to be proper having regard to the diminution of rate income in

5TH SCH.
—cont.

those areas respectively and to any representations made to the Minister of Health by the authority.

9. The sum to be credited in aid of any rate under this Schedule shall be taken into account for the purpose of ascertaining the proceeds of that rate, for whatever purpose such ascertainment is required.

General.

10. For the purpose of enabling the Minister of Health to make any estimate for the purposes of this Schedule, rating authorities shall comply with any directions given by him as to entries in rate books or other documents, returns or records to be made or kept by them.

11. In this Schedule the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“diminution of rate income” means, in relation to any rating authority, an amount equal to the aggregate as estimated by the Minister of Health of the sums realised by the collection by the authority of rates assessed on tithe rentcharge in respect of the standard year;

“gross rate income” means such income as calculated in accordance with rules made under section nine of the Rating and Valuation Act, 1925;

“rating authority” means a rating authority within the meaning of the Rating and Valuation (Apportionment) Act, 1928;

“standard year” means the financial year beginning on the first day of April, nineteen hundred and thirty-five.

15 & 16
Geo. 5. c. 90.

Section 30.

SIXTH SCHEDULE.

METHOD OF ASCERTAINMENT OF COMPENSATION FOR REDEMPTION OF CORN RENTS, &C.*

The compensation for the redemption of a corn rent, rentcharge or money payment to which section thirty of this Act applies (in this Schedule referred to as a “rent”) shall be such sum as, in the opinion of the Minister, is sufficient, after payment of the cost of investment, to produce, when invested in Government securities, a permanent annuity equal to the net annual value of the rent as hereinafter defined.

The net annual value of a rent shall be determined by the Minister as follows :—

6TH SCH.
—cont.

1. The value of the rent as expressed in the Act or award by which it was created or in any instrument by which it has been apportioned after the coming into operation of that Act or award (hereinafter referred to as the "award value") shall, unless the award value is a fixed amount not subject to variation, be increased or reduced to such sum as, in the opinion of the Minister, would have been the award value if that value had been based on the average price, as determined by the Minister, for the twenty-five years immediately before the date of the application for redemption, of the commodity or commodities by reference to the price of which the award value was subject to variation.
2. From the award value as so fixed, increased or reduced, as the case may be, there shall be deducted a sum equal to one-twentieth of that value in respect of the cost of collection and management, and a sum equal to the average amount per annum, if any, which was paid or payable by the owner of the rent in respect of rates and land tax during the three years immediately before the last mentioned date or, in a case where the award value is increased or reduced, would have been so paid or payable if the annual collectable value of the rent during those years had been equal to the award value as increased or reduced :

Provided that no deduction in respect of cost of collection and management shall be made in a case in which the consideration money for the redemption is to be discharged by an annuity.

3. The net sum remaining after the said deductions have been made shall be deemed to be the net annual value of the rent for the purposes of this Schedule.
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Section 31.

SEVENTH SCHEDULE.

LIABILITIES TO REPAIR CHANCEL, &C.

PART I.

APPORTIONMENT OF LIABILITY.

1. The Commission shall ascertain in relation to every chancel or other ecclesiastical building for the repair of which liability attached to the ownership of tithe rentcharge agreed or awarded on the original commutation of tithes under the Tithe Acts—

- (a) the rentcharges in respect of which such liability attached and the aggregate amount of those rentcharges;
- (b) which, if any, of those rentcharges was or were redeemed under the Tithe Acts or ceased before the appointed day to be subject to such liability, and the amount, or the aggregate amount, as the case may be, of any such rentcharges; and
- (c) the identity and the aggregate amount (in this Part referred to as "the apportionable amount of rentcharge liability") of the residue of those rentcharges.

2. Where the Commission ascertain, in relation to any chancel or building, that the residue aforesaid comprises two or more rentcharges, they shall ascertain the amount of each of those rentcharges which—

- (a) was a rentcharge in respect of which stock is to be issued under this Act and which was not so vested as to fall within the next succeeding sub-paragraph;
- (b) was a rentcharge in respect of which stock is to be issued under this Act and which was vested immediately before the appointed day for an interest in fee simple in possession in any of the corporations or bodies mentioned in the proviso to subsection (2) of section thirty-one of this Act;
- (c) was so vested between the twenty-sixth day of February, nineteen hundred and thirty-six, and the appointed day as to render the provisions of section twenty-one of this Act applicable thereto; or
- (d) was merged or extinguished under the Tithe Acts in land to which the provisions of section one of the Tithe Act, 1839, apply;

and shall ascertain, as respects each of those rentcharges, the proportion (in this Part referred to in relation to that rentcharge

as "the appropriate proportion") which the amount thereof bears to the apportionable amount of rentcharge liability.

7TH SCH.
—cont.

3. Where the Commission ascertain, in relation to any chancel or building, that the residue aforesaid comprises two or more rentcharges, then—

- (a) the part of the stock to be received by the Diocesan Authority in respect of any of those rentcharges shall be calculated on the basis of the substitution in subsection (2) of section thirty-one of this Act for the reference to the sum required for repairs of a reference to the appropriate proportion of that sum; and
- (b) any such liability to repair related to any of those rentcharges as is mentioned in the proviso to subsection (2) of section thirty-one of this Act, or in subsection (3) or (4) of that section, shall be limited to the appropriate proportion of the cost of putting the chancel or building in proper repair.

4. References in the Chancel Repairs Act, 1932, to the cost of putting a chancel in repair shall, in relation to a liability limited under this Schedule to a proportion of such cost, be construed as references to that proportion of such cost. 22 & 23
Geo. 5. c. 20.

5. Nothing in this Act shall prejudice the right of any person against whom proceedings are taken to enforce any such liability to repair related to any rentcharge as is mentioned in the proviso to subsection (2) of section thirty-one of this Act, or in subsection (3) or (4) of that section, to put in issue the question whether liability to repair attached to that rentcharge on the original commutation of tithes under the Tithe Acts or continued thereafter.

PART II.

PROCEDURE AS TO RECEIPT OF STOCK BY DIOCESAN AUTHORITY, &C.

1. As soon as may be after particulars of a tithe rentcharge have been transmitted to the Commission under section five of this Act or they have ascertained particulars of a tithe rentcharge, if it appears to them that it was a rentcharge in respect of which stock is to be issued under this Act and that the Diocesan Authority are entitled to receive a part of that stock, they shall give notice in writing to Queen Anne's Bounty of the name and address of the person by whom the particulars were submitted, or of the person appearing to them to be entitled for the time being to the interest on the stock to be issued in respect of the rentcharge, as the case may be.

7TH SCH.
—cont.

2. Within two months from the service of the Commission's notice, the Diocesan Authority shall serve on the person therein named notice in writing specifying the amount claimed by them to represent the sum required for repairs, and in default of their so doing within that period, or within such extended period as the Commission may in special circumstances allow on application being made to them in that behalf, the right of the Diocesan Authority to receive a part of the stock to be issued in respect of the rentcharge shall be forfeited.

3. In the case of a chancel or building in England, other than Monmouthshire, the amount to be specified as aforesaid shall be the amount for which the liability to repair could have been compounded under section fifty-two of the Measure if the rentcharge had not been extinguished, and the Diocesan Authority shall cause that amount to be determined in accordance, so far as circumstances permit, with subsections (2) and (3) of that section.

4. Where a notice has been served as aforesaid by the Diocesan Authority, any person interested in the stock to be issued in respect of the rentcharge may, by notice in writing served on the Authority within twenty-eight days from the service of the Authority's notice, require the question whether the sum specified therein is more than such as is reasonably sufficient to be referred to the arbitration of a person to be determined by agreement between the parties or, in case of difference, by the Commission, and the sum required for repairs shall be taken to be either the sum specified in the Authority's notice or, where arbitration has been duly required, such sum as may be fixed in the arbitration proceedings.

5. Stock issued to the Diocesan Authority by virtue of the provisions of section thirty-one of this Act shall be held and disposed of for the purposes and in the manner for and in which an investment of a sum paid in compounding a liability for repairs is to be held and disposed of under the Measure.

PART III.

MODIFICATIONS AS TO WALES AND MONMOUTHSHIRE.

1. For references to the Diocesan Authority or to Queen Anne's Bounty there shall be substituted references to the Representative Body incorporated under section thirteen of the Welsh Church Act, 1914.

4 & 5 Geo. 5.
c. 91.

2. Paragraph 5 of Part II of this Schedule shall not apply to stock issued to the Representative Body, but such stock shall be held and disposed of according to the directions of the Governing Body of the Church in Wales.

EIGHTH SCHEDULE.

Section 38.

POWERS OF QUEEN ANNE'S BOUNTY.

1. Power to make to persons entitled on the appointed day to receive the emoluments of benefices payments sufficient to make good any decrease occasioned by the provisions of this Act of their receipts in respect of the emoluments to which they were respectively then entitled, so long as they respectively remain entitled to receive those emoluments or any part thereof, and for that purpose to withhold from the appropriations to be made to benefices under Part II of the Third Schedule to this Act such amounts as, together with the amounts to be issued to Queen Anne's Bounty under section twenty-five of this Act or such part thereof as Queen Anne's Bounty may think fit to apply for that purpose, may be required as one common fund for making such payments.

2. Power to make to persons entitled on the appointed day to receive the emoluments, or to receive emoluments as members, of ecclesiastical corporations payments sufficient to make good any such decrease as aforesaid, and, for the purpose of having available in relation to each corporation such amounts, calculated by reference to the value of the interests of those persons in those emoluments, as may be required for making such payments, to apply—

- (a) such part of the amount or amounts to be issued to Queen Anne's Bounty under paragraph (g) of subsection (4) of section twenty-five of this Act as they estimate to have been so issued in respect of tithe rentcharges held by them on account of the corporation; and
- (b) so much as may be necessary of the stock issued to Queen Anne's Bounty under paragraph 2 of Part I. of the Third Schedule to this Act and held by them in trust for the corporation absolutely.

3. Power, in the case of any tithe rentcharge vested for an interest in fee simple in possession in Queen Anne's Bounty by the Tithe Act, 1925, which was formerly attached to an ecclesiastical corporation, to hold and dispose of any securities representing sums carried or to be carried to the sinking fund in relation to the rentcharge under section five of that Act, together with any securities representing investments of sums received for redemption or merger which are held on account of that corporation under the proviso to subsection (2) of section six of that Act, for the like purposes as if the securities had been stock issued

8TH SCH.
—cont.

to Queen Anne's Bounty under paragraph 2 of Part I of the Third Schedule to this Act in respect of the extinguishment of the rentcharge.

4. Power to provide on such terms as Queen Anne's Bounty think fit for the winding up—

(a) of committees constituted under subsection (2) of section ten of the Tithe Act, 1925, and of the accounts of such committees; and

(b) of the accounts of incumbents appointed under subsection (1) of the said section ten to act as agents of Queen Anne's Bounty for the collection of rentcharges.

5. Power to provide on such terms as Queen Anne's Bounty think fit for the recoupment out of the emoluments of the benefices concerned of advances made by Queen Anne's Bounty under paragraph 6 of the First Schedule to the Tithe Act, 1925, for the purpose of meeting expenses of collection of rentcharges.

6. Power to provide on such terms as Queen Anne's Bounty think fit for the making out of the revenues of benefices of such deductions as are specified in subsection (2) of section three of the Tithe (Administration of Trusts) Measure, 1928, and of any other deductions which Queen Anne's Bounty would have had power to make out of such revenues, so far as derived from tithe rentcharge, if this Act had not passed.

7. Power to provide on such terms as Queen Anne's Bounty think fit for the adjustment of accounts as between Queen Anne's Bounty on the one hand, and incumbents of benefices and ecclesiastical corporations on the other hand, in respect of—

(a) deficiencies in arrears received by Queen Anne's Bounty; or

(b) deficiencies arising by reason of any postponement, under proviso (ii) to subsection (1) of section five of the Tithe Act, 1925, of payments into a sinking fund established under that Act in respect of a tithe rentcharge vested in Queen Anne's Bounty.

8. Power at any time, and during any incumbency of the benefice concerned, to extend within the limits prescribed by law the term of repayment of any loan advanced by Queen Anne's Bounty for the purposes of—

8 & 9 Geo. 5
c. 42.

(a) the Loans (Incumbents of Benefices) Amendment Act, 1918, and the Acts to be construed therewith; or

(b) the Ecclesiastical Dilapidations Measures, 1923 to 1929; where the revenues of the benefice charged with the loan were immediately before the appointed day derived wholly or in part from tithe rentcharge.

NINTH SCHEDULE.

Section 48.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
6 & 7 Will. 4. c. 71.	The Tithe Act, 1836.	Sections fifty-seven, sixty-two, sixty-nine, seventy-seven, seventy-eight, eighty and eighty-six.
7 Will. 4 & 1 Vict. c. 69.	The Tithe Act, 1837.	The whole Act so far as un-repealed.
2 & 3 Vict. c. 62.	The Tithe Act, 1839.	Sections fourteen, sixteen, seventeen, twenty-one and twenty-eight.
3 & 4 Vict. c. 15.	The Tithe Act, 1840.	Sections seventeen, twenty and twenty-three.
5 & 6 Vict. c. 54.	The Tithe Act, 1842.	Sections three, six, seven and eight.
14 & 15 Vict. c. 25.	The Landlord and Tenant Act, 1851.	Section four.
14 & 15 Vict. c. 50.	An Act to amend an Act of the Third and Fourth Years of King William the Fourth in respect of the Assessment of Tithe and Tithe Rentcharges for certain Rates.	In section one, the words "tithe rentcharges".
14 & 15 Vict. c. 104.	The Episcopal and Capitular Estates Act, 1851.	In section eleven, the words "and tithe rentcharges".
17 & 18 Vict. c. 116.	The Episcopal and Capitular Estates Act, 1854.	In section eight, the words "or tithe rentcharges" where they secondly occur.
23 & 24 Vict. c. 93.	The Tithe Act, 1860.	Sections one, two, four to nine, thirty-one, forty-two and forty-three. The Schedule.
32 & 33 Vict. c. 67.	The Valuation (Metropolis) Act, 1869.	In section four, in the definition of "gross value", the words "and tithe commutation rentcharge, if any".
45 & 46 Vict. c. 37.	The Corn Returns Act, 1832.	Section ten.
49 & 50 Vict. c. 54.	The Extraordinary Tithe Redemption Act, 1886.	The whole Act so far as un-repealed.

9TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
60 & 61 Vict. c. 23.	The Extraordinary Tithe Act, 1897.	The whole Act.
10 Edw. 7 & 1 Geo. 5. c. 24.	The Licensing (Consolidation) Act, 1910.	In section thirty-nine, in subsection (2), the words "and tithe commutation rentcharge (if any)".
8 & 9 Geo. 5. c. 54.	The Tithe Act, 1918.	Section ten. The First Schedule so far as unrepealed.
11 & 12 Geo. 5. c. 35.	The Corn Sales Act, 1921.	In section two, in subsection (3), the words "and in section ten (which relates to the application of the septennial average to the Tithe Commutation Acts)".
14 & 15 Geo. 5. c. 21.	The Finance Act, 1924.	In section twelve, in subsection (1) (b), the words "and tithe commutation rentcharge, if any".
15 & 16 Geo. 5. c. 20.	The Law of Property Act, 1925.	In section one, in subsection (2) (d), the words "tithe rentcharge". In section one hundred and ninety-one, in subsection (12), the words "tithe rentcharge or". In section two hundred and one, in subsection (1), the words "tithe and".
15 & 16 Geo. 5. c. 21.	The Land Registration Act, 1925.	In section seventy, in subsection (1) (e), the words "tithe rentcharge".
15 & 16 Geo. 5. c. 87.	The Tithe Act, 1925.	In section one, subsection (1). Section two. In section four, subsections (1), (2), (4) and (5). Sections six, nine and eleven. In section twelve, paragraphs (a) and (c). In section thirteen, subsections (2) and (4). Section seventeen. In section twenty, subsections (3) and (4).
15 & 16 Geo. 5. c. 90.	The Rating and Valuation Act, 1925.	In section three, in subsection (2), the words "or tithe rentcharge" and the words "tithe rentcharge" where the last-mentioned words secondly occur.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 90— <i>cont.</i>	The Rating and Valuation Act, 1925— <i>cont.</i>	In section twenty-two, in subsection (1) (b), the words "and tithe rentcharge, if any". In section sixty-eight, in subsection (1), in the definition of "gross value", the words "and tithe rentcharge, if any", and subsection (2).
19 & 20 Geo. 5. c. 17.	The Local Government Act, 1929.	In the Third Schedule, in paragraph 2, the words "any tithe rentcharge or", where they first occur, and the words "tithe rentcharge or", where they secondly and thirdly occur.
20 & 21 Geo. 5. c. 24.	The Railways (Valuation for Rating) Act, 1930.	In section four, in subsection (1) (b) and subsection (3) (ii), the words "and tithe rentcharge (if any)".

9TH SCH.
—*cont.*

CHAPTER 44.

An Act to amend the law with respect to aviation and matters connected therewith.

[31st July 1936.]

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.

PROVISIONS FOR THE DEVELOPMENT, REGULATION AND CONTROL OF CIVIL AVIATION.

1.—(1) The Secretary of State may, with the approval of the Treasury, agree to pay subsidies to any persons and to furnish facilities for their aircraft, in consideration of undertakings entered into by those

Agreements for subsidising air transport.

PART I.
—*cont.*

persons with respect to the carriage by air of passengers or goods :

Provided that—

(a) the aggregate amount of the subsidies payable under all the agreements made in pursuance of this section shall not exceed one million five hundred thousand pounds in any financial year; and

(b) no subsidy shall be payable under any such agreement after the thirty-first day of December, nineteen hundred and fifty-three.

(2) Any sums required by the Secretary of State for the fulfilment of any agreement made in pursuance of this section shall be paid out of moneys provided by Parliament.

(3) It shall be a term of every agreement made in pursuance of this section between the Secretary of State and a company that no subsidy shall be payable under the agreement unless such directions as may have been given by the Secretary of State for securing that one or more of the directors of the company shall be a person or persons nominated by the Secretary of State are complied with.

(4) A copy of every agreement made in pursuance of this section shall, as soon as may be after the agreement is made, be laid before each House of Parliament and if either House, within fourteen days from the day on which a copy of such an agreement is laid before it, resolves that the agreement be annulled, the agreement shall thenceforth be void, without prejudice, however, to the making of a new agreement.

In reckoning any period of fourteen days for the purposes of this subsection, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses of Parliament are adjourned for more than four days.

20 & 21

Geo. 5. c. 30.

(5) The Air Transport (Subsidy Agreements) Act, 1930, shall cease to have effect; but this repeal shall not affect the validity of any agreement made in pursuance of that Act, and every such agreement shall, for the purposes of the proviso to subsection (1) of this section, be deemed to have been made in pursuance of this section.

2.—(1) The Secretary of State may by order provide for delegating to a body appearing to him to be so constituted as to consist of—

- (a) persons substantially representative of the interests concerned with civil aviation (and in particular of operators, constructors and insurers of aircraft), and
- (b) two persons appointed by the Secretary of State, one as being an independent person and the other as being a person who has had not less than five years' professional experience as a pilot of civil aircraft,

PART I.
—*cont.*
Delegation
of certain
functions of
Secretary of
State as
respects
civil
aviation.

such of the administrative functions of the Secretary of State with respect to the matters to which this subsection applies as may be specified in the order, and for entrusting to that body such advisory functions in connection with any of the said matters as may be so specified; and an order under this section may direct that any fees for the time being prescribed by an Order in Council under Part I of the principal Act in relation to matters with respect to which functions are delegated under this section to such a body as aforesaid, shall be paid to, and may be retained by, that body.

The matters to which this subsection applies are the design, construction and maintenance of aircraft, and matters connected therewith.

(2) An order under this section may contain such incidental and supplementary provisions as appear to the Secretary of State to be necessary or expedient for the purposes of the order, and may be varied or revoked by a subsequent order of the Secretary of State, but the revocation of such an order shall be without prejudice to the making of a new order under this section.

(3) No order delegating or entrusting any functions to such a body as aforesaid shall be made under this section unless, at least twenty days previously, a draft of the order has been laid before each House of Parliament, and if either House, within twenty days from the day on which a draft of such an order is laid before it, resolves that it is inexpedient that an order in terms of the draft should be made, no further proceedings shall be taken thereon, without prejudice, however, to the making of a new draft order.

PART I.
—cont.

In reckoning any period of twenty days for the purposes of this subsection, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses of Parliament are adjourned for more than four days.

(4) The Secretary of State may contribute such sums as he may, with the approval of the Treasury, determine, to the payment of any expenses which may be incurred by such a body as aforesaid for the purposes of an order under this section; and any sums required by the Secretary of State for making contributions under this subsection shall be paid out of moneys provided by Parliament.

Application
to seaplanes
of regula-
tions as
to ships.
57 & 58 Vict.
c. 60.

3.—(1) The power of His Majesty in Council under subsection (1) of section four hundred and eighteen of the Merchant Shipping Act, 1894, to make regulations for the prevention of collisions at sea shall include power to make regulations for the prevention of collisions at sea—

- (a) between seaplanes on the surface of the water, and
- (b) between vessels and seaplanes on the surface of the water;

22 & 23
Geo. 5. c. 9.

and the power of His Majesty in Council under subsection (1) of section twenty-five of the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, to prescribe what signals shall be signals of distress and urgency shall include power to prescribe what signals shall be signals of distress and urgency in the case of seaplanes on the surface of the water; and accordingly the said sections and sections four hundred and nineteen, four hundred and twenty-one and four hundred and twenty-four of the Merchant Shipping Act, 1894, as amended by any subsequent Act, shall apply in relation to seaplanes on the surface of the water as they apply in relation to ships or vessels, except that—

- (i) the reference in subsection (1) of the said section four hundred and eighteen to the Admiralty and the Board of Trade shall be construed as including a reference to the Secretary of State;
- (ii) rules under subsection (2) of the said section twenty-five with respect to seaplanes shall not be made by the Board of Trade except after consultation with the Secretary of State;
- (iii) for the purposes of subsection (2) of the said section four hundred and eighteen and for the

purposes of the said section four hundred and twenty-four, sections four hundred and eighteen, four hundred and nineteen, four hundred and twenty-one and four hundred and twenty-four of the Merchant Shipping Act, 1894, shall be deemed to be the only provisions of Part V of that Act relating to the collision regulations or otherwise relating to collisions; and

PART I
—cont.

- (iv) any references in subsection (3) of the said section twenty-five or in the said section four hundred and nineteen to the master or to the person in charge of the deck shall be construed as a reference to the pilot or other person on duty in charge of the seaplane.

In this subsection the expression “ vessels ” has the same meaning as in the Merchant Shipping Act, 1894.

- (2) For the purpose of the Dockyard Ports Regulation Act, 1865, seaplanes when on the surface of the water shall be deemed to be vessels : 28 & 29 Vict.
c. 125.

Provided that the persons on whose recommendation rules under section seven of that Act may be made shall, in the case of rules relating to seaplanes, include the Secretary of State.

- (3) Any enactment which confers or imposes on a conservancy or harbour authority any power or duty to make byelaws for the regulation of ships or vessels shall be construed as if the power or duty so conferred or imposed included a power or duty to make byelaws for the regulation of seaplanes when on the surface of the water, and also a power to include in the byelaws provisions authorising the harbour master or other officer of the authority to exercise, as respects seaplanes on the surface of the water, all or any of the functions which he is authorised by the enactment in question to exercise as respects ships or vessels :

Provided that byelaws made by virtue of this subsection shall not in any circumstances require, or authorise a harbour master or other officer to require, the dismantling of a seaplane or any part thereof or the making of any alteration whatever of the structure or equipment of a seaplane.

- (4) Where any enactment, whether by virtue of the last preceding subsection or not, confers or imposes on a

PART I.
—cont.

conservancy or harbour authority a power or duty to make byelaws for the regulation of seaplanes when on the surface of the water, or to include in the byelaws such provisions as are mentioned in the said subsection, the following provisions shall have effect:—

- (a) in a case where the enactment provides that the byelaws shall not come into force unless they have been confirmed or approved by some Government Department, byelaws made thereunder in relation to seaplanes after the commencement of this Act shall not be confirmed or approved by that Department except after consultation with the Secretary of State;
- (b) in a case where the enactment in question does not provide as aforesaid, byelaws made thereunder after the commencement of this Act in relation to seaplanes shall not, except in a case where they are required to be allowed or approved by a court or a judge, come into force unless they have been confirmed by the Minister of Transport after consultation with the Secretary of State;
- (c) in a case where the enactment in question provides that the byelaws shall not come into force unless they have been allowed or approved by a court or a judge, the conservancy or harbour authority shall, before making application to that court or judge for the allowance of the byelaws, forward a copy thereof to the Secretary of State, and the court or judge shall, before allowing or approving the byelaws, take into consideration any representations made with respect thereto by or on behalf of the Secretary of State:

Provided that in relation to any byelaws which are determined by the Minister of Transport, after consultation with the Board of Trade, primarily to concern the interests of navigation, paragraph (b) of this subsection shall have effect as if for the reference therein to the Minister of Transport there were substituted a reference to the Board of Trade.

(5) For the purpose of this section—

- (a) the expression “enactment” shall be construed as including any provisional order for the time being in force (whether or not it has

PART I.
—cont.

- been confirmed by an Act), and the expression “byelaws” shall be construed as including rules and regulations;
- (b) the expressions “conservancy authority” and “harbour authority” shall have the meanings respectively assigned to them by section seven hundred and forty-two of the Merchant Shipping Act, 1894;
- (c) the expression “seaplane” shall be construed as including a flying boat and any other aircraft designed to manœuvre on the water; and
- (d) seaplanes taking off from, or alighting on, the water shall be deemed to be on the surface of the water while in contact therewith.

4.—(1) His Majesty may by Order in Council make provision—

(a) for requiring any person—

(i) who carries on the business of carrying passengers or goods in aircraft for hire or reward on such journeys or classes of journeys (whether beginning and ending at the same point or at different points) as may be specified in the Order, or

(ii) who is the holder of a licence in respect of a customs aerodrome,

to furnish to such authorities as may be specified in the Order such information relating to the use of aircraft for the purpose of his said business and to the persons employed in connection with that use, or, as the case may be, relating to the use of the aerodrome and to the persons employed in aircraft arriving thereat or departing therefrom, as may be prescribed by the Order;

(b) for requiring the owner, or the pilot or other person in charge, of any aircraft arriving at, or departing from, any customs aerodrome to furnish to the holder of the licence in respect of that aerodrome such information as may be necessary to enable the holder of the said licence to comply with such of the provisions of the Order as relate to him;

Information as to air transport undertakings and use of customs aerodromes.

PART I.
—cont.

(c) for prescribing the times at which, and the form and manner in which, any information required under the Order is to be furnished :

Provided that a person carrying on such a business as is mentioned in sub-paragraph (i) of paragraph (a) of this subsection shall not be required to furnish information relating to the use of aircraft on journeys wholly outside the United Kingdom, or relating to persons exclusively employed outside the United Kingdom, unless the person carrying on the business is either a British subject resident in the United Kingdom or a body corporate incorporated under the law of some part of the United Kingdom.

(2) An Order in Council under this section may provide for imposing on any person who contravenes or fails to comply with any provision of the Order such penalties (not exceeding a fine of twenty pounds and a further fine of five pounds for every day on which the contravention or non-compliance continues after conviction therefor) as may be specified in the Order.

(3) No information with respect to any particular undertaking which has been obtained by virtue of an Order in Council under this section shall, without the consent of the person carrying on that undertaking, be disclosed otherwise than in connection with the execution of such an Order, and if any person discloses any such information in contravention of this subsection, he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

• Nothing in this subsection shall apply to the disclosure of any information for the purposes of any legal proceedings which may be taken by virtue of this subsection or of an Order in Council made under this section, or for the purpose of any report of any such proceedings, but, save as aforesaid, the restriction imposed by this subsection shall, in relation to any legal proceedings (including arbitrations), extend so as to prohibit and prevent any person who is in possession of any such information so obtained from disclosing, and

from being required by any court or arbitrator to disclose that information (whether as a witness or otherwise) except with the consent of the person carrying on the undertaking to which the information relates.

PART I.
—cont.

(4) In this section the expression “customs aerodrome” means an aerodrome for the time being appointed in pursuance of an Order in Council in force under Part I of the principal Act as a place of landing and departure of aircraft for the purposes of the enactments relating to customs.

5.—(1) His Majesty may by Order in Council make provision—

Licensing
of air
transport
and com-
mercial
flying.

(a) for securing that aircraft shall not be used in the United Kingdom by any person—

(i) for plying, while carrying passengers or goods for hire or reward, on such journeys or classes of journeys (whether beginning and ending at the same point or at different points) as may be specified in the Order, or

(ii) for such flying undertaken for the purpose of any trade or business as may be so specified,

except under the authority of, and in accordance with, a licence granted to the said person by the licensing authority specified in the Order;

(b) as to the circumstances in which a licence under the Order may or shall be granted, refused, revoked or suspended, and in particular as to the matters to which the licensing authority specified in the Order is to have regard in deciding whether to grant or refuse such a licence;

(c) as to appeals from the licensing authority by persons interested in the grant, refusal, revocation or suspension of any licence under the Order;

(d) as to the conditions which may be attached to such a licence (including conditions as to the fares, freight or other charges to be charged by the holder of the licence), and for securing compliance with any conditions so attached;

PART I.
—cont.

- (e) as to the information to be furnished by an applicant for, or the holder of, such a licence to such authorities as may be specified in the Order;
- (f) for prescribing, subject to the consent of the Treasury, the fees to be paid in respect of the grant of any licence under the Order;

and such an Order may make different provision as respects different classes of aircraft and different classes of licences.

(2) An Order in Council under this section may, for the purpose of securing compliance with the Order, provide for the imposition of penalties not exceeding, in the case of a first offence against the Order, a fine of twenty pounds or, in the case of a second or subsequent such offence, a fine of fifty pounds or imprisonment for a term of three months.

(3) The Secretary of State shall lay before Parliament the draft of any Order which it is proposed to recommend His Majesty in Council to make under this section, and no further proceedings shall be taken in relation thereto except in pursuance of an Address presented to His Majesty by both Houses of Parliament praying that the Order may be made in the terms of the draft.

Subsection (3) of section seventeen of the principal Act (which requires Orders in Council to be laid before Parliament) shall not apply in relation to Orders made under this section.

(4) Nothing in this section shall be taken to affect the power under section one of the principal Act of giving effect by Order in Council to any provision or amendment of the Convention referred to in that section, being a provision or amendment which authorises the imposition of restrictions on the use of foreign aircraft.

Detention
of aircraft.

• 6. The principal Act shall be amended by inserting therein, after section twelve, the following section:—

“12A. Any Order in Council, order or regulations made under this Act in relation to aircraft may provide for the detention of aircraft to secure compliance with the Order in Council, order or regulations, as the case may be, or with any provisions of this Act in connection with which the Order in Council, order or regulations is or

are made, and, in the case of an Order in Council under Part I of this Act, provide for the detention of aircraft to prevent aircraft flying when unfit to fly, and may make such further provision as appears to His Majesty in Council or the Secretary of State, as the case may be, to be necessary or expedient for securing such detention."

PART I.
—cont.

7. The following subsection shall be inserted at the end of section seventeen of the principal Act :—

Amendment
of s. 17 of
principal
Act.

"(4) Any Order in Council under this Act may authorise the Secretary of State to make regulations for carrying out the purposes of the Order in respect of such matters as may be specified in the Order."

PART II.

PROVISIONS AS TO AERODROMES.

8. The councils of metropolitan boroughs shall be included among the local authorities to which section eight of the principal Act (which empowers certain local authorities to establish aerodromes) applies.

Extension
of s. 8 of
principal Act
to metropoli-
tan borough
councils.

9.—(1) Subject to the provisions of this section, a local authority to which section eight of the principal Act, as amended by this Act, applies may be authorised by means of an order (hereafter in this Act referred to as a "compulsory purchase order") made by that local authority and confirmed by the Secretary of State, to purchase land compulsorily for any purpose for which the local authority is authorised to acquire land by agreement under that section.

Compulsory
acquisition
of land by
local
authorities
for
aerodrome
purposes.

(2) The provisions of the First Schedule to this Act (being provisions which, subject to certain adaptations, modifications and exceptions, correspond with the provisions of the Town and Country Planning Act, 1932, referred to in the margin of the said Schedule) shall have effect in relation to every compulsory purchase order.

22 & 23
Geo. 5. c. 48.

(3) In subsections (3) and (4) of section eight, and in subsection (1) of section nineteen, of the principal Act (which contain provisions as to the mode of defraying the expenses of local authorities under the said section eight, and empower local authorities to borrow for the purposes of that section) references to expenses under the said section eight and references to the purposes of that

PART II.
—cont.

section shall be construed as respectively including references to expenses under this section and references to the purposes of this section.

Dealing with land held by local authorities for aerodrome purposes.

10.—(1) Where any land is held by a local authority to which section eight of the principal Act, as amended by this Act, applies, for any purpose for which land may be acquired under that section, the local authority shall not, without the consent of the Secretary of State, appropriate that land for any other purpose or dispose of the land in any way.

23 & 24
Geo. 5. c. 51.

(2) Without prejudice to the provisions of the preceding subsection, where a local authority to which section one hundred and sixty-five of the Local Government Act, 1933, applies holds any land solely for the purpose of securing that it shall not be used in such manner as to cause interference with, or danger or damage to, aircraft at, approaching or leaving an aerodrome of the local authority, that section shall, notwithstanding that it is still requisite that the land should not be so used, have effect in relation to that land as if it authorised the local authority, with the consent of the Minister of Health, to sell the land subject to such conditions as the local authority thinks necessary to secure that the land will not be so used.

Power of common council to combine with other local authorities.

11. Section ninety-seven of the Local Government Act, 1933, (which applies the provisions of Part III of that Act relating to joint committees to the London County Council and to councils of metropolitan boroughs) shall, in relation to the powers conferred on local authorities by section eight of the principal Act or by or under this Part of this Act, have effect as if any reference in the said section ninety-seven to the council of a metropolitan borough included a reference to the common council of the city of London.

Power of local authorities to carry on businesses in connection with aerodromes provided by them.

12.—(1) If the Secretary of State is satisfied, with respect to any aerodrome provided by a local authority under section eight of the principal Act, that it is necessary or expedient that the local authority should be empowered to carry on in connection with the aerodrome any particular business, being a business which appears to him to be ancillary to the carrying on of an aerodrome, but which the authority would not otherwise have power to carry on, he may make an order authorising

that local authority, subject to such conditions (if any) as may be specified in the order, to carry on that business in connection with the aerodrome.

PART II.
—cont.

Any such order may be varied or revoked by a subsequent order of the Secretary of State.

(2) Subsection (2) of section eight of the principal Act is hereby repealed; but any local authority which, immediately before the date of the passing of this Act, was carrying on any business by virtue of a certificate given under that subsection by the Air Council, may continue to do so until the Secretary of State otherwise directs by an order made either generally or in relation to that local authority.

13. If any person trespasses on any land forming part of an aerodrome licensed in pursuance of an Order in Council under Part I of the principal Act, he shall be liable, on summary conviction, to a fine not exceeding five pounds:

Trespassing
at licensed
aerodromes.

Provided that no person shall be liable to any penalty under this section unless it is proved that, at the material time, notices warning trespassers of their liability under this section were posted, so as to be readily seen and read by members of the public, in such positions on or near the boundary of the aerodrome as appear to the court to be proper.

14.—(1) If the Secretary of State is satisfied, with respect to any building, structure or erection in the vicinity of an aerodrome to which this section applies that, in order to avoid danger to aircraft flying in that vicinity, in darkness or conditions of poor visibility, provision ought to be made (whether by lighting or otherwise) for giving to such aircraft warning of the presence of that building, structure or erection, he may by order authorise (subject to any conditions specified in the order) the proprietor of the aerodrome, and any person acting under the proprietor's instructions,—

Indication
of presence
of obstruc-
tions near
aerodromes.

(a) to execute, instal, maintain, operate, and, as occasion requires, to repair and alter, such works and apparatus as may be necessary for enabling such warning to be given in the manner specified in the order, and

PART II.
—cont.

- (b) so far as may be necessary for exercising any of the powers conferred by the order to enter upon and pass over (with or without vehicles) any such land as may be specified in the order :

Provided that no such order shall be made in relation to any building, structure or erection if it appears to the Secretary of State that there have been made, and are being carried out, satisfactory arrangements for the giving of such warning as aforesaid of the presence of the building, structure or erection.

(2) The Secretary of State shall, before making any such order as aforesaid, cause to be published, in such manner as he thinks best for informing persons concerned, notice of the proposal to make the order and of the place where copies of the draft order may be obtained free of charge, and take into consideration any representations with respect to the order which may, within such period not being less than two months after the publication of the notice as may be specified therein, be made to him by any person appearing to him to have an interest in any land which would be affected by the order; and at the end of that period the order may, subject to the provisions of this section, be made with such modifications (if any) of the original draft as the Secretary of State thinks proper.

(3) Every such order as aforesaid shall provide—

(a) that, except in a case of emergency, no works shall be executed on any land in pursuance of the order, unless, at least fourteen days previously, the proprietor of the aerodrome to which the order relates has served in the manner prescribed by the order on the occupier of that land, and on every other person known by the proprietor to have an interest therein, a written notice containing such particulars of the nature of the proposed works, and the manner in which and the time at which it is proposed to execute them, as may be prescribed by or in accordance with the order; and

(b) that if, within fourteen days after service of the said notice on any person having such an interest, the proprietor of the aerodrome receives a written intimation of objection on the part of

PART II.
—cont.

that person to the proposals contained in the notice, being an intimation which specifies the grounds of objection, then, unless and except in so far as the objection is withdrawn, no steps shall be taken in pursuance of the notice without the specific sanction of the Secretary of State;

and shall also provide for requiring the proprietor of the aerodrome to which the order relates to pay to any person having an interest in any land affected by the order such compensation for any loss or damage which that person may suffer in consequence of the order as may, in default of agreement, be determined from time to time by a single arbitrator appointed by the Lord Chief Justice; and, for the purposes of this subsection, any expense reasonably incurred in connection with the lawful removal of any apparatus installed in pursuance of such an order, and so much of any expense incurred in connection with the repair, alteration, demolition or removal of any building, structure or erection to which such an order relates as is attributable to the operation of the order, shall be deemed to be loss or damage suffered in consequence of the order.

(4) The ownership of anything shall not be taken to be affected by reason only that it is placed in, or affixed to, any land in pursuance of such an order as aforesaid; and (subject to the provisions of the next following subsection) so long as any such order in respect of an aerodrome is in force, no person shall, except with the consent of the proprietor of the aerodrome, wilfully interfere with any works or things which, to the knowledge of that person, are works or things executed or placed, in, on or over any land in pursuance of the order.

If any person contravenes the preceding provisions of this subsection, he shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds or to both such imprisonment and such fine; and every person who wilfully obstructs a person in the exercise of any of the powers conferred by such an order as aforesaid shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

PART II.
—*cont.*

(5) Nothing in this section shall operate, in relation to any building, structure or erection, so as to restrict the doing of any work for the purpose of repairing, altering, demolishing or removing the building, structure or erection, provided that—

(a) notice of the doing of that work is given as soon as may be to the proprietor of the aerodrome, and

(b) the giving of warning of the presence of the building, structure or erection in the manner provided by any order under this section in force in relation thereto is not interrupted.

(6) Any order under this section may be revoked or varied by a subsequent order made by the Secretary of State in accordance with the provisions of this section, but the revocation or variation of any such order shall not affect the previous operation thereof.

(7) The following provisions shall have effect for the protection of statutory undertakers:—

(a) any order made under this section affecting any property held by such undertakers for the purposes of their undertaking shall be so framed as to avoid interference with the proper carrying on of the undertaking;

(b) no person shall, except in a case of emergency, enter, in pursuance of such an order, upon any land held by such undertakers for the purposes of their undertaking, unless he has given to the undertakers at least three clear days' notice of his intention so to do, and any person so entering on any such land shall comply with any reasonable directions given to him by or on behalf of the undertakers for preventing interference with the proper carrying on of the undertaking;

(c) if any such undertakers show that, by reason of the operation of such an order, they have been obliged to take special measures for the purpose of ensuring the safety of persons so entering on any such land or otherwise acting under the order in relation to any property of the undertakers, the amount of any expenses

reasonably incurred by the undertakers in taking such measures shall be paid to them by the proprietor of the aerodrome to which the order relates, and any dispute as to whether any sum is payable under this paragraph, or as to the amount of any sum so payable, shall, unless the parties otherwise agree, be referred for determination to a single arbitrator appointed by the Lord Chief Justice.

PART II.
—cont.

Nothing in this subsection shall be taken to affect the general application of subsection (3) of this section.

(8) In this section—

- (a) the expression “aerodrome to which this section applies” means any premises which, by virtue of an Order in Council made under Part I of the principal Act, are for the time being licensed as an aerodrome for public use, but does not include any premises belonging to the Secretary of State; and
- (b) the expression “proprietor of the aerodrome” means, in relation to any premises used or appropriated for use as an aerodrome, the person carrying on or entitled to carry on the business of an aerodrome in those premises.

PART III.

LIMITATION OF, AND PROVISION TO BE MADE FOR SECURING DISCHARGE OF, LIABILITY IN RESPECT OF CERTAIN DAMAGE CAUSED BY AIRCRAFT.

15.—(1) Subject to the provisions of this Part of this Act, where a person or his estate is liable to pay damages by reason of loss or damage which, after the commencement of this Part of this Act, is caused on any one occasion to persons or property on land or water by, or by a person in, or an article or person falling from, an aircraft while in flight, taking off or landing, his or, as the case may be, his estate's total liability to pay damages by reason of the loss or damage shall be limited in accordance with the provisions of the Second Schedule to this Act:

Limitation
of liability
for certain
damage
caused by
aircraft.

PART III.
—cont.

Provided that a person or, as the case may be, his estate shall not be entitled to the benefit of this section in relation to any such loss or damage as aforesaid in any case in which it is proved that the loss or damage is attributable to his wilful misconduct or to wilful misconduct on the part of any of his servants or agents, unless (in a case where the loss or damage is attributable to wilful misconduct on the part of any of his servants or agents) it is proved that the loss or damage occurred without his actual fault or privity.

(2) Any reference in this Act to the total limit of liability appropriate to an aircraft shall be construed as a reference to the total amount to which a person could, in the circumstances mentioned in the preceding subsection, limit his liability to pay damages in respect of loss or damage caused on any one occasion by that aircraft, whether to persons or to property; and any reference in this Act to the limit of liability for property claims appropriate to an aircraft shall be construed as a reference to the amount to which a person could, in such circumstances, limit his liability to pay damages in respect of loss or damage caused on any one occasion by that aircraft, if that loss or damage were only loss of, or damage to, property.

(3) Without prejudice to the operation of the next following section, a person or, as the case may be, his estate shall not be entitled to the benefit of this section in relation to any loss or damage, if, at the time of the happening of the event which was the cause of the loss or damage, he was not the owner of the aircraft concerned and was in, or in possession or control of, the aircraft without the authority or permission of the owner thereof.

(4) Where any person or the estate of any person is alleged to be under any liability in respect of such loss or damage as is mentioned in subsection (1) of this section, and several claims for damages are made or apprehended in respect of that liability, the said person or his personal representative, as the case may be, may make application to the High Court, and thereupon the court may assess the liability to pay damages, and determine whether, and, if so, to what amount, it can be limited

under this section, dealing separately, if need be, with such of the claims as are in respect of loss of or damage to property, and, if the liability can be so limited, may distribute the amount thereof among the several claims on the following principles:—

PART III.
—cont.

- (a) if the claims are solely in respect of loss of life or personal injury or solely in respect of loss of, or damage to, property, the amount of the liability shall be distributed rateably;
- (b) if there are claims both in respect of loss of life or personal injury and in respect of loss of, or damage to, property, one-half of the total limit of liability appropriate to the aircraft concerned shall be appropriated, so far as necessary, to meeting claims for loss of life or personal injury and shall be distributed rateably among them, and the other half shall be distributed rateably among all the claims, including claims in respect of loss of life or personal injury if and so far as they exceed the aforesaid appropriation.

(5) Where an application is made to the court under the last preceding subsection, the court may stay any proceedings pending in any other court in relation to the same matter, and may give such directions as the court thinks proper for the joining of persons interested as parties to the proceedings, for the exclusion of claims which are not brought before the court within a certain time, and for requiring security from the person by whom the application to the court was made.

(6) Nothing in this section or in section nine of the principal Act shall affect the operation of the Carriage by Air Act, 1932, or any contract for the carriage of passengers or goods by air in so far as the contract provides for determining or limiting the liability of the carrier thereunder, and nothing in this section shall be construed as affecting the amount of any compensation payable under the Workmen's Compensation Acts.

22 & 23
Geo. 5. c. 36.

16.—(1) Subject to the provisions of this section, a person shall not fly, or cause or permit any other person to fly, an aircraft, unless there is in force in relation to

Provision to
be made in
respect of
aircraft

PART III. the flying of the aircraft by that person or that other
—*cont.* person, as the case may be,—

against
third party
risks.

(a) a policy of insurance issued by an authorised insurer which, subject to any restrictions or conditions specified therein, insures the owner of the aircraft against all liability which he may incur in respect of loss or damage caused to persons or property on land or water by, or by any person in, or any article or person falling from, the aircraft while in flight, taking off or landing, or

(b) a security given by an authorised giver of securities, being a security which consists of an undertaking by the giver of the security to make good, subject to any restrictions or conditions specified therein, any failure by the owner of the aircraft to discharge any such liability as aforesaid;

and a person or, as the case may be, his estate shall not be entitled to the benefit of the last preceding section in relation to any claim made in respect of such loss or damage as aforesaid, unless it is proved that such a policy or security as aforesaid was in force in relation to the flying of the aircraft concerned at the time of the happening of the event which was the cause of the loss or damage giving rise to the claim, or, if the claim is made against the person who at that time was the owner of the aircraft or against his estate, that the aircraft was then in the possession or control of some other person without the authority or permission of the owner.

• • (2) If any person contravenes this section, he shall be liable, on summary conviction, to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(3) The preceding provisions of this section shall not apply to an aircraft of which, at the material time, the owner is a local authority, a police authority or the Receiver for the Metropolitan Police District, or which, at that time, is being used for police purposes by, or under the direction of, a police officer or by a person employed by a police authority or employed by the said receiver,

and shall not apply to any aircraft if and so long as the owner thereof has deposited, and keeps deposited, with the Accountant-General of the Supreme Court of Judicature, in England, for and on behalf of that court, an amount at least equal to the total limit of liability appropriate to that aircraft or, where he is the owner of three or more aircraft, an amount at least equal to the aggregate of the two greatest of the total limits of liability appropriate to those aircraft respectively.

PART III.
—cont.

(4) In this section—

- (a) the expression “ authorised insurer ” means an insurance company or an underwriter in whose case the requirements of the Assurance Companies Act, 1909, (as amended by Part II of the Road Traffic Act, 1930, and by this Part of this Act) with respect to deposits by insurance companies and deposits and guarantees by underwriters are complied with; 9 Edw. 7.
c. 49.
20 & 21
Geo. 5.
c. 43.
- (b) the expression “ authorised giver of securities ” means either an authorised insurer or a body of persons which carries on in the United Kingdom the business of giving securities of the kind required by this Part of this Act, and which has deposited and keeps deposited with the Accountant-General of the Supreme Court of Judicature in England, for and on behalf of that court, the sum of fifteen thousand pounds in respect of that business; and
- (c) the expression “ local authority ” means the council of a county, county borough or county district, the common council of the city of London, the council of a metropolitan borough, or any joint board or joint committee which is so constituted as to include among its members representatives of any such council.

17. Where the aircraft concerned has been bona fide demised, let or hired out for any period exceeding fourteen days to any other person by the owner thereof, and no pilot, commander, navigator or operative member of the crew of the aircraft is in the employment of the

Hirers of aircraft to be treated as owners in certain circumstances.

PART III. owner, the last two preceding sections shall have effect
—cont. as if for references therein to the owner there were
substituted references to the person to whom the
aircraft has been so demised, let or hired out.

Incidental
provisions
as to
policies and
securities.

18.—(1) A policy of insurance or a security shall be of no effect for the purposes of the preceding provisions of this Part of this Act, unless and until there is delivered by the insurer to the person by whom the policy is effected, or by the giver of the security to the person to whom it is given, a certificate in such form, and containing such particulars with respect to the policy or security, as may be prescribed by the Secretary of State, and any such certificate relating to a policy or certificate relating to a security is hereafter in this Act referred to as a "certificate of insurance" or "certificate of security," as the case may be.

(2) The provisions of the Third Schedule to this Act (being provisions which, subject to certain adaptations, modifications and exceptions, correspond with the provisions of the Road Traffic Acts, 1930 and 1934, referred to in the margin of the said Schedule) shall have effect in relation to policies of insurance, securities and deposits required for the purposes of the preceding provisions of this Part of this Act.

Offences in
connection
with the
obtaining
and issue
of policies
and securi-
ties and
certificates
relating
thereto.

19.—(1) If any person, with intent to obtain for himself or any other person such a policy of insurance or such a security as is required by this Part of this Act, fails to disclose a fact which he knows to be a material fact, or makes a representation of fact which he knows to be false in a material particular, he shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds or to both such imprisonment and such fine.

(2) If any person issues a certificate of insurance or certificate of security which is to his knowledge false in any material particular, he shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds or to both such imprisonment and such fine.

20.—(1) Section one of the Assurance Companies Act, 1909, shall have effect as if after paragraph (f) of that section, as amended by section forty-two of the Road Traffic Act, 1930, there were added the following paragraph :—

PART III.
—cont.
Amendment
of Assur-
ance Com-
panies Act,
1909.

“(g) aircraft insurance business, that is to say, the business of effecting contracts of insurance for the purpose of insuring owners or hirers of any aircraft against loss of, or damage to or arising out of or in connection with the use of, the aircraft, including third party risks.”

(2) Where an assurance company within the meaning of the Assurance Companies Act, 1909, carries on aircraft insurance business, that Act shall apply with respect to that business in the same way as it applies to motor vehicle insurance business :

Provided that—

(a) the Board of Trade may by regulations direct that, in the case of companies carrying on aircraft insurance business, such alterations as the Board think appropriate shall be made in the forms in which such companies are required by section four of the said Act to prepare accounts and balance sheets; and

(b) if a company carries on both aircraft insurance business and motor vehicle insurance business, paragraphs (a) and (b) of subsection (2) of section forty-two of the Road Traffic Act, 1930, (which relate to the deposit to be made under section two of the Assurance Companies Act, 1909,) shall have effect in relation to the company as if its aircraft insurance business were part of its motor vehicle insurance business.

(3) For the purposes of section one of the Assurance Companies Act, 1909, as amended by this section, a person shall be deemed to be a hirer of an aircraft if, but only if, the aircraft has been demised, let or hired out to him for a period exceeding fourteen days by the owner of the aircraft, and no pilot, commander, navigator or operative member of the crew of the aircraft is in the employment of the owner.

PART III.

—*cont.*

Provision
for giving
effect to a
certain
Convention
signed in
Rome.

21.—(1) Whereas a Convention for the unification of certain rules relating to damage caused by aircraft to third parties on the surface was, on the twenty-ninth day of May, nineteen hundred and thirty-three, signed in Rome on behalf of His Majesty, and a copy of that Convention has been laid before each House of Parliament :

And whereas it is expedient that provision should be made for giving effect to the said Convention :

Now, therefore, His Majesty may, if it appears to His Majesty in Council to be necessary or expedient so to do for the purpose of giving effect to the said Convention, make an Order in Council—

(a) directing—

(i) that the provisions set out in the Order shall, in relation to aircraft registered in any such country other than the United Kingdom as may be specified in the Order, have effect in lieu of the provisions of section nine of the principal Act and the preceding provisions of this Part of this Act; or

(ii) that all or any of the provisions of the said section and the said provisions of this Part of this Act shall, in relation to such aircraft as aforesaid, have effect subject to such modifications, adaptations and exceptions as may be specified in the Order;

(b) making such provision as appears to His Majesty in Council to be required for securing that an aircraft registered in the United Kingdom shall not leave the United Kingdom on a flight to or over any such country as aforesaid, unless there is on board the aircraft a certificate relating to a policy of insurance, a security or a deposit of money in respect of the aircraft, being a certificate in such form, and issued by such person, and containing such particulars, as may be prescribed by the Order.

(2) If the Convention recited in the preceding subsection is amended by any Convention or agreement to which His Majesty or His Majesty's Government in the United Kingdom is a party, the said subsection shall

have effect as if any reference therein to "the said Convention" were a reference to the first-mentioned Convention as so amended.

PART III.
—cont.

22. This Part of this Act shall come into operation on such day as the Secretary of State may by order appoint, and references in this Act to the commencement of this Part of this Act shall be construed as references to the beginning of the said day.

Commence-
ment of
Part III.

PART IV.

CENTRAL ADMINISTRATION OF MATTERS RELATING TO AIR FORCE AND CIVIL AVIATION.

23.—(1) Section six of the principal Act (which extends the purposes of the Air Council so as to include all matters connected with air navigation) shall cease to have effect, and the powers, duties, liabilities, rights and property which, immediately before the passing of this Act, were exercisable by, imposed on, and vested in, the Air Council for purposes of civil aviation shall be powers, duties, liabilities, rights and property respectively of the Secretary of State as such.

Transfer to
Secretary
of State of
Air
Council's
functions
with respect
to civil
aviation.

(2) Any enactment passed before the passing of this Act which contains a reference to the Air Council or to the President of the Air Council shall, if and so far as that enactment is operative for purposes of civil aviation, have effect as if the said reference were a reference to the Secretary of State.

(3) Nothing in the preceding provisions of this section shall affect the validity of any document or act which, before the passing of this Act, has been duly executed, issued or done by or on behalf of the Air Council or the President of the Air Council, and every such document or act shall, if and so far as it was, immediately before the passing of this Act, operative for purposes of civil aviation, have effect as if it had been duly executed, issued or done by or on behalf of the Secretary of State.

24.—(1) Section thirteen of the Air Force (Constitution) Act, 1917, (which empowers His Majesty to adapt by Order in Council to the circumstances of the Air Force certain enactments relating to military matters) shall have effect as if in that section for the words "the President of

Amendment
of 7 & 8
Geo. 5. c. 51
and 25 & 26
Geo. 5. c. 26.

PART IV. the Air Council" there were substituted the words "the
—cont. Secretary of State for Air."

(2) Save as otherwise provided by this Act, the Orders in Council made under section thirteen of the Air Force (Constitution) Act, 1917, which were in force immediately before the passing of this Act shall, until revoked, have effect as if for the words "the President of the Air Council" and the words "the Secretary of State who is President of the Air Council," wherever those words occur in the said Orders, there were substituted the words "the Secretary of State for Air".

(3) Section one of the Defence (Barracks) Act, 1935, shall have effect as if in that section for the words "the President of the Air Council" there were substituted the words "the Secretary of State for Air".

Manage-
ment and
disposal of
land vested
in Secretary
of State for
purposes
of civil
aviation.

25. The following subsections shall be inserted at the end of section fifteen of the principal Act:—

"(2) The Secretary of State shall have power to manage, sell, let or exchange any land vested in him for purposes of civil aviation, whether acquired under the Military Lands Acts, 1892 to 1903, as amended by this section, or under any other Act, and to pay or receive money in respect of equality of exchange:

Provided that nothing in this subsection shall be taken to affect the operation of section five of the Defence of the Realm (Acquisition of Land) Act, 1916, as respects any land acquired under that Act.

(3) The Secretary of State shall have power by agreement to take land on lease for purposes of civil aviation, and to manage and (subject to the terms of the lease) to sublet any land so taken on lease or assign the lease."

6 & 7 Geo. 5.
c. 63.

Provisions
as to pro-
perty and
rights of
Secretary
of State.

26.—(1) His Majesty may by Order in Council apply in relation to the Secretary of State for Air, with any necessary modifications or adaptations, the enactments set out in Part I of the Fourth Schedule to this Act, so as to confer on that Secretary of State all such powers, rights and privileges in relation to the acquisition and holding of land for the purpose of discharging any of his functions, and in relation to the management, use and disposal in any manner of land acquired for that purpose,

as under the said enactments are, by virtue of any Order in Council made under section thirteen of the Air Force (Constitution) Act, 1917, as amended by this Act, for the time being vested in the Secretary of State for Air in relation to the acquisition and holding of land for the use of the Air Force or for Air Force services or purposes, and in relation to the management, use and disposal of land acquired for use of the Air Force or for Air Force services or purposes.

PART IV.
—cont.

An Order in Council made under this subsection may provide that any enactment applied by the Order shall be deemed always to have been so applied.

(2) Where, either after or before the passing of this Act, any property of any description other than land has become vested in any Secretary of State for Air on behalf of, or in trust for, His Majesty or the Air Council, that property shall, unless otherwise lawfully disposed of, pass and devolve to, and vest in, and be deemed always to have passed and devolved to, and vested in, the successors in office from time to time of the Secretary of State for Air in whom the property was originally vested, as if the Secretary of State for Air were a corporation sole.

(3) Any instrument which, either after or before the passing of this Act, has been made by, to or with any Secretary of State for Air in relation to any such property other than land as is or was vested in him in the manner mentioned in the last preceding subsection, shall be deemed to have been made by, to or with him and his successors in office from time to time, as if the Secretary of State for Air were a corporation sole.

(4) Any instrument in connection with the acquisition, management or disposal of any land or other property, being an instrument to which the Secretary of State for Air is expressed to be a party, shall be deemed to be validly executed by him if it is executed on his behalf by the Under Secretary of State for Air, the Secretary of the Air Ministry or any other person authorised in that behalf by the Secretary of State, and any such instrument purporting to have been executed as aforesaid on behalf of the Secretary of State for Air shall, until the contrary is proved, be deemed to have been so executed on his behalf.

PART IV.
—*cont.*

The method provided by this subsection for the execution of such an instrument as aforesaid shall be in addition to any other method available by law for the execution of such an instrument on behalf of a Secretary of State, and this subsection shall not be construed as affecting the validity of any method by which other instruments may be executed on behalf of a Secretary of State.

30 & 31 Vict.
c. 128.

(5) Section twenty of the War Department Stores Act, 1867, (which relates to the institution of legal proceedings) shall apply in relation to the Secretary of State for Air and to any action or proceeding concerning any property vested in him on behalf of, or in trust for, His Majesty or the Air Council as that section applies in relation to the Secretary of State for War and to any action or proceeding concerning military or ordnance stores, and accordingly that section shall have effect in relation to the Secretary of State for Air as set out with modifications in Part II of the Fourth Schedule to this Act, and any Order in Council made under section thirteen of the Air Force (Constitution) Act, 1917, shall, if and so far as, immediately before the passing of this Act, the Order applied section twenty of the War Department Stores Act, 1867, or section thirty-four of the Defence Act, 1842, in relation to the President of the Air Council, cease to have effect.

5 & 6 Vict.
c. 94.

The provisions of this subsection and of Part II of the Fourth Schedule to this Act shall have the same effect in relation to Northern Ireland as they would have if the War Department Stores Act, 1867, extended, and had always extended, to Northern Ireland as well as to England.

PART V.

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS.

Wages and
conditions
of employ-
ment of
persons
employed.

27.—(1) The wages paid by any subsidised person to persons employed by him in connection with the carriage by air of passengers or goods, and the conditions of employment of persons so employed, shall, unless agreed upon by the employer and by organisations representative of the persons employed, or by a joint industrial council representing them, not be less favourable to the persons employed than the wages which would be payable, and the conditions which would

have to be observed, under a contract which complied with the requirements of any resolution of the House of Commons for the time being in force applicable to contracts of Government Departments, and if any dispute arises as to what wages ought to be paid, or what conditions ought to be observed in accordance with this section, it shall, if not otherwise disposed of, be referred by the Secretary of State to the industrial court for settlement.

PART V.
—cont.

In this subsection the expression “subsidised person” means a person in respect of whom there is subsisting an agreement made under Part I of this Act for the payment of a subsidy to him by the Secretary of State.

(2) Where any matter is referred to the industrial court under this section, the court, in arriving at its decision, shall have regard to any determination that may be brought to its notice relating to the wages or conditions of service of persons employed in a capacity similar to that of the persons to whom the reference relates, being a determination contained in a decision of a joint industrial council, conciliation board or other similar body, or in an agreement between organisations representative of employers and workpeople.

(3) Where any award has been made by the industrial court upon a dispute referred to that court under this section, then, as from the date of the award or from such later date as the court may direct, it shall be an implied term of the contract between the employer and workers to whom the award applies that the rate of wages to be paid or the conditions of employment to be observed under the contract shall, until varied in accordance with the provisions of this section, be in accordance with the award.

28. The amendments specified in the second column of the Fifth Schedule to this Act (being amendments consequential on the provisions of this Act and amendments relating to matters of minor detail) shall be made in the provisions of the principal Act specified in the first column of that Schedule.

Minor and consequential amendments of principal Act.

29. For the avoidance of doubt in the construction of the Carriage by Air Act, 1932, (whether as forming part of the law of the United Kingdom or as extended to any other country or territory) it is hereby declared

Explanation of 22 & 23 Geo. 5. c. 36.

PART V. that references to agents in the First Schedule to that
—cont. Act include references to servants.

Transitional
and inci-
dental pro-
visions as to
certain
Orders in
Council, &c.

30.—(1) Nothing in this Act shall be taken to affect the validity of any Order in Council, order or regulations made in pursuance of the principal Act before the date of the passing of this Act, any regulations or directions made or issued before the said date in pursuance of such an Order in Council, or any Order in Council made before the said date applying any such Order in Council or regulations as aforesaid to the Isle of Man or to any of the Channel Islands; and any such Order in Council, order, regulations or directions as aforesaid shall, if and so far as in force immediately before the said date, continue in force until revoked by an Order in Council, order or regulations.

(2) An Order in Council made under any of the provisions of the principal Act and this Act may contain such incidental and supplementary provisions as appear to His Majesty in Council to be necessary or expedient for the purposes of the Order.

Exercise of
powers of
Board of
Trade.

31. Anything required or authorised under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any secretary, under-secretary or assistant secretary of the Board or any person authorised in that behalf by the President.

Application
to Scotland.

32. This Act shall, in its application to Scotland, have effect subject to the following modifications, that is to say :—

(1) Any reference to the High Court or to the Court of Appeal shall be construed as a reference to the Court of Session, and any reference to the Lord Chief Justice shall be construed as a reference to the Lord President of the Court of Session;

(2) The expression “stay” shall mean “sist,” the expression “requiring security from” shall mean “requiring caution to be found by,” the expression “arbitrator” shall mean “arbiter”, and the expression “plaintiff” shall mean “pursuer”;

- (3) For section ten there shall be substituted the following section:—

PART V.
—cont.

“10. Where any land is held by a local authority to which section eight of the principal Act as amended by this Act applies, for any purpose for which land may be acquired under that section, the local authority shall have power, with the consent of the Secretary of State but not otherwise, to appropriate that land for any other purpose or to dispose of that land”;

- (4) For paragraph (c) of subsection (4) of section sixteen there shall be substituted the following paragraph:—

“(c) the expression ‘local authority’ means any county, town or district council, or any joint committee which is so constituted as to include among its members representatives of any such council”;

- (5) For subsection (5) of section twenty-six there shall be substituted the following subsection:—

“(5) Any Order in Council made under section thirteen of the Air Force (Constitution) Act, 1917, shall, if and so far as, immediately before the passing of this Act, the Order applied section thirty-four of the Defence Act, 1842, in relation to the President of the Air Council, cease to have effect”;

and Part II of the Fourth Schedule shall not apply;

- (6) In paragraph 1 of Part I of the First Schedule, for the words “section ninety-two and sections “one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845” there shall be substituted the words “section ninety and sections one hundred and twenty to one hundred and twenty-five of the Lands Clauses Consolidation (Scotland) Act, 1845” and for the words “sections “seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845” there shall
- 8 & 9 Vict.
c. 18.
8 & 9 Vict.
c. 19.
8 & 9 Vict.
c. 20.

PART V.

—*cont.*8 & 9 Vict.
c. 33.

be substituted the words “ sections seventy to “ seventy-eight of the Railways Clauses Consoli-
“ dation (Scotland) Act, 1845 ”; and for para-
graph 5 of Part I of the First Schedule there
shall be substituted the following paragraph :—

52 & 53 Vict.
c. 50.

“ 5. The provisions of subsections (1) and (3) of section ninety-three of the Local Government (Scotland) Act, 1889, shall apply to any local inquiry held by the Secretary of State in pursuance of the last preceding paragraph, as they apply to local inquiries held under that section, subject, however, to the following and any other necessary modifications :—

(a) references to the Secretary of State, and to a person appointed by the Secretary of State shall be respectively substituted for references to the Secretary for Scotland and to a person nominated by a writing under his hand;

(b) references to authorities concerned in the inquiry shall include references to parties to the inquiry;

(c) ‘ five guineas ’ shall be substituted for ‘ three guineas ’;

(d) the Secretary of State may make orders as to the costs of the inquiry and as to the parties by whom such costs shall be paid ”;

(7) In Part II of the First Schedule, the words “ and “ any land subject to be inclosed under the “ Inclosure Acts, 1845 to 1882 ” and the definition of the expression “ allotment ” shall be omitted, and for the reference to the Local Loans Act, 1875, there shall be substituted a reference to the Local Authorities Loans (Scotland) Acts, 1891 and 1893;

38 & 39
Vict. c. 83.

(8) Sub-paragraph (1) of paragraph 2 of the Third Schedule shall have effect as if the words “ by “ virtue of any enactment relating to interest on “ judgments ” were omitted therefrom, and for

sub-paragraph (7) of that paragraph there shall be substituted the following sub-paragraph :—

PART V.
—cont.

“(7) References in the preceding provisions of this paragraph to a person insured by a policy shall, unless the context otherwise requires, be construed as including references to his estate.”

33.—(1) His Majesty may by Order in Council direct that any of the provisions of this Act and of sub-sections (3) to (5) of section eight of the principal Act shall, in the application of that provision to Northern Ireland, have effect subject to such adaptations as may be specified in the Order.

Special provisions as to Northern Ireland.

(2) Except in so far as the Parliament of Northern Ireland may otherwise enact, the provisions contained in the Sixth Schedule to this Act (which, subject to certain adaptations, modifications and exceptions, correspond with the provisions of the Law Reform (Miscellaneous Provisions) Act, 1934, relating to the survival of causes of action) shall have effect in Northern Ireland with respect to causes of action in respect of loss or damage which, after the commencement of Part III of this Act, is caused to persons or property on land or water by, or by persons in, or articles or persons falling from, aircraft while in flight, taking off or landing.

24 & 25
Geo. 5. c. 41.

34.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

Interpretation.

“policy of insurance” includes a covering note;

“the principal Act” means the Air Navigation Act, 1920;

10 & 11
Geo. 5. c. 80.

“material”, in relation to any fact or particular, means of such a nature as to influence the judgment of a prudent insurer or giver of securities in determining whether he will take the risk or provide the security, and, if so, at what premium or for what consideration, as the case may be, and subject to what restrictions and conditions;

“statutory undertakers” means any persons authorised by any enactment or statutory order to construct, work or carry on any railway, canal,

PART V.
—*cont.*

inland navigation, dock, harbour, tramway, gas, electricity, water or other public undertaking;

“ Workmen’s Compensation Acts ” means the Workmen’s Compensation Acts, 1925 to 1934, or any corresponding enactments of the Parliament of Northern Ireland.

(2) In the principal Act and in this Act—

- (a) the expression “ land ” includes land covered with water and any right in or over land ; and
- (b) the expression “ purposes of civil aviation ” includes all purposes connected with air navigation, except purposes of the defence of the realm by air ;

and for the purposes of paragraph (b) of this subsection the expression “ the defence of the realm by air ” includes the Air Force and the administration of all matters relating thereto.

(3) For the avoidance of doubt it is hereby declared that in this Act the expression “ loss or damage ” and in section nine of the principal Act the expression “ damage or loss ” include, in relation to persons, loss of life and personal injury.

(4) Any reference in the principal Act or in this Act to goods or articles shall be construed as including a reference to mails or animals, and any reference in the principal Act or in this Act to any country or territory shall, unless the context otherwise requires, be construed as including a reference to the territorial waters, if any, adjacent to that country or territory.

Short title,
construction,
citation
and repeal.

35.—(1) This Act may be cited as the Air Navigation Act, 1936, and shall be construed as one with the principal Act ; and that Act and this Act may be cited together as the Air Navigation Acts, 1920 and 1936.

(2) The enactments specified in the Seventh Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

SCHEDULES.

FIRST SCHEDULE.

PROVISIONS WITH RESPECT TO COMPULSORY PURCHASE ORDERS. Sections 9 (2)
and 32 (6)
and (7).

PART I.

PROVISIONS AS TO THE COMPULSORY ACQUISITION OF LAND.

1. A compulsory purchase order shall be in the prescribed form and shall describe, by reference to a map the land to which the order applies, and shall incorporate, subject to the modifications hereinafter mentioned and any necessary adaptations,— [22 & 23
Geo. 5. c. 48,
3rd Sched.,
Part I,
para. 1.]

(a) the Lands Clauses Acts, except section ninety-two and sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845;

(b) the Acquisition of Land (Assessment of Compensation) Act, 1919; and 9 & 10
Geo. 5. c. 57.

(c) sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845.

2. The modifications subject to which the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be incorporated in a compulsory purchase order are as follows:— [22 & 23
Geo. 5. c. 48,
3rd Sched.,
Part I,
para. 3.]

(a) the arbitrator shall not take into account any building erected, or any improvement or alteration made, or any interest in land created, after the date on which notice of the order having been made is published in accordance with this Part of this Schedule if, in the opinion of the arbitrator, the erection of the building, or the making of the improvement or alteration, or the creation of the interest, in respect of which a claim is made was not reasonably necessary and was carried out with a view to obtaining compensation or increased compensation;

1ST SCH.
—*cont.*

(b) no person shall be required to sell a part only of any house, building or manufactory, or of any land which forms part of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, manufactory, park or garden, unless the arbitrator determines—

(i) in the case of a house, building or manufactory, that such part as is proposed to be taken can be taken without material detriment to the house, building or manufactory, or

(ii) in the case of a park or garden, that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house;

and if he so determines, he shall award compensation in respect of any loss due to the severance of the part proposed to be taken, in addition to the value of that part, and thereupon the party interested shall be required to sell to the local authority that part of the house, building, manufactory, park or garden; and

(c) where any land in England to which the compulsory purchase order relates is glebe land or other land belonging to an ecclesiastical benefice, any sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for damage to be sustained by reason of severance or injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale, under the Ecclesiastical Leasing Acts, of land belonging to a benefice.

[22 & 23

Geo. 5. c. 48,
3rd Sched.,
Part I,
para. 4.]

3. Before submitting a compulsory purchase order to the Secretary of State, the local authority by which the order was made shall—

(a) publish in a newspaper circulating in the district of the local authority a notice in the prescribed form stating that the order has been made and describing the area to which it applies, and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours, and

(b) serve on every owner, lessee and occupier (except tenants for a period not exceeding one month) of any land to which the order relates, a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Secretary of State for confirmation, and specifying the time within which, and the manner in which, objections to the order may be made.

4. If no objection to a compulsory purchase order is duly made by any of the persons upon whom notices are required by the last preceding paragraph to be served, or if all such objections so made are withdrawn, the Secretary of State may, if he thinks fit, confirm the order with or without modification, but in any other case he shall, before confirming the order, cause a local inquiry to be held and consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order with or without modification :

1ST SCH.
—cont.
[22 & 23
Geo. 5. c. 48,
3rd Sched.,
Part I,
para. 5.]

Provided that—

- (a) the Secretary of State may require any person who made an objection to state in writing the grounds thereof, and may confirm the order without causing a local inquiry to be held, if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation is to be assessed; and
- (b) the order as confirmed by the Secretary of State shall not, unless all persons interested consent, authorise the local authority to purchase any land which the order would not have authorised them to purchase if it had been confirmed without modification.

5. The provisions of subsections (2), (3), (4), (5) and (8) of section two hundred and ninety of the Local Government Act, 1933, (which relate to the conduct of local inquiries and to costs in connection therewith) shall apply in relation to any inquiry held by direction of the Secretary of State under the last preceding paragraph, as they apply in relation to an inquiry held by direction of the Secretary of State under subsection (1) of that section.

[22 & 23
Geo. 5. c. 48,
s. 38, as
amended by
23 & 24
Geo. 5.
c. 51.]

6. For the purposes of this Part of this Schedule a notice may be served—

- (a) by registered post or by delivery to, or at the residence of, the person to whom it is addressed; or
- (b) if the local authority is unable, after reasonable inquiry, to ascertain the name and address of the person upon whom the notice should be served, by addressing it to him—

[22 & 23
Geo. 5. c. 48,
3rd Sched.,
Part I,
para. 6.]

- (i) by name, if his name is known, or
- (ii) if his name is not known, by the description of “owner” or “occupier” of the premises (naming them) to which the notice relates,

1st SCH.
—*cont.*

and by delivering the notice to some person on the premises, or, if there is no person on the premises to whom it can be delivered, by affixing it or a copy thereof to some conspicuous part of the premises.

PART II.

RESTRICTIONS ON ACQUISITION OF LAND.

[22 & 23
Geo. 5. c. 48,
3rd Sched.,
Part II,
paras. 1 & 4.]

1. The Secretary of State shall not confirm a compulsory purchase order authorising the purchase of any land which is the site of an ancient monument or other object of archæological interest or which forms part of any common, open space or allotment or which belongs to a local authority within the meaning of the Local Loans Act, 1875, or is held by any statutory undertakers for the purposes of their undertaking, and shall not confirm a compulsory purchase order authorising the purchase of any forest plantation or area of woodland, except after consultation with the Forestry Commissioners.

2. In this Part of this Schedule—

- (a) the expression “common” includes any town or village green, and any land subject to be inclosed under the Inclosure Acts, 1845 to 1882;
- (b) the expression “open space” means any land laid out as a public garden or used for the purposes of public recreation, and any disused burial ground; and
- (c) the expression “allotment” means any allotment set out as a fuel allotment or a field garden allotment under an Inclosure Act.

PART III.

VALIDITY AND DATE OF OPERATION OF COMPULSORY PURCHASE ORDERS.

[22 & 23
Geo. 5. c. 48,
1st Sched.,
Part III,
para. 1.]

1. As soon as may be after a compulsory purchase order has been confirmed by the Secretary of State, the local authority by which the order was made shall publish in a newspaper circulating in the district of the local authority a notice in the prescribed form stating that the order has been so confirmed, and naming a place where a copy of the order and of any map therein referred to may be seen at all reasonable hours, and shall serve a like notice on every person who, having given notice of his objection to the order, appeared at the local inquiry in support of his objection.

2. If any person aggrieved by a compulsory purchase order desires to question the validity of the order, or of any provision contained therein, on the ground that it is not within the powers of this Act, or that any requirement of this Act or of any regulation made thereunder has not been complied with in relation to the order, he may, within six weeks after the date on which notice of the confirmation of the order is published in accordance with the preceding paragraph, make an application for the purpose to the High Court, and upon any such application the court—

1st Sch.
—cont.
[22 & 23
Geo. 5. c. 48,
1st Sched.,
Part III,
para. 2.]

- (a) may by interim order suspend the operation of the order in question or of any provision contained therein, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings, and
- (b) if satisfied that the order in question or any provision contained therein is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by any requirement of this Act or of any regulation made thereunder not having been complied with, may quash the order or any provision contained therein, either generally or in so far as it affects any property of the applicant.

3. Subject to the preceding provisions of this Part of this Schedule, a compulsory purchase order shall not, either before or after it has been confirmed, be questioned in any legal proceedings whatsoever, and shall become operative at the expiration of six weeks from the date on which notice of the confirmation of the order is published in accordance with this Schedule.

[22 & 23
Geo. 5. c. 48,
1st Sched.,
Part III,
para. 3.]

4. Except by leave of the Court of Appeal no appeal shall lie to the House of Lords from a decision of the Court of Appeal under this Part of this Schedule.

[22 & 23 Geo. 5.
c. 48, 1st Sched.,
Part III,
para. 4.]

PART IV.

REGULATIONS.

The Secretary of State may make regulations prescribing anything which may be prescribed for the purposes of this Schedule.

Section
15 (1).

SECOND SCHEDULE.

LIMITS OF LIABILITY.

1. The limits of liability under subsection (1) of section fifteen of this Act in respect of such loss or damage as is mentioned in that subsection shall, in the case of an aircraft of any such description as is mentioned in the first column of the following Table, be an amount to be ascertained, in relation to that description of aircraft, by reference to the second column of the said Table.

Description of Aircraft.	Limit of Liability.
(a) Airships - - - -	£25,000.
(b) Balloons (whether fixed or free).	£5,000.
(c) Gliders - - - -	£2,000, so, however, that not more than £1,000 shall be payable in respect of loss of, or damage to, property.
(d) Other aircraft—	
(i) if the weight of the aircraft fully loaded does not exceed 5,000 pounds.	£10,000, so, however, that not more than £5,000 shall be payable in respect of loss of, or damage to, property.
(ii) if the weight of the aircraft fully loaded exceeds 5,000 pounds but does not exceed 10,000 pounds.	£10,000, so, however, that, in respect of loss of, or damage to, property, there shall not be payable more than £1 for each pound of the weight of the aircraft fully loaded. •
(iii) if the weight of the aircraft fully loaded exceeds 10,000 pounds but does not exceed 25,000 pounds.	£1 for each pound of the weight of the aircraft fully loaded.
(iv) if the weight of the aircraft fully loaded exceeds 25,000 pounds.	£25,000.

2. References in the foregoing Table to pounds of weight shall be construed as references to pounds avoirdupois; and the Secretary of State may by regulations prescribe the manner in

which the weight of an aircraft fully loaded is to be ascertained for the purposes of this Schedule, and direct that, in the case of an aircraft of any particular description, such document as may be specified in the regulations, being a document which purports to show the weight of the aircraft fully loaded, shall be evidence of that weight.

2ND SCH.
—cont.

THIRD SCHEDULE.

Sections
18 (2) and
32 (8).

PROVISIONS AS TO POLICIES OF INSURANCE, SECURITIES AND DEPOSITS.

Rights and remedies under or in respect of policies and securities.

1.—(1) Where a certificate of insurance has been delivered in connection with a policy of insurance, so much of the policy as purports to restrict, or attach conditions to, the insurance of any person insured thereby shall, subject to the provisions of this paragraph, be of no effect as respects any such liability as is required to be covered by a policy under Part III of this Act :

[20 & 21
Geo. 5. c. 43,
s. 38 ;
24 & 25
Geo. 5. c. 50,
s. 12.]

Provided that nothing in this paragraph shall require an insurer to pay any sum in respect of the liability of any person otherwise than in or towards the discharge of that liability, and any sum paid by an insurer in or towards the discharge of any liability of a person which is covered by the policy by virtue only of this paragraph, shall be recoverable by the insurer from that person.

(2) Nothing in this paragraph shall affect any provision in a policy being a provision which—

(a) restricts the insurance—

(i) by limiting the period of the insurance, or

(ii) by limiting the loss or damage insured against to loss or damage caused to persons or property in the United Kingdom, or

(iii) by providing that the insurer does not undertake to indemnify the person insured in respect of any liability to pay compensation under the Workmen's Compensation Acts, or

(iv) in the case of any aircraft, by specifying as the amount up to which the insurer undertakes to indemnify the insured against liability incurred by him by way of damages in respect of loss or damage caused on any one occasion to persons or property

3RD SCH.
—cont.

on land or water by, or by a person in, or an article or person falling from, that aircraft while in flight, taking off or landing, an amount not less than the total limit of liability appropriate to that aircraft,

(v) in the case of any aircraft, by specifying as the amount up to which the insurer undertakes to indemnify the insured against liability incurred by him by way of damages in respect of loss of, or damage to, property on land or water caused on any one occasion by, or by a person in, or an article or person falling from, that aircraft while in flight, taking off or landing, an amount not less than the limit of liability for property claims appropriate to that aircraft, or

(vi) by providing that the insurer shall not be liable to pay any claim under the policy if, at the time of the happening of the event which was the cause of the loss or damage giving rise to the claim, a licence to fly was not in force in respect of the aircraft in connection with which the claim is made, or

(b) provides that the insurer shall not be liable to pay any claim in respect of loss or damage which is caused or contributed to by conditions of war, riot or civil commotion.

(3) For the purposes of this paragraph, a provision in a policy which enables one party or either party to determine the insurance shall be deemed to be a provision restricting the insurance by limiting the period thereof, if, but only if, the provision requires the giving to the other party of at least seven clear days' notice in writing of the cancellation of the insurance.

(4) In this paragraph the expression "licence to fly" means a written authority permitting the aircraft to fly, issued in accordance with an Order in Council under Part I of the principal Act.

[24 & 25
Geo. 5. c. 50,
s. 10.]

2.—(1) If, after a certificate of insurance has been delivered in connection with a policy of insurance, a judgment in respect of any such liability as is required to be covered by a policy under Part III of this Act (being a liability covered by the terms of the policy) is obtained against a person insured by the policy, then, notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled, the policy, the insurer shall, subject to the provisions of this paragraph, pay to the persons entitled to the benefit of the judgment any sum payable thereunder in respect of the liability, including any amount payable in respect of costs and any amount payable by way of interest on that sum by virtue of any enactment relating to interest on judgments.

(2) No sum shall be payable by an insurer under the preceding provisions of this paragraph—

3RD SCH.
—cont.

- (a) in respect of any judgment, unless before, or within seven days after, the commencement of the proceedings in which the judgment was given, the insurer had notice of the bringing of the proceedings; or
- (b) in respect of any judgment, so long as execution thereon is stayed pending an appeal; or
- (c) in connection with any liability, if both—
 - (i) the policy was cancelled by mutual consent or by virtue of any provision contained therein, and the cancellation took effect before the happening of the event which was the cause of the loss or damage giving rise to the liability, and
 - (ii) a written notice of the cancellation stating the time at which it takes effect was, not less than seven clear days before the date of the happening of the said event, served by the insurer on the Secretary of State.

Any notice to be served for the purposes of this sub-paragraph on the Secretary of State shall be deemed to be duly served if it is sent by registered post in a letter addressed to the Secretary of the Air Ministry, London.

(3) No sum shall be payable by an insurer under the preceding provisions of this paragraph, if, in an action commenced before, or within three months after, the commencement of the proceedings in which the judgment was given, he has obtained a declaration that, apart from any provision contained in the policy, he is entitled to avoid it on the ground that it was obtained by the non-disclosure of a material fact, or by a representation of fact which was false in some material particular, or, in a case where he has avoided the policy on that ground, that he was entitled so to do apart from any provision contained in the policy :

Provided that an insurer who has obtained such a declaration as aforesaid in an action shall not thereby become entitled to the benefit of this sub-paragraph as respects any judgment obtained in proceedings commenced before the commencement of that action, unless before, or within seven days after, the commencement of that action, he has given notice thereof to the person who is the plaintiff in the said proceedings, specifying the non-disclosure or false representation on which the insurer proposes to rely; and any person to whom notice of such an action is so given shall be entitled, if he thinks fit, to be made a party to the action.

(4) Nothing in this paragraph shall, in relation to any particular policy of insurance, require the insurer to pay any sum

3RD SCH.
—cont.

in excess of the amount for which, apart from this paragraph, he is liable under the policy or would be liable under the policy if it had not been cancelled or avoided; and where, by reason of two or more judgments against a person insured by the policy having been obtained in respect of loss or damage caused on any one occasion, several claims under this paragraph are made against, or apprehended by, the insurer in relation to any aircraft, he may make application to the High Court, and thereupon the court may determine the maximum liability of the insurer in respect of the claims and also, if need be, his liability in respect of such of those claims as are for loss of or damage to property, and may distribute the amount of his liability among the several claims on the following principles:—

- (a) if the claims are solely in respect of loss of life or personal injury or solely in respect of loss of, or damage to, property, the amount of the liability shall be distributed rateably;
- (b) if there are claims both in respect of loss of life or personal injury and in respect of loss of, or damage to, property, one-half of the insurer's total maximum liability shall be appropriated, so far as necessary, to meeting claims for loss of life or personal injury and shall be distributed rateably among them, and the other half shall be distributed rateably among all the claims, including claims in respect of loss of life or personal injury if and so far as they exceed the aforesaid appropriation :

Provided that for the purposes of this sub-paragraph so much only of a claim shall be taken into account as represents the amount of damages awarded under the judgment in respect of which the claim is made, and interest on that amount.

(5) Where an application is made to the court under the last preceding sub-paragraph, the court may stay any proceedings pending in any other court in relation to the same matter, and may give such directions as the court thinks proper for the joining of persons interested as parties to the proceedings, for the exclusion of claims which are not brought before the court within a certain time, and for requiring security from the insurer.

(6) If an insurer becomes liable under this paragraph to pay, in respect of any liability of a person insured by a policy, an amount for which the insurer would not, apart from the provisions of this paragraph, be liable, he shall be entitled to recover the said amount from that person.

(7) References in the preceding provisions of this paragraph to a person insured by a policy shall, unless the context otherwise requires, be construed as including references to his estate, and the said provisions shall, in relation to a claim established against

the estate of a deceased person in proceedings for the administration of that estate, have effect—

3RD SCH.
—cont.

- (a) as if the final determination in those proceedings that the claim is established were a judgment obtained against the estate of the deceased in proceedings brought by the claimant as plaintiff, and
- (b) as if the making of the claim in the administration proceedings were the commencement of the proceedings in which the judgment was given.

(8) In this paragraph the expression "liability covered by the terms of the policy" means a liability which is covered by the policy, or which would be so covered but for the fact that the insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy.

3. Where a certificate of insurance has been delivered in connection with a policy of insurance, the happening, in relation to a person insured by the policy, of any such event as is mentioned in subsection (1) or subsection (2) of section one of the Third Parties (Rights against Insurers) Act, 1930, shall, notwithstanding anything in that Act, not affect any such liability of that person as is required to be covered by a policy under Part III of this Act, but nothing in this paragraph shall affect any rights against the insurer conferred by that Act on the person to whom the liability was incurred.

[24 & 25
Geo. 5. c. 50,
s. 11.]
20 & 21
Geo. 5. c. 25.

4.—(1) Any person against whom a claim is made in respect of any such liability as is required to be covered by a policy of insurance under Part III of this Act shall, on demand by or on behalf of the person making the claim, state whether or not, at the time of the event which was the cause of the loss or damage giving rise to the claim, he, or (if the claim is made against him as representing the estate of a deceased person) the deceased, was insured in respect of that liability by any policy having effect for the purposes of Part III of this Act, or would have been so insured if the insurer had not avoided or cancelled the policy, and, if he or the deceased, as the case may be, was or would have been so insured, give such particulars with respect to that policy as were specified in the certificate of insurance delivered in connection with the policy.

[24 & 25
Geo. 5. c. 50,
s. 13;
20 & 21
Geo. 5. c. 43,
s. 113 (1) and
(2).]

(2) If any person fails, without reasonable excuse, to comply with this paragraph, or wilfully makes any false statement in reply to such a demand as aforesaid, he shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, twenty pounds or, in the case of a second or subsequent offence, fifty pounds, or to imprisonment for a term not exceeding four months.

3RD SCH.
—cont.
[24 & 25
Geo. 5. c. 50,
s. 10 (6) and
(14); 20 & 21
Geo. 5. c. 43,
s. 113 (1)
and (3).]

5.—(1) Where a certificate of insurance has been delivered in connection with a policy of insurance, and the policy is cancelled by mutual consent or by virtue of any provision in the policy, the person to whom the certificate was delivered shall, within seven days from the taking effect of the cancellation, surrender the certificate to the insurer or, if it has been lost or destroyed, send a written notice to that effect by post to the insurer.

Where a notice is sent to an insurer in pursuance of the preceding provisions of this paragraph, the person sending the notice shall, if within seven days after the receipt thereof he is requested by the insurer so to do, make a statutory declaration to the effect that the certificate of insurance to which the notice relates has been lost or destroyed, as the case may be.

(2) If any person fails to comply with this section, he shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, twenty pounds or, in the case of a second or subsequent offence, fifty pounds, or to imprisonment for a term not exceeding four months.

(3) Any reference in this paragraph to a certificate of insurance shall, in relation to a policy in connection with which more than one such certificate is issued, be construed as a reference to all the certificates, and shall, where any copy of such a certificate has been issued, be construed as including a reference to that copy.

[24 & 25
Geo. 5. c. 50,
s. 15.]

6. The preceding provisions of this Schedule shall apply in relation to securities having effect for the purposes of Part III of this Act, as they apply in relation to policies of insurance; and, in relation to any security having effect for the purposes of Part III of this Act, references in the said provisions to being insured, to a certificate of insurance, to an insurer and to a person insured shall be construed respectively as references to the having in force of the security, to the certificate of security, to the giver of the security and to a person whose liability is covered by the security.

Deposits.

[20 & 21
Geo. 5. c. 43,
s. 43.]

7.—(1) No part of any sum which, for the purpose of any provision of section sixteen of this Act, has been deposited by any person with the Accountant-General of the Supreme Court shall, so long as any liabilities incurred by that person, being such liabilities as are required to be covered by a policy of insurance under Part III of this Act, have not been discharged or otherwise provided for, be applicable in discharge of any other liabilities incurred by him.

(2) Any rules made by the Board of Trade under section two of the Assurance Companies Act, 1909, which apply to deposits made by insurers carrying on aircraft insurance business, shall

with such modifications and adaptations as may be prescribed by rules made by the Secretary of State after consultation with the Lord Chancellor, apply to deposits made under section sixteen of this Act with the Accountant-General of the Supreme Court.

3RD SCH.
—cont.

Supplementary Provisions.

8.—(1) The Secretary of State may make regulations—

[20 & 21
Geo. 5. c. 43,
ss. 41 and
111 (1) and
(3).]

- (a) for prescribing the forms of certificates of insurance and certificates of security to be used for the purposes of Part III of this Act, and the particulars to be contained in such certificates;
- (b) as to applications for, and the issue of, such certificates of insurance and certificates of security, as to the issue of copies of any such certificates which are lost or destroyed, and as to the keeping of records and documents and the furnishing of particulars, and the giving of information with respect thereto, to the Secretary of State or a chief officer of police;
- (c) as to the carrying of documents in aircraft, and as to the production of such documents on demand to such persons as may be specified in the regulations;
- (d) for prescribing (without prejudice to any Order in Council made under Part III of this Act) that the provisions of Part III of this Act which relate to insurance, securities and deposits in respect of third party risks shall, in relation to any such class of aircraft registered outside the United Kingdom as may be specified in the regulations, have effect subject to such modifications, adaptations and exceptions as may be so specified; and
- (e) generally for carrying into effect the said provisions of Part III of this Act.

(2) If any person contravenes or fails to comply with any regulations made by the Secretary of State under this paragraph, that person shall be liable on summary conviction to such fine, not exceeding twenty pounds, as may be prescribed by the regulations.

(3) Any regulations made by the Secretary of State under this paragraph shall be laid before Parliament as soon as may be after they are made, and if either House of Parliament, within the next subsequent twenty-eight days on which that House has sat after any such regulations are laid before it, resolves that the regulations be annulled, they shall thenceforth be void except as respects things previously done or omitted to be done, without prejudice, however, to the making of new regulations.

(4) In this paragraph the expression "chief officer of police" has the same meaning as in the Police Pensions Act, 1921.

11 & 12
Geo. 5. c. 31.

Sections 26
(1) - (5)
and 32 (5).

FOURTH SCHEDULE.

ENACTMENTS APPLICABLE TO THE SECRETARY OF STATE FOR AIR.

PART I.

ENACTMENTS WHICH MAY BE APPLIED BY ORDER IN COUNCIL.

Section six of the Defence Act, 1842.

18 & 19 Vict.
c. 117.

Sections two and five of the Ordnance Board Transfer Act,
1855.

36 & 37 Vict.
c. 72.

The Defence Acts Amendment Act, 1873.

45 & 46 Vict.
c. 50.

Section two hundred and fifty-four of the Municipal Cor-
porations Act, 1882.

55 & 56 Vict.
c. 43.

Part II of the Military Lands Act, 1892.

PART II.

SECTION TWENTY OF THE WAR DEPARTMENT STORES ACT, 1867, AS APPLIED IN RELATION TO THE SECRETARY OF STATE FOR AIR.

20. The Secretary of State for Air may institute and prosecute, any action or proceeding, civil or criminal, concerning any property of whatsoever description vested in him on behalf of, or in trust for, His Majesty or the Air Council, and may defend any such action or proceedings; and in every such action or proceeding the Secretary of State for Air may be so described without more; and any such action or proceeding shall not be affected by any change in the person for the time being holding the office of Secretary of State for Air :

Provided always as follows :—

- (1) nothing herein shall take away or abridge in or in relation to any such action or proceeding any legal right, privilege or prerogative of the Crown; and in all such actions and proceedings, and in all matters or proceedings connected therewith, the Secretary of State may exercise and enjoy all such rights, privileges and prerogatives as are for the time being exercised and enjoyed in any proceeding in any court of law or equity by the Crown, as if the Crown were actually a party to such action or proceeding; and
- (2) it shall be lawful for His Majesty, if and when it seems fit, to proceed by information or by any other Crown

process, legal or equitable, in any case in which it would have been competent for His Majesty so to proceed if no provisions respecting procedure had been inserted in this Act.

4TH SCH.
—cont.

FIFTH SCHEDULE.

Section 28.

MINOR AND CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT.

Provisions amended.	Amendments.
Section one	- After the word "necessary" there shall be inserted the words "or expedient."
Section two	- For the words "British Islands" there shall be substituted the words "United Kingdom," and the words "and may make such consequential and supplementary provisions as appear necessary or expedient for the purpose of such application" shall be omitted.
Section three	- In paragraph (a) for the words "British Islands" there shall be substituted the words "United Kingdom"; for paragraph (d) there shall be substituted the following paragraph :— <div style="margin-left: 40px;">" (d) as to the registration of aircraft in the United Kingdom ";</div> <div style="margin-left: 40px;">for paragraph (f) there shall be substituted the following paragraph :— <div style="margin-left: 40px;">" (f) as to the conditions under which aircraft may pass, or goods or passengers may be conveyed by aircraft, into or from the United Kingdom or from one part of the United Kingdom to another ";</div> <div style="margin-left: 40px;">in paragraph (j) for the words "general safety regulations" there shall be substituted the words "regulations designed to promote the safety of aircraft and of persons and property carried therein, and to prevent aircraft endangering other persons and property"; at the end of paragraph (k) there shall be inserted the words "and lights which are liable to endanger aircraft"; for</div> </div>

5TH SCH.
—cont.

Provisions amended.

Amendments.

Section three—
cont. paragraph (l) there shall be substituted the following paragraph:—

“(l) regulating the making of signals and other communications by or to aircraft and persons carried therein, and regulating the use of the Royal Air Force ensign, the civil air ensign and any other ensign established by His Majesty in Council for purposes connected with air navigation”;

and in paragraph (m) the words “or the Convention,” in each place where those words occur, shall be omitted, the words “the mode of enforcing such penalties and” shall be omitted, and for the words “British Islands” there shall be substituted the words “United Kingdom.”

Section four - For this section there shall be substituted the following section:—

“4. His Majesty may by Order in Council direct that any of the provisions of this Act other than this section shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, to the Isle of Man, any of the Channel Islands, any colony, any British protectorate or any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom.”

Section seven - In subsection (1), for the words “British Islands” there shall be substituted the words “United Kingdom,” and for the words “without prejudice to the generality of this provision, any such order may” there shall be substituted the words “may by order”; for subsection (2) there shall be substituted the following subsection:—

“(2) An order under this section may make, for the purposes of the order, such provision as an Order in Council under

Provisions amended.

Amendments.

5TH SCH.
—cont.Section seven—
cont.

Part I of this Act may make for the purposes of the Order in Council by virtue of paragraph (m) of section three of this Act ”;

and in the proviso to subsection (3), for the words “ British Islands ” there shall be substituted the words “ United Kingdom ”.

Section eight

- For subsection (1) there shall be substituted the following subsections :—

“ (1) The Secretary of State may, and any local authority to which this section applies may, with the consent of the Secretary of State and subject to such conditions as he may impose, establish and maintain aerodromes, and provide and maintain in connection therewith roads, approaches, apparatus, equipment and buildings and other accommodation :

Provided that this subsection shall not be construed as authorising the Secretary of State to act otherwise than for purposes of civil aviation.

“ (2) Without prejudice to the operation of section fifteen of this Act, a local authority may, for the purpose of exercising any of the powers conferred on the authority by the preceding provisions of this section, acquire land by agreement; and for the avoidance of doubts it is hereby declared that one of the purposes for which a local authority may acquire land under this section is the purpose of securing that the land adjacent to the site of an aerodrome which the local authority has established, or is about to establish, shall not be used in such manner as to cause interference with, or danger or damage to, aircraft at, approaching or leaving the aerodrome.

“ (2A) The powers conferred on a local authority by the preceding provisions of this section shall be exercisable by that authority outside, as well as within, its area ”;

5TH SCH.
—cont.

Provisions amended.

Amendments.

Section eight—
cont.

In subsection (3), after the words “city of London,” where those words first occur, there shall be inserted the words “the councils of metropolitan boroughs,” and after the words “city of London,” where those words secondly occur, there shall be inserted the words “or the council of a metropolitan borough”; in subsection (4), for the words “and in the case of a county council under section sixty-nine of the Local Government Act, 1888, as if those purposes were mentioned in that section” there shall be substituted the words “or in the case of a council of a metropolitan borough, in like manner and subject to the like conditions as for the purposes of the Metropolis Management Acts, 1855 to 1893, or, in the case of the London County Council, under and in accordance with the London County Council (Finance Consolidation) Act, 1912, as amended by any subsequent enactment”; and at the end of the section there shall be inserted the following subsection:—

“(6) Nothing in this section shall authorise the execution of any works on, over or under tidal lands below high-water mark of ordinary spring tides, except in accordance with plans and sections previously approved in writing by the Board of Trade and subject to such conditions as they may impose.”

Section nine

- In subsection (1) the words “and of the Convention” shall be omitted, and after the word “article” there shall be inserted the words “or person”; and for the proviso to subsection (1) there shall be substituted the following proviso:—

“Provided that where material damage or loss is caused as aforesaid in circumstances in which—

(a) damages are recoverable from the owner in respect of the said damage or loss by virtue only of the preceding provisions of this section, and

Provisions amended.	Amendments.	5TH SCH. —cont.
Section nine— <i>cont.</i>	(b) a legal liability is created in some person other than the owner to pay damages in respect of the said damage or loss, the owner shall be entitled to be indemnified by that other person against any claim in respect of the said damage or loss."	
Section ten	In subsection (2) for the words " any general " safety or other regulations prescribed by " Order in Council under " there shall be substituted the words " the powers conferred on His Majesty in Council by ".	
Section eleven	In lieu of this section the following section shall have effect as from such date as His Majesty may by Order in Council appoint :— " 11.—(1) Any services rendered in assisting, or in saving life from, or in saving the cargo or apparel of, an aircraft in, on or over the sea or any tidal water, or on or over the shores of the sea or any tidal water, shall be deemed to be salvage services in all cases in which they would have been salvage services if they had been rendered in relation to a vessel; and where salvage services are rendered by an aircraft to any property or person, the owner of the aircraft shall be entitled to the same reward for those services as he would have been entitled to if the aircraft had been a vessel. The preceding provisions of this subsection shall have effect notwithstanding that the aircraft concerned is a foreign aircraft, and notwithstanding that the services in question are rendered elsewhere than within the limits of the territorial waters adjacent to any part of His Majesty's dominions. " (2) His Majesty may by Order in Council direct that any provisions of any Act for the time being in force which relate to wreck, to salvage of life or property or to the duty of rendering	

5TH SCH.
—cont.

Provisions amended.

Amendments.

Section eleven—
cont.

assistance to vessels in distress shall, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, apply in relation to aircraft as those provisions apply in relation to vessels.

“(3) For the purposes of this section, any provisions of an Act which relate to vessels laid by or neglected as unfit for sea service shall be deemed to be provisions relating to wreck, and the expression ‘Act’ shall be deemed to include any local or special Act and any provisions of the Harbours, Docks, and Piers Clauses Act, 1847, as incorporated with any local or special Act, whenever passed.”

Section twelve - In subsection (1) for the words “British Islands” there shall be substituted the words “United Kingdom,” and for the words “to British aircraft elsewhere” there shall be substituted the words “elsewhere to British aircraft registered in the “United Kingdom””.

Section thirteen - In subsection (1) for the words “British Islands,” in each place where those words occur, there shall be substituted the words “United Kingdom”.

Section seventeen- For subsection (1) there shall be substituted the following subsections:—

“(1) Notwithstanding that an Order in Council made by virtue of this Act or a regulation so made by the Secretary of State has effect only as part of the law of the United Kingdom, no provision contained in the Order or regulation shall, on the ground that it would have extra-territorial operation, be deemed to be invalid in so far as it applies to British aircraft registered in the United Kingdom, wherever they may be, or prohibits, requires or regulates—

(a) the doing of anything by persons in, or any of the personnel of, such British aircraft as aforesaid, wherever they may be, or

Provisions amended.

Amendments.

5TH SCH.
—cont.Section seventeen—
cont.

(b) the doing of anything in relation to such British aircraft as aforesaid by other persons being British subjects, wherever they may be.

For the purposes of this subsection the personnel of an aircraft shall be deemed to include the commander or other person in charge of the aircraft, and all other members of the crew of the aircraft.

“(1A) His Majesty may by Order in Council direct that any of the provisions of this Act or of any Order in Council or regulations made by virtue of this Act, being a provision which has extra-territorial operation in relation to British aircraft registered in the United Kingdom shall, subject to such exceptions, adaptations and modifications, if any, as may be specified in the Order made under this subsection, have such operation also in relation to British aircraft registered in any country or territory to which any of the provisions of this Act can be extended under section four of this Act.”

Section nineteen - At the end of the section there shall be inserted the following subsection:—

“(3) His Majesty may by Order in Council direct that in Northern Ireland the powers conferred by or under any of the provisions of section eight of this Act, and of Part II of the Air Navigation Act, 1936, on a local authority to which that section applies shall (subject to any restrictions imposed by the Order) be, and be deemed always to have been, exercisable also by any statutory body specified in the Order, and that any of the said provisions shall, in relation to that body, have effect subject to such adaptations as may be so specified.”

Section 33
(2).

SIXTH SCHEDULE.

PROVISIONS CORRESPONDING WITH S. 1 OF 24 & 25 GEO. 5.
C. 41, TO OPERATE IN NORTHERN IRELAND WITH
RESPECT TO THE EFFECT OF DEATH ON CERTAIN
CAUSES OF ACTION.

1. This Schedule applies to every cause of action in respect of loss or damage which, after the commencement of Part III of this Act, is caused to persons or property on land or water by, or by a person in, or an article or person falling from, an aircraft while in flight, taking off or landing.

2. Subject to the provisions of this Schedule, on the death of any person after the commencement of Part III of this Act, all causes of action to which this Schedule applies subsisting against, or vested in, him shall survive against, or, as the case may be, for the benefit of, his estate.

3. Where a cause of action to which this Schedule applies survives as aforesaid for the benefit of the estate of a deceased person, and the death of that person has been caused by the circumstances which give rise to the cause of action, the damages recoverable for the benefit of his estate shall be calculated without reference to any loss or gain to his estate consequent on his death, except that a sum in respect of funeral expenses may be included.

4. No proceedings shall be maintainable in respect of a cause of action which, by virtue of this Schedule, has survived against the estate of a deceased person unless either—

(a) proceedings against him in respect of that cause of action were pending at the date of his death, or

(b) the cause of action arises not earlier than six months before his death and proceedings are taken in respect thereof not later than six months after his personal representative took out representation.

5. Where damage has been suffered by reason of any circumstances by reason of which a cause of action to which this Schedule applies would have subsisted against any person if that person had not died before or at the same time as the damage was suffered, there shall be deemed, for the purposes of this Schedule, to have been subsisting against him before his death such cause of action by reason of those circumstances as would have subsisted if he had died after the damage was suffered.

6. In the event of the insolvency of an estate against which proceedings are maintainable by virtue of this Schedule, any liability in respect of the cause of action in respect of which the proceedings are maintainable shall be deemed to be a debt provable in the administration of the estate, notwithstanding that it is a demand in the nature of unliquidated damages arising otherwise than by a contract or promise.

6TH SCH.
—cont.

SEVENTH SCHEDULE.

Section 35
(2).

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 5. c. 80.	The Air Navigation Act, 1920.	In section two the words from "and may make" to the end of the section; in section three, in paragraph (e) the word "mails", and in paragraph (m) the words "or the Convention", in each place where those words occur, and the words "the mode of enforcing such penalties, and"; section six; subsection (2) of section eight; in section nine, in subsection (1) the words "and of the Convention"; in section ten, in subsection (2) the words "general safety or other"; subsection (3) of section fourteen; in section fifteen the words "the purposes of this Act and generally for the"; subsection (2) of section nineteen; and the Schedule.
20 & 21 Geo. 5. c. 30.	The Air Transport (Subsidy Agreements) Act, 1930.	The whole Act.

7TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
20 & 21 Geo. 5. c. 50.	The Public Works Facilities Act, 1930.	Paragraph 2 of Part I of the First Schedule, except as regards any order submitted under section two to the appropriate Minister before the date of the passing of this Act.

CHAPTER 45.

An Act to amend the law with respect to customs
in the Isle of Man. [31st July 1936.]

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 :—

Increased
duties on
tea.
22 & 23
Geo. 5. c. 41.

1.—(1) In lieu of the duties of customs payable under section seven of the second Act of 1932, there shall, until the first day of August, nineteen hundred and thirty-seven, be payable on tea removed or imported into the Isle of Man duties of customs at the following increased rates, that is to say :—

Tea, not being an Empire product ... the lb. 6*d*.

Tea, being an Empire product ... the lb. 4*d*.

9 & 10
Geo. 5. c. 74.

(2) In this section the expression " Empire product " has the same meaning as in section five of the Act of 1919 as amended by any subsequent enactment.

(3) This section shall be deemed to have had effect as from the thirteenth day of May, nineteen hundred and thirty-six.

Continuation
of
certain
annual
duties.

2. Subject as hereinafter provided, the duties of customs imposed on goods removed or imported into the Isle of Man, being goods of the descriptions set out in the first column of the following table, by the respective enactments set out in the second column of that table,

shall continue to be payable as from the first day of August, nineteen hundred and thirty-six, until the first day of August, nineteen hundred and thirty-seven :—

TABLE.

Description of Goods.	Enactment imposing Duty.
Ale and Beer - - -	Section 8 of the second Act of 1932.
Cinematograph Films - -	Section 6 of the Act of 1925, as amended by section 12 of the Act of 1927, section 14 of the Act of 1928 and section 4 of the Act of 1935. 15 & 16 Geo. 5. c. 56. 17 & 18 Geo. 5. c. 20. 18 & 19 Geo. 5. c. 38. 25 & 26 Geo. 5. c. 34. 14 & 15 Geo. 5. c. 24.
Cocoa - - - - -	Section 4 of the Act of 1924. 14 & 15 Geo. 5. c. 24.
Clocks and watches and component parts of clocks and watches.	Section 6 of the Act of 1925, as amended by section 5 of the Act of 1933. 23 & 24 Geo. 5. c. 40.
Hops and extracts, essences and other similar preparations (other than hop oil) made from hops.	Section 5 of the Act of 1925.
Hop oil - - - - -	Section 3 of the Act of 1929. 20 & 21 Geo. 5. c. 1.
Matches - - - - -	Section 1 of the Act of 1933.
Motor cars, including motor bicycles and motor tricycles, and their accessories and component parts.	Section 6 of the Act of 1925, as amended by section 6 of the Act of 1926 and section 11 of the Act of 1927. 16 & 17 Geo. 5. c. 27.
Musical instruments, including gramophones, pianolas and other similar instruments; and accessories and component parts of musical instruments, and records and other means of reproducing music.	Section 6 of the Act of 1925, as amended by section 5 of the Act of 1933 and section 4 of the Act of 1935.
Silk and artificial silk and articles made wholly or in part of silk or artificial silk.	Section 7 of the Act of 1925, as amended by section 8 of the Act of 1926, section 9 of the second Act of 1932, and section 4 of the Act of 1933.

	Description of Goods.	Enactment imposing Duty.
20 & 21 Geo. 5. c. 42.	Spirits - - - -	Section 2 of the Act of 1930.
	Sweets - - - -	Section 2 of the Act of 1929, as amended by section 3 of the Act of 1933.
22 & 23 Geo. 5. c. 16.	Tobacco - - - -	Section 19 of the first Act of 1932.
	Wines - - - -	Section 1 of the Act of 1927 as amended by section 8 of the Act of 1933.

Provided that—

- (a) where any enactment set out in the second column of the foregoing table confers power on the Governor to make orders varying or repealing the duties of customs payable on the goods referred to in that enactment or imposing a new duty on such goods, the provisions of that enactment relating to the said power shall continue in force until the said first day of August, nineteen hundred and thirty-seven, and the foregoing provisions of this section shall have effect subject to any orders made in pursuance of any such power (whether before or after the commencement of this Act) which are for the time being in force; and
- (b) the provisions of this section relating to artificial silk and articles made wholly or in part of artificial silk shall have effect subject to the next following section of this Act.

Exemption from duty of certain artificial silk manufactured in the United Kingdom.

3.—(1) Any duties of customs for the time being payable on the removal or importation into the Isle of Man of artificial silk and articles made wholly or in part of artificial silk shall not be payable either on artificial silk yarn, straw or waste manufactured in the United Kingdom in respect of the manufacture of which no excise duty was chargeable, or on any goods manufactured in the United Kingdom from any such artificial silk yarn, straw or waste, unless drawback has been paid in respect thereof in the United Kingdom and has not been repaid.

(2) This section shall be deemed to have had effect as from the seventh day of March, nineteen hundred and thirty-six.

4.—(1) Until the first day of August, nineteen hundred and thirty-seven, a duty of customs at the rate of one pound for every thirty-six gallons shall be payable on all ale and beer removed or imported into the Isle of Man except—

Increased
duty on
certain
beer.

(a) ale and beer brewed in the United Kingdom ;
and

(b) ale and beer being an Empire product within the meaning of section five of the Act of 1919 as amended by any subsequent enactment.

(2) The duty of customs imposed by this section shall be payable in addition to the duty of customs imposed by section eight of the second Act of 1932.

(3) This section shall be deemed to have had effect as from the tenth day of June, nineteen hundred and thirty-six.

5.—(1) A duty of customs equal to one-third of the value of the goods shall be payable on the removal or importation into the Isle of Man of the following goods, that is to say:—

Amend-
ments as
to duties
for safe-
guarding
key
industries.

(a) activated carbons and decolourising carbons, not being of animal origin ;

(b) parts of wireless valves and similar rectifiers and parts of vacuum tubes, whether such parts are finished or not ;

(c) ferro titanium containing not more than two per cent. of carbon, manganese metal containing not more than one per cent. of carbon, and chromium metal.

(2) A duty of customs at the rate of seven shillings and sixpence per pound weight shall be payable on the removal or importation into the Isle of Man of parts of arc lamp carbons, whether such parts are finished or not.

(3) The foregoing provisions of this section shall be deemed to have had effect as from the tenth day of June, nineteen hundred and thirty-six.

22 & 23
Geo. 5. c. 8.
26 Geo. 5. &
1 Edw. 8.
c. 34.

(4) Subsection (1) of section two of the second Act of 1932 (which empowers the Governor by order to impose additional duties corresponding to the duties imposed by orders made by the Treasury under section three of the Import Duties Act, 1932) shall have effect as if the reference to the said section three included a reference to that section as amended by section five of the Finance Act, 1936, and subsections (3), (5) and (6) of the said section two shall have effect accordingly.

(5) The duties imposed by the foregoing provisions of this section, and any additional duties imposed by an order made by the Governor under section two of the second Act of 1932 as amended by this section, shall be deemed for all purposes to be payable under section thirteen of the Act of 1926.

(6) If the Governor is satisfied, on the application of a person removing or importing into the Isle of Man after the passing of this Act any consignment of instruments or apparatus on which duty is payable under section thirteen of the Act of 1926—

- (a) that the consignment is required for that person's own use ; and
- (b) that goods similar to that consignment are not for the time being made, or likely to be made within a reasonable time, in any part of His Majesty's Dominions in quantities which are substantial in relation to the demand for those goods in the Isle of Man ;

the Governor may, if the application has been made before the removal or importation of the consignment, by licence authorise either—

- (i) the removal or importation of the consignment without payment of the duty so payable, but subject, unless the Governor otherwise directs by the licence, to payment of the duties payable or deemed to be payable on the consignment under Part I of the first Act of 1932 ; or
- (ii) the repayment, subject to such conditions as the Commissioners may impose for the protection of the revenue, of all or any of the duties aforesaid which have been paid on the consignment.

(7) In the case of any composite goods on which by virtue of section five of the first Act of 1932 the general ad valorem duty would be payable only up to the amount, if any, by which it exceeds the duty payable on the goods under section thirteen of the Act of 1926, the general ad valorem duty shall, instead of being so payable, be payable up to the full amount thereof and the duty under the said section thirteen shall be payable in accordance with subsection (2) of that section.

(8) In this section references to section thirteen of the Act of 1926 shall be construed as references to that section as amended by any subsequent enactment (including, unless the context otherwise requires, this section).

6.—(1) Where an order has been made by the Treasury under section six of the Finance Act, 1936, directing that any additional duty chargeable under Part I of the Import Duties Act, 1932, on a consignment of goods, being goods of a class or description to which the order applies, shall not be charged or shall be charged at such reduced rate as is specified in the order, then, on the removal or importation into the Isle of Man of any consignment of goods of that class or description, any additional duty payable on the consignment by virtue of an order made under section two of the second Act of 1932 shall not be charged or shall be charged at the said reduced rate, as the case may be, if—

Removal or reduction of additional duties in respect of certain iron and steel goods.

(a) at the time of the delivery under the Customs Acts of the entry of the consignment, or, in a case where the consignment is deposited in a bonded warehouse, at the time of the removal thereof from the warehouse, there is produced in respect of the consignment a certificate of origin and a quota certificate ; and

(b) the conditions on which those certificates were issued are complied with.

(2) In this section the expressions “ certificate of origin ” and “ quota certificate ” have the same meanings as in section six of the Finance Act, 1936.

7.—(1) Any order made by the Governor directing that goods of any class or description as respects which

Power to add or

remove goods to or from free list, and to charge certain duties, for periods.

an order has been made by the Treasury under section seven of the Finance Act, 1936, shall—

- (a) be added to, or cease to be included in, the First Schedule to the first Act of 1932; or
- (b) be chargeable with a duty under section thirteen of the Act of 1933 or section eight of the Act of 1935 in lieu of the general ad valorem duty;

may direct that the goods shall be so added, or cease to be so included, or be so chargeable, as the case may be, for any period or periods specified in the order made by the Treasury:

Provided that if, at the time when any such order is made by the Governor, any period specified in the corresponding order made by the Treasury has already commenced, the order made by the Governor may direct that the goods in question shall be so added, or cease to be so included, or cease to be so chargeable, as the case may be, from the date of his order until the expiration of that period.

(2) Where any order is made under this section directing that goods shall be added to the said Schedule for any period or periods, being goods of a class or description chargeable with an additional duty under section two of the second Act of 1932, or with a duty chargeable in lieu of the general ad valorem duty as aforesaid, the order made by the Governor directing that duty to be charged shall be treated, as respects those goods, as suspended in its operation during the said period or periods.

Exemption from certain duties of goods imported for purposes connected with science, art or sport.

8.—(1) If the Governor is satisfied on the application of a person removing or importing any goods into the Isle of Man after the passing of this Act, that—

- (a) the goods are intended to be used in scientific research, or for a purpose connected with the advancement of any branch of learning or art or with the promotion of any sport; and
- (b) the goods are not intended to be sold, or to be used for any purpose which is substantially a commercial purpose;

he may, if in view of all the circumstances of the case he deems it expedient so to do and if the application has

been made before the delivery of the goods to that person, by license authorise, either—

- (i) the removal or importation of the goods into the Isle of Man without payment of any duty to which this section applies; or
- (ii) if any such duty has been paid in respect of the goods, the repayment of the duty on the exportation of the goods, or the repayment of the duty whether the goods are exported or not, subject to such conditions as the Commissioners may impose for the protection of the revenue.

(2) A licence under this section may be granted in respect of any consignment of goods specified therein, or in respect of all consignments of goods of a class or description specified in the licence which are removed or imported into the Isle of Man by the applicant during such period as may be so specified:

(3) This section shall apply to duties of customs payable or deemed to be payable under Part I of the first Act of 1932 and to duties of customs chargeable on silk or artificial silk or articles made wholly or in part of silk or artificial silk.

9. If and when an order made by the Treasury or the Board of Trade under any provision of any enactment, whether passed before or after the passing of this Act, ceases to have effect under subsection (2) or subsection (3) of section nineteen of the Import Duties Act, 1932, whether as originally enacted or as applied for the purpose of that provision, any corresponding order made by the Governor under this Act, or under any other enactment relating to customs in the Isle of Man, whether passed before or after the passing of this Act, shall, if it has not previously ceased to have effect under the provisions of this Act or that other enactment, cease to have effect accordingly, but without prejudice to anything previously done thereunder or to the making of a new order.

Effect of orders ceasing to have effect under s. 19 of 22 & 23 Geo. 5. c. 8.

10.—(1) In lieu of the duties of customs payable under section nineteen of the Act of 1933, there shall, until the first day of August, nineteen hundred and thirty-seven, be payable on the importation into the Isle of Man from the Irish Free State of articles of the

Amendment as to duties on Irish Free State goods.

classes and descriptions specified in the first column of Part I of the First Schedule to this Act, and on the bringing into the Isle of Man from any country of any articles of the said classes and descriptions exported to that country from the Irish Free State, the duties of customs respectively specified in the second column of Part I of the said Schedule, subject to the provisions of Part II of the said Schedule :

Provided that nothing in this section shall apply to any articles imported or brought as aforesaid which are shown to the satisfaction of the Commissioners to have been imported into the Irish Free State in the same condition as that in which they were exported therefrom.

(2) The Commissioners may make such regulations as may be necessary for preventing the evasion of duty payable under this section in the case of articles brought into the Isle of Man from a country other than the Irish Free State, or otherwise for carrying this section into effect, and for that purpose may apply with any necessary modifications any regulations made under subsection (4) of section one of the Irish Free State 22 & 23
Geo. 5. c. 30. (Special Duties) Act, 1932 :

Provided that, until regulations are made under this subsection, any regulations made under subsection (2) of section nineteen of the Act of 1933 shall have effect for the purposes of this section as they had effect for the purposes of that section.

(3) This section shall be deemed to have had effect, in so far as it relates to turkeys, as from the seventh day of March, nineteen hundred and thirty-six, and, in so far as it relates to other goods, as from the twenty-eighth day of March, nineteen hundred and thirty-six.

Short title
and repeals.

11.—(1) This Act may be cited as the *Isle of Man (Customs) Act, 1936.*

(2) The enactments set out in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

SCHEDULES.

FIRST SCHEDULE.

Section 10.

DUTIES ON CERTAIN IRISH FREE STATE GOODS.

PART I.

CLASS OR DESCRIPTION OF GOODS CHARGEABLE
AND RATE OF DUTY.

Class or Description of Goods.	Rate of duty.
1. Live Cattle—	£ s. d.
(a) under 6 months old - - -	1 0 0 per head.
(b) 6 months old but under 15 months old - - -	2 0 0 per head.
(c) 15 months old but under 2 years old - - -	3 0 0 per head.
(d) 2 years old and upwards, not being cattle known as mincers - - -	4 5 0 per head.
(e) 2 years old and upwards, being cattle known as mincers - - -	2 0 0 per head.
2. Live Sheep and live Lambs - - -	5 0 per head.
3. Live Horses - - - - -	20 per cent.
4. Live Pigs - - - - -	40 per cent.
5. Other live animals - - - - -	30 per cent.
6. Meat—	
(a) Mutton or Lamb—	
Carcasses - - - - -	5s. 0d. per carcass.
Sides - - - - -	2s. 6d. per side.
Other kinds - - - - -	20 per cent.
(b) Pig's meat—	
Carcasses - - - - -	Such a rate of duty as will amount to 16s. 0d. per cwt. or to 40 per cent. whichever is the greater.
Other kinds (not being bacon or ham) - - -	40 per cent.
(c) Beef and Veal - - - - -	30 per cent.
(d) Edible offals - - - - -	30 per cent.
(e) Other meat (not being bacon or ham) - - -	20 per cent.

1ST SCH.
—cont.

	<u>Class or Description of Goods.</u>	<u>Rate of Duty.</u>
7. Poultry—		
	(a) Dead—	
	Fowls, Ducks and Geese	1 <i>d.</i> per lb.
	Turkeys - - -	2 <i>d.</i> per lb.
	Other kinds - - -	30 per cent.
	(b) Live - - - - -	30 per cent.
	Game, whether live or dead -	30 per cent.

PART II.

MISCELLANEOUS PROVISIONS AS TO DUTIES.

1. Any duty payable under this Schedule on any article shall be payable in addition to any other duty of customs for the time being payable thereon, whether under Part I of the first Act of 1932 or under Part I of the second Act of 1932, or otherwise, and articles chargeable with duty under this Schedule shall not, for the purpose of Part I of the last mentioned Act, be deemed to be chargeable with a duty of customs by or under the provisions of any enactment relating to customs in the Isle of Man other than that Part of that Act.

2. References in this Schedule to a rate of duty of any percentage shall be construed as references to a rate of duty of that percentage of the value of the goods.

3. In any case where a duty payable on any goods under this Schedule would exceed the value thereof, this Schedule shall have effect as if there were substituted for that duty a duty of one hundred per cent. of the value thereof.

4. For the purposes of this Schedule the expression "cattle" means bulls, cows, oxen, heifers and calves.



SECOND SCHEDULE.

Section 11.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
22 & 23 Geo. 5. c. 41.	The Isle of Man (Customs) (No. 2) Act, 1932.	Section five.
23 & 24 Geo. 5. c. 40.	The Isle of Man (Customs) Act, 1933.	Sections fifteen and nineteen, and the Fifth Schedule.
24 & 25 Geo. 5. c. 46.	The Isle of Man (Customs) Act, 1934.	Section six and the Schedule.
25 & 26 Geo. 5. c. 34.	The Isle of Man (Customs) Act, 1935.	Section five.

CHAPTER 46.

An Act to extend until the end of July, nineteen hundred and thirty-seven, the period during which cattle or carcases of cattle must have been sold in order that payments in respect thereof may be made out of the Cattle Fund.

[31st July 1936.]

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 :—

1. The period specified in subsection (1) of section two of the Cattle Industry (Emergency Provisions) Act, 1934, (as amended by the Cattle Industry (Emergency Provisions) (No. 2) Act, 1935,) as the period during which cattle or carcases of cattle must have been sold in order that payments in respect thereof may be made out of the Cattle Fund, is hereby extended so as to

Amendment
of s. 2 of
24 & 25
Geo. 5. c. 54.
25 & 26
Geo. 5. c. 39.

end on the thirty-first day of July, nineteen hundred and thirty-seven.

Short title
and citation.

2. This Act may be cited as the Cattle Industry (Emergency Provisions) Act, 1936, and the Cattle Industry (Emergency Provisions) Acts, 1934 and 1935, and this Act may be cited together as the Cattle Industry (Emergency Provisions) Acts, 1934 to 1936.

CHAPTER 47.

An Act to provide for the vesting in the Commissioners of Works of certain Crown lands in Westminster as a site for public offices and police offices, to amend the law with respect to other Crown lands, to amend the Crown Lands Acts, 1829 to 1927, and the Public Offices (Sites) Act, 1912, and for purposes connected with the matters aforesaid. [31st July 1936.]

2 & 3 Geo. 5.
c. cx.

WHEREAS by the Public Offices (Sites) Act, 1912 (hereafter in this Act referred to as "the principal Act"), for the purpose of providing a site for certain public offices, provision was made for vesting in the Commissioners of Works certain lands in the City of Westminster then vested in His Majesty (referred to in that Act and this Act as the "southern lands" and the "northern lands" respectively):

And whereas it is expedient to provide for the extension of the said site and for the extension of the offices of the Metropolitan Police at New Scotland Yard, and for that purpose to provide for the vesting in the said Commissioners of certain other lands (in this Act referred to as the "additional lands") which adjoin the southern lands and for purposes of identification are described on a map (in this Act referred to as "the sealed map") to which the official seal of the Commissioners of Crown Lands was affixed on the nineteenth day of December, nineteen hundred and thirty-five:

And whereas the additional lands are now, subject to certain outstanding leases, vested in His Majesty as part of the hereditary land revenues of the Crown:

And whereas the additional lands include the premises known as Nos. 1 to 7 Richmond Terrace (in this Act referred to as "Richmond Terrace"), the lodge, gardens, shrubberies and ornamental enclosures appurtenant thereto (in this Act referred to as "the Richmond Terrace lands"), the premises known as Nos. 1 to 7 Richmond Mews (in this Act referred to as "Richmond Mews") and the site of the carriageways and footways appurtenant to Richmond Terrace and Richmond Mews :

And whereas by virtue of the enactments mentioned in Part I of the First Schedule to this Act the Commissioners for executing the Act last so mentioned (in this Act referred to as the "Paving Commissioners") have certain rights, powers, duties and obligations with respect to Richmond Terrace, the Richmond Terrace lands, Richmond Mews and the said carriageways and footways :

And whereas by virtue of the said enactments and the enactments mentioned in Part II of the said Schedule the Council of the City of Westminster also have certain rights, powers, duties and obligations with respect to the said carriageways and footways :

And whereas it is expedient for the purposes of this Act to extinguish all the said rights, powers, duties and obligations of the Paving Commissioners and of the said Council and to extinguish other rights in, over and under the said carriageways and footways :

And whereas under subsection (3) of section five of the principal Act the Commissioners of Works have power to divert and alter part of the highway known as Whitehall Gardens, and it is expedient that in lieu of the said power those Commissioners should have power to stop up the whole of the said highway :

And whereas it was provided by section three of the principal Act that the amount of the consideration payable to His Majesty for his estate and interest in the northern lands should be ascertained as soon as might be after the passing of that Act and should, as from the date of vesting, carry interest at the rate of three and a half per centum per annum, but the said amount has not hitherto been ascertained and it is expedient that it should be ascertained, and that the interest thereon should be fixed, as provided by this Act :

And whereas it is expedient to amend the law with respect to other Crown Lands and to amend the Crown Lands Acts, 1829 to 1927 :

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

Be it therefore 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.

EXTENSION AND AMENDMENT OF THE PUBLIC OFFICES (SITES) ACT, 1912.

Vesting of
additional
lands and
considera-
tion to be
paid there-
for.

1.—(1) All the estate and interest of His Majesty in the additional lands or any part thereof shall on the appointed day vest in the Commissioners of Works subject to any outstanding leases.

(2) The consideration payable to His Majesty for his estate and interest in the additional lands or any part thereof (in this section referred to as "the consideration") shall be such amount as may be agreed upon between the Treasury and the Commissioners of Crown Lands, or, in default of agreement between them, such amount as may be fixed by a surveyor appointed for the purpose by the Treasury.

(3) The amount of the consideration shall be ascertained as soon as may be after the appointed day, and shall be deemed to have become due on that day and shall, as from that day, carry interest at such rate as may be agreed upon between the Treasury and the Commissioners of Crown Lands or, in default of agreement, at such rate as may be fixed by the Governor for the time being of the Bank of England.

(4) The amount of the consideration together with the interest thereon shall be paid to the Commissioners of Crown Lands by means of sixty equal half-yearly instalments of principal and interest combined, and the first of those instalments shall be payable on the expiration of six months from the appointed day :

Provided that, if the Treasury so direct, the amount of the consideration payable to His Majesty for his estate and interest in any lands transferred or agreed to be transferred under this Act by the Commissioners of Works to the Receiver for the Metropolitan Police District, together with the interest thereon, shall be paid in one sum on such date as the Treasury may direct.

(5) So much of every sum paid to the Commissioners of Crown Lands under this section as represents principal shall be carried to the account of the capital of the land revenues of the Crown and applied accordingly, and so much of every sum so paid as represents interest shall be treated as annual income of the land revenues of the Crown and applied accordingly.

(6) If the moneys provided by Parliament for the service of the Commissioners of Works are insufficient for the payment of the sums payable by them under this section, the amount by which the said moneys are so insufficient shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

(7) The Apportionment Act, 1870, shall apply in relation to any rents payable in respect of any lands vested in the Commissioners of Works by virtue of this Part of this Act, and those rents, if accruing due before the appointed day, shall be payable to the Commissioners of Crown Lands and, if accruing due after that day, shall be payable to the Commissioners of Works. 33 & 34 Vict.
c. 35.

(8) The Commissioners of Works shall pay all costs and expenses incurred by the Commissioners of Crown Lands in relation to the valuation and vesting of the additional lands or any part thereof under this Part of this Act.

(9) For the purposes of this section the expression "the appointed day" means such date as may be appointed by agreement between the Commissioners of Crown Lands and the Commissioners of Works or, in default of such agreement, such date as may be appointed by the Treasury:

Provided that different dates may be appointed as aforesaid as respects different parts of the additional lands, and, if different dates are so appointed, the

PART I.
—cont.

expression “the appointed day” in relation to any part of those lands shall mean the date so appointed as respects that part.

Extinction of certain rights and duties in respect of Richmond Terrace, Whitehall Gardens, &c.

2.—(1) As from the date on which any part of Richmond Terrace or of the Richmond Terrace lands or of Richmond Mews is vested in the Commissioners of Works under this Act, all the rights, powers, duties and obligations of the Paving Commissioners in relation to that part of the said Terrace, lands or Mews shall, notwithstanding anything contained in the enactments set out in Part I of the First Schedule to this Act, cease to be exercisable or to be performed by the Paving Commissioners :

Provided that—

(a) if, on the date on which the premises known as Nos. 4 and 5 Richmond Terrace or the premises known as Nos. 4 and 5 Richmond Mews are vested in the Commissioners of Works, the lease of those premises now outstanding has not been determined, the provisions of this subsection shall not have effect as respects those premises until the day after the day on which the said lease is determined; and

(b) if, on the date on which any part of the Richmond Terrace lands is vested in the Commissioners of Works, the said lease has not been determined, the provisions of this subsection shall not have effect as respects that part of those lands so long as the lessee has any estate or interest in that part of those lands.

(2) As from the date on which the site of any part of any carriageway or footway appurtenant to Richmond Terrace or Richmond Mews is vested in the Commissioners of Works, all the rights, powers, duties and obligations of the Paving Commissioners and of the Council of the City of Westminster in relation to that part of that carriageway or footway, and in relation to any part of that carriageway or footway lying to the east of the part whereof the site is so vested shall, notwithstanding anything contained in the enactments set out in Parts I and II of the First Schedule to this Act, cease to be exercisable or to be performed by the Paving Commissioners and the said Council, and the Commissioners

of Works shall have power to stop up any such part as aforesaid of that carriageway or footway :

PART I.
—cont.

Provided that if, on the date on which the site of any part of any such carriageway or footway lying opposite or to the west of any part of the premises mentioned in proviso (a) to the last foregoing subsection is vested in the Commissioners of Works, the lease aforesaid has not been determined, the provisions of this subsection shall not have effect as respects that part of that carriageway or footway, until the day after the day on which the said lease is determined.

(3) In lieu of the power to divert and alter part of the highway known as Whitehall Gardens conferred on the Commissioners of Works by subsection (3) of section five of the principal Act, those Commissioners shall have power, at any time after the date of vesting of the northern lands, to stop up the whole of the said highway.

(4) As from the date on which the power conferred by this section to stop up any highway or any part of any carriageway or footway is exercised, all rights of laying down or continuing any pipes, sewers, drains, electric wires or cables or other apparatus on or under, and all public rights of way over that highway or that part of that carriageway or footway shall be extinguished :

Provided that, subject to any agreement between the Commissioners of Works and the London County Council, this subsection shall not apply to any sewer of that Council.

3.—(1) The Commissioners of Works may erect all such buildings, execute all such works and do all such other things as may in their opinion be necessary or proper for the purpose of providing new buildings for public offices or offices for the metropolitan police on the lands vested in them under this Part of this Act, or for the purpose of adapting those lands for use in connection with such offices and appropriating such lands for the purpose.

Powers and
expenses of
Commis-
sioners of
Works, &c.

(2) Any lands vested in the Commissioners of Works under this Part of this Act, together with any buildings thereon may, with the consent of the Treasury, be transferred by the Commissioners of Works to the Receiver for the Metropolitan Police District for such consideration and on such conditions as may be agreed upon between them.

PART I.
—cont.

(3) All expenses incurred by the Commissioners of Works under this Part of this Act shall, so far as provision is not otherwise made for them, be defrayed out of moneys provided by Parliament.

15 & 16
Vict. c. 28.

(4) The provisions of the Commissioners of Works Act, 1852, and any Act amending that Act, shall apply in relation to land vested in the Commissioners of Works by virtue of this Part of this Act in like manner as they apply in relation to land vested in or purchased by the Commissioners under that Act :

Provided that, except as provided by subsection (2) of this section, the Commissioners of Works shall not without the consent of the Commissioners of Crown Lands sell or exchange any estate or interest which is vested in them by virtue of this Part of this Act.

(5) The sealed map shall be deposited as soon as may be after the passing of this Act in the Office of Land Revenue Records and Inrolments, and a copy thereof shall be kept at their respective offices by the Commissioners of Crown Lands and the Commissioners of Works.

Amend-
ments as to
considera-
tion for the
northern
lands.

4. Section three of the principal Act shall have effect subject to the following amendments :—

- (a) the amount of the consideration payable to His Majesty for his estate and interest in the northern lands (which was to be ascertained in pursuance of the said section as soon as might be after the passing of that Act) shall be ascertained as soon as may be after the date of vesting of those lands, and subsection (1) of the said section three shall have effect as if the words from “The amount of the consideration” to the end of the subsection were omitted therefrom ;
- (b) the said amount shall, instead of carrying interest as from the date of vesting at the rate of three and one-half per centum per annum, carry interest as from that date at such rate as may be agreed upon between the Treasury and the Commissioners of Crown Lands or, in default of agreement between them, at such rate as may be fixed by the Governor for the time being of the Bank of England.

PART II.

MISCELLANEOUS PROVISIONS AS TO CROWN LANDS.

5.—(1) Subject to the provisions of this section, His Majesty, on the joint representation of the Commissioners of Crown Lands and the Forestry Commissioners, may by Order in Council transfer to and vest in the Forestry Commissioners all the estate and interest of His Majesty in any land in Great Britain purchased by the Commissioners of Crown Lands within six months before the date of the Order.

Power to transfer Crown Lands to Forestry Commissioners.

(2) Any such Order in Council shall provide—

(a) that such sum as may be specified in the Order (hereafter referred to as the “capital sum”), being a sum equal to the price at which the land was so purchased together with the expenses incurred by the Commissioners of Crown Lands in connection with the purchase, shall be paid out of the Forestry Fund to the Commissioners of Crown Lands at such time as the Forestry Commissioners think fit, not being later than the expiration of one hundred years from the date of the Order;

(b) that until the capital sum is paid out of the said Fund there shall be paid annually out of the said Fund to the Commissioners of Crown Lands such other sums as may be specified in the Order, being such sums as the Commissioners of Crown Lands and the Forestry Commissioners, with the approval of the Treasury, may agree to be equivalent to a reasonable rent for the land;

(c) that the capital sum when paid shall be carried to the account of the capital of the land revenues of the Crown and applied accordingly and the said annual sums shall be treated as annual income of the land revenues of the Crown and applied accordingly.

(3) In the event of the hereditary revenues which are by section one of the Civil List Act, 1936, directed to be carried to and made part of the Consolidated Fund of the United Kingdom ceasing to be carried to and

26 Geo. 5. &
1 Edw. 8.
c. 15.

PART II. made part of that Fund at any time before the capital
—cont. sum payable by virtue of any such Order has been paid—

(a) a sum equal to the said capital sum shall be paid forthwith out of that Fund or the growing produce thereof to the Commissioners of Crown Lands and carried to the account of the capital of the land revenues of the Crown and applied accordingly; and

(b) the said capital sum and the annual sums payable by virtue of the Order shall be paid, at the times provided in the Order, into the Exchequer instead of to the Commissioners of Crown Lands.

(4) The provisions of this section shall be in addition to and not in derogation of the provisions of section one of the Forestry (Transfer of Woods) Act, 1923.

13 & 14
Geo. 5. c. 21.

Power to
make
regulations
for Crown
Lands used
by the
public.

16 & 17
Geo. 5. c. 36

6.—(1) Subject to the provisions of this section, the Commissioners of Crown Lands may make such regulations to be observed by persons using any land to which this section applies as they consider necessary for securing the proper management of the land and the preservation of order and prevention of abuses therein, and subsection (2) of section two of the Parks Regulation (Amendment) Act, 1926 (which requires regulations made thereunder to be laid before Parliament) shall apply to regulations made under this section as it applies to regulations made under that Act.

(2) On and after the date on which any regulations made under this section come into operation as respects any land, the provisions of the Parks Regulation Act, 1872, shall apply to that land as they apply to a park to which that Act applies and as if references to the Commissioners of Works included references to the Commissioners of Crown Lands and as if references to regulations included references to regulations made under this section.

35 & 36 Vict.
c. 45.

(3) If any person fails to comply with or acts in contravention of any regulations made under this section, he shall be guilty of an offence against the Parks Regulation Act, 1872, and shall be liable on conviction thereof by a court of summary jurisdiction to a penalty not exceeding five pounds.

(4) The Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall apply to the Commissioners of Crown Lands as though those Commissioners were included in the first column of the Schedule to the first-mentioned Act and as if the Commissioners or any person authorised to act on behalf of the Commissioners were mentioned in the second column of that Schedule and as if the regulations referred to in those Acts included any regulations made under this section.

PART II.

—cont.

31 & 32 Vict.
c. 37.45 & 46 Vict.
c. 9.

(5) This section applies to any land in Great Britain, the management of which is vested in the Commissioners of Crown Lands under the Crown Lands Acts, 1829 to 1927, and to which the public are allowed access from time to time.

7. Section eleven of the Crown Lands Act, 1927 (which empowers the Commissioners of Crown Lands in certain circumstances to appropriate Crown land for streets and other purposes) shall have effect and be deemed always to have had effect as if the following two subsections were inserted immediately after subsection (1) thereof:—

Powers of
Commis-
sioners of
Crown
Lands as to
highways.17 & 18
Geo. 5. c. 23.

“(1A) In regard to the dedication of any Crown land for the purposes of a public highway, the Commissioners of Crown Lands shall be in the same position as if they were absolute owners of the land.

(1B) The Commissioners of Crown Lands shall have power—

(a) to consent to the diversion of a highway over any Crown land under section eighty-five of the Highway Act, 1835; and

(b) to consent to any such road as is mentioned in section thirty-six of the Highway Act, 1862, being declared a public highway;

5 & 6
Will. 4.c. 50.25 & 26 Vict.
c. 61.

and any consent so given shall be as valid and effectual for all purposes as if made or given by an absolute owner of the land.”

8.—(1) The authority, approval or consent of the Treasury, when required for the purpose of this Part of this Act or of any provision of the Crown Lands Acts, 1829 to 1927, or of any such provision as applied for the purpose of any other enactment, may be given either

Minor
amend-
ments of
Crown
Lands Acts.

PART II.
—cont.

generally or for any class of case or for any particular case, and may be signified under the hand of a Secretary to the Treasury or of some person authorised in that behalf by the Treasury.

10 Geo. 4.
c. 50.
57 & 58
Vict. c. 43.

(2) All moneys invested after the commencement of this Act in pursuance of section one hundred and nine of the Crown Lands Act, 1829, or section one of the Crown Lands Act, 1894, shall, instead of being invested in the name of the Treasury as required by those sections, be invested—

15 & 16
Geo. 5. c. 19.

(a) in the case of moneys invested in any manner authorised by any of the provisions of section one of the Trustee Act, 1925, other than the provisions of paragraph (b) of subsection (1) of that section, in the name of the National Debt Commissioners; and

(b) in the case of moneys invested in any other manner, in the name of the Commissioners of Crown Lands;

and in section one hundred and eleven of the Crown Lands Act, 1829, a reference to the National Debt Commissioners shall be substituted for the reference to the Treasury.

(3) Notwithstanding anything in section sixty-one of the Crown Lands Act, 1829, a person employed to make a survey or estimate under that section shall not be required to annex thereto an oath or affirmation.

(4) The definition of “land” in subsection (1) of section twenty-two of the Crown Lands Act, 1927, shall have effect as if for the word “corporeal,” where it secondly occurs, there were substituted the word “incorporeal.”

8 & 9 Vict.
c. 99.

(5) Section one of the Crown Lands Act, 1845 (which contains provisions as to leases which are superseded by the provisions of section four of the Crown Lands Act, 1927) shall cease to have effect.

Power to
transfer the
manage-
ment of
certain
Crown
Lands.

9.—(1) Subject to the provisions of this section, His Majesty—

(a) on the joint representation of the Commissioners of Crown Lands and the Minister of Agriculture and Fisheries, may from time to time by Order in Council transfer to that Minister all or any

of the powers of management of those Commissioners over any land occupied as part of the Royal Botanic Gardens, Kew; and

PART II.
—cont.

- (b) on the joint representation of the Commissioners of Crown Lands and the Commissioners of Works, may from time to time by Order in Council transfer to the Commissioners of Works all or any of the powers of management of the Commissioners of Crown Lands over any land situate within the road known as the Outer Circle in Regent's Park in London :

Provided that the powers transferred by any such Order shall not include a power to sell or (without the consent of the Commissioners of Crown Lands) to lease the land in respect of which the transfer is made.

(2) The powers transferred by any such Order may be transferred for such period and subject to such conditions as may be specified in the Order :

Provided that the period for which any power is so transferred shall expire if and when the hereditary revenues which are by section one of the Civil List Act, 1936, directed to be carried to and made part of the Consolidated Fund of the United Kingdom cease at any time to be carried to and made part of that Fund.

(3) An Order made under this section may provide that, during the period for which powers of management over any land are transferred by the Order, that land shall, for the purpose of the provisions of the Parks Regulation Acts, 1872 and 1926, and any regulations made thereunder, be treated as if it were part of the Royal Botanic Gardens, Kew, or of Regent's Park, as the case may be.

PART III.

GENERAL.

10.—(1) This Act may be cited as the Crown Lands Act, 1936. Short title,
construction and
repeal.

(2) Part I of this Act may be cited together with the Public Offices (Sites) Act, 1912, as the Public Offices (Sites) Acts, 1912 and 1936.

PART III.
—cont.

(3) Part II of this Act shall be construed as one with the Crown Lands Acts, 1829 to 1927, and those Acts and that Part of this Act may be cited together as the Crown Lands Acts, 1829 to 1936.

(4) The enactments set out in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

SCHEDULES.

Section 2.

FIRST SCHEDULE.

ENACTMENTS REGULATING RICHMOND TERRACE, &c.

PART I.

ENACTMENTS RELATING TO THE PAVING COMMISSIONERS AND THE WESTMINSTER CITY COUNCIL.

Session and Chapter.	Long or Short Title.
5 Geo. 4. c. 100	An Act for more effectually paving, lighting, watching, cleansing and regulating the Regent's Park together with the new street from the Regent's Park to Pall Mall and the new streets and improvements in the neighbourhood of Parliament Street and Privy Gardens; and for maintaining a convenient sewage for the same.
6 Geo. 4. c. 38	An Act for extending the jurisdiction of the Commissioners acting in execution of an Act of the fifth year of His present Majesty, for paving and regulating the Regent's Park together with the new street from thence to Pall Mall; and for other purposes relating thereto.
9 Geo. 4. c. 64	An Act to extend the jurisdiction of the Commissioners acting in the execution of two Acts for paving and regulating the Regent's Park together with the new street from thence to Pall Mall; and to amend the said Acts.

Session and
Chapter.

Long or Short Title.

1ST SCH.
—cont.

2 & 3 Will. 4. c. 56.	An Act to extend the jurisdiction of the Commissioners acting in the execution of three Acts for paving and regulating the Regent's Park, and several streets and places in Westminster, to certain other streets and places in Westminster; and for other purposes.
14 & 15 Vict. c. 95.	The Crown Estate Paving Act, 1851.

PART II.

ENACTMENTS RELATING TO THE WESTMINSTER CITY COUNCIL.

Session and
Chapter.

Short Title.

18 & 19 Vict. c. 120.	The Metropolis Management Act, 1855.
62 & 63 Vict. c. 14.	The London Government Act, 1899.

SECOND SCHEDULE.

Section 10.

ENACTMENTS REPEALED.

Short Title.	Session and Chapter.	Extent of Repeal.
The Crown Lands Act, 1829.	10 Geo. 4. c. 50.	In section sixty-one, the words from "and every person" to the end of the section; section one hundred and twelve.
The Crown Lands Act, 1845.	8 & 9 Vict. c. 99.	Section one.
The Public Offices (Sites) Act, 1912.	2 & 3 Geo. 5. c. cx.	In subsection (1) of section three, the words from "The amount of the consideration" to the end of the subsection; subsection (3) of section five.
The Crown Lands Act, 1927.	17 & 18 Geo. 5. c. 23.	Subsection (2) of section twenty-one.

CHAPTER 48.

An Act to empower local authorities to advertise health resorts and watering places.

[31st July 1936.]

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:—

Power
of local
authority to
levy rate for
advertising
purposes.

1.—(1) The council of any borough or urban district may advertise within the British Isles the advantages and amenities of the borough or district or any part thereof as a health resort or watering place in any manner the council may think fit and for that purpose may—

- (a) combine with any other local authority, organisation, company or person; and
- (b) expend a sum which shall not in any one financial year exceed the amount which would be produced by a rate of one penny and one-third of a penny in the pound levied on the rateable value of the borough or district:

Provided that the council of any borough or urban district shall not be empowered by this Act to advertise the advantages and amenities of the borough or district or any part thereof in any newspaper published within the borough or district.

(2) This section shall apply to Scotland subject to the following modifications—

- (a)* “burgh” shall be substituted for “borough” and references to urban districts shall not apply.
- (b) expenses incurred by a town council under this section shall be defrayed out of such rate payable by owners and occupiers in equal proportions as the council may determine.

2.—(1) This Act may be cited as the Health Resorts and Watering Places Act, 1936. Short title,
extent and
repeal.

(2) This Act shall not extend to Northern Ireland.

(3) The Health Resorts and Watering Places Act, 1921, is hereby repealed.

CHAPTER 49.

An Act to consolidate with amendments certain enactments relating to public health.

[31st July 1936.]

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.

LOCAL ADMINISTRATION.

Local authorities and their districts.

1.—(1) Subject to the provisions of this Act with respect to certain special authorities, districts and areas, it shall be the duty of the following authorities to carry this Act into execution, that is to say— Local
authorities
for purposes
of Act.

(i) in a county borough, the council of the borough ;

(ii) in an administrative county, as respects certain matters, the county council and, as respects all other matters, the councils of county districts, without prejudice, however, to the exercise by a parish council of any powers conferred upon such councils.

(2) In this Act the following expressions have the meanings hereby assigned to them :—

“ local authority ” means the council of a borough, urban district or rural district ;

PART I.
—cont.

“urban authority” means the council of a borough or urban district;

“rural authority” means the council of a rural district;

“district,” in relation to the local authority of a borough, means the borough; and

“parish,” in relation to a common parish council acting for two or more grouped parishes, means those parishes :

23 & 24
Geo. 5. c. 57. Provided that, in relation to a rural district with respect to which there is in force such a direction as is mentioned in subsection (2) of section forty-two of the Local Government Act, 1933, any reference in this Act to a local authority, to a rural authority, or to a rural district council shall be construed as a reference to the council by whom the affairs of the district are being temporarily administered.

Port health authorities and joint boards.

Constitution
of port
health
district
under port
health
authority.

2.—(1) In this Part of this Act the expression “port” means a port as established for the purposes of the enactments relating to the Customs and, in relation to any such port or any part of any such port, the expression “riparian authority” means—

- (a) any local authority whose district, or any part of whose district, forms part of, or abuts on, that port or part of a port; and
- (b) any conservators, commissioners or other persons having authority in, over or within that port or part of a port.

(2) Subject to the provisions of this section, the Minister may by order—

- (i) constitute a port health district consisting of the whole or any part of a port, and either—
 - (a) constitute one riparian authority the port health authority for the district; or
 - (b) constitute a joint board, consisting of representatives of two or more riparian authorities, to be the port health authority for the district;

- (ii) constitute a port health district consisting of any two or more areas, being ports or parts of ports, and constitute a joint board, consisting of representatives of two or more riparian authorities, to be the port health authority for the district.

PART I.
—cont.

(3) A joint board so constituted a port health authority shall be a body corporate by such name as may be determined by the order constituting the port health district, and shall have perpetual succession and a common seal and power to hold land for the purposes of their constitution without licence in mortmain.

(4) Where the Minister proposes to make an order under this section, he shall give notice thereof to every riparian authority who will under the order be liable to contribute to the expenses of the port health authority, and if, within twenty-eight days after such notice has been given to any such riparian authority, they give notice to the Minister that they object to the proposal and the objection is not withdrawn, any order made by the Minister which will impose any such liability on that authority shall be provisional only, and shall not have effect until it is confirmed by Parliament.

(5) All expenses of, and incidental to, the constitution of a port health district shall be payable by the port health authority and, so far as those expenses are expenses incurred by the Minister, the amount thereof as certified by him shall be recoverable by him from the authority as a debt due to the Crown.

3.—(1) An order constituting a port health district—

- (a) shall confer on the port health authority
- jurisdiction over all waters within the area to which the order relates, and also over the whole of the district of any such riparian authority as may be specified in the order, or such part of any such district as may be so specified; and
- (b) may assign to the port health authority any of the functions, rights and liabilities of a local authority under any enactment contained in this Act, or any unrepealed enactment contained in the Public Health Acts, 1875 to 1932.

Juris-
diction,
powers, &c.
of port
health
•
authority.

PART I.
—cont.

(2) Section two hundred and ninety-three of the Local Government Act, 1933, which enables any of the provisions of that Act to be applied to a joint board of which the constituent members are local authorities, shall apply also in relation to any port health authority, notwithstanding that that authority may be a single local authority, or may be a joint board of which all the constituent members are not local authorities :

Provided that, where the port health authority are the council of a borough, the provisions of the said Act relating to the audit of accounts by district auditors shall not be so applied, unless all the accounts of the council are subject to such audit.

(3) The provisions of sections one hundred and eight to one hundred and ten of the Local Government Act, 1933, as adapted and set out in the First Schedule to this Act, shall have effect with respect to the medical officer of health and sanitary inspector of a port health district.

Restriction
on discharge
of functions
by local
authorities
within port
health
district.

4.—(1) A local authority having jurisdiction in any part of a port health district, including the port health district of the port of London, shall cease to discharge in relation thereto any functions which are functions of the port health authority :

Provided that, with the approval of the Minister, the port health authority of any such district may by agreement delegate, with or without restrictions or conditions, any of their functions to a riparian authority whose district lies within, extends into or abuts on, the district of the port health authority.

(2) Where under the preceding subsection any functions of a port health authority are delegated to a riparian authority, the riparian authority in the discharge thereof shall act as agents of the port health authority.

Existing
port
sanitary
authorities
to be re-
named port
health
authorities.

5. Port sanitary districts and port sanitary authorities constituted under any Act passed before this Act, including the port sanitary district and port sanitary authority of the port of London, shall be known as and styled port health districts and port health authorities, and references in any Act or other document to port sanitary districts or port sanitary authorities shall be construed accordingly.

PART I.
—cont.
Union of
districts,
or parts of
districts, for
certain
purposes
under joint
board.

6.—(1) Subject to the provisions of this section, if, on an application made to him by the local authorities of the districts to which the application relates, or by any of those authorities, it appears to the Minister that it would be for the advantage of those districts or any of them, or of any parts of those districts or any of them (whether such parts are contributory places or not), to be constituted a united district for any purpose of this Act, or of the Public Health Acts, 1875 to 1932, so far as those Acts are not repealed, the Minister may, by order, constitute for that purpose a united district consisting of such of those districts or parts of districts as can, in his opinion, be combined advantageously.

(2) The governing body of a united district shall be a joint board, which shall be constituted by the order constituting the district and shall consist of representatives of the local authorities of the constituent districts or parts of districts :

Provided that, if the council of the county, or of any of the counties, in which the united district or any part thereof will be situate, undertake to make annual contributions towards the expenses of the joint board, provision may be made by the order constituting the board for the board to include representatives of that council, so, however, that the number of representatives appointed under this proviso shall be less than one-half of the total number of the members of the board.

(3) A joint board constituted under this section shall be a body corporate by such name as may be determined by the order constituting the united district, and shall have perpetual succession and a common seal and power to hold land for the purposes of their constitution without licence in mortmain.

(4) Where the Minister proposes to make an order under this section, he shall give notice thereof to the local authority of every district which, or any part of which, is proposed to be included in the united district, and also to the county council, and, if within twenty-eight days after such notice has been given to any such authority or council, they give notice to the Minister that they object to the proposal and the objection is not withdrawn, any order made by the Minister shall be provisional only and shall not have effect until it is confirmed by Parliament.

PART I.
—cont.

(5) All expenses of, and incidental to, the constitution of a united district shall be payable by the joint board and, so far as those expenses are expenses incurred by the Minister, the amount thereof as certified by him shall be recoverable by him from the board as a debt due to the Crown.

Restriction
on discharge
of functions
by local
authorities
within
united
district.

7.—(1) A local authority having jurisdiction in any part of a united district shall cease to discharge in relation thereto any functions which are functions of the joint board:

Provided that—

(a) the Minister may at any time authorise a local authority having jurisdiction in any part of the district to discharge in relation to that part, concurrently with the joint board, any functions which are functions of that board, subject, however, to such conditions and restrictions, if any, as he may impose;

(b) with the approval of the Minister, the joint board may by agreement delegate, with or without restrictions or conditions, any of their functions to the local authority of any constituent district.

(2) Where under the preceding subsection any functions of a joint board are delegated to a local authority, that authority in the discharge thereof shall act as agents of the joint board.

Joint boards
representing
councils
of counties
and
county
boroughs.

8.—(1) For the purpose of facilitating co-operation between councils of counties and county boroughs in the discharge of their functions under this Act, it shall be lawful for the Minister to make by order such provision as appears to him to be expedient for enabling any two or more such councils to discharge through a joint board such of those functions as may be specified in the order:

Provided that no such order shall be made except with the consent of all the councils concerned.

(2) A joint board constituted under this section shall be a body corporate by such name as may be determined

by the order constituting the board, and shall have perpetual succession and a common seal and power to hold land for the purposes of their constitution without licence in mortmain.

PART I.
—cont.

(3) Joint committees constituted under section five of the Public Health (Tuberculosis) Act, 1921, or under any enactment repealed by that Act, shall be known as and styled joint boards and references in any Act or other document to such joint committees shall be construed accordingly.

11 & 12
Geo. 5. c. 12.

9.—(1) An order made by the Minister under the foregoing provisions of this Part of this Act constituting a port health district, or a united district, or such a joint board as is mentioned in the last preceding section, may contain such incidental, consequential and supplemental provisions as appear to him to be necessary or proper for bringing the order into operation and giving full effect thereto and, in particular, but without prejudice to the generality of the foregoing words, provisions—

General
provisions
as to orders
constituting
port health
districts,
united dis-
tricts and
joint boards.

- (a) for the settlement of any differences arising in consequence of the operation of the order, between districts, parishes or other areas;
- (b) for the transfer of property and liabilities, and the making of any such adjustment of accounts or apportionment of liabilities between districts, parishes or other areas as may be rendered necessary by the operation of the order; and
- (c) as to the persons by and to whom any moneys found to be due are to be paid, and the raising of such moneys.

(2) Any such order as aforesaid, whether or not confirmed by Parliament, may be amended or revoked by a subsequent order made by the Minister, but, where the Minister proposes to make an order under this subsection, he shall give notice thereof to the port health authority or joint board concerned and to every authority or council which is, or under the proposed order will be, a constituent authority or council, and, if within twenty-eight days after such notice has been given to any such authority, board or council they give notice to the Minister that they object to the proposal and the objection is not withdrawn, any order made by the Minister shall

PART I.
—cont.

be provisional only and shall not have effect until it is confirmed by Parliament.

(3) Any reference in this Act to an order constituting a port health district, united district, or joint board shall be construed as including a reference to any order made under this section for the amendment of the original order.

Borrowing
powers of
port health
authorities
and joint
boards.

10. A port health authority or joint board constituted under this Part of this Act shall, subject to the provisions of the order by which they were constituted, have the like powers of borrowing for the purposes of their functions under the order as a local authority have of borrowing for the purposes of their functions under this Act.

Division of districts.

Power of
urban
authority to
divide their
district.

11.—(1) An urban authority may divide their district into parts for all or any of the purposes of this Act, and may vary or discontinue any such division.

(2) Where a district is divided into parts under this section, the authority in making and levying rates shall charge separately on each of those parts all expenses incurred in respect of that part for the purpose or purposes for which the division was made, and such share as the authority may deem equitable of any expenses, including loan charges, properly attributable to that part in common with any other part or parts of the district.

Constitution
and dis-
solution of
special
purpose
areas in
rural
districts.

12.—(1) A rural authority may, with the approval of the Minister, constitute any part of their district a special purpose area for the purpose of charging thereon exclusively the expenses of works of sewerage, sewage disposal or water supply, or of any other works the expenses of which are declared by or under any enactment (including any enactment in this Act) to be special expenses.

38 & 39 Vict.
c. 55.

(2) Special drainage districts constituted under section two hundred and seventy-seven of the Public Health Act, 1875, or under the corresponding provisions of any earlier Act, shall be known as and styled special purpose areas, and references in any Act or other document to special drainage districts shall be construed accordingly.

(3) The Minister may by order vary or dissolve any special purpose area, whether constituted under this Act or as mentioned in the last preceding subsection.

PART I.
—cont.

Investment of rural authorities with urban powers.

13.—(1) The Minister, on an application made to him in accordance with the provisions of this section, may by order—

Power of
Minister to
invest par-
ticular rural
authority
with urban
powers.

(a) declare any provisions of this Act which are in force in boroughs and urban districts to be in force in any particular rural district, or in any particular contributory place in a rural district; and

(b) invest the council of the rural district, as respects the district or, as the case may be, as respects that particular contributory place, with all or any of the functions of an urban authority under this Act, either unconditionally or subject to such conditions as may be specified in the order as to the time, area or manner during, at or in which those functions are to be discharged.

(2) An application for the purposes of this section may be made by—

(a) the council of the rural district;

(b) the council of the county in which the district is situate;

(c) the parish council of any parish situate in the district; or

(d) any number of local government electors for the district or for any contributory place therein, not being less than one hundred or one-third of the total number of those electors, whichever is the less:

Provided that, where the application is made by the council of a parish or by local government electors for a contributory place, the order of the Minister shall not confer upon the rural district council any new power, except in relation to, or to a part of, that parish or, as the case may be, that contributory place.

PART II.

SANITATION AND BUILDINGS.

Sewerage and sewage disposal.

General duty
of local
authority to
provide for
sewerage of
their district.

14. It shall be the duty of every local authority to provide such public sewers as may be necessary for effectually draining their district for the purposes of this Act, and to make such provision, by means of sewage disposal works or otherwise, as may be necessary for effectually dealing with the contents of their sewers.

Provision of
public
sewers and
sewage dis-
posal works.

15.—(1) A local authority may within their district and also, subject to the provisions of the next succeeding section, without their district—

(i) construct a public sewer—

(a) in, under or over any street, or under any cellar or vault below any street, subject, however, to the provisions of Part XII of this Act with respect to the breaking open of streets; and

(b) in, on or over any land not forming part of a street, after giving reasonable notice to every owner and occupier of that land;

(ii) construct sewage disposal works on any land acquired, or lawfully appropriated, for the purpose;

(iii) by agreement acquire, whether by way of purchase, lease or otherwise, any sewer or sewage disposal works, or the right to use any sewer or sewage disposal works.

(2) Where a local authority propose in the exercise of their powers under this section to construct a sewer which will cross or interfere with any watercourse or works vested in, or under the control of, a land drainage authority, they shall before adopting plans for the construction of the sewer give notice of their proposals to that authority.

(3) If a land drainage authority to whom notice has been given under the last preceding subsection, serve within twenty-eight days on the local authority notice of objection to their proposals, the local authority shall not proceed with their proposals unless all objections so made are withdrawn, or the Minister after a local inquiry

has approved the proposals either with or without modification.

PART II.
—cont.

(4) Where a rural authority propose to carry out works for the sewerage of any part of their district, they shall, before adopting plans for the works, give notice of their proposals to the parish council of each parish to be served by the works, or, in the case of a parish not under a parish council, to the parish meeting.

16.—(1) Where a local authority, in the exercise of their powers under the last preceding section, propose to construct any public sewer or sewage disposal works outside their district, the provisions of that section with respect to notices and appeals shall apply, and the authority shall, in addition to giving any notice required by that section—

Notices to be given before constructing public sewers, or sewage disposal works, outside district.

(a) publish by advertisement in a local newspaper circulating in the district in which the proposed work is to be executed a notice describing the nature of their proposals and specifying the land in or on which they propose to execute any work, and naming a place where a plan illustrative of their proposals may be inspected at all reasonable hours by any person free of charge; and

(b) serve, not later than the date of the publication of the advertisement, a copy of the notice on the local authority of the district in which the proposed work is to be executed.

(2) If, within twenty-eight days after the publication of the notice referred to in the preceding subsection, notice of objection to their proposals is served on the local authority either by the local authority of the district in which the proposed work is to be executed or by any owner or occupier of land directly affected by the proposals, they shall not proceed with their proposals, unless all objections so made are withdrawn, or the Minister, after a local inquiry, has approved the proposals, either with or without modification.

(3) The foregoing provisions of this section with respect to the publication and service of, and appeals against, such additional notices as are therein referred to shall not apply where the work which a local authority propose to carry out in the district of another local

PART II.
—cont.

authority consists only of the construction of a public sewer in a highway repairable by the inhabitants at large and they have obtained the consent of that other local authority.

Adoption by
local autho-
rity of
sewers and
sewage dis-
posal works.

17.—(1) Subject to the provisions of this section, a local authority may at any time declare that any sewer or sewage disposal works situate within their district, or serving their district or any part of their district, being a sewer or works the construction of which was not completed before the commencement of this Act, shall, as from such date as may be specified in the declaration, become vested in them :

Provided that an authority who propose to make a declaration under this subsection shall give notice of their proposal to the owner or owners of the sewer or works in question, and shall take no further action in the matter until either two months have elapsed without an appeal against their proposal being lodged under subsection (3) of this section, or, as the case may be, until any appeal so lodged has been determined.

(2) Subject as aforesaid, the owner, or any of the owners, of any sewer or sewage disposal works with respect to which a local authority might have made a declaration under the preceding subsection may make an application to that authority requesting them to make such a declaration with respect thereto.

(3) An owner aggrieved by the proposal of a local authority to make a declaration under this section may appeal to the Minister within two months after notice of the proposal is served upon him, and an owner aggrieved by the refusal of a local authority to make such a declaration may appeal to the Minister at any time after receipt of notice of their refusal, or if no such notice is given to him, at any time after the expiration of two months from the making of his application.

On the hearing of an appeal under this subsection, the Minister may allow or disallow the proposal of the local authority or, as the case may be, make any declaration which the local authority might have made, and any declaration so made shall have the same effect as if it had been made by the authority :

Provided that the Minister may, if he thinks fit, specify conditions, including conditions as to the payment

of compensation by the local authority, and direct that his declaration shall not take effect unless any conditions so specified are accepted.

PART II.
—cont.

(4) A local authority and, on an appeal, the Minister, in deciding whether a declaration should be made under this section, shall have regard to all the circumstances of the case and, in particular, to the following considerations :—

- (a) whether the sewer or works in question is or are adapted to, or required for, any general system of sewerage or sewage disposal which the authority have provided, or propose to provide, for their district or any part thereof;
- (b) whether the sewer is constructed under a highway, or under land reserved by a planning scheme for a street;
- (c) the number of buildings which the sewer is intended to serve, and whether, regard being had to the proximity of other buildings or the prospect of future development, it is likely to be required to serve additional buildings;
- (d) the method of construction and state of repair of the sewer or works; and
- (e) in a case where an owner objects, whether the making of the proposed declaration would be seriously detrimental to him.

(5) Any person who immediately before the making of a declaration under this section was entitled to use the sewer in question shall be entitled to use it, or any sewer substituted therefor, to the same extent as if the declaration had not been made.

(6) A declaration or an application under this section may be made with respect to a part only of a sewer.

(7) Where a local authority are about to take into consideration the question of making a declaration under this section with respect to a sewer or sewage disposal works situate within the district of another local authority, or situate within their own district but serving the district, or any part of the district, of another local authority, they shall give notice to that other authority, and no declaration shall be made by them until either

PART II.
—cont.

that other authority have consented thereto, or the Minister, on an application made to him, has dispensed with the necessity for such consent, either unconditionally or subject to such conditions as he may think fit to impose.

In this subsection references to another local authority and their district include references to the council of a metropolitan borough and that borough.

(8) Where a local authority have made a declaration under this section with respect to a sewer or sewage disposal works situate within the district of another local authority or within a metropolitan borough, they shall forthwith give notice of the fact to that other authority or, as the case may be, to the council of that borough.

(9) A local authority shall not, except on the application of the authority, council, board or statutory undertakers concerned, make a declaration under this section with respect to any sewer or any part of a sewer, or any works, if that sewer or part of a sewer, or those works—

- (a) is or are vested in another local authority, the council of a metropolitan borough, a county council (including the London County Council), or a joint sewerage board; or
- (b) is or are vested in a railway company or dock undertakers and situate in or on land which belongs to them and is held or used by them for the purposes of their undertaking.

Power of local authority to agree to adopt sewer or drain, or sewage disposal works, at future date.

18.—(1) A local authority may agree with any person constructing, or proposing to construct, a sewer or sewage disposal works that, if the sewer or works is or are constructed in accordance with the terms of the agreement, they will upon the completion of the work, or at some specified date, or on the happening of some future event, declare the sewer or works to be vested in them, and any such agreement shall be enforceable against the authority by the owner or occupier for the time being of any premises served by the sewer or works.

(2) The foregoing provisions of this section shall apply also in relation to drains, but it shall be a condition of any agreement made under those provisions with

respect to a drain that the declaration shall not be made before the drain has become a sewer.

PART II.
—cont.

(3) A local authority shall not make an agreement under this section with respect to a sewer or drain or sewage disposal works situate within the district of another local authority or within a metropolitan borough, until that other authority or, as the case may be, the council of that borough have consented thereto, or the Minister, on an application made to him, has dispensed with the necessity for such consent, either unconditionally or subject to such conditions as he may think fit to impose.

19.—(1) Where a person proposes to construct a drain or sewer, the local authority may, if they consider that the proposed drain or sewer is, or is likely to be, needed to form part of a general sewerage system which they have provided or propose to provide, require him to construct the drain or sewer in a manner differing, as regards material or size of pipes, depth, fall, direction or outfall, or otherwise, from the manner in which he proposes, or could otherwise be required by them, to construct it, and it shall be his duty to comply with the requirements of the local authority :

Power of local authority to require proposed sewer or drain to be so constructed as to form part of general system.

Provided that, if he is aggrieved by the requirements of the authority, he may within twenty-eight days appeal to the Minister who may either disallow the requirements or allow them with or without modification.

(2) An authority who exercise the powers conferred upon them by this section shall repay to the person constructing the drain or sewer the extra expenses reasonably incurred by him in complying with their requirements and, until the drain or sewer becomes a public sewer, they shall also from time to time repay to him so much of any expenses reasonably incurred by him in repairing or maintaining it as may be attributable to their requirements having been made and complied with, and, if any question arises as to the amount of any payment to be made to him under this subsection, that question may on his application be determined by a court of summary jurisdiction, or he may require it to be referred to arbitration.

PART II.
—cont.

(3) If any person who under this section has been required by a local authority to construct a drain or sewer in a particular manner constructs it otherwise than in accordance with the requirements of the authority, he shall be liable to a fine not exceeding fifty pounds, but without prejudice to the right of the authority to avail themselves of any other remedy.

(4) Nothing in this section shall apply in relation to so much of any drain or sewer as is proposed to be constructed by a railway company or dock undertakers in or on land which belongs to them and is held or used by them for the purposes of their undertaking.

Vesting
of public
sewers and
sewage
disposal
works in
local
authority.

20.—(1) All sewers within the meaning of the Public Health Act, 1875, and sewage disposal works which, by virtue of the provisions of that Act, were immediately before the commencement of this Act vested in a local authority, shall continue to be vested in them, and there shall also vest in them—

- (a) all combined drains constructed before the commencement of this Act which, by virtue of the provisions of the Public Health Act, 1875, would immediately before the commencement of this Act have been vested in the local authority as sewers but for the provisions of some enactment or statutory scheme relating to the construction of combined drains, or of an order made under such an enactment or scheme;
- (b) all sewers and sewage disposal works constructed by them at their expense, or acquired by them;
- (c) all sewers constructed under any enactment relating to the sewerage of private streets to the satisfaction of the council carrying that enactment into execution, except any such sewer which by virtue of section twenty-nine of the Local Government Act, 1929, will vest in the county council; and
- (d) all sewers and sewage disposal works with respect to which a declaration of vesting made under the foregoing provisions of this Part of this Act has taken effect.

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Geo. 5. c. 17.

(2) Sewers which by virtue of this section continue to be, or become, vested in a local authority shall

be known as, and are in this Act referred to as, "public sewers" :

PART II.
—cont.

Provided that a sewer constructed by a local authority after the commencement of this Act for the purpose only of draining property belonging to them shall not be deemed to be a public sewer for the purposes of this Act until it has been declared to be a public sewer.

21.—(1) Subject to the provisions of this section, a county council and a local authority may agree that—

(a) any drain or sewer which is vested in the county council in their capacity of highway authority may, upon such terms as may be agreed, be used by the local authority for the purpose of conveying surface water from premises or streets;

(b) any public sewer vested in the local authority may, upon such terms as may be agreed, be used by the county council for conveying surface water from roads repairable by the county council.

Agreements with county council for use of highway drains and sewers for sanitary purposes, or to allow public sewers to be used for drainage of highways.

(2) Where a sewer or drain with respect to which a county council and a local authority propose to make an agreement under this section discharges, whether directly or indirectly, into the sewers or sewage disposal works of another sewerage authority, the agreement shall not be made without the consent of that other sewerage authority, who may give their consent upon such terms as they think fit.

(3) A county council or local authority shall not unreasonably refuse to enter into an agreement for the purposes of this section or insist unreasonably upon terms unacceptable to the other party, and a sewerage authority shall not unreasonably refuse to consent to the making of such an agreement or insist unreasonably upon terms unacceptable to either party thereto, and any question arising under this section as to whether or not any authority or council are acting unreasonably shall be referred to the Minister, whose decision shall be final.

(4) Nothing in this section shall be construed as limiting the rights of a county council under subsection (2) of section twenty-nine of the Local Government Act, 1929.

PART II.

—cont.

Power of
local
authority to
alter, or
close, public
sewers.

22. A local authority may alter the size or course of any public sewer vested in them, or may discontinue and prohibit the use of any such public sewer, either entirely, or for the purpose of foul water drainage, or for the purpose of surface water drainage, but, before any person who is lawfully using the sewer for any purpose is deprived by the authority of the use of the sewer for that purpose, they shall provide a sewer equally effective for his use for that purpose and shall at their expense carry out any work necessary to make his drains or sewers communicate with the sewer so provided.

General
duty of
local autho-
rity to
maintain
public
sewers.

23. It shall be the duty of every local authority to maintain, cleanse and empty all public sewers vested in them, subject, however, to their right under the next succeeding section to recover in certain cases the expenses, or a part of the expenses, incurred by them in maintaining a length of a public sewer.

Power of
local autho-
rity to re-
cover cost of
maintaining
certain
lengths of
public
sewers.

24.—(1) Where a local authority have carried out work for the maintenance of any length of a public sewer, being a length to which this section applies, they may, subject to the provisions of this section, recover the expenses reasonably incurred by them in so doing from the owners for the time being of the premises served by that length of sewer in such proportions as the authority deem it fair to fix, regard being had by them to all the circumstances of the case, including the benefit derived by each owner from that length of sewer, the distance for which it is laid in land belonging to each owner, the point at which any work was necessary and the responsibility for any act or default which rendered the work necessary :

Provided that, unless in the opinion of the local authority immediate action is necessary, they shall, not less than seven days before commencing the work, give notice of the work which they propose to undertake to the owners of any premises known by them to be served by the length of sewer in question and consider any representations as to the need for, and reasonableness of, the proposed work which may be made to them by any of those owners within seven days of the service of the notice.

The expression “maintenance” in relation to any length of a public sewer to which this section applies

includes repair, renewal and improvement, but in the case of improvement includes only such improvement as may be necessary to make that length of sewer adequate for draining the premises served by it immediately before the improvement was undertaken.

PART II.
—cont.

(2) If a local authority, in lieu of executing works of maintenance only to any length of a public sewer to which this section applies, improve or enlarge that length of sewer for the purpose of enabling it to serve additional premises, they shall be entitled to recover under the last preceding subsection from the owners of the premises served by the existing sewer such sum only as they might reasonably have expended in executing works of maintenance necessary to make that length of sewer adequate for draining the premises served by it immediately before the improvement or enlargement was undertaken, and for the purposes of any future works of maintenance that length of sewer shall cease to be a length of sewer to which this section applies.

(3) Any question arising under this section as to whether any length of sewer is one to which this section applies, as to the necessity for any work carried out by a local authority, as to the amount, or the reasonableness, of the expenses incurred by them, or as to the fairness of any division or apportionment of expenses made by them, may be determined by a court of summary jurisdiction either in proceedings taken by the local authority for the recovery of expenses incurred by them, or on the application of any owner concerned.

(4) This section applies to any length of a public sewer, being either—

(a) a length for the maintenance of which persons other than the local authority were, immediately before the commencement of this Act, responsible by virtue either of some enactment or statutory scheme relating to combined drains or of an order made under such an enactment or scheme, or of an agreement, being an enactment, scheme, order or agreement whereby the authority were entitled to require those persons to maintain that length of the sewer, or to abate any nuisance therein, or to contribute in proportions to, or indemnify the authority

PART II.
—cont.

against, any expenses incurred by the authority in maintaining it; or

- (b) a length which was vested in the local authority immediately before the commencement of this Act, but was not constructed at their expense or at the expense of any authority whose successors they are, and which lies in a garden, court or yard belonging to any of the premises served by the sewer or common to any two or more of them, or lies under a building comprised in any of those premises, or lies in a roadway, footway, passage or alley which is used solely or mainly as a means of access to those premises or any of them, but is not a highway repairable by the inhabitants at large.

(5) So much of any local Act as relates to the liability for the repair of a single private drain connecting two or more houses with a public sewer is hereby repealed.

Buildings
not to be
erected
without
consent
over sewer
or drain
shown on
deposited
map.

25.—(1) Where plans of a building or of an extension of a building are, in accordance with building byelaws, deposited with a local authority, and it is proposed to erect the building or extension, as the case may be, over any sewer or drain which is shown on the map of sewers required by this Part of this Act to be kept deposited at the offices of the authority, the authority shall reject the plans, unless they are satisfied that in the circumstances of the particular case they may properly consent to the erection of the proposed building or extension, either unconditionally or subject to compliance with any requirements specified in their consent.

(2) Any question arising under the preceding subsection between a local authority and the person by whom or on whose behalf plans are deposited as to whether the site on which it is proposed to erect a building or an extension of a building is over any such sewer or drain as aforesaid, or whether, and if so upon what conditions, a consent ought to be given by the local authority, may on the application of that person be determined by a court of summary jurisdiction.

(3) If before the commencement of this Act a building has been erected over a sewer without such consent, if any, as under section twenty-six of the Public

Health Act, 1875, was required at the date of the erection of the building, the local authority may by notice require the owner of the building to pull it down or to alter it in such manner as may be necessary.

PART II.
—cont.

The provisions of Part XII of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under this subsection.

26. Subject to the provisions of this Act, a local authority shall give facilities for enabling manufacturers within their district to carry the liquids from their manufacturing processes into a public sewer vested in the authority :

Local authority to afford facilities for factories to drain into public sewers.

Provided that nothing in this section shall be construed as requiring an authority—

- (a) where separate sewers are provided for foul water and for surface water, to admit any such liquid into a sewer provided for surface water only; or
- (b) to admit into their sewers any liquid which would prejudicially affect the sewers, or the treatment or disposal of the contents of the sewers, or would, from its temperature or otherwise, be prejudicial to health; or
- (c) to give such facilities as aforesaid where their sewers or sewage disposal works are only sufficient for the requirements of their district,

or as affecting the provisions of the next succeeding section.

27.—(1) No person shall throw, empty or turn, or suffer or permit to be thrown or emptied or to pass, into any public sewer, or into any drain or sewer communicating with a public sewer—

Certain matters not to be passed into public sewers.

- (a) any matter likely to injure the sewer or drain, or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of its contents; or
- (b) any chemical refuse or waste steam, or any liquid of a temperature higher than one hundred and ten degrees Fahrenheit, being refuse or steam

PART II.
—cont.

which, or a liquid which when so heated, is, either alone or in combination with the contents of the sewer or drain, dangerous, or the cause of a nuisance, or prejudicial to health; or

(c) any petroleum spirit, or carbide of calcium.

(2) A person who contravenes any of the provisions of this section shall be liable to a fine not exceeding ten pounds and to a further fine not exceeding five pounds for each day on which the offence continues after conviction therefor.

(3) In this section the expression “petroleum spirit” means any such—

(a) crude petroleum;

(b) oil made from petroleum, or from coal, shale, peat or other bituminous substances; or

(c) product of petroleum or mixture containing petroleum,

18 & 19
Geo. 5. c. 32.

as, when tested in the manner prescribed by or under the Petroleum (Consolidation) Act, 1928, gives off an inflammable vapour at a temperature of less than seventy-three degrees Fahrenheit.

Communica-
tion of
sewers with
sewers of
another
sewerage
authority.

28.—(1) A sewerage authority may, by agreement with another sewerage authority, and with the approval of the Minister, cause any sewer vested in them to communicate with a sewer of, or to discharge into sewage disposal works of, that other authority in such manner, and on such terms, as may be agreed between the authorities:

Provided that, where any sewer of a sewerage authority discharges, whether directly or indirectly, into the sewers or sewage disposal works of another sewerage authority, the first mentioned authority shall not, without the consent of that other authority, enter into any agreement under this section for admitting further sewage to the sewer in question.

(2) This section extends to London so far as to enable agreements to be made thereunder between a sewerage authority in London and a sewerage authority outside London.

29. A local authority who hold any land for the purpose of treating the contents of their sewers may themselves manage it in such manner as they think fit, or may let it on lease for a period not exceeding twenty-one years, but every lease so granted shall contain provisions for ensuring the effective disposal, without the creation of a nuisance, of all sewage brought to the land.

PART II.
—cont.
Powers of local authority as respects land held for treating sewage.

30. Nothing in this Part of this Act shall authorise a local authority to construct or use any public or other sewer, or any drain or outfall, for the purpose of conveying foul water into any natural or artificial stream, watercourse, canal, pond or lake, until the water has been so treated as not to affect prejudicially the purity and quality of the water in the stream, watercourse, canal, pond or lake.

Sewage, &c. to be purified before discharge into streams, canals, &c.

31. A local authority shall so discharge their functions under the foregoing provisions of this Part of this Act as not to create a nuisance.

Local authority not to create any nuisance.

32.—(1) Subject to the provisions of subsection (3) of this section with respect to existing sewers, every local authority shall keep deposited at their offices, for inspection by any person at all reasonable hours free of charge, a map showing and distinguishing all sewers and drains within their district which are—

Duty of local authority to keep map showing public sewers, &c.

- (a) public sewers;
- (b) sewers with respect to which a declaration of vesting has been made under this Part of this Act but has not yet taken effect;
- (c) sewers or drains with respect to which an agreement to make such a declaration in the future has been entered into.

(2) Where some of the public sewers in the district are reserved for foul water only or for surface water only, the map referred to in this section shall show also the purposes which each such sewer is intended to serve.

(3) Public sewers which were vested in the local authority before the commencement of this Act shall be shown on the said map if they are reserved for foul water only or for surface water only, but, save as aforesaid, it shall not be obligatory on the local

PART II.
—cont.

authority to show on the map a public sewer which was vested in them before the commencement of this Act.

Application
of 27 & 28
Vict. c. 114
to works for
supply of
sewage.

33. Works for the supply of sewage to land for agricultural purposes shall be deemed to be an improvement of land authorised by the Improvement of Land Act, 1864, and the provisions of that Act shall apply accordingly.

Private sewers and drains and cesspools.

Right of
owners and
occupiers
within
district to
drain into
public
sewers.

34.—(1) Subject to the provisions of this section, the owner or occupier of any premises, or the owner of any private sewer, within the district of a local authority shall be entitled to have his drains or sewer made to communicate with the public sewers of that authority, and thereby to discharge foul water and surface water from those premises or that private sewer:

Provided that nothing in this subsection shall entitle any person—

(a) to discharge directly or indirectly into any public sewer—

(i) any liquid from a factory, other than domestic sewage or surface or storm water, or any liquid from a manufacturing process; or

(ii) any liquid or other matter the discharge of which into public sewers is prohibited by or under any enactment (including any enactment in this Act); or

(b) where separate public sewers are provided for foul water and for surface water, to discharge directly or indirectly—

(i) foul water into a sewer provided for surface water; or

(ii) except with the approval of the local authority, surface water into a sewer provided for foul water; or

(c) to have his drains or sewer made to communicate directly with a storm-water overflow sewer.

(2) Subject to the provisions of Part XII of this Act with respect to the breaking open of streets, the owner or occupier of any premises may break open any street for the purpose of exercising his rights under this section and for the purpose of examining, repairing and renewing any drain or private sewer draining his premises into a public sewer.

PART II.
—cont.

(3) A person desirous of availing himself of the foregoing provisions of this section shall give to the local authority notice of his proposals, and at any time within twenty-one days after receipt thereof, the authority may by notice to him refuse to permit the communication to be made, if it appears to them that the mode of construction or condition of the drain or sewer is such that the making of the communication would be prejudicial to their sewerage system, and for the purpose of examining the mode of construction and condition of the drain or sewer they may, if necessary, require it to be laid open for inspection :

Provided that any question arising under this subsection between a local authority and a person proposing to make a communication as to the reasonableness of any such requirement of the local authority, or of their refusal to permit a communication to be made, may on the application of that person be determined by a court of summary jurisdiction.

(4) Where the local authority do not under the next but one succeeding section elect themselves to make the communication, the person making it shall, before commencing the work, give reasonable notice to any person directed by the authority to superintend the execution of the work and afford him all reasonable facilities for superintending the execution thereof.

(5) Any person causing a drain or sewer to communicate with a public sewer without complying with, or in contravention of, any of the provisions of this section, or before the expiration of the period mentioned in subsection (3) of this section, shall be liable to a fine not exceeding twenty pounds and, whether proceedings have or have not been taken by them in respect of that offence, the local authority may close any communication made

PART II. in contravention of any of those provisions, and recover
—cont. from the offender any expenses reasonably incurred by
them in so doing.

Use of
public
sewers by
owners and
occupiers
without
district.

35.—(1) Subject as hereinafter provided, the owner or occupier of any premises and the owner of any private sewer without the district of a local authority shall have the like rights with respect to drainage into the public sewers of that authority as he would have under the last preceding section if his premises or sewer were situate within their district, and the provisions of that section shall apply accordingly :

Provided that, without prejudice to their right under the last preceding section to prohibit the discharge of certain liquids or other matters into their sewers or into some of their sewers, or to refuse to permit a communication to be made on the ground of the defective construction or condition of a drain or sewer, and to require the drain or sewer to be laid open for inspection, the local authority may, in the case of a drain or sewer from premises outside their district, refuse to permit a communication to be made except upon such reasonable terms and conditions, including the making to them of a reasonable payment or reasonable periodical payments, as they think fit.

(2) If a person is aggrieved by any terms or conditions which a local authority seek to impose under the preceding subsection, the reasonableness thereof may on his application be determined by a court of summary jurisdiction, or he may require it to be referred to arbitration.

(3) Where a person avails himself of the provisions of this section, the local authority of the district in which his premises or sewer are or is situate may, if they think fit, defray, or contribute towards, any expenses incurred by him for the purpose, or any payment which he is required under this section to make to the other local authority.

Right of
local autho-
rity to
undertake
the making

36.—(1) Where under either of the two last preceding sections a person gives to a local authority notice of his proposal to have his drains or sewer made to communicate with a public sewer of that authority, the

authority may, within fourteen days after the receipt of the notice or, if any question arising under the notice requires to be determined by a court of summary jurisdiction or by an arbitrator, within fourteen days after the decision of that question, give notice to that person that they intend themselves to make the communication and, if after such a notice has been given to him, he proceeds himself to make the communication, he shall be liable to a fine not exceeding fifty pounds.

PART II.
—cont.
of com-
munications with
public
sewers.

(2) Where a local authority have given such a notice as aforesaid, they shall have all such rights in respect of the making of the communication as the person desiring it to be made would have, but it shall not be obligatory on them to make the communication until the cost of the work, as estimated by their surveyor, has been paid to them, or security for payment has been given to their satisfaction.

(3) If any payment so made to the local authority exceeds the expenses reasonably incurred by them in the execution of the work, the excess shall be repaid by them and, if and so far as those expenses are not covered by the payment, if any, made to them, they may recover the expenses, or the balance thereof, from the person for whom the work was done.

(4) For the purposes of this section, the making of the communication between a drain or private sewer and a public sewer includes all such work as involves the breaking open of a street.

37.—(1) Where plans of a building or of an extension of a building are, in accordance with building byelaws, deposited with a local authority, the authority shall reject the plans unless either the plans show that satisfactory provision will be made for the drainage of the building or of the extension, as the case may be, or the authority are satisfied that in the case of the particular building or extension they may properly dispense with any provision for drainage.

New
buildings
to be
provided
with any
necessary
drains, &c.

In this section the expression "drainage" includes the conveyance, by means of a sink and any other necessary appliance, of refuse water and the conveyance of rain water from roofs.

PART II.
—cont.

(2) Any question arising under the preceding subsection between a local authority and the person by whom, or on whose behalf, plans are deposited as to whether provision for drainage may properly be dispensed with, or whether any provision for drainage proposed to be provided ought to be accepted by the authority as satisfactory, may on the application of that person be determined by a court of summary jurisdiction.

(3) A proposed drain shall not be deemed to be a satisfactory drain for the purposes of this section unless it is proposed to be made, as the local authority, or on appeal a court of summary jurisdiction, may require, either to connect with a sewer, or to discharge into a cesspool or into some other place :

Provided that, subject to the provisions of the next succeeding subsection, a drain shall not be required to be made to connect with a sewer unless—

- (a) that sewer is within one hundred feet of the site of the building or, in the case of an extension, the site either of the extension or of the original building, and is at a level which makes it reasonably practicable to construct a drain to communicate therewith, and, if it is not a public sewer, is a sewer which the person constructing the drain is entitled to use; and
- (b) the intervening land is land through which that person is entitled to construct a drain.

(4) Notwithstanding anything in proviso (a) to the last preceding subsection, a drain may be required to be made to connect with a sewer which is not within the distance mentioned in that proviso, but is otherwise such a sewer as is therein mentioned, if the authority undertake to bear so much of the expenses reasonably incurred in constructing, and in maintaining and repairing, the drain as may be attributable to the fact that the distance of the sewer exceeds the distance so mentioned.

If any question arises as to the amount of any payment to be made to a person under this subsection, that question may on his application be determined by a court of summary jurisdiction, or he may require it to be referred to arbitration.

38.—(1) Where a local authority might under the last preceding section require each of two or more buildings to be drained separately into an existing sewer, but it appears to the authority that those buildings may be drained more economically or advantageously in combination, the authority may, when the drains of the buildings are first laid, require that the buildings be drained in combination into the existing sewer by means of a private sewer to be constructed either by the owners of the buildings in such manner as the authority may direct, or, if the authority so elect, by the authority on behalf of the owners :

PART II.
—cont.
Drainage of
buildings in
combina-
tion.

Provided that a local authority shall not, except by agreement with the owners concerned, exercise the powers conferred by this subsection in respect of any building for the drainage of which plans have been previously passed by them.

(2) A local authority who make such a requirement as aforesaid shall fix the proportions in which the expenses of constructing, and of maintaining and repairing, the private sewer are to be borne by the owners concerned, or, in a case in which the distance of the existing sewer from the site of any of the buildings in question is or exceeds one hundred feet, the proportions in which those expenses are to be borne by the owners concerned and the local authority, and shall forthwith give notice of their decision to each owner affected.

An owner aggrieved by the decision of a local authority under this subsection may appeal to a court of summary jurisdiction; but, subject to any such appeal, any expenses reasonably incurred in constructing, or in maintaining or repairing, the private sewer shall be borne in the proportions so fixed, and those expenses, or, as the case may be, contributions thereto, may be recovered accordingly by the persons, whether the local authority or owners, by whom they were incurred in the first instance.

(3) A sewer constructed by a local authority under this section shall not be deemed to be a public sewer by reason of the fact that the expenses of its construction are in the first instance defrayed by the authority, or by reason of the fact that some part of those expenses is borne by them.

PART II.
—cont.

(4) So much of any local Act as empowers a local authority to require in certain cases the construction of a combined drain is hereby repealed.

Provisions
as to
drainage,
&c., of
existing
buildings.

39.—(1) If it appears to a local authority that in the case of any building—

- (a) satisfactory provision has not been, and ought to be, made for drainage as defined in section thirty-seven of this Act; or
- (b) any cesspool, private sewer, drain, soil pipe, rain water pipe, spout, sink or other necessary appliance provided for the building, is insufficient or, in the case of a private sewer or drain communicating directly or indirectly with a public sewer, is so defective as to admit subsoil water; or
- (c) any cesspool or other such work or appliance as aforesaid provided for the building is in such a condition as to be prejudicial to health or a nuisance; or
- (d) any cesspool, private sewer or drain formerly used for the drainage of the building, but no longer used therefor, is prejudicial to health or a nuisance,

they shall by notice require the owner of the building to make satisfactory provision for the drainage of the building, or, as the case may be, require either the owner or the occupier of the building to do such work as may be necessary for renewing, repairing or cleansing the existing cesspool, sewer, drain, pipe, spout, sink or other appliance, or for filling up, removing or otherwise rendering innocuous the disused cesspool, sewer or drain.

The provisions of Part XII of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under this subsection.

(2) Subsections (3) and (4) of section thirty-seven of this Act shall apply in relation to any drain which a local authority require to be constructed under this section as they apply in relation to any such proposed drain as is mentioned in that section.

(3) Subject as hereinafter provided, the provisions of subsection (1) of this section, so far as they empower

a local authority to take action in such cases as are mentioned in paragraphs (a) and (b) of the subsection, shall not apply in relation to a building which belongs to any statutory undertakers and is held or used by them for the purposes of their undertaking :

PART II.
—cont.

Provided that the exemption conferred by this subsection shall not extend to houses, or to buildings used as offices or showrooms, other than buildings so used which form part of a railway station.

40.—(1) No pipe for conveying rain water from a roof shall be used for the purpose of conveying the soil or drainage from any sanitary convenience.

Provisions
as to soil
pipes and
ventilating
shafts.

(2) The soil pipe from every watercloset shall be properly ventilated.

(3) No pipe for conveying surface water from any premises shall be permitted to act as a ventilating shaft to any drain or sewer conveying foul water.

(4) If it appears to the local authority that there is on any premises a contravention of any provision of this section, they may by notice require the owner or the occupier of those premises to execute such work as may be necessary to remedy the matter.

The provisions of Part XII of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under this subsection.

41.—(1) In a borough or urban district, and in a rural district or contributory place in which section thirty-nine of the Public Health Act, 1925, was in force immediately before the commencement of this Act, no person shall—

In urban
district
notice to be
given of
intention
to repair,
reconstruct
or alter
under-
ground
drains.

(a) except in case of emergency, repair, reconstruct, or alter the course of, any underground drain which communicates with a sewer, or with a cesspool or any other receptacle for drainage;

(b) where in a case of emergency any such works have been executed without notice, cover over the drain or sewer,

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Geo. 5. c. 71.

without giving to the local authority at least twenty-four hours' notice of his intention so to do.

PART II.
—cont.

(2) While any such work as aforesaid is being executed, all persons concerned shall permit the surveyor or sanitary inspector, or any other authorised officer, of the local authority to have free access to the work.

(3) A person who fails to comply with any requirement of this section shall be liable to a fine not exceeding five pounds.

(4) Nothing in this section shall apply in relation to—

(a) so much of any drain or sewer constructed by, or belonging to, a railway company as runs under, across, or along their railway; or

(b) so much of any drain or sewer constructed by, or belonging to, dock undertakers as is situate in or on land of the undertakers which is held or used by them for the purposes of their undertaking.

Power of
local authority to
alter drainage system
of premises.

42.—(1) Where any premises have a drain or sewer communicating with a public sewer or a cesspool, but that system of drainage, though sufficient for the effectual drainage of the premises, is not adapted to the general sewerage system of the district, or is in the opinion of the local authority otherwise objectionable, the authority may, at their own expense and on condition that they first provide in a position equally convenient to the owner of the premises a drain or sewer equally effectual for the drainage thereof and communicating with a public sewer, close the existing drain or sewer and fill up the cesspool, if any, and do any work necessary for that purpose.

(2) A local authority who propose to execute any work under this section shall give notice of their proposals to the owner of the premises in question and, if he is aggrieved thereby, as regards either the position or the sufficiency of the drain or sewer proposed to be provided for the drainage of the premises, he may appeal to a court of summary jurisdiction.

Sanitary conveniences for buildings.

Closet
accommodation to be
provided
for new
buildings.

43.—(1) Where plans of a building or of an extension of a building are, in accordance with building bye-laws, deposited with a local authority, the authority shall reject the plans unless either the plans show that

sufficient and satisfactory closet accommodation consisting of one or more waterclosets or earthclosets, as the authority may approve, will be provided, or the authority are satisfied that in the case of the particular building or extension they may properly dispense with the provision of closet accommodation :

PART II.
—cont.

Provided that—

- (i) unless a sufficient water supply and sewer are available, the authority shall not reject the plans on the ground that the proposed accommodation consists of or includes an earth-closet or earthclosets; and
 - (ii) if the plans show that the proposed building or, as the case may be, extension is likely to be used as a factory, workshop or workplace in which persons of both sexes will be employed, or will be in attendance, the authority shall reject the plans, unless either the plans show that sufficient and satisfactory separate closet accommodation for persons of each sex will be provided, or the authority are satisfied that in the circumstances of the particular case they may properly dispense with the provision of such separate accommodation.
- (2) Any question arising under this section between a local authority and the person by whom, or on whose behalf, plans are deposited as to whether—
- (a) the provision of closet accommodation, or, as the case may be, the provision of separate closet accommodation for persons of each sex, may properly be dispensed with; or
 - (b) the closet accommodation proposed to be provided is sufficient and satisfactory or, as the case may be, sufficient and satisfactory for persons of either sex; or
 - (c) the provision of an earthcloset in lieu of a watercloset should in any particular instance be approved,
- may on the application of that person be determined by a court of summary jurisdiction.

44.—(1) If it appears to a local authority—

- (a) that any building is without sufficient closet accommodation; or

Buildings
having
insufficient
closet

PART II.

—cont.

accommoda-
tion, or
closets so
defective as
to require re-
construction.

(b) that any closets provided for or in connection with a building are in such a state as to be prejudicial to health or a nuisance and cannot without reconstruction be put into a satisfactory condition,

the authority shall by notice to the owner of the building require him to provide the building with such closets or additional closets, or such substituted closets, being in each case either waterclosets or earthclosets, as may be necessary :

Provided that, unless a sufficient water supply and sewer are available, the authority shall not require the provision of a watercloset except in substitution for an existing watercloset.

(2) The provisions of Part XII of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under this section.

(3) This section shall not apply to a shop to which the Shops Act, 1934, applies, or to a factory or workshop to which section nine of the Factory and Workshop Act, 1901, applies, or to a building to which the next but one succeeding section applies.

24 & 25
Geo. 5. c. 42.
1 Edw. 7.
c. 22.

Buildings
having de-
fective
closets
capable
of repair.

45.—(1) If it appears to a local authority that any closets provided for or in connection with a building are in such a state as to be prejudicial to health or a nuisance, but that they can without reconstruction be put into a satisfactory condition, the authority shall by notice require the owner or the occupier of the building to execute such works, or to take such steps by cleansing the closets or otherwise, as may be necessary for that purpose.

(2) In so far as a notice under this section requires a person to execute works, the provisions of Part XII of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to the notice.

(3) In so far as such a notice requires a person to take any steps other than the execution of works, he shall, if he fails to comply with the notice, be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor :

Provided that in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the authority's requirements or of their decision to address their notice to him and not to the occupier or, as the case may be, the owner of the building.

(4) This section shall not apply to a shop to which the Shops Act, 1934, applies, or to a factory or workshop to which section nine of the Factory and Workshop Act, 1901, applies, or to a building to which the next succeeding section applies.

46.—(1) In a borough or urban district, and in a rural district or contributory place in which section twenty-two of the Public Health Acts Amendment Act, 1890, was in force immediately before the commencement of this Act, every building which is used as a factory, workshop or workplace shall be provided with sufficient and satisfactory accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in, or in attendance at, the building and also, where persons of both sexes are employed or in attendance, with sufficient and satisfactory separate accommodation for persons of each sex, unless the local authority are satisfied that in the circumstances of the particular case the provision of such separate accommodation is unnecessary.

Sanitary
con-
veniences
in factories,
workshops
and work-
places.
53 & 54 Vict.
c. 59.

(2) If it appears to the local authority that the provisions of the preceding subsection are not complied with in the case of any building, they shall by notice require the owner or the occupier of the building to make such alterations in the existing conveniences, and to provide such additional conveniences, as may be necessary.

(3) The provisions of Part XII of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under this section.

(4) This section shall not apply to a shop to which the Shops Act, 1934, applies.

(5) Section nine of the Factory and Workshop Act, 1901 (which relates to the provision of sanitary conveniences in factories and workshops), shall not apply to any borough or urban district, or to any rural district or contributory place to which either section twenty-two of the Public Health Acts Amendment Act, 1890, or this section has been applied by order.

PART II.
—cont.
Replacement of
earth-closets, &c.,
by water-closets at
joint
expense
of owner
and local
authority.

47.—(1) If a building has a sufficient water supply and sewer available, the local authority may, subject to the provisions of this section, by notice to the owner of the building require that any closets, other than waterclosets, provided for, or in connection with, the building shall be replaced by waterclosets, notwithstanding that the closets are not insufficient in number and are not prejudicial to health or a nuisance.

(2) A notice under this section shall either require the owner to execute the necessary works, or require that the authority themselves shall be allowed to execute them, and shall state the effect of the next succeeding subsection.

(3) Where under the preceding subsection a local authority require that they shall be allowed to execute the works, they shall be entitled to recover from the owner one-half of the expenses reasonably incurred by them in the execution of the works, and, where they require the owner to execute the works, the owner shall be entitled to recover from them one-half of the expenses reasonably incurred by him in the execution thereof.

(4) Where the owner of a building proposes to provide it with a watercloset in substitution for a closet of any other type, the local authority may, if they think fit, agree to pay to him a part, not exceeding one-half, of the expenses reasonably incurred in effecting the replacement, notwithstanding that a notice has not been served by them under this section.

(5) The provisions of Part XII of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under this section requiring a person either to execute works or to allow works to be executed, subject however to the modifications that no appeal shall lie on the ground that the works are unnecessary and that any reference in the said provisions to the expenses reasonably incurred in executing works shall be construed as a reference to one-half of those expenses.

Supplemental provisions as to drains, sanitary conveniences, cesspools, &c.

48.—(1) Where it appears to a local authority that there are reasonable grounds for believing that a sanitary

Power of
local
authority

convenience, drain, private sewer or cesspool is in such a condition as to be prejudicial to health or a nuisance, or that a drain or private sewer communicating directly or indirectly with a public sewer is so defective as to admit subsoil water, they may examine its condition, and for that purpose may apply any test, other than a test by water under pressure, and, if they deem it necessary, open the ground.

PART II.
—cont.
to examine
and test
drains, &c.,
believed to
be defec-
tive.

(2) If on examination the convenience, drain, sewer or cesspool is found to be in proper condition, the authority shall, as soon as possible, reinstate any ground which has been opened by them and make good any damage done by them.

49.—(1) A room which, or any part of which, is immediately over a closet, other than a watercloset or earthcloset, or immediately over a cesspool, midden or ashpit, shall not be occupied as a living room, sleeping room or workroom.

Rooms over
closets of
certain
types, or
over ash-
pits, &c.,
not to be
used as
living,
sleeping or
work rooms.

(2) Any person who, after seven days' notice from the local authority, occupies any room in contravention of the provisions of this section, or who permits any room to be so occupied, shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor.

50.—(1) If the contents of any cesspool soak therefrom or overflow, the local authority may by notice require the person by whose act, default or sufferance the soakage or overflow occurred or continued to execute such works, or to take such steps by periodically emptying the cesspool or otherwise, as may be necessary for preventing the soakage or overflow :

Overflowing
and leaking
cesspools.

Provided that this subsection shall not apply in relation to the effluent from a properly constructed tank for the reception and treatment of sewage, if that effluent is of such a character, and is so conveyed away and disposed of, as not to be prejudicial to health or a nuisance.

(2) In so far as a notice under this section requires a person to execute works, the provisions of Part XII of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to the notice.

PART II.
—cont.

(3) In so far as such a notice requires a person to take any steps other than the execution of works, he shall, if he fails to comply with the notice, be liable to a fine not exceeding five pounds, and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor :

Provided that in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the authority's requirements.

Care of
closets.

51.—(1) The occupier of every building in, or in connection with, which a watercloset or an earthcloset is provided shall, in the case of a watercloset, cause the flushing apparatus thereof to be kept supplied with water sufficient for flushing and where necessary to be properly protected against frost, and shall, in the case of an earthcloset, cause it to be kept supplied with dry earth or other suitable deodorising material.

(2) A person who fails to comply with any of the provisions of this section shall be liable to a fine not exceeding forty shillings.

Care of
sanitary
conveni-
ences used
in common.

52. Where a sanitary convenience is used in common by the members of two or more families, the following provisions shall have effect :—

(a) if any person injures or improperly fouls the convenience, or anything used in connection therewith, or wilfully or by negligence causes an obstruction in the drain therefrom, he shall be liable to a fine not exceeding ten shillings ;

(b) if the convenience, or the approach thereto, is, for want of proper cleansing or attention, in such a condition as to be insanitary, such of the persons having the use thereof in common as are in default, or, in the absence of satisfactory proof as to which of them is in default, each of them, shall be liable to a fine not exceeding ten shillings, and to a further fine not exceeding five shillings for each day on which the offence continues after conviction therefor.

*Provisions with respect to buildings.*Special pro-
visions as to
buildings

53.—(1) Where plans of a building are, in accordance with building byelaws, deposited with a local authority,

and the plans show that it is proposed to construct a building of materials to which this section applies, or to place or assemble on the site a building constructed of such materials, the authority may, notwithstanding that the plans conform with the byelaws—

- (i) reject the plans; or
- (ii) in passing the plans fix a period on the expiration of which the building must be removed and impose with respect to the use of the building such reasonable conditions, if any, as having regard to the nature of the materials used in its construction they deem appropriate, so, however, that no condition shall be imposed which conflicts with any provision applicable to the building under a planning scheme.

(2) If a building in respect of which plans ought under the building byelaws to have been deposited, but have not been deposited, appears to the authority to be constructed of such materials as aforesaid, the authority, without prejudice to their right to take proceedings in respect of any contravention of the byelaws, may fix a period on the expiration of which the building must be removed and, if they think fit, impose such conditions with respect to the use of the building as might have been imposed under the last preceding subsection upon the passing of plans for the building and, where they fix such a period, shall forthwith give notice thereof, and of any conditions imposed, to the owner of the building.

(3) A local authority may from time to time extend any period fixed, or vary any conditions imposed, under this section :

Provided that, unless an application in that behalf is made to them by the owner of the building in question, they shall not exercise their power of varying conditions except when granting an extension, or further extension, of the period fixed with respect to the building.

(4) Any person aggrieved by the action of a local authority under this section in rejecting plans, or in fixing or refusing to extend any period, or in imposing or refusing to vary any conditions, may appeal to a court of summary jurisdiction.

(5) The owner of any building in respect of which a period has been fixed under this section shall, on the

PART II.
—*cont.*
constructed of materials which are short-lived, or otherwise unsuitable for use in permanent buildings.

PART II.
—cont.

expiration of that period or, as the case may be, of that period as extended, remove the building, and, if he fails to do so, the local authority shall remove it and may recover from him the expenses reasonably incurred by them in so doing, and, without prejudice to the right of the authority to exercise that power, he shall be liable to a fine not exceeding ten pounds and to a further fine not exceeding five pounds for each day during which the building is allowed to remain after the conviction.

(6) A person who uses a building in contravention of any condition imposed under this section, or who permits a building to be so used, shall be liable to a fine not exceeding ten pounds and to a further fine not exceeding five pounds for each day on which the offence continues after conviction therefor.

(7) A local authority may by their building byelaws provide that the provisions of this section shall apply to any materials specified in the byelaws as being materials which are, in the absence of special care, liable to rapid deterioration, or are otherwise unsuitable for use in the construction of permanent buildings.

(8) The provisions of this section shall apply in relation to any extension of an existing building as they apply in relation to a new building.

Power to
prohibit
erection of
buildings on
ground filled
up with
offensive
material.

54.—(1) Where plans for the erection or extension of a building are, in accordance with building byelaws, deposited with a local authority, and the site on which it is proposed to erect the building or the extension, as the case may be, is ground which has been filled up with any material impregnated with faecal or offensive animal or offensive vegetable matter, or is ground upon which any such material has been deposited, the authority shall reject the plans, unless they are satisfied that the material in question has been removed, or has become or been rendered innocuous.

(2) Any question arising under this section between a local authority and the person by whom or on whose behalf plans are deposited as to whether the local authority ought to approve the erection of the building or of the extension, as the case may be, on the site in question may on the application of that person be determined by a court of summary jurisdiction.

55.—(1) Where plans for the erection or extension of a house are, in accordance with building byelaws, deposited with a local authority, the local authority shall reject the plans, unless it is shown to them that satisfactory means of access from the house to a street for the purpose of the removal of refuse and faecal matter can, and will, be provided :

PART II.
—cont.
Means of access to houses for removal of refuse, &c.

Provided that this subsection shall not apply in relation to houses erected in accordance with plans and specifications approved by the Minister in connection with housing operations to which section ninety-nine of the Housing Act, 1925, applies.

15 & 16
Geo. 5. c. 14.

Any question arising under this subsection between a local authority and the person by whom, or on whose behalf, plans are deposited as to whether any means of access proposed to be provided can be provided and ought to be accepted by the authority as satisfactory may on the application of that person be determined by a court of summary jurisdiction.

(2) It shall be unlawful for any person except with the consent of the local authority to close or obstruct the means of access by which refuse or faecal matter is removed from any house, and the local authority in giving their consent may impose such conditions as they think fit with respect to the improvement of any alternative means of access, or the substitution of other means of access.

Any person who contravenes the provisions of this subsection shall be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor.

(3) Any byelaws made by a local authority, whether under section twenty-three of the Public Health Acts Amendment Act, 1890, or under a local Act, with respect to the provision of means of access for the removal of house refuse shall cease to have effect, and so much of any local Act as authorises the making of such byelaws is hereby repealed.

56.—(1) If any court or yard appurtenant to, or any passage giving access to, a house is not so formed, flagged, asphalted, or paved, or is not provided with such works on, above, or below its surface, as to allow of the satisfactory drainage of its surface or subsoil

Yards and passages to be paved and drained.

PART II.
—cont.

to a proper outfall, the local authority may by notice require the owner of the house to execute all such works as may be necessary to remedy the defect.

The provisions of Part XII of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under this subsection.

(2) The foregoing provisions of this section shall apply in relation to any court, yard or passage which is used in common by the occupiers of two or more houses, but is not a highway repairable by the inhabitants at large.

(3) Any byelaws made by a local authority, whether under section twenty-three of the Public Health Acts Amendment Act, 1890, or under a local Act, with respect to the paving of yards and open spaces in connection with houses shall cease to have effect, and so much of any local Act as authorises the making of such byelaws is hereby repealed.

Entrances
to certain
courts not
to be closed
or narrowed.

57.—(1) Except with the consent of the local authority, no entrance to any court or yard on which two or more houses front or abut shall be closed, narrowed, reduced in height or otherwise altered so as to impede the free circulation of air through the entrance, nor, except with such consent, shall any permanent structure be erected so as to impede the free circulation of air through any entrance to any such court or yard.

(2) A local authority in giving a consent under this section may impose such conditions as they think fit with respect to the provision of other openings or means of access, or other means for securing free circulation of air throughout the court or yard.

(3) Any person aggrieved by the refusal of a local authority to give a consent under this section, or by any conditions imposed by them, may appeal to a court of summary jurisdiction.

(4) Any person who contravenes the provisions of this section shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor.

58.—(1) If it appears to a local authority that any building or structure, or part of a building or structure—

PART II.

—cont.

Dangerous
or dilapi-
dated build-
ings and
structures.

- (a) is in such a condition, or is used to carry such loads, as to be dangerous to persons in the building or any adjoining building, or on the premises on which the building or structure stands or any adjoining premises; or
- (b) is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood,

the authority may apply to a court of summary jurisdiction, and the court may—

(i) in the first mentioned case—

(a) where danger arises from the condition of the building or structure, make an order requiring the owner thereof to execute such work as may be necessary to obviate the danger or, if he so elects, to demolish the building or structure, or any dangerous part thereof, and remove any rubbish resulting from the demolition;

(b) where danger arises from overloading of the building or structure, make an order restricting the use thereof until a court of summary jurisdiction, being satisfied that any necessary works have been executed, withdraws or modifies the restriction;

(ii) in the second mentioned case, make an order requiring the owner of the building or structure to execute such works of repair or restoration or, if he so elects, to take such steps by demolishing the building or structure or any part thereof and removing any rubbish resulting from the demolition, as may be necessary for remedying the cause of complaint.

(2) If the person on whom an order is made under subsection (1) of this section for the execution of works, or the demolition of a building or structure or of any part of a building or structure, and the removal of any rubbish resulting from the demolition, fails to comply with the order within the time therein specified, the local authority may execute the order in such manner as they think fit and may recover the expenses reasonably incurred

PART II.
—cont.

by them in so doing from the person in default, and without prejudice to the right of the authority to exercise those powers, he shall be liable to a fine not exceeding ten pounds.

(3) If a local authority are satisfied that any building or structure, or part of a building or structure, is in such a condition, or is used to carry such loads, as to be dangerous to persons in the building or any adjoining building, or on the premises on which the building or structure stands or any adjoining premises, and that immediate action should be taken for the protection of those persons or any of them, the authority may shore up or fence off the building or structure, and may recover from the owner thereof the expenses of any action reasonably taken by them under this subsection.

Exits,
entrances,
&c., in the
case of
certain
public, and
other,
buildings.

59.—(1) Where plans of a building or of an extension of a building are, in accordance with building byelaws, deposited with a local authority, and the building or, as the case may be, the building as extended will be a building to which this section applies, the authority shall reject the plans unless they show that the building, or, as the case may be, the building as extended, will be provided with such means of ingress and egress and passages or gangways as the authority deem satisfactory, regard being had by them to the purposes for which the building is intended to be, or is, used and the number of persons likely to resort thereto at any one time :

Provided that any question arising under this subsection between a local authority and the person by whom, or on whose behalf, plans are deposited as to whether the means of ingress or egress or passages or gangways already existing, or proposed to be provided, ought to be accepted by the authority as satisfactory may on the application of that person be determined by a court of summary jurisdiction.

(2) If it appears to a local authority that any building to which this section applies is not provided with such means of ingress and egress and passages or gangways as the authority deem satisfactory, regard being had by them to the purposes for which the building is used and the number of persons likely to resort thereto at any one time, the authority shall by notice require

the owner of the building to execute such work and make such provision in regard to the matters aforesaid as may be necessary.

PART II.
—cont.

The provisions of Part XII of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under this subsection.

(3) If the authority are satisfied that the safety of the public requires that immediate action should be taken in the case of any building as respects which they have given a notice under the last preceding subsection, they may apply to a court of summary jurisdiction and the court may make such temporary order as it thinks fit for the closing of the building to, or for restricting its use by, the public.

(4) The person having the control of any building to which this section applies shall take steps to secure that the means of ingress and egress and the passages and gangways shall, while persons are assembled in the building, be kept free and unobstructed, except in so far as the local authority may otherwise approve, and, if he fails to do so, shall be liable to a fine not exceeding twenty pounds.

(5) This section applies to—

- (a) any theatre, and any hall or other building which is used as a place of public resort;
- (b) any restaurant, shop, store or warehouse to which members of the public are admitted and in which more than twenty persons are employed;
- (c) any club required to be registered under the provisions of the Licensing (Consolidation) Act, 1910;
- (d) any school not exempted from the operation of building byelaws; and
- (e) subject as hereinafter provided, any church, chapel or other place of public worship:

10 Edw. 7.
& 1 Geo. 5.
c. 24.

Provided that this section does not apply to a private house to which members of the public are admitted occasionally or exceptionally, or to a building which was used as a church, chapel or other place of public worship immediately before the date when section thirty-six of the Public Health Acts Amendment Act,

PART II.
—cont.

1890, or a corresponding provision in a local Act, came into operation in the district or contributory place, or which in a district or contributory place where neither that section, nor any such corresponding provision, ever came into operation was so used immediately before the commencement of this Act.

Means of
escape from
fire in the
case of cer-
tain high
buildings.

60.—(1) If it appears to a local authority that any building or proposed building which is, or will be, a building to which this section applies is not, or will not be, provided with such means of escape in case of fire as the local authority deem necessary from each storey of which the floor is more than twenty feet above the surface of the street or ground on any side of the building, the authority shall by notice require the owner of the building, or, as the case may be, the person proposing to erect the building, to execute such work or make such other provision in regard to the matters aforesaid as may be necessary.

(2) In so far as a notice under the preceding subsection requires a person to execute works, the provisions of Part XII of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to that notice.

(3) In so far as such a notice requires a person to make provision otherwise than by the execution of works, he shall, if he fails to comply with the notice, be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor:

Provided that in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the authority's requirements.

(4) This section applies to any building which exceeds two storeys in height and in which the floor of any upper storey is more than twenty feet above the surface of the street or ground on any side of the building and which—

- (a) is let in flats or tenement dwellings; or
- (b) is used as an inn, hotel, boarding house, hospital, nursing home, boarding school, children's home or similar institution; or
- (c) is used as a restaurant, shop, store or warehouse and has on any upper floor sleeping accommodation for persons employed on the premises.

*Byelaws with respect to buildings and sanitation.*PART II.
—cont.

61.—(1) Every local authority may and, if required by the Minister, shall make byelaws for regulating all or any of the following matters :—

Byelaws as
to buildings
and sanita-
tion.

(i) as regards buildings—

(a) the construction of buildings, and the materials to be used in the construction of buildings;

(b) the space about buildings, the lighting and ventilation of buildings, and the dimensions of rooms intended for human habitation;

(c) the height of buildings; the height of chimneys, not being separate buildings, above the roof of the building of which they form part;

(ii) as regards works and fittings—

(d) sanitary conveniences in connection with buildings; the drainage of buildings, including the means for conveying refuse water and water from roofs and from yards appurtenant to buildings; cesspools and other means for the reception or disposal of foul matter in connection with buildings;

(e) ashpits in connection with buildings;

(f) wells, tanks and cisterns for the supply of water for human consumption in connection with buildings;

(g) stoves and other fittings in buildings (not being electric stoves or fittings), in so far as byelaws with respect to such matters are required for the purposes of health and the prevention of fire;

(h) private sewers; communications between drains and sewers and between sewers.

(2) Byelaws made under this section may include provisions as to—

(a) the giving of notices and the deposit of plans, sections, specifications and written particulars; and

(b) the inspection of work; the testing of drains and sewers, and the taking by the local authority

PART II.
—cont.

of samples of materials to be used in the construction of buildings, or in the execution of other works.

(3) A local authority who propose to apply to the Minister for confirmation of any byelaws made under this section shall, in addition to complying with the requirements of section two hundred and fifty of the Local Government Act, 1933, publish in the London Gazette at least one month before the application is made notice of their intention to apply for confirmation.

Application
of certain
byelaws to
existing
buildings.

62.—(1) Byelaws under sub-paragraphs (a), (b) and (c) of subsection (1) of the last preceding section may be made with respect to—

- (a) structural alterations or extensions of buildings, and buildings so far as affected by alterations or extensions;
- (b) buildings or parts of buildings in cases where any material change, within the meaning of this section, takes place in the purposes for which a building or, as the case may be, a part of a building is used,

and, so far as they relate to the matters mentioned in this subsection, may be made to apply to buildings erected before the date on which the byelaws came into force, but, save as aforesaid, shall not apply to buildings erected before that date.

(2) For the purposes of this section, there shall be deemed to be a material change in the purposes for which a building, or a part of a building, is used if—

- (a) a building, or a part of a building, being a building or part which was not originally constructed for occupation as a house, or which though so constructed has been appropriated to other purposes, becomes used as a house; or
- (b) a building, or a part of a building, being a building or part which was originally constructed for occupation as a house by one family only, becomes occupied by two or more families; or
- (c) where byelaws contain special provisions with respect to buildings used for any particular purpose, a building or a part of a building, being a building or part not previously used for that purpose, becomes so used.

63. Where a local authority consider that the operation of any building byelaw in force in their district would be unreasonable in relation to any particular case, they may with the consent of the Minister relax the requirements of the byelaw or dispense with compliance therewith :

Provided that the authority shall give notice of any such proposed relaxation or dispensation in such manner and to such persons, if any, as the Minister may direct, and the Minister shall not give his consent before the expiration of one month from the giving of the notice and, before giving his consent, shall take into consideration any objection which may have been received by him.

64.—(1) Where plans of any proposed work are, in accordance with building byelaws, deposited with a local authority, the local authority shall, subject to the provisions of any other section of this Act which expressly requires or authorises them in certain cases to reject plans, pass the plans unless they either are defective, or show that the proposed work would contravene any of those byelaws, and, if the plans are defective or show that the proposed work would contravene any of those byelaws, they shall reject the plans.

(2) The authority shall within the prescribed period from the deposit of the plans give notice to the person by whom or on whose behalf they were deposited whether or not they are passed, and—

- (i) a notice of rejection shall specify the defects on account of which, or the byelaw or section of this Act for non-conformity with which, or under the authority of which, the plans have been rejected; and
- (ii) a notice that plans have been passed shall state that the passing of the plans operates as an approval thereof only for the purposes of the requirements of the byelaws and of any such section of this Act as is referred to in the preceding subsection.

(3) Any question arising under this section between a local authority and the person by whom or on whose behalf plans are deposited as to whether the plans are

PART II.
—cont.

Power of local authority with consent of Minister to relax requirements of byelaws.

Passing or rejection of plans, and power to retain plans, &c.

PART II.
—cont.

defective, or whether the proposed work would contravene any of the byelaws, may on the application of that person, be determined by a court of summary jurisdiction :

Provided that no such application shall be entertained unless it is made before the proposed work has been substantially commenced.

(4) For the purposes of this Part of this Act, the expression “the prescribed period” in relation to the passing or rejection of plans means one month, but building byelaws made by an authority whose meetings are normally held not more frequently than once a month may provide that in the case of plans deposited less than three clear days before a meeting of the authority the prescribed period shall be five weeks.

(5) Building byelaws may require that plans and other documents to be deposited in pursuance of the byelaws shall be deposited in duplicate and, if the byelaws contain such a requirement, the local authority may retain one copy of any plans or other documents so deposited, whether or not the plans are passed.

Power to
require
removal or
alteration
of work
not in
conformity
with
byelaws, or
executed
notwith-
standing
rejection
of plans, &c.

65.—(1) If any work to which building byelaws are applicable contravenes any of those byelaws, the authority, without prejudice to their right to take proceedings for a fine in respect of the contravention, may by notice require the owner either to pull down or remove the work or, if he so elects, to effect such alterations therein as may be necessary to make it comply with the byelaws.

(2) If, in a case where the local authority are by any section of this Act other than the last preceding section expressly required or authorised to reject plans, any work to which building byelaws are applicable is executed either without plans having been deposited, or notwithstanding the rejection of the plans, or otherwise than in accordance with any requirements subject to which the authority passed the plans, the authority may by notice to the owner either require him to pull down or remove the work, or require him either to pull down or remove the work or, if he so elects, to comply with any other requirements specified in the notice, being requirements which they might have made under the section in question as a condition of passing plans.

PART II.
—cont.

(3) If a person to whom a notice has been given under the foregoing provisions of this section fails to comply with the notice before the expiration of twenty-eight days, or such longer period as a court of summary jurisdiction may on his application allow, the local authority may pull down or remove the work in question, or effect such alterations therein as they deem necessary, and may recover from him the expenses reasonably incurred by them in so doing.

(4) No such notice as is mentioned in subsection (1) or subsection (2) of this section shall be given after the expiration of twelve months from the date of the completion of the work in question, and, in any case where plans were deposited, it shall not be open to the authority to give such a notice on the ground that the work contravenes any building byelaw or, as the case may be, does not comply with their requirements under any such section of this Act as aforesaid, if either the plans were passed by the authority, or notice of their rejection was not given within the prescribed period from the deposit thereof, and if the work has been executed in accordance with the plans and of any requirement made by the local authority as a condition of passing the plans.

(5) Nothing in this section shall affect the right of a local authority, or of the Attorney-General, or any other person, to apply for an injunction for the removal or alteration of any work on the ground that it contravenes any byelaw or any enactment in this Act, but if the work is one in respect of which plans were deposited and the plans were passed by the local authority, or notice of their rejection was not given within the prescribed period after the deposit thereof, and if the work has been executed in accordance with the plans, the court on granting an injunction shall have power to order the local authority to pay to the owner of the work such compensation as the court thinks just, but before making any such order the court shall in accordance with rules of court cause the local authority, if not a party to the proceedings, to be joined as a party thereto.

66.—(1) Where plans of any proposed work have, in accordance with building byelaws, been deposited with a local authority, and either the plans have been passed by the authority or notice of rejection of the plans has

Deposit of
plans to be
of no effect
after
certain
interval.

PART II.
—cont.

not been given within the prescribed period from the deposit thereof, and the work to which the plans relate has not been commenced—

- (a) in the case of plans deposited before the date of the commencement of this Act, within three years from that date; and
- (b) in the case of plans deposited on or after that date, within three years from the deposit of the plans;

the local authority may, at any time before the work is commenced, by notice to the person by whom or on whose behalf the plans were deposited, or other the owner for the time being of the land to which the plans relate, declare that the deposit of the plans shall be of no effect, and when such a notice is given, this Act and the byelaws made thereunder shall as respects the proposed work have effect as if no plans had been deposited.

(2) Nothing in this Act or in any repeal effected thereby shall affect the operation of section fifteen of the Public Health Acts Amendment Act, 1907, or of any corresponding provision in a local Act, as regards plans deposited before the commencement of this Act.

7 Edw. 7.
c. 53.

(3) Where plans of any proposed work have been passed by a local authority before the date of the commencement of this Act, but the work has not been commenced before that date, the authority shall before the expiration of six months from that date give notice of the provisions of this section to the person by whom or on whose behalf the plans were deposited, or other the owner for the time being of the lands to which the plans relate.

Power to refer questions arising under building byelaws to the Minister.

67. If any question arises between a local authority and a person who has executed, or proposes to execute, any work—

- (a) as to the application to that work of any building byelaws; or
- (b) whether the plans of the work are in conformity with those byelaws; or
- (c) whether the work has been executed in accordance with the plans as passed by the authority,

the question may, on an application made jointly by him and the local authority, be referred to the Minister for determination and, the Minister's decision shall be final :

PART II.
—cont.

Provided that the Minister may at any stage of the proceedings on the reference and shall, if so directed by the High Court, state in the form of a special case for the opinion of the High Court any question of law arising in those proceedings.

68. Subject as hereinafter provided—

- (a) any building byelaw made by a local authority under this Part of this Act shall cease to have effect on the expiration of ten years from the date on which it was made;
- (b) any building byelaw made by a local authority under the corresponding provisions of any enactment repealed by this Act, or under any such enactment as amended or extended by a local Act, shall cease to have effect on the expiration of three years from the passing of this Act :

Temporary
operation of
building
byelaws.

Provided that the Minister may by order extend the period during which any byelaw mentioned in this section is to remain in force.

69.—(1) If a local authority, when required by the Minister to make building byelaws in relation to any of the matters with respect to which they are by this Part of this Act empowered to make such byelaws, do not within three months after such requisition make in relation to that matter byelaws satisfactory to him, the Minister may himself make byelaws in relation thereto.

Power of
the Minister
to make
building
byelaws
in case
of default,
and to
revoke un-
reasonable
byelaws.

(2) If the Minister is satisfied that the erection of any buildings is, or is likely to be, unreasonably impeded in consequence of any building byelaws, he may for the purpose of removing the impediment require the local authority to revoke those byelaws and to make such new byelaws as he may consider necessary, and, if the authority do not within three months after such requisition comply therewith, the Minister may himself for that purpose revoke the byelaws, and make such new byelaws as he may consider necessary.

PART II.
—cont.

(3) Any byelaws made by the Minister under this section shall have effect as if they had been made by the local authority and confirmed by the Minister.

Certain information, and copies of certain local enactments, to be appended to printed copies of building byelaws.

70.—(1) The printed copies of building byelaws which are required by subsection (7) of section two hundred and fifty of the Local Government Act, 1933, to be kept open to public inspection and furnished to applicants therefor shall have appended thereto—

(a) in a rural district, information as to the urban powers, if any, which the rural authority enjoy under any section of this Act by reason of some corresponding provision of an earlier Act having been in operation within their district immediately before the commencement of this Act, and as to the urban powers, if any, with which they have been invested by order of the Minister under section thirteen of this Act, and the date when any such order took effect;

(b) in any rural district in which, or in any part of which, section twenty-six of the Public Health Act, 1875, was in operation before the first day of September nineteen hundred and thirty-one, and in any district in which, or in any part of which, section thirty-six of the Public Health Acts Amendment Act, 1890, or section fifteen of the Public Health Acts Amendment Act, 1907, was in operation immediately before the commencement of this Act, information as to the date on which the section in question came into operation in the district or part of the district; and

(c) in a ^{*}district in which there is in force a local Act containing provisions with respect to any matter with respect to which a local authority can under this Act make building byelaws, a copy of those provisions of the local Act.

(2) Any question as to what provisions of a local Act are provisions of which a copy is to be so appended shall on the application of the local authority be determined by the Minister.

71. Subject as hereinafter provided, nothing in the foregoing provisions of this Part of this Act with respect to building byelaws, or in any building byelaws made thereunder, shall apply in relation to—

- (a) any buildings, being school premises, erected or to be erected according to plans which are under any regulations relating to the payment of grants required to be, and have been, approved by the Board of Education; or
- (b) any buildings constructed by a county council or local authority in accordance with plans approved by the Minister of Agriculture and Fisheries under the Small Holdings and Allotments Acts, 1908 to 1931, or any Act amending those Acts or any of them; or
- (c) any buildings belonging to any statutory undertakers and held or used by them for the purposes of their undertaking :

Provided that the exemption conferred by paragraph (c) of this section shall not extend to houses, or to buildings used as offices or showrooms, other than buildings so used which form part of a railway station.

Removal of refuse, scavenging, keeping of animals, &c.

72.—(1) A local authority may, and if required by the Minister shall, undertake the performance of all or any of the following services, that is to say—

- (a) the removal of house refuse;
- (b) the cleansing of earthclosets, privies, ashpits and cesspools or any of them,

in either case, as respects either the whole or any part of their district.

(2) If a local authority who, as respects their district or any part thereof, have undertaken the removal of house refuse, or the cleansing of earthclosets, privies, ashpits or cesspools, receive notice from the occupier of any premises within the district or, as the case may be, within that part of the district, requiring them to remove any house refuse from those premises or, as the case may be, to cleanse any earthcloset, privy, ashpit or cesspool belonging to or used by the occupants of those premises,

PART II.
—cont.
Exemption of certain buildings from building byelaws.

Removal of house refuse, cleansing of ashpits, &c.

PART II.
—cont.

and, without reasonable excuse, fail to comply with the notice within seven days, the occupier of the premises may recover summarily as a civil debt from the authority the sum of five shillings for every day during which the default continues after the expiration of the said period.

(3) A local authority who as respects their district or any part thereof have undertaken the removal of house refuse may make byelaws for the area to which their undertaking may for the time being extend—

(a) imposing on the occupiers of premises duties in connection with the removal in order to facilitate the work which the authority have undertaken;

(b) where a local authority themselves provide dustbins, requiring that those dustbins shall be used;

(c) prohibiting the deposit of liquid matter in dustbins;

(d) regulating the deposit of refuse in ashpits or dustbins; and

(e) prohibiting any person from removing any matter which the authority have undertaken to remove, not being matter produced on his own premises which he intends to remove for sale, or for his own use, and which is kept in the meantime so as not to be a nuisance.

(4) A local authority who as respects any part of their district have not undertaken the performance of the service in question may make byelaws requiring the occupiers of premises in that part of the district to remove at specified intervals their house refuse or, as the case may be, to cleanse at specified intervals their earthclosets, privies, ashpits and cesspools.

(5) A local authority who have under this section resolved to undertake the performance of any service shall not, if their resolution was passed in compliance with a requirement of the Minister, rescind it without his consent.

Removal of
trade refuse
and other
matters.

73.—(1) A local authority may undertake the removal of trade refuse, or any kind of trade refuse, from premises within their district or from premises within any part of their district, and an authority who have so undertaken shall at the request of the

PART II:
—cont.

occupier of any premises within the district, or, as the case may be, within that part of the district, remove from his premises any trade refuse to which their undertaking relates and, if without reasonable excuse they fail to do so within seven days after the request, the occupier may recover from them summarily as a civil debt the sum of five shillings for every day during which the default continues after the expiration of the said period.

(2) A local authority shall make reasonable charges for removing trade refuse under this section.

(3) Any question arising under this section as to what is to be considered as trade refuse, or trade refuse to which the authority's undertaking relates, or as to the reasonableness of any charges made by them, may, on the application of either party, be determined by a court of summary jurisdiction.

74.—(1) A local authority may at the request of the owner or occupier of any premises remove therefrom any refuse or cleanse any earthcloset, privy, ashpit or cesspool belonging thereto, which they are under no obligation to remove or cleanse, or may carry out such removal or cleansing more frequently than they are under any obligation to do, and in either case may make such charge, if any, as they think fit:

Power of local authority in certain cases to remove refuse or cleanse cess-pools, &c., on behalf of owner or occupier.

Provided that nothing in this subsection shall be construed as empowering a local authority to undertake thereunder a general collection of trade refuse, or of any kind of trade refuse, from premises within their district, or from premises within any part of their district.

(2) A local authority may at the request of the owner or occupier of any premises undertake to dispose of any refuse which he may deliver at a place appointed by them, and may make such charge, if any, for so doing as they think fit.

75.—(1) A local authority who, as respects their district or any part thereof, have undertaken the removal of house refuse may by notice require the owner or occupier of any building within the district, or, as the case may be, within that part of the district, to provide such number of covered dustbins for the reception of house refuse of such material, size and construction as the authority may approve:

Regulation dustbins.

PART II.
—*cont.*

Provided that this subsection shall not entitle an authority to require the replacement of any dustbin in use at the commencement of this Act so long as it is of suitable material, size and construction and properly covered and in proper condition.

Any person aggrieved by a requirement of the local authority under this subsection may appeal to a court of summary jurisdiction.

(2) If a person fails to comply with a notice under the preceding subsection, or fails to maintain in good order and condition any dustbin which under that subsection he has been required to provide, or fails to replace any such dustbin when worn out by a new dustbin of a material, size and construction approved by the local authority, the authority may provide such dustbin, or such new dustbin, as may be required and may recover the expenses reasonably incurred by them in so doing from the person in default, and, without prejudice to the right of the authority to exercise that power, he shall be liable to a fine not exceeding twenty shillings.

(3) A local authority may, as respects their district or any part thereof, in lieu of requiring the owners or occupiers of buildings to provide and maintain dustbins for the reception of house refuse, undertake themselves to provide and maintain such dustbins as may be necessary and, so long as such an undertaking is in force, the authority may make in respect of each dustbin provided by them such annual charge not exceeding two shillings and sixpence as they think proper.

Any such charge shall become due on the first day of April in each year and may be recovered as part of the general rate in respect of the premises for which the dustbin has been provided, but without prejudice to the rights of any person under any tenancy agreement:

Provided that, if on the first day of April the premises are unoccupied, the charge shall not be recoverable until they become occupied and, if they remain unoccupied during the whole of the local financial year, the charge shall be treated as irrecoverable.

76.—(1) A local authority may provide—

- (a) receptacles for refuse in streets and public places;
- (b) places for the deposit of refuse;
- (c) plant or apparatus for treating or disposing of refuse.

(2) A local authority may sell refuse removed by them from any premises, including any street, under this Part of this Act.

(3) It shall not be lawful for any person, other than a person employed by the local authority in connection with the removal and disposal of refuse—

- (a) to sort over or disturb the contents of any dust-bin when placed in any street or forecourt for the purpose of its contents being removed by the local authority; or
- (b) to sort over or disturb the material deposited in any place provided by the authority for the deposit of refuse;

and a person who contravenes any of the provisions of this subsection shall be liable to a penalty not exceeding five pounds.

77.—(1) A local authority may, and if required by the Minister shall, undertake the cleansing, and may undertake the watering, of streets, as respects either the whole or any part of their district.

Sweeping
and water-
ing of
streets.

(2) Where a local authority have under this section undertaken the cleansing or watering of any streets with respect to which they are not the highway authority—

- (a) the local authority may arrange with the highway authority for that authority to carry out the work on such terms as may be agreed;
- (b) if the local authority carry out the work, the highway authority shall make towards the expenses of the local authority such reasonable contribution, regard being had to the extent to which the work is or was necessary for the maintenance of the street and the safety of traffic thereon, as may be agreed or, in case of dispute, may be determined by the Minister.

PART II.
—cont.

(3) A local authority who have under this section resolved to undertake the cleansing of streets shall not, if their resolution was passed in compliance with a requirement of the Minister, rescind it without his consent.

Scavenging
of common
courts and
passages.

78.—(1) If any court, yard or passage which is used in common by the occupants of two or more buildings, but is not a highway repairable by the inhabitants at large, is not regularly swept and kept clean and free from rubbish or other accumulation to the satisfaction of the local authority, the authority may cause it to be swept and cleansed.

(2) The local authority may recover any expenses reasonably incurred by them under this section from the occupiers of the buildings which front or abut on the court or yard, or to which the passage affords access, in such proportions as may be determined by the authority, or, in case of dispute, by a court of summary jurisdiction.

Power to
require
removal of
noxious
matter by
occupier of
premises in
urban
district.

79.—(1) If in a borough or urban district, or in a rural district or contributory place in which section forty-nine of the Public Health Act, 1875, was in force immediately before the commencement of this Act, it appears to the sanitary inspector that any accumulation of noxious matter ought to be removed, he shall serve notice on the owner thereof, or on the occupier of the premises on which it is found, requiring him to remove it, and, if the notice is not complied with within twenty-four hours after service thereof, the inspector may remove the matter referred to.

(2) A local authority may recover the expenses of any action reasonably taken by their inspector under the preceding subsection from the owner or occupier in default.

Power to
require
periodical
removal of
manure, &c.
from
stables, &c.
in urban
district.

80.—(1) In a borough or urban district, and in a rural district or contributory place in which section fifty of the Public Health Act, 1875, was in force immediately before the commencement of this Act, the local authority may by public or other notice require the periodical removal, at such intervals as may be specified in the notice, of manure or refuse from mews, stables or other premises.

(2) If a person on whom a notice has been served under this section fails to comply therewith, he shall be liable to a fine not exceeding twenty shillings.

81. A local authority may make byelaws for preventing—

- (a) the occurrence of nuisances from snow, filth, dust, ashes and rubbish;
- (b) the keeping of animals so as to be prejudicial to health.

PART II.
—cont.
Byelaws for the prevention of certain nuisances.

82.—(1) A local authority may make byelaws—

- (a) prescribing the times for the removal, or carriage through the streets, of any faecal or offensive or noxious matter or liquid, whether that matter or liquid is in course of removal or carriage from within, or from without, or through, their district;
- (b) requiring that the receptacle or vehicle used for the removal or carriage of any such matter or liquid shall be properly constructed and covered so as to prevent the escape of any such matter or liquid;
- (c) requiring the cleansing of any place whereon any such matter or liquid has been dropped or spilt in the course of removal or carriage.

Byelaws as to removal through streets of offensive matter or liquid.

(2) If and so far as a byelaw made under the preceding subsection is inconsistent with a regulation made under section ten of the London Traffic Act, 1924, the regulation shall prevail.

14 & 15
Geo. 5. c. 34.

Filthy or verminous premises or articles, and verminous persons.

83.—(1) Where it appears to a local authority upon a certificate of the medical officer of health or the sanitary inspector that any premises used for human habitation—

- (a) are in such a filthy or unwholesome condition as to be prejudicial to health; or
- (b) are verminous,

Cleansing of filthy or verminous premises.

the authority shall give notice to the owner or occupier of the premises requiring him to take such steps to remedy the condition of the premises by cleansing, disinfecting and whitewashing them, as may be specified in the notice, and in the case of verminous premises the notice may require, among other things, the removal of the wallpaper or other covering on the walls, and the

PART II. taking of such other steps as may be necessary for the
—cont. purpose of destroying or removing vermin.

(2) If a person on whom a notice under this section is served fails to comply with the requirements thereof, the authority may themselves carry out the requirements and recover from him the expenses reasonably incurred by them in so doing, and, without prejudice to the right of the authority to exercise that power, he shall be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor:

Provided that in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the authority's requirements or of their decision to address their notice to him and not to the occupier or, as the case may be, the owner of the premises.

(3) Where a local authority take action under paragraph (b) of subsection (1) of this section, their notice may require that they shall be allowed to employ gas for the purpose of destroying vermin on the premises, but in that case the notice shall be served both on the owner and on the occupier of the premises, and the authority shall bear the cost of their operations and may provide temporary shelter or house accommodation for any person compelled to leave the premises by reason of their operations.

Cleansing or
destruction
of filthy or
verminous
articles.

84. Where it appears to a local authority upon a certificate of the medical officer of health or the sanitary inspector that any article in any premises—

- (a) is in so filthy a condition as to render its cleansing, purification or destruction necessary in order to prevent injury, or danger of injury, to the health of any person in the premises; or
- (b) is verminous, or by reason of its having been used by, or having been in contact with, any verminous person is likely to be verminous,

the local authority shall cause that article to be cleansed, purified, disinfected or destroyed, as the case may require, at their expense and, if necessary for that purpose, to be removed from the premises.

85.—(1) Upon the application of any person, a county council or a local authority may take such measures as are, in their opinion, necessary to free him and his clothing from vermin.

(2) Where it appears to a county council or a local authority, upon a report from their medical officer of health or, in the case of a local authority, from their sanitary inspector, that any person, or the clothing of any person, is verminous, then, if that person consents to be removed to a cleansing station, they may cause him to be removed to such a station, and, if he does not so consent, they may apply to a court of summary jurisdiction, and the court, if satisfied that it is necessary that he or his clothing should be cleansed, may make an order for his removal to such a station and for his detention therein for such period and subject to such conditions as may be specified in the order.

(3) Where a person has been removed to a cleansing station in pursuance of the last preceding subsection, the county council or local authority shall take such measures as may, in their opinion, be necessary to free him and his clothing from vermin.

(4) The cleansing of females under this section shall be carried out only by a registered medical practitioner, or by a woman duly authorised by the medical officer of health.

(5) Any consent required to be given for the purposes of this section may, in the case of a person under the age of sixteen years, be given on his behalf by his parent or guardian.

(6) No charge shall be made in respect of the cleansing of a person or his clothing, or in respect of his removal to, or maintenance in, a cleansing station under this section.

(7) The powers conferred on a county council or local authority by this section shall be in addition to, and not in derogation of, any power in relation to the cleansing of children which may be exercisable by them as a local education authority.

86. A county council or local authority may provide such cleansing stations as may be necessary for the discharge of their functions under any of the three last preceding sections.

PART II.

—cont.

Cleansing of
verminous
persons
and their
clothing.Provision of
cleansing
stations.

PART II.

—cont.

Provision of
public con-
veniences.*Public sanitary conveniences.*

87.—(1) A local authority may provide public sanitary conveniences in proper and convenient situations :

Provided that they shall not without the consent of the county council, which may be given upon such terms as the council think fit, provide such conveniences in or under any highway, or on or under any land forming the site of a proposed new highway, if that highway or new highway is, or is intended to be, a highway with respect to which the county council are, or will be, the highway authority.

(2) A county council may themselves provide public sanitary conveniences in any situation in which such conveniences could not be provided by a local authority except with the consent of the county council.

(3) A county council or local authority who provide any public sanitary conveniences, may—

- (a) make byelaws as to the conduct of persons using or entering them ;
- (b) let them for such term, at such rent, and subject to such conditions as they think fit ;
- (c) charge such fees for the use of any such conveniences, other than urinals, as they think fit.

(4) In this section the expression “ sanitary conveniences ” includes lavatories.

Control over
conveni-
ences in, or
accessible
from,
streets.

88.—(1) No person shall erect any public sanitary convenience in, or so as to be accessible from, any street without the consent of the local authority, who may give their consent upon such terms as to the use of the convenience or its removal at any time, if required by them, as they think fit, and, if any person contravenes the provisions of this subsection, he shall be liable to a fine not exceeding five pounds, without prejudice to the right of the authority under subsection (3) of this section to require the convenience to be removed :

Provided that this subsection shall not apply to any sanitary convenience erected by a railway company within their railway station, or the yard thereof, or the approaches thereto, or erected by dock undertakers in

or on land which belongs to them and is held or used by them for the purposes of their undertaking.

PART II.
—cont.

(2) Any person aggrieved by the refusal of a local authority to give a consent under the preceding subsection, or by any terms imposed by them, may appeal to a court of summary jurisdiction.

(3) The local authority may by notice require—

(a) the owner of a sanitary convenience which has been erected in contravention of subsection (1) of this section, or the removal of which they are by virtue of the terms of a consent given under that subsection entitled to require, to remove it;

(b) the owner of a sanitary convenience which opens on a street and is so placed or constructed as to be a nuisance or offensive to public decency, to remove or permanently to close it.

(4) The provisions of Part XII of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under this section.

(5) Nothing in this section affects the powers of a county council under the last preceding section.

89.—(1) A local authority may by notice require the owner or occupier of any inn, public-house, beer-house, refreshment-house or place of public entertainment to provide and maintain in a suitable position such number of sanitary conveniences for the use of persons frequenting the premises as may be reasonable.

Power to require sanitary conveniences to be provided at inns, refreshment houses, &c.

(2) If any person fails to comply with a notice served upon him under this section, he shall be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor :

Provided that in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the authority's requirements, or of their decision to address their notice to him and not to the occupier or, as the case may be, the owner of the premises.

PART II.
—cont.
Interpreta-
tion of
Part II.

General.

90.—(1) In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say—

“cesspool” includes a settlement tank or other tank for the reception or disposal of foul matter from buildings;

“closet” includes privy;

“earthcloset” means a closet having a moveable receptacle for the reception of faecal matter and its deodorisation by the use of earth, ashes or chemicals, or by other methods;

“joint sewerage board” includes any authority or committee constituted for the purpose of collecting and dealing with the contents of sewers from the districts of two or more local authorities;

“sanitary conveniences” means closets and urinals;

“sewerage authority” means a local authority, the council of a metropolitan borough, a county council (including the London County Council) and a joint sewerage board;

“surface water” includes water from roofs;

“vermin,” in its application to insects and parasites, includes their eggs, larvæ and pupæ, and the expression “verminous” shall be construed accordingly; and

“watercloset” means a closet which has a separate fixed receptacle connected to a drainage system and separate provision for flushing from a supply of clean water either by the operation of mechanism or by automatic action.

(2) For the purposes of this Part of this Act and, so far as byelaws made thereunder may provide, for the purposes of those byelaws, any of the following operations shall be deemed to be the erection of a building, that is to say—

- (i) the re-erection of any building or part of a building when an outer wall of that building or, as the case may be, that part of a building

has been pulled down, or burnt down, to within ten feet of the surface of the ground adjoining the lowest storey of the building or of that part of the building;

- (ii) the re-erection of any frame building or part of a frame building when that building or part of a building has been so far pulled down, or burnt down, as to leave only the framework of the lowest storey of the building or of that part of the building;
- (iii) the roofing over of any open space between walls or buildings;

and the word "erect" shall be construed accordingly.

(3) Any reference in this Part of this Act to plans deposited in accordance with building byelaws shall be construed as including a reference to any sections, specifications and written particulars deposited with the plans in accordance with the byelaws.

(4) Any reference in this Part of this Act to a drain or to a sewer shall be construed as including a reference to any manholes, ventilating shafts, pumps or other accessories belonging to that drain or sewer, and any reference in this Part of this Act to sewage disposal works shall be construed as including a reference to the machinery and equipment of those works and any necessary pumping stations and outfall pipes.

(5) Any reference in this Part of this Act to the construction of a sewer or sewage disposal works shall be construed as including a reference to the extension of an existing sewer or of existing works.

(6) For the purposes of this Part of this Act, a building or proposed building shall not be deemed to have a sewer available unless—

- (a) there is within one hundred feet of the site of the building or proposed building, and at a level which makes it reasonably practicable to construct a drain to communicate therewith, a public sewer or other sewer which the owner of the building or proposed building is, or will be, entitled to use, and
- (b) the intervening land is land through which he is entitled to construct a drain;

PART II.
—cont.

and shall not be deemed to have a sufficient water supply available unless it has a sufficient supply of water laid on, or unless such a supply can be laid on to it from a point within one hundred feet of the site of the building or proposed building, and the intervening land is land through which the owner of the building or proposed building is, or will be, entitled to lay a communication pipe :

Provided that, for the purposes of this definition, the limit of one hundred feet shall not apply, if the local authority undertake to bear so much of the expenses reasonably incurred in constructing, and in maintaining and repairing, a drain to communicate with a sewer or, as the case may be, in laying, and in maintaining and repairing, a pipe for the purpose of obtaining a supply of water, as may be attributable to the fact that the distance of the sewer, or of the point from which a supply of water can be laid on, exceeds one hundred feet.

PART III.

NUISANCES AND OFFENSIVE TRADES.

General duty of local authority.

Duty of local authority to inspect district for detection of nuisances.

91. It shall be the duty of every local authority to cause their district to be inspected from time to time for the detection of matters requiring to be dealt with under the provisions of this Part of this Act as being statutory nuisances within the meaning of the next succeeding section.

Nuisances which may be dealt with summarily.

Statutory nuisances.

92.—(1) Without prejudice to the exercise by a local authority of any other powers vested in them by or under this Act, the following matters may, subject to the provisions of this Part of this Act, be dealt with summarily, and are in this Part of this Act referred to as “statutory nuisances,” that is to say :—

- (a) any premises in such a state as to be prejudicial to health or a nuisance ;
- (b) any animal kept in such a place or manner as to be prejudicial to health or a nuisance ; *
- (c) any accumulation or deposit which is prejudicial to health or a nuisance ;

- (d) any dust or effluvia caused by any trade, business, manufacture or process and being prejudicial to the health of, or a nuisance to, the inhabitants of the neighbourhood;
- (e) any factory (not being a factory to which section one of the Factory and Workshop Act, 1901, applies) workshop, or workplace, which is not provided with sufficient means of ventilation, or in which sufficient ventilation is not maintained, or which is not kept clean or not kept free from noxious effluvia, or which is so overcrowded while work is carried on as to be prejudicial to the health of those employed therein;
- (f) any other matter declared by any provision of this Act to be a statutory nuisance.

PART III.
—cont.

(2) A local authority shall not without the consent of the Minister institute summary proceedings under this Part of this Act in respect of any such nuisance as is mentioned in paragraph (c) or paragraph (d) of the preceding subsection if proceedings in respect thereof might be instituted under the Alkali, &c. Works Regulation Act, 1906.

6 Edw. 7.
c. 14.

(3) So much of paragraph (e) of subsection (1) of this section as relates to the provision of means of ventilation and the maintenance of ventilation shall not apply to a shop to which the Shops Act, 1934, applies.

(4) In determining for the purposes of the said paragraph (e) whether any factory or workshop is provided with sufficient means of ventilation or whether sufficient ventilation is maintained therein, or whether any factory or workshop is so overcrowded as to be prejudicial to health, regard shall be had to the requirements of the Factory and Workshop Act, 1901, and of any order made by the Secretary of State thereunder, with respect to ventilation or overcrowding in factories and workshops.

93. Where a local authority are satisfied of the existence of a statutory nuisance, they shall serve a notice (hereafter in this Act referred to as “an abatement notice”) on the person by whose act, default or sufferance the nuisance arises or continues, or, if that person cannot be found, on the owner or occupier of the premises on which the nuisance arises, requiring him to abate the

Service of
abatement
notice.

PART III. nuisance and to execute such works and take such steps
—cont. as may be necessary for that purpose :

Provided that—

- (a) where the nuisance arises from any defect of a structural character, the notice shall be served on the owner of the premises ;
- (b) where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the owner or the occupier of the premises, the local authority may themselves do forthwith what they consider necessary to abate the nuisance and to prevent a recurrence thereof.

Power of court to make nuisance order if abatement notice disregarded.

94.—(1) If the person on whom an abatement notice has been served makes default in complying with any of the requirements of the notice, or if the nuisance, although abated since the service of the notice, is, in the opinion of the local authority, likely to recur on the same premises, the authority shall cause a complaint to be made to a justice of the peace, and the justice shall thereupon issue a summons requiring the person on whom the notice was served to appear before a court of summary jurisdiction.

(2) If on the hearing of the complaint it is proved that the alleged nuisance exists, or that although abated it is likely to recur on the same premises, then, subject to the provisions of subsections (4) and (5) of this section the court shall make an order (hereafter in this Act referred to as “a nuisance order”) for either, or both, of the following purposes—

- (a) requiring the defendant to comply with all or any of the requirements of the abatement notice, or otherwise to abate the nuisance, within a time specified in the order, and to execute any works necessary for that purpose ;
- (b) prohibiting a recurrence of the nuisance, and requiring the defendant, within a time specified in the order, to execute any works necessary to prevent a recurrence ;

and may also impose on the defendant a fine not exceeding five pounds.

Where a nuisance proved to exist is such as to render a building, in the opinion of the court, unfit for human habitation, the nuisance order may prohibit the use of the building for that purpose until a court of summary jurisdiction, being satisfied that it has been rendered fit for human habitation, withdraws the prohibition.

(3) Where on the hearing of a complaint under this section it is proved that the alleged nuisance existed at the date of the service of the abatement notice and that at the date of the making of the complaint it either still existed or was likely to recur, then, whether or not at the date of the hearing it still exists or is likely to recur, the court shall order the defendant to pay to the local authority such reasonable sum as the court may determine in respect of the expenses incurred by the authority in, or in connection with, the making of the complaint and the proceedings before the court.

(4) Where proceedings are brought under this section in respect of a nuisance under paragraph (c) of subsection (1) of section ninety-two of this Act (which relates to certain accumulations or deposits) it shall be a defence for the defendant to prove that the accumulation or deposit complained of was necessary for the effectual carrying on of a business or manufacture and has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best practicable means have been taken for preventing it from being prejudicial to the health of, or a nuisance to, the inhabitants of the neighbourhood.

(5) Where proceedings are brought under this section in respect of a nuisance under paragraph (d) of subsection (1) of section ninety-two of this Act (which relates to dust or effluvia caused by any trade, business, manufacture or process), it shall be a defence for the defendant to prove that the best practicable means have been taken for preventing, or counteracting the effect of, the dust or effluvia.

(6) If it appears to the court that the person by whose act or default the nuisance arises, or the owner or occupier of the premises, cannot be found, the nuisance order may be addressed to, and executed by, the local authority.

PART III.

—cont.

Penalty for
contraven-
tion of
nuisance
order, and
abatement
of nuisance
by local
authority.

95.—(1) Any person who fails without reasonable excuse to comply with, or knowingly contravenes, a nuisance order shall be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor.

(2) Without prejudice to the foregoing provisions of this section, where a nuisance order has not been complied with, the local authority may abate the nuisance, and do whatever may be necessary in execution of the order.

Costs of
local
authority in
abating, or
preventing
recurrence
of, nuisance.

96.—(1) Any expenses reasonably incurred by a local authority under this Part of this Act in abating, or preventing the recurrence of, a statutory nuisance in respect of which a nuisance order has been made may be recovered by them—

- (a) where the order was made on some person other than the local authority, from that person;
- (b) where the order was made on the local authority, from the person by whose act or default the nuisance was caused,

and, in either case, if the person in question is the owner of the premises, from any person who is for the time being the owner thereof.

(2) In proceedings to recover any such expenses as aforesaid, the court shall have power to apportion the expenses between persons by whose acts or defaults the nuisance is caused in such manner as the court may deem fair and reasonable.

Proceedings
where
nuisance
caused by
acts or
default of
more than
one person.

97.—(1) Where a statutory nuisance appears to be wholly or partly caused by the acts or defaults of two or more persons, proceedings may be instituted under the foregoing provisions of this Part of this Act against any one of them, or all or any two or more of them may be included in the same proceedings; and, subject to those provisions, any one or more of the persons proceeded against may be ordered to abate the nuisance, so far as it appears to the court to be caused by his or their acts or defaults, or may be prohibited from continuing any acts or defaults which, in the opinion of the court, contribute to the nuisance, or may be fined or otherwise punished, notwithstanding that the acts or

defaults of any one of those persons would not separately have caused a nuisance, and the costs may be apportioned as the court may deem fair and reasonable.

PART III.
—cont.

(2) Proceedings against several persons included in one complaint shall not abate by reason of the death of any of the persons so included, but may be carried on as if the deceased person had not been so included.

(3) Where some only of the persons by whose acts or defaults a nuisance has been caused have been proceeded against under this Act, they may, without prejudice to any other remedy, recover in a summary manner from the other persons who were not proceeded against a proportionate part of the costs of, and incidental to, the proceedings and the abatement of the nuisance, and of any fine or costs ordered to be paid in the proceedings.

98.—(1) Where a nuisance within, or affecting any part of, the district of a local authority appears to be wholly or partly caused by some act or default committed or taking place outside their district, the authority may take, or cause to be taken, against any person in respect of that act or default any proceedings in relation to nuisances by this Act authorised in the like cases, and with the like incidents and consequences, as if the act or default were committed or took place wholly within their district, so however that summary proceedings shall only be taken before a court having jurisdiction in the place where the act or default is alleged to be committed or to take place.

Power to proceed where cause of nuisance arises outside district.

(2) This section shall extend to London so far as to authorise proceedings to be taken under it in respect of any nuisance within, or affecting any part of, the district of a local authority, where that nuisance is wholly or partly caused by some act or default committed or taking place in London.

99. Complaint of the existence of a statutory nuisance under this Act may be made to a justice of the peace by any person aggrieved by the nuisance, and thereupon the like proceedings shall be had, with the like incidents and consequences as to the making of orders, penalties for disobedience of orders and otherwise, as in the case of a complaint by the local authority, but any order made in such proceedings may, if the court

Power of individual to make complaint as to statutory nuisance.

PART III.
—cont.

after giving the local authority an opportunity of being heard thinks fit, direct the authority to abate the nuisance.

Local authority may take proceedings in High Court for abatement of statutory nuisance.

100. If in the case of any statutory nuisance the local authority are of opinion that summary proceedings would afford an inadequate remedy, they may in their own name take proceedings in the High Court for the purpose of securing the abatement or prohibition of that nuisance, and such proceedings shall be maintainable notwithstanding that the authority have suffered no damage from the nuisance.

Smoke nuisances.

Smoke nuisances.

101. For the purposes of this Part of this Act—

- (a) any installation for the combustion of fuel which is used in any manufacturing or trade process, or for working engines by steam, and which does not so far as practicable prevent the emission of smoke to the atmosphere; and
- (b) any chimney (not being the chimney of a private house) emitting smoke in such quantity as to be a nuisance,

shall be statutory nuisances and are in this Act referred to as “ smoke nuisances.”

Notice to occupier of existence of smoke nuisance.

102. Where in the opinion of an authorised officer of a local authority a smoke nuisance exists, he shall, as soon as practicable after he has become aware thereof, notify the occupier of the premises on which the nuisance exists, and, if that notification was not in writing, shall, within twenty-four hours after he became aware of the nuisance, confirm the notification in writing.

Procedure with respect to smoke nuisances.

103.—(1) Subject to the provisions of this section, where a smoke nuisance exists on any premises, an abatement notice may be served and a complaint with respect to the nuisance may be made in like manner, and thereupon the like proceedings shall be had, with the like incidents and consequences as to the making of orders, penalties for disobedience of orders and otherwise, as in the case of any other statutory nuisance.

(2) Where proceedings are brought by virtue of this section in respect of such a nuisance as is mentioned in

paragraph (a) of the last but one preceding section, it shall be a defence for the defendant to prove that the installation complained of embodies the best practicable means for preventing the emission of smoke to the atmosphere, and that the installation has been carefully attended to by the person having the charge thereof.

PART III.
—cont.

(3) Where proceedings are brought by virtue of this section in respect of the emission from a chimney of smoke, other than black smoke, in such quantity as to be a nuisance, it shall be a defence for the defendant to prove that the best practicable means have been taken for preventing the nuisance.

For the purposes of this subsection, the expression "best practicable means" has reference not only to the provision and efficient maintenance of adequate and proper plant for preventing the creation and emission of smoke, but also to the manner in which that plant is used.

(4) Where byelaws made under the next succeeding section are in force for regulating the emission of smoke of such colour, density or content as may be prescribed by the byelaws, the emission of smoke of the character so prescribed for such period as may be so prescribed either from buildings generally to which the enactments relating to smoke nuisances apply, or from such classes of those buildings as may be so prescribed, shall, until the contrary is proved, be deemed to be a statutory nuisance and a smoke nuisance.

(5) In the case of a smoke nuisance, the fine which may be imposed by the court in respect of a failure to comply with an abatement notice shall be a fine not exceeding fifty pounds, and the fines which may be imposed by a court in respect of a failure to comply with, or a contravention of, a nuisance order shall be a fine not exceeding ten pounds and a further fine not exceeding five pounds for each day on which the offence continues after conviction therefor.

104.—(1) A local authority may, and if so required by the Minister shall, make byelaws regulating the emission of smoke of such colour, density, or content as may be prescribed by the byelaws. Byelaws as to smoke.

(2) Building byelaws may require the provision in new buildings, other than private houses, of such

PART III. arrangements for heating or cooking as are calculated
—cont. to prevent or reduce the emission of smoke.

(3) A local authority who propose to apply to the Minister for confirmation of any byelaws made under this section shall, in addition to complying with the requirements of section two hundred and fifty of the Local Government Act, 1933, publish in the London Gazette at least one month before the application is made notice of their intention to apply for confirmation.

Power of local authority to investigate problems relating to atmospheric pollution.

105. Subject to such restrictions or conditions, if any, as the Minister may by regulations prescribe, a local authority may undertake investigations and research into problems relating to atmospheric pollution and the abatement of smoke nuisances, and may contribute towards the cost of similar investigations and research undertaken by other bodies or persons.

Application to Crown of provisions as to smoke nuisances.

106. If it appears to a local authority that a smoke nuisance within, or affecting any part of, their district exists on any premises occupied for the public service of the Crown, they shall report the circumstances to the appropriate Government department, and, if the Minister responsible for that department is satisfied after due inquiry that such a nuisance exists, he shall cause such steps to be taken as may be necessary to abate the nuisance and to prevent a recurrence thereof.

Offensive trades.

Restriction on establishment of offensive trade in urban district.

107.—(1) Any person who on any premises within a borough or urban district, or a rural district or contributory place in which section one hundred and twelve of the Public Health Act, 1875, was in force immediately before the commencement of this Act, establishes, without the consent of the local authority, any offensive trade as hereinafter defined shall be liable to a fine not exceeding fifty pounds.

For the purposes of this section, the expression "offensive trade" means any of the following trades, businesses or manufactures, that is to say—

- (i) the trade or business of a blood boiler, blood drier, bone boiler, fat extractor, fat melter, fellmonger, glue maker, gut scraper, rag and bone dealer, size maker, soap boiler, tallow melter or tripe boiler; or

(ii) any other trade, business or manufacture—

PART III.

—cont.

(a) which, by virtue of an order made and confirmed under section fifty-one of the Public Health Acts Amendment Act, 1907, was immediately before the commencement of this Act an offensive trade in the said borough, district or contributory place; or

(b) which the local authority by order confirmed by the Minister, and published in such manner as he may direct, have after the commencement of this Act declared to be an offensive trade in the said borough, district or contributory place:

Provided that any order in force immediately before the date of commencement of this Act declaring the trade or business of fish frying to be an offensive trade shall at the expiration of three years from that date cease to have effect for the purposes of this Part of this Act (but not for the purposes of any planning scheme in operation at the said date) without prejudice, however, to the making and confirmation of a new order under this subsection.

(2) Any person who on any premises within a borough or urban district, or such a rural district or contributory place as aforesaid, carries on an offensive trade established without such consent, if any, as at the date of the establishment of the trade was required by subsection (1) of this section or by any corresponding enactment repealed by this Act or the Public Health Act, 1875, shall be liable to a fine not exceeding five pounds for every day on which he carries on the trade after having been convicted in respect of the establishment thereof or, where he has not been so convicted, after receiving notice from the local authority to discontinue the trade.

(3) Any consent of a local authority under this section to the establishment of an offensive trade may be given so as to authorise the carrying on of the trade for a limited period specified in the consent, and for such extension of that period as may from time to time be granted by the authority, and any person carrying on the trade after the expiration of the period so specified, or any such extension thereof, as the case may be, shall

PART III.
—*cont.*

be liable to a fine not exceeding five pounds for each day on which he carries on the trade after notice from the local authority stating that the period, or, as the case may be, the period as extended, has expired.

(4) Any person aggrieved by the refusal of a local authority to consent under this section to the establishment of a trade, or by any time limit attached to their consent, or by their refusal to extend such a time limit, may appeal to a court of summary jurisdiction.

(5) An order made under sub-paragraph (b) of paragraph (ii) of subsection (1) of this section may declare a trade, business or manufacture to be an offensive trade if established or carried on in a specified part of a borough, district or contributory place and, where an order made under the said sub-paragraph, or made before the commencement of this Act under section fifty-one of the Public Health Amendment Act, 1907, is so limited, any reference in the foregoing provisions of this section to premises within a borough, district or contributory place shall, in relation to the trade, business or manufacture in question, be construed as a reference to premises within that part of the borough, district or contributory place.

(6) For the purposes of this section, a trade, business or manufacture shall be deemed to be established not only when it is established in the first instance, but also if and when—

- (a) it is transferred or extended from the premises on which it is for the time being carried on to other premises; or
- (b) it is resumed on any premises on which it was previously carried on, after it has been discontinued for more than eighteen months; or
- (c) the buildings in which it is carried on are enlarged,

but a change in the ownership or occupation of the premises on which a trade, business or manufacture is carried on, or the rebuilding of the buildings in which it is carried on when they have been wholly or partially pulled down or burnt down, without any extension of the total floor space therein, shall not for those purposes be deemed to be an establishment of the trade, business or manufacture.

(7) A local authority who propose to apply to the Minister for confirmation of an order made under subparagraph (b) of paragraph (ii) of subsection (1) of this section shall publish in the London Gazette at least one month before the application is made notice of their intention to apply for confirmation.

PART III.
—cont.

108.—(1) Every urban authority may, and if required by the Minister shall, make byelaws with respect to the trade or business of fish frying carried on on or in any premises or streets within their district, in order to prevent any noxious or injurious effects of the trade or business.

Byelaws as
to certain
trades in
urban
district.

(2) Without prejudice to the provisions of the preceding subsection, an urban authority, in order to prevent or diminish any noxious or injurious effects of the trade, business or manufacture in question, may make byelaws—

(a) with respect to any trade, business or manufacture being a trade, business or manufacture which as respects their district or any part thereof is an offensive trade within the meaning of the last preceding section, established on premises within their district, or, as the case may be, that part thereof, either with or without their consent and either before or after the commencement of this Act;

(b) with respect to any trade or business carried on in streets within their district, or any part thereof, being a trade or business, which as respects their district, or, as the case may be, that part thereof, is an offensive trade within the meaning of the last preceding section.

(3) If immediately before the commencement of this Act section one hundred and thirteen of the Public Health Act, 1875, was in force in, or in any contributory place in, the district of a rural authority, the foregoing provisions of this section shall apply to that authority as regards their district, or, as the case may be, as regards that contributory place.

(4) Subject as hereinafter provided—

(a) any byelaw made by a local authority under this section shall cease to have effect on the

PART III.
—cont.

expiration of ten years from the date on which it was made;

- (b) any byelaw with respect to an offensive trade made by a local authority under the corresponding provisions of any enactment repealed by this Act, or of any such enactment as amended or extended by a local Act, shall cease to have effect on the expiration of three years from the passing of this Act :

Provided that the Minister may by order extend the period during which any byelaw mentioned in this subsection is to remain in force.

(5) A local authority who propose to apply to the Minister for confirmation of any byelaws made under this section shall, in addition to complying with the requirements of section two hundred and fifty of the Local Government Act, 1933, publish in the London Gazette at least one month before the application is made notice of their intention to apply for confirmation.

General.

Saving for
mines,
smelting
works, &c.

109.—(1) Nothing in this Part of this Act shall be construed as extending to a mine of any description so as to interfere with, or obstruct the efficient working of, the mine; or as extending to the smelting of ores and minerals, to the calcining, puddling and rolling of iron and other metals, to the conversion of pig iron into wrought iron, or to the reheating, annealing, hardening, forging, converting and carburising of iron and other metals, so as to interfere with or obstruct any of those processes.

(2) The Minister may by order—

- (a) extend the preceding subsection to any other industrial process specified in the order;
- (b) exclude from the application of that subsection so far as smoke nuisances are concerned any process specified in the subsection;

and any order so made may contain conditions and limitations subject to which the inclusion or exclusion is to take effect :

Provided that an order made by the Minister under this subsection shall be provisional only and shall not have effect until it is confirmed by Parliament.

110.—(1) In this Part of this Act—

the expression “dust” does not include dust emitted from a chimney as an ingredient of smoke;

the expression “smoke” includes soot, ash, grit and gritty particles; and

the expression “chimney” includes structures and openings of any kind from or through which smoke may be emitted.

PART III.
—cont.
Interpreta-
tion of
Part III.

(2) In determining for the purposes of this Part of this Act whether the best practicable means have been taken for preventing, or for counteracting the effect of, a nuisance, a court shall have regard to cost and to local conditions and circumstances.

PART IV.

WATER SUPPLY.

General duties and powers of local authority.

111. It shall be the duty of every local authority—

(i) to take from time to time such steps as may be necessary for ascertaining the sufficiency and wholesomeness of the water supplies within their district; and

(ii) for the purpose of securing, so far as is reasonably practicable, that every house and school has available within a reasonable distance a sufficient supply of wholesome water for domestic purposes—

(a) to provide a supply of water to every part of their district in which danger to health arises from the insufficiency or unwholesomeness of the existing supply, and a general scheme of supply is required and can be carried out at a reasonable cost; and

(b) without prejudice to their obligations under the preceding sub-paragraph, to exercise their powers under this Part of this Act of requiring owners of houses to provide a supply of water thereto.

Duty of
local
authority
with respect
to water
supplies
within their
district.

PART IV.

—*cont.*

Power to supply
water for non-
domestic
purposes.

112. A local authority who supply water under this Act for domestic purposes may supply water for any other purposes.

Power of
local autho-
rity in
certain
circum-
stances
to supply
water to
premises
outside their
district.

113. If the Minister is satisfied that the owners or occupiers of premises in any area outside the district of a local authority who supply water under this Act desire to obtain a supply of water from that authority, and that the giving of the supply is not likely to interfere with the supply of water for domestic or other purposes within the district of that authority, he may, on the application of that authority, and with the consent of the local authority within whose district, and of any statutory water undertakers within whose limits of supply, the area is situate, by order authorise the applicants to supply water in that area, or any part thereof, on such conditions as may be specified in the order :

Provided that consent shall not be unreasonably withheld, and any question whether or not consent is unreasonably withheld shall be referred to the Minister, whose decision shall be final.

Power of
local autho-
rity to
supply
water in
bulk to
adjoining
authority.

114. A local authority who supply water under this Act may with the approval of the Minister furnish a supply of water in bulk to the local authority of an adjoining district on such terms as may be agreed :

Provided that the Minister shall not approve the furnishing of such a supply unless he is satisfied that it is not likely to interfere with the supply of water for domestic or other purposes within the district of the supplying authority.

Purity of
water for
domestic
supply.

115. A local authority who supply water under this Act shall secure that the water in any waterworks belonging to them from which water is supplied for domestic purposes is wholesome.

Waterworks and other sources of supply.

General
powers of
local autho-
rity for
supplying

116.—(1) For the purpose of providing their district, or any part thereof, with a supply of water, a local authority may, subject to the provisions of this section and to the provisions of Part XII of this Act

with respect to the execution of works affecting water or water rights—

- (i) construct, take on lease, or with the approval of the Minister purchase by agreement, water-works;
- (ii) with the approval of the Minister purchase by agreement any water, or right to take or convey water, or other rights, powers and privileges in relation to the supply of water, and, in so far as it may be necessary for facilitating the supply of water, any water-mill, dam, or weir;
- (iii) with the approval of the Minister purchase by agreement the water undertaking of any statutory water undertakers whose limits of supply are coterminous with, or include the whole or any part of, the authority's district, and any water undertaking belonging to persons who are supplying water in any part of the authority's district, but are not statutory water undertakers;
- (iv) contract with any local authority or other person for a supply of water and, in particular, avail themselves of the provisions of the Supply of Water in Bulk Act, 1934;
- (v) give any such guarantee in respect of a supply of water as is authorised by any subsequent provision of this Part of this Act.

(2) A local authority shall not take any steps for supplying water in any part of their district in which they are not already supplying water and which is within the limits of supply of any statutory water undertakers without the consent of those undertakers :

Provided that consent shall not be unreasonably withheld, and any question whether or not consent is unreasonably withheld shall be referred to the Minister, whose decision shall be final.

(3) A local authority shall not, for the purpose of supplying water under this Act, construct any works for taking or intercepting water without the approval of the Minister.

(4) Where a rural authority propose to carry out works for a supply of water to any part of their district, they shall, before adopting plans for the works,

PART IV.

—cont.

district with
water.

24 & 25

Geo. 5. c. 15.

PART IV.
—cont.

give notice of their proposals to the parish council of each parish to be served by the works, or, in the case of a parish not under a parish council, to the parish meeting.

(5) Where under this section a local authority propose to purchase the water undertaking of statutory water undertakers whose limits of supply extend beyond the authority's district, or the water undertaking of persons, not being statutory water undertakers, who are supplying water outside that district, they shall give notice in writing to the authority of every other district which is wholly or in part within the limits of supply of the statutory undertakers or, as the case may be, within the area in which the non-statutory undertakers are supplying water, and shall not proceed with their proposal unless the consent of each such authority has been obtained :

Provided that consent shall not be unreasonably withheld, and any question whether or not consent is unreasonably withheld shall be referred to the Minister, whose decision shall be final.

(6) Where a local authority have under this Act, or under any Act repealed by this Act, acquired a water undertaking constituted or regulated by an order made under the Gas and Water Works Facilities Act, 1870, or any Act amending that Act, the provisions of section three hundred and three of the Public Health Act, 1875, with respect to the power of the Minister to make provisional orders for repealing or amending local Acts shall apply as if the order were a local Act which could be repealed or amended under that section.

33 & 34 Vict.
c. 70.

Rights of
statutory
undertakers
where local
authority
supply
water with
their
consent.

117.—(1) Where a local authority are supplying water to any premises within the limits of supply of statutory water undertakers by virtue of a consent given by those undertakers, whether voluntarily or in compliance with a decision of the Minister, under any of the foregoing provisions of this Part of this Act, those undertakers may, in the absence of any agreement to the contrary, at any time give not less than one month's notice to the supplying authority that they are able and intend to give a supply of water to the premises in question.

(2) When a notice has been given under this section, then, so soon as, after the expiration of one month, the statutory undertakers commence to supply water to the premises in question, the rights and duties of the

local authority in respect of a supply thereto shall cease, but the statutory undertakers shall pay to the local authority such portion of any expenses reasonably incurred by the authority for the purpose of giving a supply to those premises as may be agreed or, failing agreement, determined by arbitration.

PART IV.
—cont.

118.—(1) A local authority who propose to construct under the provisions of this Act a reservoir, other than a service reservoir or tank which will not contain more than one hundred thousand gallons, shall—

Notices to be given before constructing reservoir.

- (a) publish by advertisement in a local newspaper circulating in the district in which the proposed reservoir is to be constructed a notice describing the nature of the proposals and specifying the land in or on which they propose to execute any work, and naming a place where a plan illustrative of their proposals may be inspected at all reasonable hours by any person free of charge; and
- (b) if the site of the proposed reservoir is in the district of another local authority, serve a copy of the notice on that authority.

(2) If, within twenty-eight days after the publication of the notice referred to in the preceding subsection, notice of objection to their proposals is served on the local authority by any owner or occupier of land affected by the proposals, or by such other local authority, if any, as aforesaid, they shall not proceed with their proposals unless all such objections so made are withdrawn, or the Minister, after a local inquiry, has approved the proposals, either with or without modification.

119. A local authority who supply, or are about to supply, water under this Act shall have the like powers and duties and be subject to the like restrictions in respect of the laying and maintenance of water mains within or without their district, as, under the provisions of Part II of this Act, they have and are subject to in respect of the construction and maintenance of public sewers within or without their district, as the case may be.

Powers and duties of local authority in respect of laying and maintaining water mains.

120. For the purpose of enabling a local authority to supply water under this Act, there shall be incorporated with this Act the Waterworks Clauses Act, 1863, except

Incorporation of certain

PART IV.
—cont.
provisions
of Water-
works
Clauses
Acts.
26 & 27 Vict.
c. 93.
10 & 11 Vict.
c. 17.

section fifteen thereof, and the following provisions of the Waterworks Clauses Act, 1847 :—

sections forty-four to forty-seven, with respect to the communication pipes to be laid by the undertakers ;

sections forty-eight to fifty-one and fifty-three, with respect to the communication pipes to be laid by the inhabitants ;

sections fifty-four to sixty, with respect to waste or misuse of the water supplied by the undertakers ;

sections sixty-one to sixty-seven, with respect to the provision for guarding against fouling the water of the undertakers ; and

sections sixty-eight to seventy-one, seventy-three and seventy-four, with respect to the payment and recovery of the water rates :

Provided that—

- (a) the provisions with respect to the communication pipes to be laid by the undertakers and the inhabitants respectively shall apply only in districts, or parts of districts, where the local authority lay any pipes for the supply of any of the inhabitants thereof ;
- (b) the provisions with respect to the communication pipes to be laid by the inhabitants shall have effect subject to the provisions of the next succeeding section ;
- (c) any dispute authorised, or directed, by any of the said incorporated provisions to be settled by an inspector, or two justices, shall be settled by a court of summary jurisdiction ;
- (d) section forty-four of the Waterworks Clauses Act, 1847, shall for the purposes of this Act have effect as if the words “ with the consent “ in writing of the owner or reputed owner “ of any such house, or of the agent of such “ owner ” were omitted therefrom, and any rent for pipes and works paid by an occupier under that section may be deducted by him from any rent from time to time due from him to such owner ;

- (e) section forty-eight of the said Act shall for the purposes of this Act have effect as if after the words "having first obtained" there were inserted the words "as respects any ground not forming part of a street";
- (f) section fifty-seven of the said Act shall for the purposes of this Act have effect as if after the word "afternoon" there were inserted the words "on producing, if required, evidence of his authority", and as if after the words "and if" there were inserted the words "after production of his authority"; and
- (g) the provisions with respect to the payment and recovery of water rates shall have effect subject to the subsequent provisions of this Part of this Act with respect to charges for water.

PART IV.
—cont.

121.—(1) Subject to the provisions of Part XII of this Act with respect to the breaking open of streets, and to the following provisions of this section, any owner or occupier of premises entitled under this Act to take a supply of water from the mains of a local authority may break open any street for the purpose of laying any necessary communication pipe and for the purpose of inspecting, repairing and renewing any communication pipe serving his premises.

Power of owner or occupier to break open streets for laying pipes, subject, in certain cases, to right of local authority to execute the work.

(2) A person who proposes to lay a pipe from his premises to communicate with a main of the local authority shall give to the authority notice of his proposals and they may, within twenty-one days after the receipt thereof, give notice to him that they intend themselves to make the communication and if, after such a notice has been given to him, he proceeds himself to make the communication, he shall be liable to a fine not exceeding fifty pounds.

(3) Where a local authority have given such a notice as aforesaid, they shall have all such rights in respect of the making of the communication as the person desiring it to be made would have, but it shall not be obligatory on them to make the communication until the cost of the work as estimated by their surveyor has been paid to them, or security for payment has been given to their satisfaction.

PART IV.
—cont.

(4) If any payment so made to the local authority exceeds the expenses reasonably incurred by them in the execution of the work, the excess shall be repaid by them and, if and so far as those expenses are not covered by the payment, if any, made to them, they may recover the expenses, or the balance thereof, from the person for whom the work was done.

(5) For the purposes of this section, the making of the communication with a main includes all such work as involves the breaking open of a street.

Power of
waterunder-
takers to
supply
water, or
sell or lease
waterworks,
to local
authority.

122. Any person supplying water, whether under statutory powers or not, may—

- (i) contract to supply water to a local authority; or
- (ii) subject to the provisions of this section, sell or lease to a local authority all or any of his waterworks and all his rights, powers and privileges attaching thereto, but subject to all liabilities attaching thereto :

19 & 20
Geo. 5. c. 23.

Provided that a sale by a company under this section must be authorised, if the company is a company within the meaning of the Companies Act, 1929, by a special resolution of the members passed in the manner provided in Part IV of that Act, and if the company is not such a company, by a resolution passed by three-fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened for the purpose with notice of the business to be transacted.

Power of
local
authority to
give guaran-
tees to water
companies,
&c.

123. A local authority may undertake to pay to any person supplying water, or guarantee payment to any such person of, such periodical or other sums as may be agreed as a consideration for that person giving a supply of water, so far as he can lawfully do so, within any part of the authority's district and executing any works necessary for that purpose.

Public wells, pumps, &c.

Certain
public
pumps,

124.—(1) All public pumps, wells, cisterns, reservoirs, conduits, and other works used for the gratuitous supply of water to the inhabitants of any part of the

district of a local authority shall vest in and be under the control of the authority, and the authority may cause the works to be maintained and supplied with wholesome water, or may substitute, maintain and supply with wholesome water other such works equally convenient.

PART IV.
—*cont.*
wells,
cisterns, &c.
vested
in local
authority.

(2) If the local authority are satisfied that any such works are no longer required, or that the water obtained from any such works is polluted and that it is not reasonably practicable to remedy the cause of the pollution, they may close those works or restrict the use of the water obtained therefrom.

(3) Subject to the provisions of this Act, a local authority may construct any works for supplying water for the gratuitous use of any inhabitants who desire to take it not for sale but for domestic purposes.

125.—(1) A parish council may utilise any well, spring or stream within their parish and provide facilities for obtaining water therefrom, and may execute any works, including works of maintenance or improvement, incidental to, or consequential on, any exercise of that power :

Power of
parish
council to
utilise wells,
springs or
streams for
obtaining
water.

Provided that nothing in this subsection shall be construed as authorising them to interfere with the rights of any person, or as restricting, in the case of a public well or other works, any powers of the local authority under the last preceding section.

(2) A parish council may contribute towards the expenses incurred by any other parish council, or by any other person, in doing anything authorised by the preceding subsection.

(3) Nothing in this section shall derogate from any obligation of a district council with respect to the supply of water.

Charges for water.

126.—(1) Subject to the provisions of this Part of this Act, a local authority who supply water under this Act to any premises for domestic purposes may charge in respect thereof a water rate, which shall be assessed on the net

General
power of
local
authority to
make

PART IV.
—cont.
charges for
water.

annual value of the premises as appearing in the valuation list for the time being in force or, if that value does not appear in the valuation list, on the net annual value of the premises as determined, in the event of dispute, by a court of summary jurisdiction :

Provided that the authority may fix a minimum charge applicable in all cases to premises supplied with water.

(2) The local authority may also enter into agreements for supplying water by meter, or otherwise, on such terms as may be agreed between them and the persons receiving the supply, and shall have the like powers for recovering water charges under such agreements as they have for recovering water rates.

(3) Where the local authority charge a water rate in respect of water supplied by them for domestic purposes, they may make, in addition, a reasonable charge in respect of the use of that water—

- (a) in any fixed bath having a capacity (measured to the centre line of the overflow pipe, or in such other manner as the Minister may by regulations prescribe) in excess of fifty gallons; or
- (b) by means of a hose-pipe or similar apparatus, either for horses or for washing vehicles.

A charge made under this subsection may be recovered as part of the water rate and, if any question arises as to whether any such charge is reasonable or not, that question shall be referred to the Minister, whose decision shall be final.

(4) Any ten persons rated to the general rate in a borough or urban district, or any five persons rated to the general rate in a contributory place in a rural district, if aggrieved by the refusal of the local authority to make charges in respect of all water supplied by them under this Act in that borough, district or contributory place, or by their refusal to make such charges as those rate-payers deem reasonable and adequate, may appeal to the Minister, and the Minister may make such order in the matter as he thinks fit.

127.—(1) The Minister, on an application made to him by a local authority who are supplying water under this Act for domestic purposes, may fix a maximum charge per thousand gallons for a supply of water by meter, subject to the right of the authority to make such minimum charge, if any, as he may fix, and, where a maximum charge has been so fixed, the provisions of the two next succeeding subsections shall have effect.

PART IV.
—cont.
Power to charge by meter for supply to certain premises and for certain purposes.

(2) The local authority may require that all water supplied by them to—

- (a) any premises used as a house whereof a part is used by the same occupier for any business, trade or manufacturing purpose for which water is required;
- (b) any public institution;
- (c) any hospital, sanatorium, school, club, hostel, assembly hall, place of public entertainment, restaurant, hotel, or licensed premises, within the meaning of that expression as used in the Licensing (Consolidation) Act, 1910; or
- (d) any boarding-house capable of accommodating twelve or more persons, including the persons usually resident therein,

shall be taken by meter.

(3) If a person who takes a supply of water for domestic purposes from the local authority otherwise than by meter desires to use any of the water so supplied for operating—

- (a) a water-cooled refrigerating apparatus;
- (b) any apparatus depending while in use upon a supply of continuously running water; or
- (c) any apparatus used for softening water which requires water for cleaning, regenerating, motive power or similar purposes,

the authority may require that all water so used shall be taken by meter:

Provided that nothing in this subsection shall apply to an apparatus used for softening water, if one such apparatus only is used, and the water softened thereby can be drawn off into a receptacle at one point only and is used solely for domestic purposes.

PART IV.
—cont.

(4) A local authority who propose to make an application to the Minister under this section shall give notice of their proposal in such manner and to such persons, if any, as the Minister may direct, and the Minister shall not decide the application before the expiration of one month from the giving of the notice, and before giving his decision shall take into consideration any representations which may have been received by him.

Power to
charge for
water
supplied by
stand-pipes,
&c.

128.—(1) Where a local authority who supply water under this Act have provided a stand-pipe or constructed a well or cistern, from which persons may obtain water, the authority may recover water rates from the owner or occupier of every house within two hundred feet of that stand-pipe, well or cistern, in the like manner as if a supply had been given on the premises :

Provided that, if any such house has, from other sources and within a reasonable distance, a supply of wholesome water sufficient for the domestic purposes of the inmates, no water rate shall be recoverable from the owner or occupier of the house, unless and until water from the stand-pipe, well or cistern is used by inmates of the house.

(2) Nothing in this section applies to a standpipe, well or cistern which is vested in the local authority by virtue of subsection (1) of section one hundred and twenty-four of this Act, or which has been constructed by them under subsection (3) of that section.

Water rates
on small
tenements
may be
demanded
from the
owners.

15 & 16
Geo. 5. c. 90.

129.—(1) Where a local authority supply water under this Act to a house, or to a part of a house occupied as a separate tenement, and the owner thereof is, under subsection (1) of section eleven of the Rating and Valuation Act, 1925, as amended by any subsequent enactment, rated instead of the occupier, the owner instead of the occupier shall, if the authority so determine, pay the rate for the supply of water, but nevertheless the rate may be demanded and recovered by them from the occupier and, if it is so recovered, the occupier shall, unless as between himself and the owner he is liable to pay the rate, be entitled to deduct the amount so paid from his rent :

Provided that an occupier shall not be required to pay at any one time any sum in excess of the amount

which was due from him on account of rent at, or has become due from him on account of rent since, the date on which he received a demand from the local authority together with a notice requiring him not to pay rent to his landlord without deducting the sum so demanded.

PART IV.
—cont.

(2) An owner of premises to which a determination of the local authority under this section applies shall, if he pays the amount due by him in respect of a water rate before the expiration of one-half of the period in respect of which the rate is payable, or before such later date as may be specified by the authority, be entitled to an allowance calculated at the same rate per cent. as the allowance which is made to him in respect of a general rate under paragraph (a) of subsection (1) of section eleven of the Rating and Valuation Act, 1925, as amended by any subsequent enactment.

130.—(1) If a local authority who supply water under this Act so resolve, the water rates shall, notwithstanding anything in the Waterworks Clauses Act, 1847, be payable in advance by half-yearly instalments in respect of the half-years commencing on the first day of April and the first day of October, but no proceedings shall be commenced for the recovery of any such instalment until the expiration of two months from the first day of the half-year in respect of which it has been demanded.

Water rates
may be made
recoverable
half-yearly.

(2) While such a resolution is in operation, if the person who is, or who but for the provisions of the last preceding section would be, liable to pay the water rate payable in respect of any premises is in occupation of those premises during a portion only of a half-year, he, or, as the case may be, the owner of the premises, shall be liable to pay so much only of the half-yearly instalment as bears to the whole instalment the same proportion as the number of days within the half-year during which the first-mentioned person is in occupation bears to the number of days in the half-year, and, if either of them has paid any greater proportion of the instalment, he shall be entitled to recover the excess from the local authority, except in so far as he has previously recovered it from an incoming occupier.

PART IV.

—cont.

Adjustment
in respect of
water rate
where net
annual value
of premises
is altered.

131.—(1) Where under section thirty-seven of the Rating and Valuation Act, 1925, an amendment is made in the valuation list for the time being in force, the amendment shall for the purpose of calculating the amount due in respect of any water rate payable under this Act have effect retrospectively as from the date as from which under the said section it has effect for the purpose of calculating the amount due in respect of any general rate.

(2) If it is found that, by reason of the foregoing provisions, too much or too little has been paid in respect of any water rate, the difference shall be repaid or allowed or, as the case may be, shall be paid and may be recovered as if it were arrears of the rate.

Byelaws for preventing waste, &c. of water: provisions as to meters and other fittings.

Byelaws for
preventing
waste, mis-
use or con-
tamination
of water,
&c.

132.—(1) A local authority who supply water under this Act may make byelaws for preventing the waste, undue consumption, misuse or contamination of water supplied by them.

(2) Byelaws under this section may include provisions prescribing the size, nature, materials, strength and workmanship, and the mode of arrangement, connection, disconnection, alteration and repair, of the water fittings to be used, and forbidding any arrangements and the use of any water fittings which permit, or are likely to permit, waste, undue consumption, misuse, erroneous measurement or contamination of water.

(3) If a person contravenes, or fails to comply with, the provisions of any byelaw made under this section, the authority may, without prejudice to their right to take proceedings for a fine, cause any water fittings belonging to or used by that person which are not in accordance with the requirements of the byelaws to be repaired, replaced or altered, and shall have the like powers for recovering the expenses properly incurred by them in so doing as they have for recovering water rates.

(4) Nothing in this section or in any byelaw made thereunder shall apply to any fittings used on premises

which belong to a railway company and are held or used by them for the purposes of their railway, so long as those fittings do not cause waste, undue consumption, misuse or contamination of water supplied by the local authority :

PART IV.
—cont.

Provided that the exemption conferred by this subsection shall not extend to fittings used in hotels or other houses, or used in offices not forming part of a railway station.

(5) The provisions of Part II of this Act with respect to the power of a local authority with the consent of the Minister to relax the requirements of building byelaws shall apply in relation to byelaws made under this section as they apply in relation to building byelaws.

(6) Subject as hereinafter provided—

- (a) any byelaw made by a local authority under this section shall cease to have effect on the expiration of ten years from the date on which it was made; and
- (b) any byelaw made by a local authority under any other enactment which confers power to make byelaws for purposes similar to the purposes of this section shall, if made more than nine years before the date of commencement of this Act, cease to have effect at the expiration of one year from that date and, if made not more than nine years before that date, cease to have effect at the expiration of ten years from the date on which it was made :

Provided that the Minister may by order extend the period during which any such byelaw is to remain in force.

(7) A local authority who propose to apply to the Minister for confirmation of any byelaws made under this section shall, in addition to complying with the requirements of section two hundred and fifty of the Local Government Act, 1933—

- (a) publish in the London Gazette at least one month before the application is made notice of their intention to apply for confirmation; and

PART IV.
—cont.

(b) if they supply water outside their district, send at least one month before the application is made a copy of the byelaws to the local authority of every district in which any premises to which the byelaws will apply are situate.

Power to inspect and test water fittings.

133. A local authority who supply water under this Act may examine and test any water fittings used in connection with water so supplied by them.

Charges for hire of, and repairs to, meters.

134.—(1) A local authority who supply water under this Act may make a charge for any meter provided by them, and shall have the like powers for recovering any such charges as they have for recovering water rates.

(2) The local authority shall at their own expense keep any meter let on hire by them to any person in proper order for correctly registering the supply of water and, if they fail so to do, that person shall not be liable to pay rent for the meter while the default continues.

Penalty for injuring water fittings, &c., or for fraudulent use of water.

135.—(1) If any person wilfully or by culpable negligence injures, or suffers to be injured, any water fittings belonging to a local authority who supply water under this Act, or fraudulently alters the index of any meter for measuring the water supplied by such an authority, or prevents any such meter from registering correctly the quantity of water supplied, or fraudulently abstracts or uses water of the authority, he shall, without prejudice to any other right or remedy of the authority, be liable to a fine not exceeding five pounds, and the authority may do all such work as is necessary for repairing any injury done, or for securing the proper working of the meter, and may recover the expenses reasonably incurred by them in so doing from the offender.

(2) For the purposes of this section, if it is proved that a consumer has altered the index of a meter, it shall rest upon him to prove that he did not alter it fraudulently, and the existence of any artificial means under the control of a consumer for preventing a meter from registering correctly, or enabling him fraudulently to abstract or use water, shall be prima facie evidence that he has fraudulently prevented the meter from registering correctly or, as the case may be, has fraudulently abstracted or used water.

136.—(1) Where a local authority supply water under this Act by meter, the register of the meter shall be prima facie evidence of the quantity of water consumed.

PART IV.
—cont.
Register
of meter
to be
evidence.

(2) Any question arising between the authority and a consumer with respect to the quantity of water consumed, may, on the application of either party, be determined by a court of summary jurisdiction.

(3) If the meter on being tested is proved to register incorrectly to any material degree—

- (a) the meter shall be deemed to have registered incorrectly to that degree since the last occasion but one before the date of the test on which a reading of the index of the meter was taken by the authority, unless it is proved to have begun to register incorrectly to that degree on some later date; and
- (b) the amount of any refund to be made to, or of any extra payment to be made by, the consumer shall be paid or allowed by the authority or paid by the consumer, as the case may be, and, in the case of an extra payment, may be recovered in the like manner as a water rate.

Power of local authority to require houses to be supplied with water.

137.—(1) Where plans of a house are, in accordance with building byelaws, deposited with a local authority, the authority shall reject the plans unless—

New houses
to be pro-
vided with
sufficient
water
supply.

- (i) there is put before them a proposal which appears to them to be satisfactory for providing in, or within a reasonable distance of, the house a supply of wholesome water sufficient for the domestic purposes of the inmates; and
- (ii) they are satisfied that the proposal can and will be carried into effect.

Any question arising under this subsection between a local authority and the person by whom or on whose behalf plans are deposited as to whether the local authority ought to pass the plans may on the application of that person be determined by a court of summary jurisdiction.

PART IV.
—cont.

(2) If, after any such plans as aforesaid have been passed, it appears to the local authority that the proposal for providing a supply of water has not been carried into effect, or has not resulted in a supply of wholesome water sufficient for the domestic purposes of the inmates being provided in, or within a reasonable distance of, the house, the authority shall give notice to the owner of the house, prohibiting him from occupying it, or permitting it to be occupied, until the authority, being satisfied that such a supply has been provided, have granted him a certificate to that effect and, until such a certificate has been granted, he shall not occupy the house or permit it to be occupied :

Provided that any person aggrieved by the refusal of the authority to grant such a certificate may apply to a court of summary jurisdiction for an order authorising the occupation of the house and, if the court is of opinion that a certificate ought to have been granted, the court may make an order authorising the occupation of the house, and such an order shall have the like effect as a certificate of the local authority.

(3) Any person who contravenes the provisions of the last preceding subsection shall be liable to a fine not exceeding ten pounds and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor.

Power of
local
authority to
require any
occupied
house to be
provided
with
sufficient
water
supply.

138.—(1) Where a local authority are satisfied—

- (a) that any occupied house has not, either in the house or within a reasonable distance thereof, a supply of wholesome water sufficient for the domestic purposes of the inmates; and
- (b) that such a supply ought to be provided by the owner of the house; and
- (c) that, if such a supply is afforded by the authority or other water undertakers, there will not be payable by the consumer in respect of water supplied any charge in excess of the ordinary charge made in respect of a supply of water for domestic purposes to houses in the area to which such a supply is given,

the authority may give notice to the owner requiring him within a time specified therein to provide, or secure the provision of, such a supply.

(2) Where the local authority are so satisfied as aforesaid with respect to each of two or more houses, and are further satisfied that the needs of those houses can most conveniently be met by means of a joint supply, they may give notice accordingly under the preceding subsection to the owners of all those houses.

(3) Subject to the provisions of the next succeeding section with respect to appeals, if such a notice as aforesaid is not complied with, the local authority may themselves provide, or secure the provision of, a supply of water to the house or houses in question and may recover any expenses reasonably incurred by them in so doing from the owner of the house, or, where two or more houses are concerned, from the owners of those houses in such proportions as may be determined by the authority or, in case of dispute, by a court of summary jurisdiction :

Provided that an owner shall not be required to pay more than twenty pounds in respect of any one house.

(4) Where any houses with respect to which the local authority are, by reason of notices not having been complied with, in a position to take action under the last preceding subsection are situate within the limits of supply of statutory water undertakers, and the aggregate amount of the water rates which would be payable annually by owners or occupiers of those houses at the rates charged by the undertakers is such that a requisition could be made by those owners or occupiers under section thirty-five of the Waterworks Clauses Act, 1847, or under that section as modified by any enactment regulating the undertaking, the local authority may themselves make such a requisition, and the undertakers shall comply therewith as if it had been made by the owners or occupiers of the houses, and those owners or occupiers shall be deemed to have made the requisition and to have entered into an agreement with the undertakers to take a supply of water for the minimum period mentioned in the said section, or in the said section as so modified.

(5) Where under this section a supply of water is furnished to a house by the local authority or other statutory water undertakers, water rates may be made on the premises and recovered as if the owner or occupier of the house had demanded and agreed to pay water rates for a supply.

PART IV.
—*cont.*

(6) Where under this section two or more houses in the occupation of different persons are supplied with water by a common pipe belonging to the owners or occupiers of those houses or parts of houses, or to some of them, the local authority may, when necessary, repair or renew the pipe and recover any expenses reasonably incurred by them in so doing from the owners or occupiers of the houses in such proportions as may be determined by the authority or, in case of dispute, by a court of summary jurisdiction.

Appeal by
owner
against
requirement
to provide
water
supply.

139.—(1) If a person on whom a notice has been served under subsection (1) of the last preceding section objects to the requirement of the local authority on any of the following grounds, that is to say that:—

- (a) the supply is not required;
- (b) the time allowed to him for providing the supply is insufficient;
- (c) the authority ought themselves to provide a supply of water for the district, or part of the district, in which the house is situate, or to render the existing supply of water wholesome; or
- (d) part of the expenses of providing the supply, or of rendering the existing supply wholesome, ought to be borne by the authority,

he may, within twenty-eight days after service on him of the notice, appeal to the Minister and, if he so appeals, the authority shall not take any further steps under the notice until they have been authorised so to do by the Minister.

(2) Upon an appeal to him under this section the Minister may either disallow the requirement of the local authority or allow it with or without modifications, and, if he allows it, shall order the authority to proceed with the proposed works, or those works as varied by the order, either forthwith or in the event of the works not being executed by the owner or owners within a time limited by the order.

(3) The Minister may by his order, if he thinks it equitable so to do, apportion the expenses of providing the supply between the owner or owners concerned and the local authority, or may vary any such apportionment

which the authority propose to make, so, however, that in no case shall any owner be required to pay more than twenty pounds in respect of any one house.

PART IV.
—cont.

Provisions for the protection of public from polluted water.

140.—(1) If a local authority are of opinion that the water in or obtained from any well, tank or other source of supply not vested in them, being water which is, or is likely to be, used for domestic purposes, or in the preparation of food or drink for human consumption, is, or is likely to become, so polluted as to be prejudicial to health, the authority may apply to a court of summary jurisdiction and thereupon a summons may be issued to the owner or occupier of the premises to which the source of supply belongs, or to any other person alleged in the application to have control thereof.

Power to close, or restrict use of water from, polluted source of supply.

(2) Upon the hearing of the summons, the court may make an order directing the source of supply to be permanently or temporarily closed or cut off, or the water therefrom to be used for certain purposes only, or such other order as appears to the court to be necessary to prevent injury or danger to the health of persons using the water, or consuming food or drink prepared therewith or therefrom.

The court shall hear any user of the water who claims to be heard, and may cause the water to be analysed at the cost of the local authority.

(3) If a person on whom an order is made under this section fails to comply therewith, the court may, on the application of the local authority, authorise them to do whatever may be necessary for giving effect to the order, and any expenses reasonably incurred by the authority in so doing may be recovered by them from the person in default.

141. Any well, tank, cistern, or water-butt used for the supply of water for domestic purposes which is so placed, constructed or kept as to render the water therein liable to contamination prejudicial to health, shall be a statutory nuisance for the purposes of Part III of this Act.

Power to deal with insanitary cisterns, &c.

PART IV.
—cont.
Interpreta-
tion of
Part IV.

General.

142. In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

“limits of supply” means, in relation to any statutory water undertakers, the limits within which they are for the time being authorised by or under this or any other Act to supply water;

“statutory water undertakers” means water undertakers being either—

(a) a local authority; or

(b) a company, board, committee or person empowered by or under any Act to supply water;

“water-fittings” includes pipes, meters, cocks, ferules, valves, soil-pans, waterclosets, baths, cisterns and other similar apparatus used in connection with the supply and use of water.

PART V.

PREVENTION, NOTIFICATION AND TREATMENT
OF DISEASE.

*Regulations for the prevention and treatment of
infectious disease, &c.*

Power of
Minister to
make regu-
lations with
a view to
the treat-
ment of
certain
diseases,
and for
preventing
the spread
of such
diseases.

143.—(1) Subject to the provisions of this section, the Minister may, as respects the whole or any part of England and Wales, including the coastal waters thereof, make regulations—

(a) with a view to the treatment of persons affected with any epidemic, endemic or infectious disease and for preventing the spread of such diseases;

(b) for preventing danger to public health from vessels or aircraft arriving at any place; and

(c) for preventing the spread of infection by means of any vessel or aircraft leaving any place, so far as may be necessary or expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any other country;

and without prejudice to the generality of the foregoing words, may by any such regulations apply, with or without modifications, to any disease to which the regulations relate any enactment (including any enactment in this Act) relating to the notification of disease or to notifiable diseases :

PART V.
—cont.

Provided that, before making regulations under paragraph (b) or paragraph (c) of this subsection, the Minister shall consult, in the case of vessels, the Board of Trade and, in the case of aircraft, the Secretary of State.

(2) Regulations made under this section may provide for—

- (a) the signals to be displayed by vessels or aircraft having on board any case of epidemic, endemic or infectious disease;
- (b) the questions to be answered by masters, pilots and other persons on board any vessel or aircraft as to cases of such disease on board during the voyage or on arrival;
- (c) the detention of vessels or aircraft and of persons on board them;
- (d) the duties to be performed in cases of such diseases by masters, pilots, and other persons on board vessels or aircraft;

and may authorise the making of charges and provide for the recovery of such charges and of any expenses incurred in disinfection.

(3) Regulations made under this section shall specify the authorities, whether county councils, local authorities or port health authorities, by whom they are to be enforced and executed, and may also provide for their enforcement and execution by officers of customs and excise and officers and men employed in the coast-guard :

Provided that regulations so made shall require—

- (i) so far as they apply to officers of customs and excise, the consent of the Commissioners of Customs and Excise;

PART V.
—cont.

- (ii) so far as they apply to officers or men employed in the coast-guard, the consent of the Admiralty and the Board of Trade;
- (iii) so far as they apply to signals, in the case of vessels, the consent of the Board of Trade and, in the case of aircraft, the consent of the Secretary of State.

(4) Authorised officers of any such authority, officers of customs and excise and officers and men employed in the coast-guard shall have power to enter any premises, vessel, or aircraft for the purpose of executing, or superintending the execution of, any such regulations as aforesaid.

(5) Any person who wilfully neglects or refuses to obey or carry out, or obstructs the execution of, any regulations made by the Minister under this section shall, in a case where no provision is made by the regulations for his punishment, be liable to a fine not exceeding one hundred pounds, and in the case of a continuing offence to a further fine not exceeding fifty pounds for every day on which the offence continues after conviction therefor.

(6) Any expenses incurred by a county council under this section shall, if the Minister by order so directs, be defrayed as expenses for special county purposes charged on such part of the county as may be provided by the order, but any such order may be revoked or varied by a subsequent order.

(7) Regulations made under this section shall be laid before Parliament.

(8) This section extends to London.

(9) His Majesty may by Order in Council direct that the provisions of subsections (1) to (7) of this section, so far as they relate to regulations (including regulations as to quarantine) with respect to matters with respect to which the Parliament of Northern Ireland has no power to make laws, shall extend to Northern Ireland, subject to such exceptions, modifications and adaptations as may be specified in the Order.

(10) His Majesty may by Order in Council direct that regulations made under this section, other than regulations for purposes mentioned in paragraph (a) of subsection (1) which will be operative on land, shall

extend to the Isle of Man and the Channel Islands with such exceptions, modifications and adaptations as may be specified in the Order, and for the purposes of any such Order the provisions of subsections (4) and (5) of this section shall be deemed to form part of the regulations.

PART V.
—cont.

Notification of disease.

144.—(1) When an inmate of any building used for human habitation, not being a hospital in which persons suffering from an infectious disease are received, is suffering from a notifiable disease—

Obligation
to notify
certain
diseases.

(a) the head of the family to which that inmate (in this section referred to as “the patient”) belongs and, in his default, the nearest relatives of the patient present in the building or in attendance on the patient, and, in default of such relatives, every person in charge of or in attendance on the patient, and, in default of any such person, the occupier of the building, shall, as soon as he becomes aware that the patient is suffering from a notifiable disease, send notice thereof to the medical officer of health of the district in which the building is situate;

(b) every medical practitioner attending on, or called in to visit, the patient shall, as soon as he becomes aware that the patient is suffering from a notifiable disease, send to the medical officer of health of the district in which the building is situate a certificate stating the name of the patient, the situation of the building, and the disease from which, in the opinion of that medical practitioner, the patient is suffering.

(2) Any person who fails to send a notice or certificate which he is required by this section to send shall be liable to a fine not exceeding forty shillings:

Provided that a person who is required to send notice only in default of some other person shall not be liable to a fine, if he satisfies the court that he believed, and had reasonable grounds for believing, that the notice had been duly sent.

(3) In this section the expression “occupier” includes a person having the charge, management, or

PART V.
—cont.

control of the building, or of the part of a building, in which the patient is, and in the case of a building the whole of which is ordinarily let out in separate tenements, or in the case of a lodging-house the whole of which is ordinarily let to lodgers, the person receiving the rent payable by the tenants or lodgers either on his own account or as the agent of another person.

Supply of forms of certificate, and fees for certificates.

145.—(1) A local authority shall, upon application, supply forms of certificate for use under the last preceding section free of charge to any medical practitioner practising in their district, and shall pay to a medical practitioner for each certificate duly sent by him under that section a fee of two shillings and sixpence if the case occurs in his private practice, and a fee of one shilling if the case occurs in his practice as medical officer of any public body or institution.

(2) Where the medical practitioner attending a patient is himself the medical officer of health of the district, he shall be entitled to the fee to which, if he were not the medical officer of health, he would have been entitled in respect of a certificate sent by him to the medical officer.

Notification of cases occurring in buildings occupied for purposes of the defence services.

146.—(1) Where a case of a notifiable disease occurs in a building in the occupation of any of His Majesty's forces, or of any person employed by or under the Admiralty, the Army Council, or the Air Council, it shall be the duty of the medical practitioner attending the patient to certify the case to the medical officer of health of the district, if it would have been his duty so to certify it had it occurred in a building in private occupation.

(2) Unless the medical practitioner is a medical officer holding a commission in His Majesty's forces, the local authority shall pay to him for the certificate a fee of one shilling, whether the case occurs in his private practice or not.

Power of local authority to declare further diseases to be notifiable.

147.—(1) A local authority may order that the provisions of this Part of this Act relating to the notification of disease shall apply in their district to an infectious disease not being a disease specifically mentioned in the definition of "notifiable disease" contained in this Act, and, while such an order is in operation, an infectious disease mentioned therein shall,

within the district of the authority, be a notifiable disease to which the provisions of this Act relating to notifiable diseases apply :

PART V.
—cont.

Provided that, subject to the provisions of this section with respect to a temporary order made in a case of an emergency, an order made under this section shall have no effect until it has been approved by the Minister and duly advertised.

(2) When any such order has been approved by the Minister, the local authority shall give notice of the order by advertisement in a local newspaper circulating in the district and in such other manner as they think sufficient for informing persons interested, and shall also send a copy to each registered medical practitioner who after due inquiry is ascertained to be practising in their district, and the order shall come into operation on such date, not being earlier than one week after the date of the publication of the advertisement of the order in a local newspaper, as the local authority may fix.

(3) If, in a case which appears to a local authority to be one of emergency, the authority resolve under this section to make a temporary order and declare in their resolution the nature of the emergency, the order may be advertised at once in accordance with the provisions of the last preceding subsection and shall come into operation at the expiration of one week from the date of the publication of the advertisement :

Provided that a copy of the resolution shall be transmitted to the Minister so soon as it is passed, and the order shall, unless previously approved by the Minister, cease to be in force at the expiration of one month after it is made, and may be revoked by the Minister at any earlier date.

Any such temporary order shall specify the period during which it is to continue in operation.

(4) An order made under this section may be varied or revoked by an order made and approved in like manner as the original order.

Provisions for preventing spread of infection.

148. A person who—

(a) knowing that he is suffering from a notifiable disease, exposes other persons to the risk of

Penalty on
exposure of
persons and
articles

PART V.
—*cont.*
liable to
convey
notifiable
disease.

infection by his presence or conduct in any street, public place, place of entertainment or assembly, club, hotel, inn or shop;

- (b) having the care of a person whom he knows to be suffering from a notifiable disease, causes or permits that person to expose other persons to the risk of infection by his presence or conduct in any such place as aforesaid; or
- (c) gives, lends, sells, transmits or exposes, without previous disinfection, any clothing, bedding or rags which he knows to have been exposed to infection from any such disease, or any other article which he knows to have been so exposed and which is liable to carry such infection,

shall be liable to a fine not exceeding five pounds :

Provided that a person shall not incur any liability under this section by transmitting with proper precautions any article for the purpose of having it disinfected.

Person suffering from notifiable disease not to carry on occupation to danger of others.

149. A person who, knowing that he is suffering from a notifiable disease, engages in or carries on any trade, business or occupation which he cannot engage in or carry on without risk of spreading the disease shall be liable to a fine not exceeding five pounds.

Child liable to convey notifiable disease may be ordered not to attend school.

150.—(1) A person having the care of a child who is, or has been, suffering from, or has been exposed to infection of, a notifiable disease, shall not, after receiving notice from the medical officer of health of the district that the child is not to be sent to school, permit the child to attend school, until he has obtained from the medical officer of health a certificate, for which no charge shall be made, that in his opinion the child may attend school without undue risk of communicating the disease to others.

(2) A person who contravenes the provisions of this section shall be liable to a fine not exceeding five pounds.

Local authority may require list of day-scholars at

151.—(1) The principal of a school in which any scholar is suffering from a notifiable disease shall, if required by the medical officer of health of the district, furnish to him within a reasonable time fixed by him a

complete list of the names and addresses of the scholars, not being boarders, in or attending the school, or any specified department of the school.

PART V.
—cont.
school
where
notifiable
disease
exists.

(2) The local authority shall pay to the principal of a school for every list furnished by him under this section the sum of sixpence, and, if the list contains more than twenty-five names, a further sum of sixpence for every twenty-five names (including the first twenty-five names) contained in the list.

(3) If the principal of a school fails to comply with the provisions of this section, he shall be liable to a fine not exceeding five pounds.

(4) In this section the expression "the principal" means the person in charge of a school, and includes, where the school is divided into departments and no one person is in charge of the whole school, the head of any department.

152.—(1) A person shall not send or take to any laundry or public washhouse for the purpose of being washed, or to any place for the purpose of being cleaned, any article which he knows to have been exposed to infection from a notifiable disease, unless that article has been disinfected by, or to the satisfaction of, the medical officer of health of the district or some other registered medical practitioner, or is sent with proper precautions to a laundry for the purpose of disinfection, with notice that it has been exposed to infection.

Restrictions
on sending
or taking
infected
articles to
laundry or
public wash-
house, or to
cleaners.

(2) The local authority may pay the expenses of the disinfection of any such article as aforesaid if carried out by them or under their direction.

(3) The occupier of any building in which a person is suffering from a notifiable disease shall, if required by the local authority, furnish to them the address of any laundry, washhouse or other place to which articles from the house have been, or will be, sent during the continuance of the disease for the purpose of being washed or cleaned.

(4) A person who contravenes, or fails to comply with, any provision of this section shall be liable to a fine not exceeding five pounds.

PART V.

—cont.

Power to prohibit home work on premises where notifiable disease exists.

153.—(1) If a case of a notifiable disease occurs on any premises, then, whether the person suffering from the disease has been removed from the premises or not, the local authority may make an order forbidding any work to which this section applies to be given out to any person living or working on those premises, or on such part thereof as may be specified in the order, and any order so made may be served on the occupier of any factory or other place from which work is given out, or on any contractor employed by any such occupier.

(2) An order under this section may be expressed to operate for a specified time or until the premises or any part thereof specified in the order have been disinfected to the satisfaction of the medical officer of health, or may be expressed to be inoperative so long as any other reasonable precautions specified in the order are taken.

(3) If any occupier or contractor on whom an order under this section has been served contravenes the provisions of the order, he shall be liable to a fine not exceeding ten pounds.

(4) This section applies to the making, cleaning, washing, altering, ornamenting, finishing or repairing of wearing apparel and any work incidental thereto, and to such other classes of work as may from time to time be specified by order of the Minister.

Restrictions on sales, &c. by persons collecting, or dealing in, rags, old clothes or similar articles.

154.—(1) No person who collects or deals in rags, old clothes or similar articles, and no person assisting, or acting on behalf of, any such person as aforesaid, shall—

(a) in or from any shop or premises used for, or in connection with, the business of a dealer in any such articles as aforesaid; or

(b) while engaged in collecting any such articles as aforesaid,

sell or deliver, whether gratuitously or not, any article of food or drink to any person, or any article whatsoever to a person under the age of fourteen years.

(2) A person who contravenes any of the provisions of this section shall be liable to a fine not exceeding five pounds.

155.—(1) A person who knows that he is suffering from a notifiable disease shall not take any book, or cause any book to be taken for his use, or use any book taken, from any public or circulating library.

PART V.
—cont.
Provisions
as to
library
books.

(2) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from a notifiable disease.

(3) A person shall not return to any public or circulating library a book which he knows to have been exposed to infection from a notifiable disease, or permit any such book which is under his control to be so returned, but shall give notice to the local authority, or, in the case of a library provided by a county council, to that council, that the book has been so exposed to infection.

(4) A person who contravenes any of the foregoing provisions of this section shall be liable to a fine not exceeding five pounds.

(5) A local authority or, as the case may be, a county council on receiving such a notice as aforesaid shall cause the book to be disinfected and returned to the library, or shall cause it to be destroyed.

156.—(1) A person who places, or causes or permits to be placed, in a dustbin or ashpit any matter which he knows to have been exposed to infection from a notifiable disease, and which has not been disinfected, shall be liable to a fine not exceeding five pounds.

Infectious
matter not
to be placed
in dustbins.

(2) The local authority shall give notice of the provisions of this section to the occupier of any house in which they are aware that there is a person suffering from a notifiable disease.

157.—(1) If any person who—

- (a) is concerned in the letting of a house or part of a house, or in showing a house or part of a house with a view to its being let; or
- (b) has recently ceased to occupy a house or part of a house,

Provisions
as to the
letting of
houses, or
rooms in
hotels, after
recent case
of notifiable
disease.

is questioned by any person negotiating for the hire of the house, or any part thereof, as to whether there is, or has been within the preceding six weeks, in any part of the house a person suffering from a notifiable

PART V.
—cont.

disease, and knowingly makes a false answer to that question, he shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding one month.

(2) A person who lets any house or part of a house in which a person has to his knowledge, been suffering from a notifiable disease without having the house, or the part of the house, and all articles therein liable to retain infection, disinfected to the satisfaction of the medical officer of health of the district or of some other registered medical practitioner, as testified by a certificate signed by him, shall be liable to a fine not exceeding twenty pounds.

(3) The keeper of an hotel or inn who allows a room therein in which any person has to his knowledge been suffering from a notifiable disease to be occupied by any other person before the room and all articles therein liable to retain infection have been disinfected to the satisfaction of the medical officer of health of the district or of some other registered medical practitioner, as testified by a certificate signed by him, shall be liable to a fine not exceeding twenty pounds.

Persons
ceasing to
occupy
house to
disclose to
owner any
recent case
of notifiable
disease, and
to disinfect.

158.—(1) If a person ceases to occupy a house or part of a house in which to his knowledge a person has within six weeks previously been suffering from a notifiable disease and either—

- (a) fails to have the house, or the part of the house, and all articles therein liable to retain infection, disinfected to the satisfaction of the medical officer of health of the district or some other registered medical practitioner, as testified by a certificate signed by him; or
- (b) fails to give to the owner of the house, or the part of the house, notice of the previous existence of the disease; or
- (c) on being questioned by the owner as to whether within the preceding six weeks there has been therein any person suffering from any notifiable disease, makes a false answer to such question,

he shall be liable, in the case of an offence under paragraph (a) or paragraph (b) of this subsection, to a fine not exceeding twenty pounds and, in the case of an offence under paragraph (c), to a fine not exceeding

twenty pounds or to imprisonment for a term not exceeding one month.

PART V.
—cont.

(2) The local authority shall give notice of the provisions of this section to the occupier and also to the owner of any house in which they are aware that there is a person suffering from a notifiable disease.

159.—(1) No person who knows that he is suffering from a notifiable disease shall—

Provisions
as to use of
public con-
veyances by
persons
suffering
from notifi-
able disease.

- (a) enter any public conveyance used for the conveyance of persons at separate fares; or
- (b) enter any other public conveyance without previously notifying the owner or driver thereof that he is so suffering.

(2) No person having the care of a person whom he knows to be suffering from a notifiable disease shall permit that person to be carried—

- (a) in any public conveyance used for the conveyance of persons at separate fares; or
- (b) in any other public conveyance without previously informing the owner or driver thereof that that person is so suffering.

(3) A person who contravenes any provision of this section shall be liable to a fine not exceeding five pounds and, in addition to any fine imposed, shall be ordered by the court to pay to any person concerned with the conveyance as owner, driver or conductor thereof a sum sufficient to cover any loss and expense incurred by him in connection with the disinfection of the conveyance under the provisions in that behalf contained in the next succeeding section.

160.—(1) The owner, driver or conductor of a public conveyance used for the conveyance of passengers at separate fares, shall not convey therein a person whom he knows to be suffering from a notifiable disease.

Duty of
owner, &c.
of public
conveyance
in regard to
cases of
notifiable
disease.

(2) The owner or driver of any other public conveyance may refuse to convey therein any person suffering from a notifiable disease, until he has been paid a sum sufficient to cover any loss and expense which will be incurred by reason of the provisions of the next succeeding subsection.

PART V.
—cont.

(3) If a person suffering from a notifiable disease is conveyed in a public conveyance, the person in charge thereof shall, as soon as practicable, give notice to the medical officer of health of the district in which the conveyance is usually kept, and, before permitting any other person to enter the conveyance, shall cause it to be disinfected, and any person concerned with the conveyance as owner, driver or conductor thereof may recover in a summary manner from the person so conveyed, or from the person causing that person to be so conveyed, a sufficient sum to cover any loss and expense incurred by him.

(4) A person who contravenes any of the foregoing provisions of this section shall be liable to a fine not exceeding five pounds.

(5) The local authority, when so requested by the person in charge of a public conveyance in which a person suffering from a notifiable disease has been conveyed, shall provide for its disinfection, and shall make no charge in respect thereof except in a case where the owner, driver or conductor conveyed a person knowing that he was suffering from a notifiable disease.

Power of
Minister to
make regu-
lations as to
disposal of
dead bodies.

161. The Minister, with the concurrence of the Secretary of State, may make regulations imposing any conditions and restrictions with respect to means of disposal of dead bodies otherwise than by burial or cremation, as to the period of time a body may be retained after death on any premises, or with respect to embalming or preservation, which may appear to be desirable in the interests of public health or public safety.

Power of
justice to
order dead
body to be
removed to
mortuary,
or buried
forthwith.

162.—(1) If a justice of the peace (acting, if he deems it necessary, *ex parte*) is satisfied, on a certificate of the medical officer of health of the district in which a dead body lies, or on a certificate of any other registered medical practitioner on the staff of the local authority of that district, that the retention of the body in any building would endanger the health of the inmates of that building, or of any adjoining or neighbouring building, he may order that the body be removed by, and at the cost of, the local authority to a mortuary, and that the necessary steps be taken to secure that it is buried within a time limited by the order or, if he considers immediate burial necessary, immediately :

PART V.
—cont.

Provided that relatives or friends of the deceased person shall be deemed to comply with an order so made if they cause the body to be cremated within the time limited by the order, or, as the case may be, immediately.

(2) Unless relatives or friends of the deceased person undertake to, and do, cause the body to be buried or cremated within the time limited by the order or, as the case may be, immediately, it shall be the duty of the relieving officer of the district within which the body was lying at the time of the application to the justice to cause the body to be buried, and any expenses reasonably incurred by him in so doing may be recovered summarily by the council whose officer he is from any person legally liable to pay the expenses of the burial.

(3) An order under this section shall be an authority to any officer named therein to do all acts necessary for giving effect to the order.

163.—(1) If a person dies in a hospital while suffering from a notifiable disease and the medical officer of health of the district, or some other registered medical practitioner, certifies that in his opinion it is desirable, in order to prevent the spread of infection, that the body should not be removed from the hospital except for the purpose of being taken direct to a mortuary or being forthwith buried or cremated, it shall not be lawful for any person to remove the body from the hospital except for such a purpose.

Restrictions in certain cases on removal of bodies of persons dying in hospital.

(2) In any such case as aforesaid, when the body is removed for the purpose of burial or cremation from the hospital or any mortuary to which it has been taken, it shall forthwith be taken direct to some place of burial or crematorium, and there buried or cremated.

(3) A person who contravenes any provision of this section shall be liable to a fine not exceeding five pounds.

164. Every person having the charge or control of premises in which is lying the body of a person who has died while suffering from a notifiable disease shall take such steps as may be reasonably practicable to prevent persons coming unnecessarily into contact with, or proximity to, the body, and, if he fails to do so, shall be liable to a fine not exceeding five pounds.

Avoidance of contact with body of person who suffered from notifiable disease.

PART V.

—*cont.*

Wake not to be held over body of person who suffered from notifiable disease.

165. It shall not be lawful to hold a wake over the body of a person who has died while suffering from a notifiable disease, and the occupier of any premises who permits or suffers any such wake to take place thereon, and every person who takes part in the wake, shall be liable to a fine not exceeding five pounds.

*Provisions as to disinfection of premises and articles,
and the removal of infected persons.*

Power of local authority to provide disinfecting station.

166. A local authority may provide a disinfecting station and may cause any article brought thereto to be disinfected free of charge.

Cleansing and disinfection of premises and articles therein.

167.—(1) If a local authority are satisfied upon a certificate of the medical officer of health of the district that the cleansing and disinfection of any premises, and the disinfection or destruction of any articles therein likely to retain infection, would tend to prevent the spread of any infectious disease, the authority shall give notice to the occupier of the premises that they will at his cost cleanse and disinfect the premises and disinfect or, as the case may require, destroy any such articles therein, unless, within twenty-four hours after the receipt of the notice, he informs them that within a time to be fixed by the notice he will take such steps as are specified therein.

(2) If within twenty-four hours after receipt of the notice the person to whom it is given does not inform the authority as aforesaid, or if, having so informed the authority, he fails to take such steps as aforesaid to the satisfaction of the medical officer of health within the time fixed by the notice, the authority may cause the premises to be cleansed and disinfected and the articles to be disinfected or destroyed, as the case may require, and may, if they think fit, recover from him the expenses reasonably incurred by them in so doing.

(3) Where the occupier of any premises is in the opinion of the local authority unable effectually to take such steps as they consider necessary, they may, without giving such notice as aforesaid but with his consent, take the necessary steps at their own cost.

(4) Where a local authority have under this section disinfected any premises or article, or destroyed any article, they may, if they think fit, pay compensation to any person who has suffered damage by their action.

PART V.
—cont.

(5) For the purposes of this section, the owner of unoccupied premises shall be deemed to be in occupation thereof.

168.—(1) When any infectious disease occurs in a house, or the local authority deem it necessary to disinfect any house, the authority may, on a certificate of the medical officer of health of the district—

Power of local authority to remove temporarily inmates of infected house.

(a) cause any person who is not himself sick and who consents to leave the house, or whose parent or guardian, where the person is a child, consents to his leaving the house, to be removed therefrom to any temporary shelter or house accommodation provided by the authority;

(b) cause any such person to be so removed without any consent, if a justice of the peace (acting, if he deems it necessary, *ex parte*) is satisfied, on the application of the authority, of the necessity for the removal and makes an order for the removal, subject to such conditions, if any, as may be specified in the order.

(2) The local authority shall in every case cause the removal to be effected and the conditions of any order to be satisfied without charge to the person removed, or to the parent or guardian of that person.

(3) A local authority may provide temporary shelter or house accommodation for the purposes of this section.

169.—(1) Where a justice of the peace (acting, if he deems it necessary, *ex parte*) is satisfied, on the application of the local authority, that a person is suffering from a notifiable disease and—

Provision for removal to hospital of persons suffering from notifiable disease where serious risk

(a) that his circumstances are such that proper precautions to prevent the spread of infection cannot be taken, or that such precautions are not being taken; and

PART V.
—*cont.*
of infection
being
spread.

(b) that serious risk of infection is thereby caused to other persons; and

(c) that accommodation for him is available in a suitable hospital or institution,

the justice may, with the consent of the superintending body of the hospital or institution, order him to be removed thereto and maintained therein at the cost of the authority.

(2) An order under this section may be addressed to such officer of the local authority as the justice may think expedient, and that officer and any officer of the hospital or institution may do all acts necessary for giving effect to the order.

Power of
justice to
order
detention
in hospital
of infected
person with-
out proper
lodging to
return to.

170.—(1) Where a justice of the peace acting (if he deems it necessary, *ex parte*) in and for the place in which a hospital for infectious diseases is situate is satisfied, on the application of any local authority, that an inmate of the hospital who is suffering from a notifiable disease would not, on leaving the hospital, be provided with lodging or accommodation in which proper precautions could be taken to prevent the spread of the disease by him, the justice may order him to be detained in the hospital at the cost of the authority:

Provided that the making of such an order shall not affect the liability of any council who by virtue of any contract or order, or otherwise, are under an obligation to defray the cost of his maintenance whilst in the hospital.

(2) An order made under the preceding subsection may direct detention for a period specified in the order, but any justice of the peace acting in and for the same place may extend a period so specified as often as it appears to him to be necessary so to do.

(3) Any person who leaves a hospital contrary to an order made under this section for his detention therein shall be liable to a fine not exceeding five pounds, and the court may order him to be taken back to the hospital.

(4) An order under this section may be addressed, in the case of an order for a person's detention, to such officer of the hospital and, in the case of an order made

under the last preceding subsection, to such officer of the local authority on whose application the order for detention was made, as the justice may think expedient, and that officer and any officer of the hospital may do all acts necessary for giving effect to the order.

PART V.
—cont.

Provisions as to treatment of tuberculosis.

171.—(1) It shall be the duty of the council of every county and county borough to make adequate arrangements for the treatment of persons in their county or borough, who are suffering from tuberculosis, at or in dispensaries, sanatoria and other institutions approved by the Minister.

Institutional treatment of tuberculosis.

(2) The Minister may under this section approve an institution for such time, and subject to such conditions, as he thinks fit, and may withdraw any such approval.

172.—(1) Where a court of summary jurisdiction is satisfied, on the application of a county council or local authority, that a person suffering from tuberculosis of the respiratory tract (in this section referred to as "the patient") is in an infectious state, and—

Removal to hospital of infectious persons suffering from tuberculosis of the respiratory tract.

- (a) that his circumstances are such that proper precautions to prevent the spread of infection cannot be taken, or that such precautions are not being taken; and
- (b) that serious risk of infection is thereby caused to other persons; and
- (c) that accommodation for him is available in a suitable hospital or institution,

the court may, with the consent of the superintending body of the hospital or institution, order him to be removed thereto and to be detained and maintained therein for such period not exceeding three months as the court thinks fit.

(2) Where, before the expiration of any period for which a patient has been ordered to be detained under this section, a court of summary jurisdiction acting for the same petty sessional division or place is satisfied, upon the application of the county council or local authority, that the conditions which led to his detention being

PART V.
—cont.

ordered will again exist if he is not detained for a further period, the court may, subject to the like consent, order his detention for a further period, not exceeding three months.

(3) Before making an application for an order under this section, the county council or local authority shall give to the patient, or to some person having the care of him, not less than three clear days' notice of the time and place at which the application will be made.

(4) On the hearing of any application under this section, the court may, if it thinks it necessary so to do, require the patient to be examined by such registered medical practitioner as it may direct.

(5) The county council or local authority on whose application an order has been made under this section shall, if so directed by the court—

- (i) pay the whole, or such part as the court may direct, of the cost of the patient's removal to and maintenance in the hospital or institution;
- (ii) make towards the maintenance of any of his dependants such contribution as the court may direct;

and, in the absence of any direction by the court, may pay the whole or such part, if any, as they think fit of the said cost and make such contribution, if any, as they think fit.

(6) At any time after the expiration of six weeks from the date of an order made under subsection (1) of this section, application for the rescission of that order, if it is still in force, or of any further order made under subsection (2) of this section, may, upon not less than three clear days' notice to the county council or local authority concerned, be made to a court of summary jurisdiction acting for the same petty sessional division or place, and upon the hearing of any such application the court may rescind the order.

(7) An order under this section may be addressed to such officer of the county council or local authority as the court may think expedient, and that officer and any officer of the hospital or institution may do all acts necessary for giving effect to the order.

173.—(1) Without prejudice to the foregoing provisions of this Part of this Act with respect to institutional treatment, a county council or a local authority may make such arrangements as they think desirable for the treatment of tuberculosis.

(2) The council of a county or county borough may make such arrangements as they think desirable for the after-care of persons who have suffered from tuberculosis.

174. Any expenses incurred under the three last preceding sections by a county council shall, if the Minister by order so directs, be defrayed as expenses for special county purposes charged on such part of the county as may be provided by the order, but any such order may be revoked or varied by a subsequent order.

175.—(1) The Minister may, by order, constitute an advisory committee for the purpose of assisting the councils of counties and county boroughs in making arrangements for the treatment of persons suffering from tuberculosis who are masters, seamen, or apprentices in or to the sea service or the sea-fishing service.

(2) An order under this section may provide for the advisory committee including representatives—

(a) of the council of any county or county borough within whose area a substantial number of persons who are masters, seamen or apprentices in or to the sea service or the sea-fishing service are resident; and

(b) of the governing body of the Seamen's Special Fund for which provision is made, by section one hundred and thirty-eight of the National Health Insurance Act, 1936, so long as that body contribute out of their funds towards the expenses of the committee; and

(c) if the said governing body cease at any time so to contribute, of societies approved under the National Health Insurance Act, 1936, more than three-fourths of whose members are persons who are such masters, seamen or apprentices as aforesaid,

and may contain such incidental, consequential and supplemental provisions as appear to the Minister to be

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—cont.
General provisions as to treatment of tuberculosis and after-care.

Expenses of county councils in connection with tuberculosis.

Special provisions with respect to treatment of tuberculous seamen.

26 Geo. 5. &
1 Edw. 8.
c. 32.

PART V.
—cont.

necessary or appropriate for giving full effect to the order.

(3) An order made under this section may be varied or revoked by another order so made.

(4) This section extends to London.

Provisions with respect to blindness.

Power of county councils and local authorities in respect of the prevention and treatment of blindness.

176.—(1) A county council or local authority may make such arrangements as they think desirable for assisting in the prevention of blindness, and in particular for the treatment of persons ordinarily resident within their area who are suffering from any disease of, or injury to, the eyes.

(2) Any expenses incurred under this section by a county council shall, if the Minister by order so directs, be defrayed as expenses for special county purposes charged on such part of the county as may be provided by the order, but any such order may be revoked or varied by a subsequent order.

(3) For the purposes of this section, a person who becomes an inmate of a hospital or institution shall be deemed to continue to be ordinarily resident within the area within which he was ordinarily resident before he became an inmate of the hospital or institution.

Miscellaneous.

Power of local authority to provide temporary supply of medicine and medical assistance, and to provide nursing attendance in certain cases.

177.—(1) A local authority may, with the approval of the Minister, provide a temporary supply of medicine and medical assistance for the poorer inhabitants of their district.

(2) A local authority may provide nurses for attendance on patients suffering from any infectious disease in their district in cases where suitable hospital accommodation is not available, or removal to hospital is likely to endanger the patient's health, and may make charges for the services of nurses so provided.

Power of county councils and local authorities to subscribe to nursing associations.

178. A county council or local authority may contribute by way of an annual subscription towards the support and maintenance of any association for providing nurses.

179. Subject to such conditions and restrictions, if any, as the Minister may by regulations prescribe, a county council or local authority may arrange for the publication within their area of information on questions relating to health or disease, and for the delivery of lectures and the display of pictures or cinematograph films in which such questions are dealt with, and may defray the whole or a part of the expenses incurred for any of the purposes of this section.

PART V. —cont. Instruction, lectures, &c. on questions relating to health or disease.

180.—(1) The Minister may make regulations prescribing the qualifications of medical officers and health visitors appointed by a county council or local authority in pursuance of arrangements made under—

Qualifications for certain appointments in connection with tuberculosis and venereal disease.

- (a) the provisions of this Part of this Act which relate to tuberculosis; or
- (b) regulations made under this Part of this Act for the treatment of venereal disease;

and no person shall be appointed as such a medical officer or health visitor unless his qualifications are in accordance with the regulations.

(2) Regulations made under this section shall be laid before Parliament.

(3) This section, except in so far as it relates to appointments in connection with the treatment of tuberculosis, shall extend to London.

PART VI.

HOSPITALS, NURSING HOMES, &C.

Hospitals.

181.—(1) A county council or a local authority may provide hospital accommodation for persons in their county or district who are sick.

Provision of hospital accommodation by county councils and local authorities.

(2) The power of a county council or local authority under this section to provide hospital accommodation for persons who are sick includes power to provide—

- (a) clinics, dispensaries and out-patient departments; and
- (b) in the case of the council of a county or county borough, and in the case of any other council who are a welfare authority for the purposes of Part VII of this Act, maternity homes.

PART VI.
—*cont.*

(3) A county council or a local authority may give reasonable donations or subscriptions to a voluntary hospital or institution, but the expenses incurred by them under this subsection shall not in any year exceed an amount equal to the produce (calculated in accordance with rules made under section nine of the Rating and Valuation Act, 1925) of a rate of one and one-third pence in the pound, or of such higher rate-poundage as the Minister may in any particular case from time to time approve, levied in the area chargeable with the expenses.

Consultation with voluntary hospitals as to accommodation to be provided.

182. A county council or local authority, when making provision for hospital accommodation under this Part of this Act, other than hospital accommodation for persons suffering from an infectious disease, shall consult such committee or other body as they consider to represent both the governing bodies and the medical and surgical staffs of the voluntary hospitals providing services in, or for the benefit of, their county or district as to the accommodation to be provided and as to the purposes for which it is to be used.

Power to provide houses for officers of a hospital.

183. A county council or local authority who provide a hospital may provide houses for officers employed by them at the hospital, and any expenses incurred by them in so doing shall be defrayed as expenses incurred in the provision of the hospital.

Recovery of expenses of maintenance in certain institutions.

184.—(1) In the case of a patient who has become an inmate of an institution for the purpose of receiving treatment for infectious disease, a county council or local authority may, and in the case of any other patient maintained by them in an institution shall, recover from the patient, or from any person legally liable to maintain him, or from the patient's estate, if he has died, any expenses incurred by the council or authority in providing for his maintenance in the institution, not being expenses recoverable from any other source, or, if the council or authority are satisfied that the persons from whom the expenses are under this subsection recoverable cannot reasonably, having regard to their financial circumstances, be required to pay the whole of those expenses, such part, if any, of the expenses as those persons are in the opinion of the council or authority able to pay :

Provided that any such council or authority may, by agreement with the governing body of any association or fund established for the purpose of providing benefits to members or other beneficiaries thereof, accept from the association or fund, in respect of the expenses incurred by the council or authority in the maintenance of any member or beneficiary of the association or fund, payment of such sums as may be provided by the agreement in lieu of recovering the whole or any part of the said expenses from, or from the estate of, the member or beneficiary, or from any person legally liable to maintain him.

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—cont.

(2) For the purposes of this section—

(a) the expression “institution” means any hospital, maternity home or other residential institution wherein accommodation is provided by a county council or local authority under this Act; and

(b) the expenses incurred by a county council or local authority in providing for the maintenance of a patient in an institution shall, in respect of each day of maintenance therein, be taken to be a sum representing the average daily cost per patient of the maintenance of the institution and the staff thereof and the maintenance and treatment of the patients therein, and may include a reasonable charge for the patient's removal to or from the institution.

(3) Expenses recoverable under this section may be recovered as a civil debt, either summarily or otherwise, in proceedings commenced within twelve months from the date of the patient's discharge from the institution or, if he dies in the institution, from the date of his death.

(4) Nothing in this section affects the provisions of this Act relating to the removal to hospital of infectious persons suffering from tuberculosis of the respiratory tract.

185.—(1) Where as respects any county such a County scheme as is mentioned in section sixty-three of the Local Government Act, 1929, has not been prepared before the schemes for provision of hospital

PART VI.
—*cont.*
accommodation for
infectious
disease.

commencement of this Act, the county council shall, for the purpose of securing the provision of suitable means for the proper isolation and treatment of persons suffering from infectious disease, make a survey of the hospital accommodation for the treatment of infectious disease provided by the council and by any of the councils of county districts within the county.

(2) Upon the completion of the survey, the county council shall prepare, in consultation with the councils of all county districts in the county, and, if they deem it desirable, with the council of any county borough adjoining the county, and submit to the Minister for his approval, a scheme for the provision of adequate hospital accommodation for the treatment of persons suffering from infectious disease within the county.

(3) The scheme may provide—

- (a) for the arrangements under which, and the terms upon which, accommodation in any existing hospital belonging to the council of a county district shall be made available for the use of persons resident in any part of the county outside that district;
- (b) for the provision by the county council, or by the council of any county district, of new accommodation for the treatment of persons suffering from infectious disease;
- (c) for embodying arrangements made between the county council, or the council of any county district, and the council of any adjoining county borough for the reception of persons residing in the county borough into hospitals provided by the county council or the council of the county district, or for the reception of persons residing within the county into hospitals provided by the council of the county borough;
- (d) for any expenses incurred by the county council for the purposes of the scheme being defrayed as expenses for special county purposes chargeable on a part only of the county.

PART VI.
—cont.

(4) When a scheme has been submitted to the Minister under this section, the Minister, after considering any representations with respect to the scheme which may be submitted to him by any council affected, may approve the scheme with or without modifications, but until so approved no such scheme shall be of any effect.

(5) If a county council fail to submit to the Minister a scheme under this section within six months after being required by him so to do, the Minister may, after consulting the county council and the councils of all county districts within the county, himself make a scheme for the purpose, and any scheme so made shall have effect as if it were a scheme submitted by the county council and approved by the Minister.

(6) A scheme made under this section, or under section sixty-three of the Local Government Act, 1929, may be varied or revoked by a scheme made in the like manner and subject to the like provisions as the original scheme :

Provided that, if the original scheme was made by the Minister, it may be varied or revoked either by a scheme made in the like manner, or by a scheme submitted by the county council and approved by the Minister.

(7) In this section—

(a) references to councils of county districts shall be construed as including references to combinations of such councils; and

(b) the expression “infectious disease” does not include tuberculosis or venereal disease.

186. A county council may direct that the expenses incurred by them in providing hospital accommodation for persons suffering from infectious disease, whether defrayable as expenses for general county purposes or for special county purposes, shall be assessed on the parishes liable to contribute thereto in proportion to the use made of that accommodation by persons in those parishes respectively and, while any such direction is in force, any precept for county contributions may include as a separate item any contributions, whether for general or special county purposes, which are so assessed.

Expenses of county councils in making provision for the treatment of infectious disease.

PART VI.
—cont.
Registration
of nursing
homes.

Nursing homes.

187.—(1) If any person carries on a nursing home without being registered under this Part of this Act in respect thereof, he shall be liable to a fine not exceeding fifty pounds or, in the case of a second or subsequent offence, to imprisonment for a term not exceeding three months, or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine:

Provided that a person who immediately before the commencement of this Act was registered in respect of a nursing home under the corresponding enactments repealed by this Act shall be deemed to have been registered in respect of that home under this Part of this Act.

(2) An application for registration shall be made to the council of the county or county borough in which the home is situate, and shall be accompanied by a fee of five shillings.

(3) Subject as provided in this Part of this Act, the council of the county or county borough shall, on the receipt of an application for registration, register the applicant in respect of the nursing home named in the application and issue to him a certificate of registration:

Provided that the council may by order refuse to register the applicant if they are satisfied—

- (a) that he or any person employed, or proposed to be employed, by him at the home is not a fit person, whether by reason of age or otherwise, to carry on or to be employed at a nursing home of such a description as the nursing home named in the application; or
- (b) that for reasons connected with situation, construction, state of repair, accommodation, staffing or equipment, the home or any premises used in connection therewith are not fit to be used for a nursing home of such a description as the nursing home named in the application, or that the home or premises are used or proposed to be used for purposes which are in any way improper or undesirable in the case of such a nursing home; or

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—cont.

- (c) in the case of a nursing home not being a maternity home, that the home is not, or will not be, under the charge of a person who is either a registered medical practitioner or a qualified nurse and is or will be resident in the home, or that there is not, or will not be, a proper proportion of qualified nurses among the persons having the superintendence of, or employed in the nursing of the patients in, the home; or
- (d) in the case of a maternity home, that the person who has, or will have, the superintendence of the nursing of the patients in the home is not either a qualified nurse or a certified midwife, or that any person employed, or proposed to be employed, in attending any woman in the home in childbirth, or in nursing any patient in the home, is not either a registered medical practitioner, a certified midwife, a pupil midwife, or a qualified nurse.

(4) The certificate of registration issued in respect of a nursing home shall be kept affixed in a conspicuous place in the home and, if default is made in complying with this subsection, the person carrying on the home shall be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor.

188.—(1) Subject to the provisions of this Part of this Act, the council of a county or county borough may by order at any time cancel the registration of a person in respect of a nursing home on any ground which would entitle them to refuse an application for the registration of that person in respect of that home, or on the ground that that person has been convicted of an offence against the provisions of this Part of this Act relating to nursing homes or against any byelaw made under those provisions, or on the ground that any other person has been convicted of such an offence in respect of that home :

Cancellation
of registra-
tion.

Provided that, in the case of a nursing home which was in existence on the first day of July, nineteen hundred

PART VI.
—cont.

and twenty-eight, the registration of a person in respect of that home shall not be cancelled on the ground that the provisions of paragraph (c) or paragraph (d) of subsection (3) of the last preceding section are not complied with unless, in the case of a nursing home not being a maternity home, the nursing of the patients in the home is not under the superintendence of a qualified nurse who is resident in the home.

(2) For the purpose of this section, a nursing home shall not be deemed to be a home which was in existence on the first day of July, nineteen hundred and twenty-eight if, in the case of a home which was carried on at that date by an individual, it has ceased since that date or ceases to be carried on by that individual solely, or, in the case of a home which was carried on at that date by a body corporate, it has ceased since that date or ceases to be under the charge of the individual under whose charge it was at that date.

Procedure,
and right of
appeal,
where regis-
tration
refused or
cancelled.

189.—(1) Before making under the provisions of this Part of this Act relating to nursing homes an order refusing an application for registration or an order cancelling any registration, the council of the county or county borough shall give to the applicant or to the person registered, as the case may be, not less than fourteen days notice of their intention to make such an order, and every such notice shall state the grounds on which the council intend to make the order and shall contain an intimation that, if within fourteen days after the receipt of the notice the applicant or person registered informs the council in writing that he desires so to do, the council will, before making the order, give him an opportunity of showing cause, in person or by a representative, why the order should not be made.

(2) If the council, after giving to the applicant or to the person registered an opportunity of being heard by them, decide to refuse the application for registration or to cancel the registration, they shall make an order to that effect and shall send a copy of the order to the applicant or the person registered.

(3) A person aggrieved by an order refusing an application for registration or cancelling any registration may appeal to a court of summary jurisdiction.

190. The council of a county or county borough may make byelaws prescribing—

PART VI.
—cont.
Byelaws as
to nursing
homes.

- (a) the records to be kept of the patients received into a nursing home, and, in the case of a maternity home, of any miscarriages occurring in the home, and of the children born therein, and of the children so born who are removed from the home otherwise than to the custody or care of a parent, guardian, or relative;
- (b) the notices to be given when any death occurs in a nursing home.

191. The medical officer of health of a county or county borough, or a qualified nurse or other authorised officer of the council thereof, may, subject to such conditions, if any, as may be laid down by the council, at all reasonable times enter and inspect any premises which are used, or which that officer has reasonable cause to believe to be used, for the purposes of a nursing home, and inspect any records required to be kept in accordance with the provisions of this Part of this Act :

Inspection
of nursing
homes.

Provided that nothing in this Part of this Act shall be deemed to authorise any such officer to inspect any medical record relating to a patient in a nursing home.

192.—(1) The council of a county or county borough may grant exemption from the operation of the provisions of this Part of this Act relating to nursing homes in respect of any hospital or institution not carried on for profit, and may attach conditions to any exemption granted by them.

Power of
registration
authority to
exempt
certain in-
stitutions.

(2) An exemption granted under this section, or under any enactment repealed by this Act, in respect of any hospital or institution may be withdrawn at any time and, unless previously withdrawn, shall cease to have effect on the expiration of one year from the date on which it is granted, without prejudice, however, to the power of the council to grant a further exemption :

Provided that, if a council deem it convenient that all such exemptions should expire on the same date in any year, they may, for the purpose of securing that object, grant exemptions for any period not being less than six months and not exceeding eighteen months.

PART VI.
—cont.

(3) Any person aggrieved by the refusal of a council to grant an exemption under this section, or by any conditions attached by them to an exemption, or by their withdrawal of an exemption, may appeal to the Minister, and the Minister, after considering the matter, shall give such directions as he thinks proper, and the council shall comply with any directions so given.

Power of
Minister to
exempt
Christian
Science
nursing
homes.

193.—(1) The Minister may grant exemption from the operation of the provisions of this Part of this Act relating to nursing homes in respect of any nursing home as respects which he is satisfied that it is being, or will be, carried on in accordance with the practice and principles of the body known as the Church of Christ Scientist.

(2) It shall be a condition of any exemption granted in respect of a nursing home under this section that the nursing home shall adopt and use the name of Christian Science house.

(3) An exemption granted under this section in respect of a nursing home may at any time be withdrawn by the Minister, if it appears to him that that home is no longer being carried on in accordance with the said practice and principles.

Delegation
of powers as
to nursing
homes by
county
council to
council of
county dis-
trict.

194.—(1) A county council may, on the application of the council of any county district within the county, by agreement delegate to the council of that district, either with or without restrictions or conditions, any of the functions of the county council under the provisions of this Part of this Act relating to nursing homes.

(2) If the council of a county district who have made an application under the preceding subsection are aggrieved by the refusal of the county council to delegate functions, or by any conditions or restrictions which the county council propose to impose, the council of the county district may make a representation to the Minister, and the Minister, after consultation with the county council, may by order direct the county council to delegate to the council of the county district, either with or without restrictions or conditions, such functions under this Part of this Act relating to nursing homes as the Minister thinks proper, and the county council shall comply with any direction so given.

The Minister may at any time by order revoke an order previously made by him under this subsection.

PART VI.
—cont.

(3) Where any functions of a county council are delegated under this section to the council of a county district, the references in the last but two preceding section to the medical officer of health of the county and to officers of the county council shall as respects those functions be construed as references to the medical officer of health of the county district and to officers of the council thereof.

(4) Any expenses incurred by the council of a county district in the discharge of functions delegated to them under this section shall, up to an amount not exceeding such sum as may be fixed by the county council, or, on an appeal, by the Minister, be repaid to the council of the county district by the county council.

(5) Any fees received under this Part of this Act in respect of the registration of nursing homes by the council of a county district shall, as the county council may direct, either be paid to that council or be applied in reduction of the sum to be repaid under this section by that council to the council of the county district.

195. Where a person convicted of an offence against any of the provisions of this Part of this Act relating to nursing homes, or against any byelaw made thereunder, is a company, the chairman and every director of the company and every officer of the company concerned in its management shall be guilty of the like offence, unless he proves that the act constituting the offence took place without his knowledge or consent.

Offences by companies under provisions of Part VI relating to nursing homes.

Laboratories, ambulances, mortuaries, &c.

196.—(1) A county council or a local authority may provide a laboratory for purposes connected with the diagnosis and treatment of diseases and for the making of such bacteriological, chemical and other examinations as may assist them in the performance of their functions under this Act.

Provision of laboratories.

(2) A county council or a local authority who provide a laboratory under this section may allow any person to make use thereof on such terms as they think fit.

PART VI.
—cont.
Provision of
ambulances.

197.—(1) A county council or a local authority may provide ambulances and may make charges for the use thereof.

(2) Where an ambulance is used for the conveyance of a person suffering from an infectious disease, the county council or local authority, as the case may be, shall not allow the ambulance to be again used until proper steps have been taken to prevent the communication of the disease to any other person.

Provision
of mortu-
aries and
post-
mortem
rooms.

198.—(1) A local authority or a parish council may, and if required by the Minister shall, provide—

(a) a mortuary for the reception of dead bodies before interment;

(b) a post-mortem room for the reception of dead bodies during the time required to conduct any post-mortem examination ordered by a coroner or other duly authorised authority;

and may make byelaws with respect to the management, and charges for the use, of any such place provided by them.

(2) A local authority or parish council may provide for the interment of any dead body which may be received into their mortuary.

General.

Interpreta-
tion of
Part VI.

199.—(1) In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say,—

“nursing home” means any premises used or intended to be used for the reception of, and the providing of nursing for, persons suffering from any sickness, injury, or infirmity, and includes a maternity home, but does not include—

(i) any hospital or other premises maintained or controlled by a Government department, county council (including the London County Council), local authority or metropolitan borough council, or any other authority or body constituted by special Act of Parliament or incorporated by Royal Charter;

(ii) any institution for persons of unsound mind within the meaning of the Lunacy and Mental Treatment Acts, 1890 to 1930;

PART VI.
—cont.

(iii) any institution, house or home certified or approved by the Board of Control under the Mental Deficiency Acts, 1913 to 1927;

“maternity home” means any premises used or intended to be used for the reception of pregnant women, or of women immediately after childbirth;

“qualified nurse” means, subject to the provisions of the next succeeding subsection, a person registered in the general part of the register of nurses required to be kept under the Nurses Registration Act, 1919, or a person who had before the first day of July, nineteen hundred and twenty-eight, completed a three years course of training in a hospital which was during the period of her training, or subsequently became, a training school approved by the General Nursing Council for England and Wales, or the General Nursing Council for Scotland, or the General Nursing Council for Northern Ireland, for the purpose of admission to the general part of the said register;

9 & 10 Geo.5.
c. 94.

“pupil midwife” means a person who is undergoing training with a view to becoming a certified midwife, and for that purpose attending women in childbirth, as part of a course of practical instruction in midwifery recognised by the Central Midwives Board.

(2) In relation to any premises used or intended to be used solely for the reception of, and the provision of nursing for, a class of patients in whose case the requisite nursing can be suitably and adequately provided by nurses of a class whose names are contained in some part of the register of nurses required to be kept under the Nurses Registration Act, 1919, other than the general part of that register, references in the definition of “qualified nurse” contained in subsection (1) of this section to the general part of the register shall be construed as including references to that other part of the register.

PART VII.

NOTIFICATION OF BIRTHS; MATERNITY AND CHILD
WELFARE, AND CHILD LIFE PROTECTION.*Welfare authorities.*Welfare
authorities.

200.—(1) Subject to the provisions of this section, it shall be the duty of the following authorities to carry this Part of this Act into execution, that is to say—

- (i) in a county borough, the council of the borough;
- (ii) in a county district, the council, whether of the county or of the district, who immediately before the commencement of this Act were in that district the local authority for the purposes of the Notification of Births Acts, 1907 and 1915.

Any such council are, in relation to their duties under this Part of this Act, hereinafter referred to as a “welfare authority,” and the county borough, county, or part of a county, for which they act is referred to as their “area”.

(2) Where in any county district the welfare authority are not the local education authority for elementary education, and the Minister, on a representation made to him by the council who are in the district the local education authority for elementary education, is satisfied that the transfer of functions under this Part of this Act to the last mentioned council would conduce to the more efficient administration in the district of the functions relating to public health and education, the Minister may by order declare that that council shall be the welfare authority in the district in lieu of the council theretofore acting as such.

(3) The Minister may at any time by order revoke an order previously made by him under this section, and thereupon the council of the county, or the council of the county district, as the case may be, shall again become the welfare authority.

(4) An order of the Minister under this section may contain such provisions with respect to the transfer of property and liabilities as he thinks fit.

(5) References in any other Act to a council who have established a maternity and child welfare committee shall be construed as references to a council who are a welfare authority under this Act.

201.—(1) Every welfare authority shall appoint a maternity and child welfare committee, which may, if the authority think fit, be a committee of the authority appointed for other purposes, or a sub-committee of such a committee.

PART VII.
—cont.
Maternity
and child
welfare
committee
of welfare
authority.

(2) All matters relating to the discharge of the functions of the authority under this Part of this Act except the power of levying, or issuing a precept for, a rate, or of borrowing money, shall stand referred to the maternity and child welfare committee, and the authority, before exercising any such powers, shall, unless in their opinion the matter in question is urgent, receive and consider the report of the committee with respect to that matter.

(3) The authority may also delegate to the maternity and child welfare committee, with or without restrictions or conditions, any of their functions under this Part of this Act, but the committee shall not have any power of levying, or issuing a precept for, a rate, or of borrowing money.

(4) The authority may appoint as members of the maternity and child welfare committee persons who are not members of the authority, but are specially qualified by training or experience in subjects relating to health and maternity, so, however, that two-thirds at least of the members of the committee shall be members of the authority :

Provided that, where the duties of a maternity and child welfare committee are discharged by a committee appointed for other purposes or by a sub-committee of such a committee, any members appointed under this subsection who are not members of the authority shall act only in connection with matters relating to the functions of the authority under this Part of this Act. ,

(5) Two members, at least, of the maternity and child welfare committee shall be women.

202. Where a county council are not the welfare authority for all county districts within their county, the expenses incurred by them under this Part of this Act shall be defrayed as expenses for special county purposes chargeable upon those county districts for which they are the welfare authority. .

Expenses of
county
council as
welfare
authority.

PART VII.

—cont.

Provision
for early
notification
of births.*Notification of births.*

203.—(1) In the case of every child born it shall be the duty of the father of the child, if at the time of the birth he is actually residing on the premises where the birth takes place, and of any person in attendance upon the mother at the time of, or within six hours after, the birth, to give notice of the birth in manner provided by this section to the medical officer of health of the council who are the welfare authority for the area in which the birth takes place.

(2) Notice under this section shall be given either by posting within thirty-six hours after the birth a pre-paid letter or postcard addressed to the medical officer of health at his office or residence and containing the required information, or by delivering within the said period at that officer's office or residence a written notice containing the required information, and a welfare authority shall, upon application being made to them, supply without charge to any medical practitioner or midwife residing or practising within their area addressed and stamped postcards containing the form of notice.

(3) Any person who fails to give notice of a birth in accordance with this section shall be liable to a fine not exceeding twenty shillings, unless he satisfies the court that he believed, and had reasonable grounds for believing, that notice had been duly given by some other person.

(4) The medical officer of health of a county district shall send duplicates of any notices received by him under this section to the medical officer of health of the county as soon as may be after they are received:

Provided that this subsection shall not apply to the medical officer of health of a county district the council of which, in addition to being the welfare authority, are also the local supervising authority under the Midwives Acts, 1902 to 1926.

(5) The requirements of this section with respect to the notification of births shall be in addition to, and not in substitution for, the requirements of any Act relating to the registration of births.

(6) A registrar of births and deaths shall, for the purpose of obtaining information concerning births which have occurred in his sub-district, have access at all

reasonable times to notices of births received by a medical officer of health under this section, or to any book in which those notices may be recorded.

PART VII.
—cont.

(7) This section shall apply to any child which has issued forth from its mother after the expiration of the twenty-eighth week of pregnancy, whether alive or dead.

Maternity and child welfare.

204.—(1) A welfare authority may, subject to the general approval of the Minister, make arrangements for the care of expectant and nursing mothers and of children who have not attained the age of five years and are not being educated in schools recognised by the Board of Education :

Powers of welfare authority with respect to maternity and child welfare.

Provided that nothing in this section shall authorise the establishment by such an authority of a general domiciliary service by medical practitioners.

(2) The Minister may make regulations prescribing the qualifications of medical officers and health visitors appointed in pursuance of arrangements made under this section, and no person shall be appointed as such a medical officer or health visitor unless he is qualified in accordance with the regulations.

(3) Regulations made under the last preceding subsection shall be laid before Parliament.

205. If the occupier of a factory or workshop knowingly allows a woman to be employed therein within four weeks after she has given birth to a child, he shall be liable to a fine not exceeding five pounds or, if he has been previously convicted of a like offence within two years, to a fine not exceeding ten pounds.

Women not to be employed in factories or workshops within four weeks after birth of a child.

Child life protection.

206.—(1) A person who undertakes for reward the nursing and maintenance of a child under the age of nine years apart from his parents, or having no parents, shall give notice thereof to the welfare authority—

Notices to be given by persons receiving children for reward.

(a) in the case of a child not already in his care, being the first child under the age of nine years proposed to be received by him for reward

PART VII.
—cont.

in the premises occupied, or proposed to be occupied, for the purpose, not less than seven days before he receives the child;

- (b) in the case of any other child not already in his care, not less than forty-eight hours before he receives the child; and
- (c) in the case of a child already in his care without reward, within forty-eight hours after entering into the undertaking:

Provided that, in proceedings in respect of a failure to give such notice as aforesaid, it shall be a defence for the defendant to prove that he received the child upon an emergency and gave notice within twenty-four hours thereafter.

For the purposes of this subsection, an undertaking shall be deemed to be an undertaking for reward if there is any payment or gift of money or money's worth, or any promise to pay or give money or money's worth, irrespective of whether there is any intention of making profit.

(2) The notice required by the preceding subsection shall state the name and sex of the child, the date and place of his birth, the name of the person undertaking his nursing and maintenance, any premises in which he is to be, or is being, kept, whether in the daytime or at night, and the name and address of the person from whom he is to be, or was, received.

(3) In the following provisions of this Part of this Act a child under the age of nine years in respect of whom a notice has been or ought to have been given under this section, or under subsection (2) of the next succeeding section, or under section one of the Children Act, 1908, and who is still living apart from his parents, if any, with the person by whom the notice was, or ought to have been, given, is referred to as a "foster child."

8 Edw. 7.
c. 67.

Notices to
be given if
residence is
changed, or
if foster
child dies, or
is removed.

207.—(1) If a person who is maintaining a foster child changes his residence, he shall at least seven days before so doing give to the welfare authority notice of the change, and, where the residence to which he moves is situate in the area of another welfare authority, he shall at least seven days before so moving give to that welfare authority the like notice as respects each foster

child in his care as he is required to give on the first reception of a foster child : PART VII.
—cont.

Provided that, where an immediate change of residence is necessitated by any emergency, a notice under this subsection may be given at any time within forty-eight hours after the change of residence.

(2) If a person who in London, or in any place outside England and Wales, is nursing and maintaining for reward a child under the age of nine years apart from his parents or having no parents, comes to reside in the area of a welfare authority, he shall, within forty-eight hours give to that authority the like notice in respect of every such child in his care as he is required to give on the first reception of a foster child.

(3) If a foster child dies, or is removed from the care of the person who has undertaken his nursing and maintenance, that person shall, within twenty-four hours thereof, give to the welfare authority and to the person from whom the child was received notice in writing of the death or removal and, in a case of removal, the notice shall also state the name and address of the person to whose care the child has been transferred.

208.—(1) If any person required to give a notice under either of the two last preceding sections fails to give the notice before the latest time specified for giving the notice, he shall be guilty of an offence and, if the consideration for the nursing and maintenance of the child in respect of whom notice ought to have been given consisted in whole or in part of a lump sum, the person failing to give the notice shall, in addition to any other penalty under this Part of this Act, be liable to forfeit that sum, or such less sum as the court having cognizance of the case may deem just, and the sum forfeited shall be applied for the benefit of the child in such manner as the court may direct. Penalties
for failure
to give
notices.

(2) Where under this section any such sum as aforesaid is ordered to be forfeited, the order may be enforced as if it were an order for the payment of a civil debt recoverable summarily.

(3) For the purposes of any enactment by which the time for taking proceedings is limited, an offence under this section shall be deemed to continue so long as the

PART VII. child in respect of whom a notice ought to have been
—*cont.* given remains in the care of the offender without any
notice having been given.

Appoint-
ment and
powers of
child pro-
tection
visitors.

209.—(1) Every welfare authority shall from time to time make inquiry whether there are any persons residing within their area who undertake the nursing and maintenance of foster children.

(2) If any such persons are found, the welfare authority shall appoint one or more persons to be child protection visitors, whose duty it shall be to visit from time to time any foster children and the premises in which they are kept in order to satisfy themselves as to the health and well-being of the children and to give any necessary advice or directions as to the care of their health and their maintenance:

Provided that the authority may, either in addition to or in lieu of appointing child protection visitors, authorise one or more suitable persons to exercise the powers of such visitors, subject to such terms and conditions as may be stated in the authorisation, and, where any children have been placed out to nurse in the area of the authority by any philanthropic society, may, if satisfied that the interests of the children are properly safeguarded, so authorise the society to exercise those powers as respects those children, subject, however, to the obligation to furnish periodical reports to the welfare authority.

Where a welfare authority appoint or authorise one person only to act under this subsection, that person, and where they so appoint or authorise two or more persons, one at least of those persons, shall be a woman.

(3) If a person who undertakes the nursing and maintenance of a foster child refuses to allow any such visitor or other person to visit or examine the child or the premises in which the child is kept, he shall be guilty of an offence.

(4) If any such visitor or other person is refused admission to any premises in contravention of this Part of this Act, or has reason to believe that a child under the age of nine years is being kept in any premises in contravention of this Part of this Act, he may apply to a justice of the peace, and the justice, if satisfied

on sworn information in writing that admission has been so refused, or that there is reasonable ground for believing that an offence under this Part of this Act has been committed, may grant a warrant authorising the visitor or other person to enter the premises for the purpose of ascertaining whether any such offence as aforesaid has been committed, and, if any person obstructs any visitor or other person acting in pursuance of such a warrant, he shall be guilty of an offence.

PART VII.
—cont.

210. A foster child shall not without the consent of the welfare authority be kept—

- (a) by any person from whose care any child or infant has been removed under this Part of this Act, Part I of the Children Act, 1908, or the Infant Life Protection Act, 1897; or
- (b) in any premises from which any child or infant has been removed under this Part of this Act or Part I of the Children Act, 1908, by reason of the premises being dangerous or insanitary, or under the Infant Life Protection Act, 1897, by reason of the premises being so unfit as to endanger the health of the child or infant; or
- (c) by any person who has been convicted of any offence under Part I of the Children and Young Persons Act, 1933, or Part II of the Children Act, 1908, or any offence of cruelty under the Prevention of Cruelty to Children Act, 1904,

Persons prohibited from receiving foster children.
60 & 61 Vict. c. 57.

23 & 24
Geo. 5. c. 12.

4 Edw. 7.
c. 15.

and any person keeping a foster child contrary to this section, or causing a foster child to be so kept, shall be guilty of an offence.

211.—(1) The welfare authority may fix the maximum number of children under the age of nine years who may be kept in any premises in which a foster child is kept, and may also impose conditions to be complied with so long as the number of children kept in the premises exceeds a specified number.

Power of welfare authority to prevent overcrowding where foster children kept.

(2) If the maximum number so fixed is exceeded, or if any condition so imposed is not complied with, a person who keeps a foster child in those premises shall be guilty of an offence.

PART VII.
—cont.
Removal
of foster
children
kept in un-
suitable
premises, or
by unsuit-
able persons.

212.—(1) If a foster child is about to be received, or is being kept—

- (a) in any premises which are overcrowded, insanitary or dangerous; or
- (b) by any person who, by reason of old age, infirmity, ill health, ignorance, negligence, inebriety, immorality or criminal conduct, or for any other reason, is unfit to have care of the child; or
- (c) in any premises, or by any person, in contravention of any of the provisions of this Part of this Act; or
- (d) in an environment which is detrimental to the child,

a court of summary jurisdiction may, on the application of the welfare authority, make an order for the removal of the child to a place of safety until he can be restored to his relatives, or until other arrangements can be made with respect to him; and, upon proof that there is imminent danger to the health or well-being of the child concerned, a justice (acting, if he deems it necessary, *ex parte*) may exercise the like power on the application of a visitor, or other person appointed or authorised to execute the provisions of this Part of this Act.

(2) An order made under the foregoing subsection may be enforced by a visitor or other person appointed or authorised as aforesaid; and any person who refuses to comply with such an order upon its being produced, or who obstructs any such visitor or person as aforesaid in the enforcement of the order, shall be guilty of an offence.

Death of
foster child
to be noti-
fied to
coroner.

213.—(1) In the case of the death of a foster child, the person who had the care of the child shall within twenty-four hours of the death give notice in writing thereof to the coroner of the district within which the body of the child lies, and the coroner shall hold an inquest thereon, unless there is produced to him a certificate of a registered medical practitioner certifying that that practitioner has personally attended the child during his last illness and certifying also the cause of death, and the coroner is satisfied that there is no ground for holding an inquest.

(2) If the person required to give notice under this section fails to give notice within the time specified for the purpose, he shall be guilty of an offence.

PART VII.
—cont.

214. A person who keeps a foster child shall be deemed to have no interest in the life of the child for the purposes of the Life Assurance Act, 1774, and, if any such person directly or indirectly insures or attempts to insure the life of a foster child, he shall be guilty of an offence and, if any company, society, or person knowingly issues, or procures or attempts to procure to be issued, to or for the benefit of such a person as aforesaid or to any person on his behalf, a policy on the life of a foster child, the company, society, or person shall be guilty of an offence.

Avoidance of insurances on lives of foster children.
14 Geo. 3., c. 48.

215.—(1) No advertisement indicating that a person or society will undertake, or will arrange for, the nursing and maintenance of a child shall be published, unless that person's name and residence, or, as the case may be, that society's name and office, are truly stated in the advertisement.

Prohibition of anonymous advertisements offering to undertake care of children.

(2) Any person who causes to be published, or knowingly publishes, an advertisement in contravention of the provisions of this section shall be guilty of an offence.

216. If any person required to give any notice under the foregoing provisions of this Part of this Act relating to child life protection knowingly makes, or causes or procures any other person to make, any false or misleading statement in any such notice, he shall be guilty of an offence.

Offences in connection with notices under this Part of Act.

217. Any person guilty of an offence under the foregoing provisions of this Part of this Act relating to child life protection shall be liable to imprisonment for a term not exceeding six months, or to a fine not exceeding twenty-five pounds, or to both such imprisonment and such fine, and the court may order any child in respect of which the offence was committed to be removed to a place of safety.

Other offences under this Part of Act.

218. Where a child is removed under this Part of this Act to a place of safety, the welfare authority may defray the expenses of his maintenance therein.

Welfare authority may maintain child in place of safety.

PART VII.
—cont.
Exemptions
from this
Part of Act.

219.—(1) The foregoing provisions of this Part of this Act relating to child life protection shall not extend to any relative or legal guardian of a child who undertakes the nursing and maintenance of the child, or to any person who undertakes the nursing or maintenance of a child under the provisions of any Act for the relief of the poor or of any order made under any such Act, or undertakes the nursing and maintenance of a child boarded out under subsection (3) of section eighty-four of the Children and Young Persons Act, 1933, or to any school, hospital, convalescent home, voluntary home within the meaning of the Children and Young Persons Act, 1933, or other institution, being a school, hospital, home or institution—

- (a) which is maintained by a Government department, county council (including the London County Council), local authority or metropolitan borough council, or any other authority or body constituted by special Act of Parliament or incorporated by Royal Charter; or
- (b) in respect of which a certificate of exemption from the said provisions granted by the welfare authority is in force; or
- (c) which is an institution, house, or home certified or approved by the Board of Control under the Mental Deficiency Acts, 1913 to 1927, and in which no children or young persons who are not mental defectives within the meaning of those Acts are received;

nor shall the said provisions apply in relation to any mental defective who is under care elsewhere than in a certified institution, certified house or approved home, if he is so under care with the consent of the Board of Control, or if notice with respect to him has been given to the Board in accordance with subsection (2) of section fifty-one of the Mental Deficiency Act, 1913.

3 & 4 Geo. 5.
c. 28.

(2) Where a person undertakes the nursing and maintenance of children who are boarded out with that person in succession for short holidays only by a bona fide charitable organisation, the welfare authority may

exempt that person from the obligation to give notice under this Part of this Act in respect of each individual child received, on condition that notice is given in respect of the first such child received by that person in each year, but for the purposes of the other provisions of this Part of this Act a child in respect of whom notice ought, but for such exemption, to have been given shall be deemed to be a foster child.

PART VII.
—cont.

(3) A welfare authority may exempt from being visited, either unconditionally or subject to such conditions as they think fit, any particular premises within their area which appear to them to be so conducted that it is unnecessary that they should be visited by child protection visitors.

(4) An exemption granted under this section, or under any corresponding enactment repealed by this Act, may at any time be withdrawn by the welfare authority.

220. In this Part of this Act—

Interpreta-
tion of
Part VII.

the expression “relative” means a grandparent, brother, sister, uncle, or aunt, whether by consanguinity or affinity, or in consequence of adoption, and, in the case of an illegitimate child, a person who would be so related if the child were legitimate;

the expression “adoption” means adoption under the Adoption of Children Act, 1926, or any corresponding enactment applicable to Scotland or Northern Ireland;

16 & 17
Geo. 5.
c. 29.

the expression “legal guardian” means a person appointed according to law to be the guardian of a child, either by deed or will, or by order of a court of competent jurisdiction; and

the expression “place of safety” means a remand home, public assistance institution, or police station, or any hospital, surgery or other suitable place, the occupier of which is willing temporarily to receive a child.

PART VIII.

BATHS, WASHHOUSES, BATHING PLACES, &C.

Provision of baths, &c.

Power of
local
authority to
provide
baths,
bathing
places and
washhouses.

221. A local authority may provide—

- (a) public baths and washhouses, either open or covered, and with or without drying grounds;
- (b) public swimming baths and bathing places, either open or covered,

or any of those conveniences.

Charges for
use of baths,
&c.

222.—(1) Subject to the provisions of this section, a local authority may make such charges for the use of, or for admission to, any baths, washhouse, swimming bath or bathing place under their management as they think fit.

(2) One month at least before fixing any charges to be made under this section, the local authority shall publish by advertisement in a local newspaper circulating in their district a notice stating their intention to consider a proposed table of charges and naming a place where a copy of the proposed table may be inspected at all reasonable hours by any person free of charge.

Byelaws for
regulation of
baths, &c.

223.—(1) A local authority may make byelaws for the regulation of any baths, washhouses, swimming baths and bathing places under their management, and for the regulation of persons resorting thereto, including the exclusion therefrom of undesirable persons.

Any such byelaws may, in addition to providing for the imposition of penalties, empower any officer of the local authority to exclude or remove from any baths, washhouse, swimming bath or bathing place under the management of the authority any person contravening any of the byelaws applicable to the premises in question.

(2) A printed copy, or abstract, of the byelaws relating to any baths, washhouse, swimming bath or bathing place shall be exhibited in a conspicuous place therein.

224. Any baths, washhouse, swimming bath or bathing place under the management of a local authority shall be deemed to be a public and open place for the purposes of any enactment relating to offences against decency.

PART VIII.

—cont.

Baths, &c., to be public places for certain purposes.

225.—(1) A local authority may close temporarily to the public any swimming bath or bathing place under their management and may—

- (a) grant, either gratuitously or for payment, the exclusive use thereof to a school or club, or to persons organising swimming practices or contests, aquatic sports or similar entertainments; or,
- (b) themselves use it for such practices, contests, sports or entertainments.

Use of baths and bathing places for swimming contests, &c., or by schools or clubs.

(2) The authority may make, or authorise the making of, charges for admission to, or for the use of, any swimming bath or bathing place while it is closed to the public under this section.

226.—(1) A local authority may, during any period between the first day of October and the last day of the following April, close any swimming bath or bathing place under their management, and may, at any time when it is closed, use it, or allow it to be used, or let it, for such purposes, and upon such conditions, as they think fit, and may adapt it for the purpose of being so used or let :

Closing of baths and bathing places during winter months, and use for other purposes.

Provided that the following restrictions shall have effect with respect to any entertainment provided by the local authority themselves under this section, that is to say—

- (a) no stage play shall be performed;
- (b) the entertainment shall not include any performance in the nature of a variety entertainment;
- (c) no cinematograph film, other than a film relating to the functions of county councils or local authorities, shall be shown;
- (d) no scenery, theatrical costumes or scenic or theatrical accessories shall be used.

(2) The power of the local authority to make byelaws under the foregoing provisions of this Part of

PART VIII. this Act shall extend to the making of byelaws with
—*cont.* respect to a swimming bath or bathing place when used
for any purpose authorised by this section.

9 Edw. 7.
c. 30.

(3) Nothing in this section shall authorise the use of a swimming bath or bathing place for the public performance of stage plays, for public music, public music and dancing, or other public entertainment of the like kind, or for cinematograph exhibitions, unless such licence as may be required for the use of a place for the purpose in question has been obtained, or such notices as may be required by subsection (2) of section seven of the Cinematograph Act, 1909, have been duly given, and any terms, conditions or restrictions attached to the grant of such licence, or any regulations or conditions made or imposed under the said subsection (2), shall apply, notwithstanding anything in any byelaw made by virtue of this section.

(4) The local authority shall be responsible for any breach of any such conditions as aforesaid which may occur during any entertainment given on the premises by their permission.

Power of local authority to lay pipes for purposes connected with baths, &c.

227. Subject to the provisions of Part XII of this Act with respect to the breaking open of streets, a local authority may provide, lay down and maintain such pipes and apparatus as may be necessary for conducting water to or from any baths, washhouse, swimming bath or bathing place which is under their management, or which they propose to provide.

Power of trustees to sell existing baths, &c., to local authority.

228. The trustees of any public baths, washhouse, swimming bath or bathing place may, with the consent of the committee of management, if any, sell or lease the baths, washhouse, swimming bath or bathing place to a local authority.

Power of statutory undertakers to supply water, gas or electricity to baths, &c., on favourable terms.

229. Any statutory undertakers supplying water, gas or electricity may supply water, gas or electricity to any public baths, washhouse, swimming bath or bathing place, either without charge or on such other favourable terms as they think fit.

Power of parish council to provide

230.—(1) A parish council may provide baths, washhouses, swimming baths and bathing places, or any of them, either within or without their parish, and for that

purpose shall have the like powers as the local authority of the district have under the foregoing provisions of this Part of this Act, and accordingly in those provisions any reference to a local authority or their district shall be construed as including a reference to a parish council or their parish.

PART VIII.
—cont.
baths,
bathing
places and
washhouses.

(2) For the purposes of section one hundred and ninety-three of the Local Government Act, 1933 (which relates to the expenses of parish councils and parish meetings), the expression "the Adoptive Acts" shall be deemed to include the foregoing provisions of this Part of this Act.

Public bathing.

231.—(1) A local authority may make byelaws with respect to public bathing, and may by such byelaws—

Byelaws
with respect
to public
bathing.

- (a) regulate the areas in which, and the hours during which, public bathing shall be permitted;
- (b) fix the places at which bathing-machines may be stationed, or bathing huts or tents may be erected;
- (c) regulate the manner in which bathing-machines, huts or tents may be used, and the charges which may be made for the use thereof;
- (d) regulate, so far as decency requires, the costumes to be worn by bathers;
- (e) require persons providing accommodation for bathing to provide and maintain life-saving appliances, or other means of protecting bathers from danger; and
- (f) regulate, for preventing danger to bathers, the navigation of vessels used for pleasure purposes within any area allotted for public bathing during the hours allowed for bathing.

(2) If and so far as a byelaw made under the preceding subsection is inconsistent with a byelaw made by dock undertakers, the latter shall prevail.

232. A local authority may provide huts or other conveniences for bathing on any land belonging to them or under their control, and may make charges for the use thereof.

Provision
of bathing
huts, &c.

PART VIII.

—cont.
Byelaws
with respect
to swim-
ming baths
and bathing
pools not
under the
manage-
ment of a
local
authority.

233.—(1) A local authority may make byelaws with respect to swimming baths and bathing pools, whether open or covered, which are not under their management for—

- (a) securing the purity of the water therein;
- (b) ensuring the adequacy and cleanliness of the accommodation thereat;
- (c) regulating the conduct of persons resorting thereto; and
- (d) the prevention of accidents :

Provided that this section shall not apply to any swimming bath or bathing pool which is not open to the public and for, or in connection with, the use of which no charge is made.

(2) Byelaws made under this section may require the person responsible for any swimming bath or bathing pool to which the byelaws apply to keep a printed copy of the byelaws exhibited in a conspicuous place on the premises.

Life-saving appliances.

Provision of
life-saving
appliances.

234. A local authority may provide life-saving appliances at such places, whether places used for bathing or not, as they think fit.

PART IX.

COMMON LODGING-HOUSES.

Definition of
“ common
lodging-
house.”

235. In this Part of this Act the expression “ common lodging-house ” means a house (other than a public assistance institution) provided for the purpose of accommodating by night poor persons, not being members of the same family, who resort thereto and are allowed to occupy one common room for the purpose of sleeping or eating, and includes, where part only of a house is so used, the part so used.

No person
to keep a
common
lodging-
house unless
registered in
respect
thereof.

236. No person shall keep a common lodging-house, or receive a lodger therein, unless he is registered as the keeper thereof under this Part of this Act :

Provided that—

- (a) a person who immediately before the commencement of this Act was registered under any enactment repealed by this Act as the

keeper of a common lodging-house shall for a period of three months after the commencement of this Act be deemed to be registered under this Act as the keeper of that house; and

PART IX.
—cont.

- (b) when the registered keeper of a common lodging-house dies, his widow or any other member of his family may for a period not exceeding four weeks from his death, or such longer period as the local authority may sanction, keep the house as a common lodging-house without being registered as the keeper thereof.

237. Every local authority shall keep a register in which shall be entered—

Register of
common
lodging-
house
keepers and
their houses.

- (a) the full names and the place of residence of every person registered as the keeper of a common lodging-house;
- (b) the situation of every such lodging-house;
- (c) the number of persons authorised to be received in the lodging-house; and
- (d) the full names and the places of residence of any persons who are to act as deputies of the keeper of the lodging-house.

238.—(1) Subject as hereinafter provided, a local authority on receiving from any person an application for registration, or for the renewal of his registration, as a keeper of a common lodging-house, shall register the applicant in respect of the common lodging-house named in the application, or renew his registration in respect thereof, and issue to him a certificate of registration, or of renewal of registration :

Provisions
with respect
to registra-
tion.

Provided that the authority—

- (a) shall not register an applicant, until an officer of the authority has inspected the premises named in the application and has made a report thereon; and
- (b) may refuse to register, or to renew the registration of, an applicant, if they are satisfied that—

(i) he, or any person employed, or proposed to be employed, by him at the

PART IX.
—cont.

common lodging-house as a deputy or otherwise, is not a fit person, whether by reason of age or otherwise, to keep, or to be employed at, a common lodging-house; or

(ii) the premises are not suitable for use as a common lodging-house, or are not, as regards sanitation and water supply and in other respects, including means of escape in case of fire, suitably equipped for use as such; or

(iii) the use of the premises as a common lodging-house is likely to occasion inconvenience or annoyance to persons residing in the neighbourhood.

(2) The registration of a person as a keeper of a common lodging-house shall remain in force for such period, not exceeding thirteen months, as may be fixed by the authority, but may from time to time be renewed by them for a period not exceeding thirteen months at any one time.

(3) If a local authority refuse to grant or to renew registration under this section, they shall, if required by the applicant, deliver to him a statement in writing of the grounds on which his application is refused.

(4) A local authority shall at any time, on the application of a person registered as the keeper of a common lodging-house, remove from the register the name of any person entered therein as a deputy of the keeper, or insert therein the name of any other person, being a person approved by the authority, whom the keeper proposes to employ as a deputy, and shall make any consequential alterations in the certificate of registration.

Appeals
against
refusal of
registration.

239. A person aggrieved by the refusal of a local authority to grant or renew registration under the preceding section may appeal to a court of summary jurisdiction.

Byelaws as
to common
lodging-
houses.

240. Every local authority may and, if so required by the Minister, shall make byelaws—

(a) for fixing the number of persons who may be received into a common lodging-house, and for the separation of the sexes therein;

- (b) for promoting cleanliness and ventilation in such lodging-houses, and requiring the walls and ceilings thereof to be lime-washed, or treated with some other suitable preparation, at specified intervals;
- (c) with respect to the taking of precautions when any case of infectious disease occurs in such a lodging-house; and
- (d) generally for the well-ordering of such lodging-houses.

PART IX.
—cont.

241.—(1) The keeper of a common lodging-house shall, if required by the local authority so to do, affix, and keep affixed and undefaced and legible, a notice with the words “Registered Common Lodging-house” in some conspicuous place on the outside of the house.

Management and control of common lodging-houses.

(2) Either the keeper of the lodging-house, or a deputy registered under this Part of this Act, shall manage the lodging-house and exercise supervision over persons using it, and either the keeper or a deputy so registered shall be at the lodging-house continuously between the hours of nine o'clock in the evening and six o'clock in the morning of the following day.

(3) The local authority may by notice require the keeper of a common lodging-house in which beggars or vagrants are received to report daily to them, or to such persons as they may direct, every lodger who resorted to the house during the preceding day or night, but an authority who require such reports to be made shall supply to the keeper of the lodging-house schedules to be filled up by him with the information required and to be transmitted by him in accordance with their notice.

(4) The keeper of a common lodging-house, and every other person having the care or taking part in the management thereof, shall at all times, if required by an authorised officer of the local authority, allow him to have free access to all parts of the house.

242. When a person in a common lodging-house is suffering from any infectious disease, the keeper of the lodging-house shall immediately give notice of the case to the medical officer of health of the district, and also to the relieving officer within whose district the lodging-house is situate.

Duty of keeper of common lodging-house to notify cases of infectious disease.

PART IX.

—cont.

Power of justice to order medical examination of inmates of common lodging-house.

243. If a medical officer of health has reasonable grounds for believing that there is in a common lodging-house a person who is suffering, or has recently suffered, from a notifiable disease, he may make complaint thereof upon oath to a justice of the peace, and thereupon the justice may by warrant authorise him to enter the lodging-house and examine any person found therein with a view to ascertaining whether he is suffering, or has recently suffered, from such a disease.

Power to remove to hospital inmate of common lodging-house suffering from a notifiable disease.

244.—(1) If a local authority are satisfied that a person lodging in a common lodging-house is suffering from a notifiable disease and that serious risk of infection is thereby caused to other persons, and that accommodation for him is available in a suitable hospital or institution, they may, with the consent of the superintending body of the hospital or institution, order him to be removed thereto and maintained therein at their cost.

(2) The officer of the local authority to whom an order under this section is addressed and any officer of the hospital or institution in question may do all acts necessary for giving effect to the order.

Power of court to order closing of common lodging-house on account of notifiable disease.

245. If, on the application of a local authority, a court of summary jurisdiction is satisfied that it is necessary in the interests of the public health that a common lodging-house should be closed on account of the existence, or recent occurrence, therein of a case of notifiable disease, the court may make an order directing the lodging-house to be closed until it is certified by the medical officer of health of the district to be free from infection.

Offences in connection with common lodging-houses.

246. Any person who—

- (a) contravenes, or fails to comply with, any of the provisions of this Part of this Act, or any order made under the last preceding section; or
- (b) being the registered keeper of a common lodging-house, fails to keep the premises suitably equipped for use as such; or
- (c) applies to be registered as the keeper of a common lodging-house at a time when he is, under the next succeeding section, disqualified for being so registered; or

- (d) in an application for registration, or for the renewal of his registration, as a keeper of a common lodging-house makes any statement which he knows to be false,

PART IX.
—cont.

shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor.

247. Where the registered keeper of a common lodging-house is convicted of any offence under this Part of this Act or a byelaw made thereunder, the court by which he is convicted may cancel his registration as a common lodging-house keeper and may order that he be disqualified for such period as the court thinks fit for being again registered as such a keeper.

Power of court on conviction to cancel registration and to disqualify for re-registration.

248.—(1) If in any proceedings under this Part of this Act it is alleged that the inmates of any house or part of a house are members of the same family, the burden of proving that allegation shall rest upon the person by whom it is made.

Evidence in legal proceedings under Part IX.

(2) In any such proceedings as aforesaid a document purporting to be a copy of an entry in the register of common lodging-houses and purporting to be certified as such by the clerk of the local authority shall be prima facie evidence of the matters recorded in the entry.

(3) The clerk of a local authority shall supply such a certified copy as aforesaid free of charge to any person who applies for such a copy at a reasonable hour.

PART X.

CANAL BOATS.

249.—(1) For the purpose of the registration of canal boats under this Part of this Act, the registration authorities for any canal shall be the local authorities and port health authorities whose districts include, or abut on, some part of the canal :

Authorities for registering, and enforcing provisions as to, canal boats.

Provided that a local authority shall not as such be a registration authority for a canal if they are, or are represented on, a port health authority who are a registration authority for that canal.

PART X.
—cont.

(2) It shall be the duty of every registration authority, and of every local authority within whose district any part of a canal is situate, to carry into effect the provisions of this Part of this Act and the regulations made thereunder.

(3) Every registration authority shall, within twenty-one days after the end of each calendar year, make a report to the Minister as to the steps taken by them during that year to carry into effect the said provisions and regulations.

Canal
boats used
as dwellings
to be
registered.

250. A canal boat shall not be used as a dwelling—

- (a) unless it is duly registered under this Part of this Act by some registration authority for the canal on which the boat is accustomed or intended to ply;
- (b) for a greater number of persons, or a greater number of persons of either sex or any particular age, than is permitted by the certificate of registration:

Provided that a canal boat which immediately before the commencement of this Act was registered under the corresponding enactments repealed by this Act shall be deemed to have been registered under this Part of this Act, and the certificate of registration shall have effect accordingly.

Regulations
as to canal
boats.

251.—(1) It shall be the duty of the Minister to make regulations—

- (a) with respect to the registration of canal boats, certificates of registration and the fees to be charged in connection with registration;
- (b) with respect to the lettering, marking and numbering of canal boats;
- (c) for fixing the number, age and sex of the persons who may be permitted to dwell in canal boats, regard being had to cubic space, ventilation, provision for the separation of the sexes, general healthiness and convenience of accommodation;
- (d) for promoting cleanliness in, and ensuring the habitable condition of, canal boats; and
- (e) for preventing the spread of infectious disease by canal boats.

(2) Regulations made under this section shall be laid before Parliament.

PART X.
—cont.

252.—(1) If a canal boat conforms to the conditions of registration prescribed by the regulations, any registration authority for the canal on which the boat is accustomed or intended to ply shall, upon payment of the prescribed fee, register the boat.

Registration of canal boats and certificates of registration.

(2) Upon registering a canal boat, the registration authority shall give to the owner of the boat a certificate of registration in duplicate, identifying the owner and the boat and stating the place to which the boat is registered as belonging, the number, age and sex of the persons permitted to dwell in the boat, and such other particulars as may be required by the regulations, or as the authority think desirable.

(3) The master of a canal boat shall have the custody of one of the duplicate certificates of registration, but, on his ceasing to be the master of the boat, or on the boat ceasing to be registered, he shall deliver that certificate to the owner of the boat, or to such person as the owner may direct, and, if he unlawfully detains it, he shall be liable to a fine not exceeding forty shillings, and the court may order him to deliver up the certificate.

(4) A certificate of registration of a canal boat shall cease to be in force, if any structural alterations which affect the conditions upon which the certificate was obtained are made in the boat.

(5) A person aggrieved by the refusal of a registration authority to register a canal boat may appeal to a court of summary jurisdiction.

253. If a canal boat is used as a dwelling in contravention of any of the foregoing provisions of this Part of this Act, or if any regulation made thereunder is not complied with as respects a canal boat, the master of the boat and also the owner thereof, if he is himself in default, shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding forty shillings for each day on which after conviction for the offence the boat is so used, or the non-compliance continues.

Penalties for use of un-registered canal boat as dwelling, and for breach of regulations.

254. A local authority or port health authority, on being informed that any person on a canal boat within their district is suffering from an infectious disease,

Infectious disease on canal boats.

PART X. shall cause such steps to be taken for preventing the
—*cont.* spread of the disease as they consider to be necessary, and
for that purpose may exercise any of the powers in relation

54 & 55 Vict.
c. 76.

to the prevention of infection conferred upon them by this
Act or, as the case may be, by the Public Health (London)
Act, 1891, including powers for procuring the removal to
hospital of persons suffering from infectious disease, and
may also, if need be, detain the boat, but not for any
longer period than is necessary for cleansing and
disinfecting it.

Power to
enter and
inspect
canal boat.

255.—(1) An inspector appointed by the Minister
may, on producing, if required, evidence of his authority,
enter a canal boat at any time between six o'clock in the
morning and nine o'clock in the evening and examine every
part of the boat and may, if need be, detain the boat for
the purpose of his examination, but not for any longer
period than is necessary.

(2) If an authorised officer of a local authority or port
health authority has reasonable ground for believing—

(a) that any provision of this Part of this Act, or
any regulation made thereunder, is being con-
travened as respects a canal boat, or

(b) that there is on board a canal boat any person
suffering from an infectious disease,

he shall, for the purpose of ascertaining whether there is
any such contravention as aforesaid or any person on
board suffering from an infectious disease, have the like
rights of entering, examining and if necessary detaining
the boat as an inspector of the Minister has under the last
preceding subsection.

(3) The master of the canal boat shall, if required by
such an inspector or officer as aforesaid so to do, produce
to him the certificate of registration, if any, of the boat,
and permit him to examine and copy the certificate, and
shall furnish him with such assistance and means as
he may require for the purpose of his entry on, and
departure from, the boat and his examination thereof.

(4) Any person who refuses to comply with a requisition
made under the preceding subsection shall be deemed
to have obstructed the person by whom the requisition
was made.

256. Proceedings in respect of an offence under this Part of this Act may be taken before a court of summary jurisdiction acting either in the place where the offence was committed, or in the place where the alleged offender for the time being is, or in the place to which the boat in respect of which the offence was committed is registered as belonging.

PART X.
—cont.
Prosecution
of offences.

257. This Part of this Act shall extend to London.

Application of
Part X to
London.

258. In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say—

Interpreta-
tion of
Part X.

“canal” includes any river, inland navigation or lake, and any other waters situate wholly or in part within a county or county borough, whether those waters are or are not within the ebb and flow of the tide;

“canal boat” means any vessel, however propelled, which is used for the conveyance of goods along a canal, not being—

(a) a sailing barge which belongs to the class generally known as “Thames sailing barge” and is registered under the Merchant Shipping Acts, 1894 to 1928, either in the port of London or elsewhere; or

(b) a sea-going ship so registered; or

(c) a vessel used for pleasure purposes only;

“master,” in relation to a canal boat, means the person having command or charge of the boat; and

“owner,” in relation to a canal boat, includes a person who, though only the hirer of the boat, appoints the master and other persons working the boat.

PART XI.

MISCELLANEOUS.

Watercourses, ditches, ponds, &c.

259.—(1) The following matters shall be statutory nuisances for the purposes of Part III of this Act, that is to say—

Nuisances in
connection
with water-
courses,
ditches,
ponds, &c.

(a) any pond, pool, ditch, gutter or watercourse which is so foul or in such a state as to be prejudicial to health or a nuisance;

PART XI.
:—cont.

(b) any part of a watercourse, not being a part ordinarily navigated by vessels employed in the carriage of goods by water, which is so choked or silted up as to obstruct or impede the proper flow of water and thereby to cause a nuisance, or give rise to conditions prejudicial to health :

Provided that in the case of an alleged nuisance under paragraph (b) nothing in this subsection shall be deemed to impose any liability on any person other than the person by whose act or default the nuisance arises or continues.

(2) A person who throws or deposits any cinders, ashes, bricks, stone, rubbish, dust, filth or other matter likely to cause annoyance into or in any river, stream or watercourse, or who suffers any such act to be done, shall be liable to a penalty not exceeding forty shillings.

Power of
parish
council, or
local
authority,
to deal with
ponds,
ditches, &c.

260.—(1) A parish council may—

- (a) deal with any pond, pool, ditch, gutter or place containing, or used for the collection of, any drainage, filth, stagnant water, or matter likely to be prejudicial to health, by draining, cleansing or covering it, or otherwise preventing it from being prejudicial to health, but so as not to interfere with any private right, or with any public drainage, sewerage or sewage disposal works ;
- (b) execute any works, including works of maintenance or improvement, incidental to or consequential on any exercise of the foregoing power ;
- (c) contribute towards the expenses incurred by any other person in doing anything mentioned in this subsection.

(2) Without prejudice to their right to take action in respect of any statutory nuisance, a local authority may exercise any powers which a parish council may exercise under this section.

Provision
for obtain-
ing order for
cleansing
offensive

261. Upon a complaint by a local authority against the local authority of an adjoining district that a watercourse or ditch which forms the boundary between their districts, or which lies in the adjoining district but near

to that boundary, is so foul and offensive as injuriously to affect the district of the complainants, a court of summary jurisdiction having jurisdiction in the place where the watercourse or ditch is situate may make such order as it deems reasonable with respect to the cleansing of the watercourse or ditch and the execution of any work appearing to the court to be necessary, and with respect to the persons by whom the work is to be executed, and the persons by whom, and the proportions in which, the costs of the work are to be paid.

PART XI.
—cont.
ditches lying near to, or forming, boundary of district.

262.—(1) If a local authority consider that any watercourse or ditch, situate upon land laid out for building, or on which any land laid out for building abuts, should be wholly or partially filled up or covered over, they may by notice require the owner of the land laid out for building, before any building operations are begun or while any such operations are in progress, wholly or partially to fill up the watercourse or ditch, or to substitute therefor a pipe, drain or culvert with all necessary gullies and other means of conveying surface water into and through it.

Power of local authority to require culverting of water-courses and ditches where building operations in prospect.

(2) Any question arising under this section between a local authority and an owner as to the reasonableness of any works which the authority require to be executed may, on the application of either party, be determined by a court of summary jurisdiction.

(3) Any person who, on any land to which a notice given by a local authority under this section applies, begins or proceeds with any building operations before executing the works required by the notice, shall be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor.

(4) Nothing in this section shall empower an authority to require the execution of works upon the land of any person other than the owner of the land laid out for building, without the consent of that person, or prejudicially to affect the rights of any person not being the owner of the land so laid out.

263.—(1) It shall not be lawful within a borough or urban district, or a rural district or contributory place in which section fifty-two of the Public Health Act, 1925,

Water-courses in urban district not to

PART XI.
—cont.
be culverted
except in
accordance
with
approved
plans.

was in force immediately before the commencement of this Act, to culvert or cover any stream or watercourse except in accordance with plans and sections to be submitted to and approved by the local authority, but such approval shall not be withheld unreasonably and, if the authority, within six weeks after plans and sections have been submitted to them, fail to notify their determination to the person by whom the plans and sections were submitted, they shall be deemed to have approved them.

(2) Any question arising under this section between a local authority and an owner as to the reasonableness of any works which the authority require to be executed as a condition of their approval, or as to the reasonableness of their refusal to give approval, may, on the application of either party, be determined by a court of summary jurisdiction.

(3) A local authority shall not, as a condition of approving plans or sections under this section, require an owner to receive upon his land, or to make provision for the passage of, a greater quantity of water than he is otherwise obliged to receive or to permit to pass, and, if the owner at the request of the authority makes provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section, any additional cost reasonably incurred by him in complying with the request of the authority shall be borne by them.

(4) Any person who contravenes this section shall be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor.

Urban
authority
may require
repair and
cleansing
of culverts.

< **264.** The owner or occupier of any land within a borough or urban district, or a rural district or contributory place in which section fifty-three of the Public Health Act, 1925, was in force immediately before the commencement of this Act, shall repair, maintain and cleanse any culvert in, on or under that land, and, if it appears to the local authority that any person has failed to fulfil his obligations under this section, they may by notice require him to execute such works of repair, maintenance or cleansing as may be necessary.

The provisions of Part XII of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under this section.

PART XI.
—cont.

265. A local authority may, if they think fit, contribute the whole or a part of the expenses of the execution of works for any of the purposes mentioned in the foregoing provisions of this Part of this Act, or may by agreement with any owner or occupier themselves execute any such works which he may be required, or is entitled, to execute.

Power of local authority to defray cost of, or execute, works relating to water-courses.

266.—(1) The powers conferred by the foregoing provisions of this Part of this Act shall not be exercised—

Saving for land drainage authorities, the London County Council, railway companies and dock undertakers.

- (i) with respect to any stream, watercourse, ditch or culvert within the jurisdiction of a land drainage authority, except after consultation with that authority;
- (ii) with respect to any stream, watercourse, ditch or culvert vested in the London County Council, without the consent of that council :

Provided that nothing in this subsection shall apply in relation to the taking of proceedings in respect of a statutory nuisance.

(2) Nothing in the foregoing provisions of this Part of this Act shall prejudice or affect the powers of any railway company or dock undertakers to culvert or cover in any stream or watercourse, or, without the consent of the railway company or dock undertakers concerned, extend to any culvert or covering of a stream or watercourse constructed by a railway company and used by them for the purposes of their railway, or constructed by dock undertakers and used by them for the purposes of their undertaking.

Ships and boats.

267.—(1) For the purposes of such of the provisions of this Act specified in subsection (4) of this section as are provisions for the execution of which local authorities are responsible, a vessel lying in any inland or coastal waters shall—

Application to ships and boats of certain provisions of Act.

- (a) if those waters are within a port health district, be subject to the jurisdiction of the port health authority for that district;

PART XI.
--cont.

(b) if those waters are within the district of a local authority but not within a port health district, be subject to the jurisdiction of that local authority;

(c) if those waters are not within the district of any local authority or any port health district, be subject to the jurisdiction of such local authority as the Minister may from time to time by order direct or, if no such direction is given, within the jurisdiction of the local authority whose district includes that point on land which is nearest to the spot where the vessel is lying.

(2) For the purposes of such of the said provisions as are provisions for the execution of which county councils are responsible, a vessel when lying in any inland or coastal waters not within a county shall be subject to the jurisdiction of the council of the county which includes that point on land which is nearest to the spot where the vessel is lying.

(3) In relation to any vessel the said provisions shall have effect as if—

(a) the vessel were a house, building or premises within the district, or, as the case may be, the county, of the local authority or county council to whose jurisdiction it is subject; and

(b) the master, or other officer or person in charge, of the vessel were the occupier.

(4) The provisions of this Act referred to in the preceding subsections are Parts III, V, VI and XII and, so far as regards boats used for human habitation, the provisions of Part II relating to filthy or verminous premises or articles and verminous persons :

Provided that the provisions of the said Part III with regard to smoke nuisances shall not apply in relation to any vessel habitually used as a sea-going vessel, except that a funnel of, or chimney on, any such ship sending forth black smoke in such quantity as to be a nuisance shall be a statutory nuisance.

(5) This section does not apply to any vessel belonging to His Majesty or under the command or charge of an officer holding His Majesty's commission, or to any vessel belonging to a foreign government.

Tents, vans, sheds, &c.

PART XI.

—*cont.*

268.—(1) The provisions^f of Parts III, V, VII and XII of this Act, and the provisions of Part II relating to filthy or verminous premises or articles and verminous persons, shall apply in relation to tents, vans, sheds and similar structures used for human habitation as they apply in relation to other premises and as if a tent, van, shed or similar structure used for human habitation were a house or a building so used.

Nuisances arising from, and byelaws and other matters relating to, tents, vans, &c.

(2) For the purposes of the said Part III, a tent, van, shed or similar structure used for human habitation—

- (a) which is in such a state, or so overcrowded, as to be prejudicial to the health of the inmates; or
- (b) the use of which, by reason of the absence of proper sanitary accommodation or otherwise, gives rise, whether on the site or on other land, to a nuisance or to conditions prejudicial to health,

shall be a statutory nuisance, and the expression “ occupier ” in relation to a tent, van, shed or similar structure shall include any person for the time being in charge thereof.

(3) Where such a nuisance as is mentioned in paragraph (b) of the preceding subsection is alleged to arise, wholly or in part, from the use for human habitation of any tent, van, shed or similar structure, then, without prejudice to the liability of the occupants or other users thereof, an abatement notice may be served on, and proceedings under Part III of this Act may be taken against, the occupier of the land on which the tent, van, shed or other structure is erected or stationed :

Provided that it shall be a defence for him to prove that he did not authorise the tent, van, shed or other structure to be stationed or erected on the land.

(4) A local authority may make byelaws for promoting cleanliness in, and the habitable condition of, tents, vans, sheds and similar structures used for human habitation, for preventing the spread of infectious disease by the occupants or other users thereof and generally for the prevention of nuisances in connection therewith.

PART XI.
—cont.

(5) The powers of a court before which proceedings are brought—

- (a) in respect of a statutory nuisance caused by, or arising in connection with, a tent, van, shed or similar structure used for human habitation; or
- (b) in respect of any contravention of byelaws made under this section,

shall include power to make an order prohibiting the use for human habitation of the tent, van, shed or other structure in question at such places, or within such area, as may be specified in the order.

Power of
local
authority to
control use
of moveable
dwellings.

269.—(1) For the purpose of regulating in accordance with the provisions of this section the use of moveable dwellings within their district, a local authority may grant—

- (i) licences authorising persons to allow land occupied by them within the district to be used as sites for moveable dwellings; and
- (ii) licences authorising persons to erect or station, and use, such dwellings within the district;

and may attach to any such licence such conditions as they think fit—

- (a) in the case of a licence authorising the use of land, with respect to the number and classes of moveable dwellings which may be kept thereon at the same time, and the space to be kept free between any two such dwellings, with respect to water supply, and for securing sanitary conditions;
- (b) in the case of a licence authorising the use of a moveable dwelling, with respect to the use of that dwelling (including the space to be kept free between it and any other such dwelling) and its removal at the end of a specified period, and for securing sanitary conditions.

(2) Subject to the provisions of this section, a person shall not allow any land occupied by him to be used for camping purposes on more than forty-two consecutive days or more than sixty days in any twelve consecutive months, unless either he holds in respect of the land so used such a licence from the local authority of the district

as is mentioned in paragraph (i) of the preceding subsection, or each person using the land as a site for a moveable dwelling holds in respect of that dwelling such a licence from that authority as is mentioned in paragraph (ii) of the said subsection.

PART XI.
—cont.

For the purposes of this subsection, land which is in the occupation of the same person as, and within one hundred yards of, a site on which there is during any part of any day a moveable dwelling shall be regarded as being used for camping purposes on that day.

(3) Subject to the provisions of this section, a person shall not keep a moveable dwelling on any one site, or on two or more sites in succession, if any one of those sites is within one hundred yards of another of them, on more than forty-two consecutive days, or sixty days in any twelve consecutive months, unless either he holds in respect of that dwelling such a licence from the local authority of the district as is mentioned in paragraph (ii) of subsection (1) of this section, or the occupier of each piece of land on which the dwelling is kept holds in respect of that land such a licence from that authority as is mentioned in paragraph (i) of the said subsection.

(4) Where under this section an application for a licence is made to a local authority, the authority shall be deemed to have granted it unconditionally, unless within four weeks from the receipt thereof they give notice to the applicant stating that his application is refused, or stating the conditions subject to which a licence is granted, and, if an applicant is aggrieved by the refusal of the authority to grant him a licence, or by any condition attached to a licence granted, he may appeal to a court of summary jurisdiction.

(5) Nothing in this section applies—

(i) to a moveable dwelling which—

(a) is kept by its owner on land occupied by him in connection with his dwelling-house and is used for habitation only by him or by members of his household; or

(b) is kept by its owner on agricultural land occupied by him and is used for habitation only at certain seasons and only by persons employed in farming operations on that land; or

PART XI.
—cont.

- (ii) to a moveable dwelling which belongs to a person who is the proprietor of a travelling circus, roundabout, amusement fair, stall or store (not being a pedlar, hawker, or costermonger) and which is regularly used by him in the course of travelling for the purpose of his business; or
- (iii) to a moveable dwelling while it is not in use for human habitation and is being kept on premises the occupier of which permits no moveable dwellings to be kept thereon except such as are for the time being not in use for human habitation.

(6) If an organisation satisfies the Minister that it takes reasonable steps for securing—

- (a) that camping sites belonging to or provided by it, or used by its members, are properly managed and kept in good sanitary condition; and
- (b) that moveable dwellings used by its members are so used as not to give rise to any nuisance,

the Minister may grant to that organisation a certificate of exemption.

A certificate so granted may be withdrawn at any time, but while in force shall for the purposes of this section have the effect of a licence—

- (i) authorising the use as a site for moveable dwellings of any camping ground belonging to, provided by or used by members of, the organisation;
- (ii) authorising any member of the organisation to erect or station on any site, and use, a moveable dwelling.

In this subsection the expression “member” in relation to an organisation includes a member of any branch or unit of, or formed by, the organisation.

(7) A person who contravenes any of the provisions of this section, or fails to comply with any condition attached to a licence granted to him under this section, shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor.

(8) For the purposes of this section—

PART XI.
—cont.

- (i) the expression “moveable dwelling” includes any tent, any van or other conveyance whether on wheels or not, and, subject as hereinafter provided, any shed or similar structure, being a tent, conveyance or structure which is used either regularly, or at certain seasons only, or intermittently, for human habitation :

Provided that it does not include a structure to which the building byelaws of the local authority apply ;

- (ii) the owner of land which is not let shall be deemed to be the occupier thereof ;
- (iii) if a moveable dwelling is removed from the site on which it stands, but within forty-eight hours is brought back to the same site or to another site within one hundred yards thereof, then, for the purpose of reckoning any such period of forty-two consecutive days as is mentioned in subsection (2) or subsection (3) of this section, it shall be deemed not to have been removed or, as the case may be, to have been moved direct from the one site to the other.

(9) Subject as hereinafter provided, this section shall not apply to any district in which at the commencement of this Act there was in force a local Act containing provisions enabling the local authority to regulate, by means of byelaws or licences or otherwise, the use of moveable dwellings or camping grounds :

Provided that, on the application of the local authority, the Minister may declare this section to be in force in their district, and upon the declaration taking effect, such of the provisions of the local Act as may be specified in the declaration shall be repealed or, as the case may be, shall be repealed as respects the district of that authority.

Hop-pickers, &c.

270. A local authority may make byelaws for securing the decent lodging and accommodation of hop-pickers and other persons engaged temporarily in picking, gathering or lifting fruit, flowers, bulbs, roots or vegetables within their district.

Byelaws as to hop-pickers and persons engaged in similar work.

PART XII.

GENERAL.

Supplemental as to powers of councils.

Interpreta-
tion of
"provide."

271.—(1) Any power of a council under this Act to provide buildings or other premises for any purpose includes power to equip them with such furniture, apparatus and instruments as may be reasonably necessary to enable them to be used for that purpose.

(2) Any power of a council under this Act to provide buildings or other premises, accommodation, equipment, or vehicles for any purpose includes power to enter into agreements with any other council or any person for the use, upon such terms as may be agreed, of any suitable buildings, premises, accommodation, equipment or vehicles provided by, or under the control of, that other council or that person, and, if it appears convenient, for the services of any staff employed in connection therewith.

(3) A council who provide buildings or other premises, accommodation, equipment or vehicles for any of the purposes of this Act may, on such terms (including terms with respect to the services of any staff employed by them) as may be agreed, permit the use thereof by any other council authorised by or under this, or any other Act, to make such provision.

Power of
councils to
combine for
purposes of
Act.

272. Without prejudice to the powers of combination conferred on local authorities by the Local Government Act, 1933, any two or more councils may by agreement combine for the purposes of any of their functions under this Act.

Provisions
as to sub-
committees.

273. A committee appointed by a county council or local authority for any of the purposes of this Act may, subject to any directions of the council or authority, appoint such and so many sub-committees consisting either wholly or partly of members of the committee as the committee think fit and, subject as aforesaid, may delegate, with or without restrictions or conditions, any of their functions to a sub-committee so appointed :

Provided that a majority of the members of any such sub-committee shall be members of the county council or, as the case may be, of the local authority.

274. Subject to any express provisions of this Act with respect to the execution by a local authority of particular works outside their district, a council may execute outside their county or district any work which under this Act they may execute within their county or district.

PART XII.

—cont.

Power of councils to execute works outside their county or district.

275. A local authority may by agreement with the owner or occupier of any premises themselves execute at his expense any work which they have under this Act required him to execute, or any work in connection with the construction, laying, alteration or repair of a sewer, drain or communication pipe for water, which he is entitled to execute, and for that purpose they shall have all such rights as he would have.

Power of local authority to execute certain work on behalf of owners or occupiers.

276.—(1) A local authority may sell any materials which have been removed by them from any premises, including any street, when executing works under, or otherwise carrying into effect the provisions of, this Act, and which are not before the expiration of three days from the date of their removal claimed by the owner and taken away by him.

Power of local authority to sell certain materials.

(2) Where a local authority sell any materials under this section, they shall pay the proceeds to the person to whom the materials belonged after deducting the amount of any expenses recoverable by them from him.

(3) This section does not apply to refuse removed by a local authority.

277. A council may, for the purpose of enabling them to perform any of their functions under this Act, require the occupier of any premises, and any person who either directly or indirectly receives rent in respect of any premises, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, lessee or otherwise, and any person who having been required by a council in pursuance of this section to give to them any information fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable to a fine not exceeding five pounds.

Power of councils to require information as to ownership of premises.

278.—(1) Subject to the provisions of this section, a local authority shall make full compensation to any

Compensation to individuals for

PART XII.
—cont.
damage re-
sulting from
exercise of
powers
under Act.

person who has sustained damage by reason of the exercise by the authority of any of their powers under this Act in relation to a matter as to which he has not himself been in default.

(2) Any dispute arising under this section as to the fact of damage, or as to the amount of compensation, shall be determined by arbitration:

Provided that, if the compensation claimed does not exceed fifty pounds, all questions as to the fact of damage, liability to pay compensation and the amount of compensation may on the application of either party be determined by, and any compensation awarded may be recovered before, a court of summary jurisdiction.

(3) No person shall be entitled by virtue of this section to claim compensation on the ground that a local authority have in the exercise of their powers under this Act declared any sewer or sewage disposal works, whether belonging to him or not, to be vested in them, or on the ground that he has sustained damage by reason of any action of a local authority in respect of which the authority are by this Act authorised to pay compensation if they think fit.

(4) Where an owner of land claims compensation in respect of damage sustained by reason of a local authority having, in the exercise of their powers under this Act, constructed a sewer or laid a water main in, on or over his land, the tribunal determining the amount of the compensation shall determine also by what amount, if any, the value to the claimant of any land belonging to him has been enhanced by the construction of the sewer or the laying of the water main, and the local authority shall be entitled to set off that amount against the amount of any compensation awarded.

Breaking open of streets.

General
provisions
as to break-
ing open
streets.

279.—(1) For the purposes of any section of this Act which confers powers on local authorities to construct, lay or maintain sewers, drains or pipes, the provisions of sections twenty-eight and thirty to thirty-four of the Waterworks Clauses Act, 1847, shall be incorporated with this Act, subject, however, to such adaptations as may be necessary to make those provisions applicable to the construction and maintenance of sewers and drains as

well as to the laying and maintenance of water mains and pipes, and subject also to the following modifications, namely that—

PART XII.
—cont.

- (a) any reference in the said provisions to the persons under whose control or management a street or bridge is, shall, in the case of a highway or bridge repairable by the inhabitants at large or by the inhabitants of the county, be construed as a reference to the authority who are the highway authority or, as the case may be, the bridge authority in respect thereof;
- (b) the reference in section thirty of the said Act of 1847 to three clear days shall be construed as a reference to seven clear days;
- (c) the expenses referred to in section thirty-four of the said Act may be recovered summarily as a civil debt; and
- (d) except in cases of emergency arising from defects in existing sewers, drains or pipes, a street or bridge which is under the control or management of, or repairable by, a railway company or dock undertakers shall not be opened or broken up without their consent, but that consent shall not be unreasonably withheld, and any question whether or not consent is unreasonably withheld shall be referred to the Minister, whose decision shall be final.

(2) The provisions so incorporated with adaptations and modifications as aforesaid shall apply in relation to any person not being a local authority who is empowered by this Act to construct, lay or maintain a sewer, drain or pipe as if, so far as his powers extend, he were the undertakers:

Provided that, where such a person gives notice to a railway company or dock undertakers that he desires to open or break up a street or bridge which is under their control or management or repairable by them, they may within fourteen days give notice to him that they intend themselves to execute the necessary work and, if before the expiration of fourteen days, or after such a notice has been given to him, he proceeds himself to open or break up the street or bridge, he shall be liable to a fine not exceeding fifty pounds.

PART XII.
—cont.

(3) Where a railway company or dock undertakers have given such a notice as is mentioned in the last preceding subsection, it shall not be obligatory on them to execute the work until the cost thereof, as estimated by their engineer or surveyor, has been paid to them or security for payment has been given to their satisfaction, but, if any payment so made to them exceeds the expenses reasonably incurred by them in the execution of the work, the excess shall be repaid by them and, if and so far as those expenses are not covered by the payment, if any, made to them, they may recover the expenses or the balance thereof from the person for whom the work was done.

Protection
for certain
works of
railway
companies
and dock
under-
takers.

280.—(1) A local authority or other person who under the powers conferred by this Act propose to open or break up any length of street which forms a level crossing, or crosses over or under a railway or other works of a railway company or dock undertakers, and which is not under the control or management of the railway company or dock undertakers, shall give to the company or undertakers the like notice as they are required by section thirty of the Waterworks Clauses Act, 1847, to give to the persons under whose control or management the street is and, if and in so far as the proposed work is likely to affect the structure of any bridge or other works belonging to the railway company or dock undertakers, shall carry out the work to the reasonable satisfaction of the engineer of the company or undertakers in accordance with plans approved by him.

(2) If any dispute arises under this section between the persons proposing to execute work and a railway company or dock undertakers, either party may require that it shall be referred to an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers.

Protec-
tion for
tramway
under-
takings.
33 & 34 Vict.
c. 78.

281. For the protection of undertakers entitled to the benefit of section thirty-two of the Tramways Act, 1870 (which relates to the rights of authorities and companies, &c. to open roads), that section shall be construed as applying to operations authorised by this Act, and in the said section as so applied any reference to a tramway shall be construed as including a reference to a trolley vehicle system.

282. Section one hundred and fifty-three of the Public Health Act, 1875 (which relates to the power to require gas and water pipes to be moved), shall apply for the purposes of this Act as it applies for the purposes of that Act.

PART XII.
—cont.
Application
of 38 & 39
Vict. c. 55,
s. 153.

Notices, &c.

283.—(1) All notices, orders, consents, demands and other documents authorised or required by or under this Act to be given, made or issued by a council, and all notices and applications authorised or required by or under this Act to be given or made to, or to any officer of, a council shall be in writing.

Notices to
be in
writing;
forms of
notices, &c.

(2) The Minister may by regulations prescribe the form of any notice, advertisement, certificate or other document to be used for any of the purposes of this Act and, if forms are so prescribed, those forms or forms to the like effect may be used in all cases to which those forms are applicable.

284.—(1) Any notice, order, consent, demand or other document which a council are authorised or required by or under this Act to give, make or issue may be signed on behalf of the council—

Authenti-
cation of
documents.

- (a) by the clerk of the council;
- (b) by the surveyor, the medical officer of health, the sanitary inspector or the chief financial officer, of the council as respects documents relating to matters within their respective provinces;
- (c) by any officer of the council authorised by them, in writing to sign documents of the particular kind or, as the case may be, the particular document.

(2) Any document purporting to bear the signature of an officer expressed to hold an office by virtue of which he is under this section empowered to sign such a document, or expressed to be duly authorised by the council to sign such a document or the particular document, shall for the purposes of this Act, and of any byelaws and orders made thereunder, be deemed, until the contrary is proved, to have been duly given, made or issued by authority of the council.

PART XII.
—cont.

In this subsection the expression "signature" includes a facsimile of a signature by whatever process reproduced.

Service of
notices, & c.

285. Any notice, order, consent, demand or other document which is required or authorised by or under this Act to be given to or served on any person may, in any case for which no other provision is made by this Act, be given or served either—

- (a) by delivering it to that person; or
- (b) in the case of a coroner, or a medical officer of health, by leaving it or sending it in a prepaid letter addressed to him, at either his residence or his office and, in the case of any other officer of a council, by leaving it or sending it in a prepaid letter addressed to him, at his office; or
- (c) in the case of any other person, by leaving it or sending it in a prepaid letter addressed to him, at his usual or last known residence; or
- (d) in the case of an incorporated company or body, by delivering it to their secretary or clerk at their registered or principal office, or by sending it in a prepaid letter addressed to him at that office; or
- (e) in the case of a document to be given to or served on a person as being the owner of any premises by virtue of the fact that he receives the rackrent thereof as agent for another, or would so receive it if the premises were let at a rackrent, by leaving it, or sending it in a prepaid letter addressed to him, at his place of business; or
- (f) in the case of a document to be given to or served on the owner or the occupier of any premises, if it is not practicable after reasonable inquiry to ascertain the name and address of the person to or on whom it should be given or served, or if the premises are unoccupied, by addressing it to the person concerned by the description of "owner" or "occupier" of the premises (naming them) to which it relates, and delivering it to some person on the

premises, or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

PART XII.
—cont.

286. In any proceedings under this Act a document purporting to be certified by the clerk of a council as a copy of a resolution or order passed or made by that council on a specified date, or of the appointment of, or of any authority given to, an officer of that council on a specified date, shall be evidence that that resolution, order, appointment or authority was duly passed, made, or given by the council on the said date. Proof of resolutions, &c.

Entry and obstruction.

287.—(1) Subject to the provisions of this section, any authorised officer of a council shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises at all reasonable hours— Power to enter premises.

- (a) for the purpose of ascertaining whether there is, or has been, on or in connection with the premises any contravention of the provisions of this Act or of any byelaws made thereunder, being provisions which it is the duty of the council to enforce;
- (b) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the council to take any action, or execute any work, under this Act or any such byelaws;
- (c) for the purpose of taking any action, or executing any work, authorised or required by this Act or any such byelaws, or any order made under this Act, to be taken, or executed, by the council;
- (d) generally, for the purpose of the performance by the council of their functions under this Act or any such byelaws :

Provided that admission to any premises not being a factory, workshop or workplace, shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

PART XII.
—cont.

(2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

(a) that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry; and

(b) that there is reasonable ground for entry into the premises for any such purpose as aforesaid,

the justice may by warrant under his hand authorise the council by any authorised officer to enter the premises, if need be by force :

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

(3) An authorised officer entering any premises by virtue of this section, or of a warrant issued thereunder, may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.

(4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(5) If any person who in compliance with the provisions of this section or of a warrant issued thereunder is admitted into a factory, workshop or workplace discloses to any person any information obtained by him in the factory, workshop or workplace with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

(6) Nothing in this section shall be construed as limiting the provisions of section fifty-seven of the Waterworks Clauses Act 1847, as incorporated with this Act, or the provisions of Part VII of this Act with

respect to entry upon and inspection of premises by child protection visitors and persons authorised to exercise the powers of such visitors, or the provisions of Parts IX and X of this Act with respect to entry into or upon, and inspection of, common lodging-houses and canal boats.

PART XII.
—cont.

288. A person who wilfully obstructs any person acting in the execution of this Act or of any byelaw, order or warrant made or issued thereunder shall, in any case for which no other provision is made by this Act, be liable to a fine not exceeding five pounds and to a further fine not exceeding five pounds for each day on which the offence continues after conviction therefor.

Penalty for obstructing execution of Act.

289. If on a complaint made by the owner of any premises, it appears to a court of summary jurisdiction that the occupier of those premises prevents the owner from executing any work which he is by or under this Act required to execute, the court may order the occupier to permit the execution of the work.

Power to require occupier to permit works to be executed by owner.

Notices requiring the execution of works.

290.—(1) The following provisions of this section shall, subject to any express modifications specified in the section under which the notice is given, apply in relation to any notice given under this Act which is expressly declared to be a notice in relation to which the provisions of this Part of this Act with respect to appeals against, and the enforcement of, notices requiring the execution of works are to apply.

Provisions as to appeals against, and the enforcement of, notices requiring execution of works.

(2) Any such notice shall indicate the nature of the works to be executed, and state the time within which they are to be executed.

(3) A person served with such a notice as aforesaid may appeal to a court of summary jurisdiction on any of the following grounds which are appropriate in the circumstances of the particular case :—

- (a) that the notice or requirement is not justified by the terms of the section under which it purports to have been given or made ;
- (b) that there has been some informality, defect or error in, or in connection with, the notice ;

PART XII.
—*cont.*

- (c) that the authority have refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary;
- (d) that the time within which the works are to be executed is not reasonably sufficient for the purpose;
- (e) that the notice might lawfully have been served on the occupier of the premises in question instead of on the owner, or on the owner instead of on the occupier, and that it would have been equitable for it to have been so served;
- (f) where the work is work for the common benefit of the premises in question and other premises, that some other person, being the owner or occupier of premises to be benefited, ought to contribute towards the expenses of executing any works required.

(4) If and in so far as an appeal under this section is based on the ground of some informality, defect or error in or in connection with the notice, the court shall dismiss the appeal, if it is satisfied that the informality, defect or error was not a material one.

(5) Where the grounds upon which an appeal under this section is brought include a ground specified in paragraph (e) or paragraph (f) of subsection (3) of this section, the appellant shall serve a copy of his notice of appeal on each other person referred to, and in the case of any appeal under this section may serve a copy of his notice of appeal on any other person having an estate or interest in the premises in question, and on the hearing of the appeal the court may make such order as it thinks fit with respect to the person by whom any work is to be executed and the contribution to be made by any other person towards the cost of the work, or as to the proportions in which any expenses which may become recoverable by the local authority are to be borne by the appellant and such other person.

In exercising its powers under this subsection, the court shall have regard—

- (a) as between an owner and an occupier, to the terms and conditions, whether contractual or

statutory, of the tenancy and to the nature of the works required; and

PART XII.
—cont.

(b) in any case, to the degree of benefit to be derived by the different persons concerned.

(6) Subject to such right of appeal as aforesaid, if the person required by the notice to execute works fails to execute the works indicated within the time thereby limited, the local authority may themselves execute the works and recover from that person the expenses reasonably incurred by them in so doing and, without prejudice to their right to exercise that power, he shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding forty shillings for each day on which the default continues after conviction therefor.

(7) In proceedings by the local authority against the person served with the notice for the recovery of any expenses which the authority are entitled to recover from him, it shall not be open to him to raise any question which he could have raised on an appeal under this section.

Provisions as to recovery of expenses, &c.

291.—(1) Where a local authority have incurred expenses for the repayment of which the owner of the premises in respect of which the expenses were incurred is liable, either under this Act or under any enactment repealed thereby, or by agreement with the authority, those expenses, together with interest from the date of service of a demand for the expenses, may be recovered by the authority from the person who is the owner of the premises at the date when the works are completed, or, if he has ceased to be the owner of the premises before the date when a demand for the expenses is served, either from him or from the person who is the owner at the date when the demand is served, and, as from the date of the completion of the works, the expenses and interest accrued due thereon shall, until recovered, be a charge on the premises and on all estates and interests therein.

Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments.

(2) A local authority may by order declare any expenses recoverable by them under this section to be payable with interest by instalments within a period not exceeding thirty years, until the whole amount is paid; and any such instalments and interest, or any part

PART XII. thereof, may be recovered from the owner or occupier for
—cont. the time being of the premises in respect of which the
expenses were incurred, and, if recovered from the
occupier, may be deducted by him from the rent of the
premises :

Provided that an occupier shall not be required to pay at any one time any sum in excess of the amount which was due from him on account of rent at, or has become due from him on account of rent since, the date on which he received a demand from the local authority together with a notice requiring him not to pay rent to his landlord without deducting the sum so demanded.

An order may be made under this subsection at any time with respect to any unpaid balance of expenses and accrued interest so, however, that the period for repayment shall not in any case extend beyond thirty years from the service of the first demand for the expenses.

(3) The rate of interest chargeable under subsection (1) or subsection (2) of this section shall be such rate as the authority may determine :

Provided that the Minister may from time to time by order fix a maximum rate of interest for the purposes of this section generally, or different maximum rates for different purposes and in different cases.

15 & 16
Geo. 5. c. 20.

(4) A local authority shall, for the purpose of enforcing a charge under this section, have all the same powers and remedies under the Law of Property Act, 1925, and otherwise as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

Power to
make a
charge in
respect of
establish-
ment
expenses.

292. Where under this Act a local authority are empowered to execute works and to recover from any person the expenses incurred by them in so doing, they may include in, and recover as part of, the expenses such additional sum, not exceeding five per cent. of the cost of the works, as they think fit in respect of their establishment charges.

Recovery of
expenses,
&c.

293.—(1) Any sum which a council are entitled to recover under this Act, and with respect to the recovery of which provision is not made by any other section of this Act, may be recovered either summarily as a civil debt, or as a simple contract debt in any court of competent jurisdiction.

(2) The time within which summary proceedings may be taken for the recovery of any such sums shall, except where otherwise expressly provided by this Act, be reckoned from the date of the service of a demand therefor.

PART XII.
—cont.

294. Where a council claim to recover any expenses under this Act from a person as being the owner of the premises in respect of which the expenses were incurred and that person proves that he—

Limitation
of liability
of certain
owners.

- (a) is receiving the rent of those premises merely as agent or trustee for some other person; and
- (b) has not, and since the date of the service on him of a demand for payment has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority,

his liability shall be limited to the total amount of the money which he has or has had in his hands as aforesaid, but a council who are, or would be, debarred by the foregoing provisions from recovering the whole of any such expenses from an agent or trustee may recover the whole or any unpaid balance thereof from the person on whose behalf the agent or trustee receives the rent.

295.—(1) Where a local authority have under this Act required any person to execute works and those works have been completed, the person executing the works, or any person who has advanced money to enable them to be executed, may apply to the authority for a charging order and the authority, on being satisfied as to the due execution of the works and as to the amount of the expenditure thereon and, in the case of an advance, as to the sum advanced, may make an order accordingly charging on the premises on which the works were executed, and on all estates and interests therein, an annuity to repay the sum expended or advanced, as the case may be.

Power of
local
authority to
grant charg-
ing orders.

(2) Subject as hereinafter provided, the annuity charged shall be such sum as the authority may determine in respect of every hundred pounds of the said amount and so in proportion in respect of any fraction of that amount, and shall commence from the date of the order

PART XII. and be payable by equal half-yearly payments for a
—*cont.* term of thirty years to the person named in the order, his
executors, administrators or assigns :

Provided that the Minister may from time to time
by order fix the maximum sum to be so charged in
respect of a hundred pounds.

Prosecution of offences, &c.

Summary
proceedings
for offences.

296. All offences under this Act may be prosecuted
under the Summary Jurisdiction Acts.

Continuing
offences and
penalties.

297. Where provision is made by or under this Act
for the imposition of a daily penalty in respect of a con-
tinuing offence, the court by which a person is convicted
of the original offence may fix a reasonable period from
the date of conviction for compliance by the defendant
with any directions given by the court and, where a
court has fixed such a period, the daily penalty shall not
be recoverable in respect of any day before the expiration
thereof.

Restriction
on right to
prosecute.

298. Proceedings in respect of an offence created by
or under this Act shall not, without the written consent of
the Attorney-General, be taken by any person other than
a party aggrieved, or a council or a body whose function
it is to enforce the provisions or byelaws in question, or
by whom or by whose predecessors the byelaw in question
was made.

Inclusion of
several sums
in one
complaint,
&c.

299. Where two or more sums are claimed from any
person as being due under this Act, or under byelaws made
thereunder, any complaint, summons or warrant issued
for the purposes of this Act or of the byelaws in respect
of that person may contain in the body thereof, or in a
schedule thereto, all or any of the sums so claimed.

*Appeals and other applications to courts of summary
jurisdiction, and appeals to quarter sessions.*

Appeals
and applica-
tions to
courts of
summary
jurisdiction.

300.—(1) Where any enactment in this Act pro-
vides—

(a) for an appeal to a court of summary jurisdiction
against a requirement, refusal or other decision
of a council; or

(b) for any matter to be determined by, or an application in respect of any matter to be made to, a court of summary jurisdiction, PART XII.
—cont.

the procedure shall be by way of complaint for an order, and the Summary Jurisdiction Acts shall apply to the proceedings.

(2) The time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the council's requirement, refusal or other decision was served upon the person desiring to appeal, and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

(3) In any case where such an appeal lies, the document notifying to the person concerned the decision of the council in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought.

301. Subject as hereinafter provided, where a person aggrieved by any order, determination or other decision of a court of summary jurisdiction under this Act is not by any other enactment authorised to appeal to a court of quarter sessions, he may appeal to such a court: Appeals to
quarter
sessions
against de-
cisions of
justices.

Provided that nothing in this section shall be construed as conferring a right of appeal from the decision of a court of summary jurisdiction in any case if each of the parties concerned might under this Act have required that the dispute should be determined by arbitration instead of by such a court.

302. Where upon an appeal under this Act a court varies or reverses any decision of a council, it shall be the duty of the council to give effect to the order of the court and, in particular, to grant or issue any necessary consent, certificate or other document, and to make any necessary entry in any register. Effect of
decision of
court upon
an appeal.

Arbitrations.

303. In arbitrations under this Act the reference shall, except where otherwise expressly provided, be to a single arbitrator to be appointed by agreement between the parties or, in default of agreement, by the Minister. Mode of
reference to
arbitration.

PART XII.

Judges and justices.

—cont.

Judges and
justices
not to be
disqualified
by liability
to rates.

304. A judge of any court or a justice of the peace shall not be disqualified from acting in cases arising under this Act by reason only of his being as one of several ratepayers, or as one of any other class of persons, liable in common with the others to contribute to, or be benefited by, any rate or fund out of which any expenses of a council are to be defrayed.

*Protection of members and officers.*Protection
of members
and officers
of certain
local autho-
rities from
personal
liability.

305. Section two hundred and sixty-five of the Public Health Act, 1875, (which relates to the protection of members and officers of certain authorities) shall apply to local authorities, joint boards and port health authorities under this Act as if any reference in that section to the said Act of 1875 were a reference to this Act.

*Compulsory purchase.*Compulsory
purchase of
land by
means of
provisional
order.

306. The purposes of this Act shall be purposes for which a local authority may be authorised to purchase land compulsorily by means of a provisional order made by the Minister and confirmed by Parliament :

Provided that this section shall not apply where a power to purchase conferred by this Act is stated to be a power to purchase by agreement.

*Expenses and borrowing.*Contribu-
tions by
county
councils to
certain ex-
penses
of county
district
councils.

307.—(1) A county council may agree to contribute a sum equal to the whole or any part of any expenses incurred by the council of a county district within the county in connection with hospital accommodation, sewers or sewage disposal works, or a supply of water, if it appears to the county council to be reasonable so to do having regard to the resources of the district and the other circumstances of the case.

(2) For the purposes of the preceding subsection, contributions by the council of a county district towards the expenses of a joint board shall be deemed to be expenses incurred by the contributing council.

308.—(1) The following expenses of a rural authority, that is to say—

- (a) expenses incurred in connection with sewers or sewage disposal works for any contributory place;
- (b) expenses incurred in connection with a supply of water to any such place;
- (c) charges and expenses arising out of, or incidental to, the possession of property held by the council in trust for any such place; and
- (d) all other expenses incurred or payable by the council in, or in respect of, any such place, and determined to be special expenses by order of the Minister made under subsection (3) of section one hundred and ninety of the Local Government Act, 1933,

PART XII.
—cont.
Special ex-
penses of
rural
authorities.

shall, so far as they fall to be defrayed out of rates, be special expenses chargeable on that contributory place, but without prejudice to the powers of the authority under subsection (4) of the said section one hundred and ninety.

(2) For the purposes of paragraph (a) or paragraph (b) of the preceding subsection, contributions towards the expenses of a joint board shall be deemed to be expenses incurred by the contributing council.

(3) Where a rural authority determine to defray as part of their general expenses the whole of any expenses which would otherwise be defrayed as special expenses chargeable upon a contributory place, or upon two or more contributory places, it shall not be necessary for the authority to keep parochial accounts in respect of those expenses and, if those expenses were incurred in respect of separate undertakings for supplying water, those undertakings shall for the purposes of this Act and of the Local Government Act, 1933, be deemed to be one undertaking.

309.—(1) Any expenses incurred by a joint board shall, unless otherwise determined by the order constituting the board, be defrayed out of a common fund to be contributed by the constituent districts, or contributory

Expenses of
joint boards.

PART XII. places, in proportion to the rateable value of the property
—*cont.* in each district or contributory place, as ascertained
according to the valuation list for the time being in
force.

(2) For the purpose of obtaining payment from constituent districts or contributory places of the sums to be contributed by them, a joint board shall issue precepts to the local authority of each district concerned, stating the sum to be contributed by the authority and requiring the authority, within a time limited by the precept, to pay the sums therein mentioned to the joint board, or to such person as the joint board may direct.

(3) Any sum mentioned in a precept issued under this section by a joint board to a local authority shall be a debt due from that authority, and may be recovered accordingly, without prejudice, however, to the right of the board to exercise any powers conferred upon them by section thirteen of the Rating and Valuation Act, 1925.

(4) In their application to joint boards constituted under section eight of this Act, the foregoing provisions of this section shall have effect as if references therein to constituent districts and to the local authority of a constituent district included respectively references to constituent counties and to the council of a constituent county.

(5) Where the order constituting a united district provides for contributions to be made to the common fund of the joint board by a county council, the amount of any such contribution as fixed by the order shall be a debt due to the joint board and may be recovered accordingly.

Power to
borrow on
sewage land
and plant.

• **310.**—(1) Without prejudice to the exercise by local authorities of the borrowing powers conferred on them by the Local Government Act, 1933, a local authority who own any land, works or other property for the purposes of the disposal of sewage may borrow money on mortgage thereof for any purposes of this Act, or of the Public Health Acts, 1875 to 1932, so far as those Acts are not repealed, for which they might borrow money under the Local Government Act, 1933.

(2) Any money borrowed under this section shall be applied only to such purposes as aforesaid and shall be repaid within thirty years.

PART XII.
—cont.

(3) Sections one hundred and ninety-nine, two hundred and two hundred and three of the Local Government Act, 1933, shall apply to any borrowing under this section, but, save as aforesaid, the provisions of sections one hundred and ninety-six to two hundred and eighteen of that Act shall not apply thereto.

311. The power of the Public Works Loan Commissioners to lend money to a county council or local authority for any works authorised by this Act which are works for which that council or authority may borrow money shall extend to the lending of money to a port health authority or joint board constituted by an order under this Act, or any enactment repealed by this Act, for any works authorised by this Act and the order which are works for which that authority or board may borrow money.

Loans by
Public
Works
Loan
Com-
missioners.

Powers of the Minister.

312. The Minister shall be the confirming authority as respects byelaws made under this Act.

Confirmation
of byelaws.

313.—(1) Where at the date of the passing of this Act there is in force—

Orders for
amendment
or adapta-
tion of local
Acts.

(a) in any county borough a local Act the Bill for which was promoted by the council of the borough; or

(b) in any county or county district a local Act the Bill for which was promoted either by the county council or by the local authority of the district;

and the said local Act contains provisions appearing to the Minister either to be inconsistent with any of the provisions of this Act, or to have become redundant in consequence of the passing of this Act, the Minister on the application, in the first mentioned case, of the council of the county borough, and, in the second mentioned case, of the county council or of the local authority, as the case may be, may by order make such alterations,

PART XII.
—cont.

whether by amendment or by repeal, in the local Act as appear to him to be necessary for the purpose of bringing its provisions into conformity with the provisions of this Act, or for the purpose of removing redundant provisions, as the case may be.

(2) This section applies in relation to a local Act the Bill for which was promoted by any authority, board, commissioners, trustees or other body whose functions under the local Act have become exercisable by the council of a county borough, a county council or the local authority of a district, as if the Bill for that Act had been promoted by the council of the county borough, the county council or the local authority.

(3) Any order made under this section shall be laid before each House of Parliament for a period of thirty days during the Session of Parliament, and, if before the expiration of that period either House resolves that the order be annulled, it shall be void, but without prejudice to the making of a new order :

Provided that, in reckoning any such period of thirty days as aforesaid, no account shall be taken of any time during which both Houses are adjourned for more than four days.

Power to apply corresponding provisions of Act to joint boards, &c., in substitution for repealed provisions.

314. Where by a provisional or other order in operation immediately before the commencement of this Act any enactment repealed by this Act has been applied to a port health authority or joint board, that order may be amended by an order of the Minister applying to the authority or board, in substitution for any enactment so repealed, any corresponding enactment in this Act which the Minister could under this Act apply to an authority or board of the like kind :

Provided that, if the Minister's order is not made within two years after the commencement of this Act, and on the application of the authority or board in question, the order shall be provisional only and shall not have effect until it is confirmed by Parliament.

Existing isolation hospital committees to be dissolved.

315.—(1) Before the expiration of two years from the commencement of this Act, the Minister shall by order dissolve every hospital committee constituted under the Isolation Hospitals Acts, 1893 and 1901,

and transfer the property and liabilities of the committee— PART XII.
—cont.

- (i) if the committee consist wholly of representatives of a county council, or of a single local authority, to that council or authority; and
- (ii) if the committee consist wholly of representatives of two or more local areas, or partly of such representatives and partly of representatives of a county council, to a joint board to be constituted by the order for the same local areas and consisting, in the first case, of members to be appointed by the local authorities for those areas and, in the second case, of members to be so appointed together with members to be appointed by the county council :

Provided that, if the committee request the Minister so to do, the Minister, in lieu of transferring their property and liabilities to a county council or joint board, may order their property to be disposed of, and, if the committee represent two or more councils or authorities, may order the proceeds of such disposal and the liabilities of the committee to be apportioned between the constituent councils and authorities as he may think fit.

(2) Before making an order under this section, the Minister shall cause a local inquiry to be held, if he is requested so to do by any council who are represented on the isolation hospital committee.

(3) A joint board constituted by an order under this section shall be a body corporate by such name as may be determined by the order and shall have perpetual succession and a common seal and power to hold land for the purposes of their constitution without licence in mortmain.

(4) A joint board so constituted shall be deemed to be a joint board constituted under section six of this Act and the provisions of this Act relating to joint boards constituted under that section shall apply accordingly, except that the order constituting the board shall not require confirmation by Parliament.

316.—(1) In relation to any order made by the Minister under this Act which requires confirmation by Parliament but was not made on the application of any Adaptation,
where
necessary,

PART XII.
—*cont.*
of provi-
sional order
procedure.

local authority, section two hundred and eighty-five of the Local Government Act, 1933 (which relates to the procedure for making provisional orders), shall have effect as if for references therein to the applicants for the order and to the application for the order there were substituted respectively references to the Minister and to the order proposed to be made by him.

(2) The expenses incurred by the Minister in connection with the making and confirmation of any such order as aforesaid shall be paid by such council, or by such councils in such shares, as he may direct, and the amount of those expenses as certified by him, or the amount of any share thereof so certified, shall be recoverable by him from the council liable therefor as a debt due to the Crown.

Amendment
of 38 & 39
Vict. c. 55,
s. 303.

317. In section three hundred and three of the Public Health Act, 1875 (which relates to the power of the Minister to repeal and alter local Acts by means of provisional orders), the reference to any local Act which relates to the same subject-matters as that Act shall be construed as including a reference to any local Act which relates to the same subject-matters as this Act.

Local
inquiries.

318. The Minister may cause a local inquiry to be held in any case where he is authorised by this Act to determine any difference, to make any order, to frame any scheme, to give any consent, confirmation, sanction or approval, or otherwise to act under this Act, and in any other case where he deems it advisable that a local inquiry should be held in relation to any matter concerning the public health in any place.

Regulations.

Provisions
as to regu-
lations
required to
be laid
before
Parliament.

• **319.** Where any regulation is required by this Act to be laid before Parliament, it shall be laid before each House of Parliament for a period of thirty days during the Session of Parliament and, if an Address is presented to His Majesty by either House before the expiration of that period praying that the regulation may be annulled, it shall thenceforth be void but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation :

Provided that, in reckoning any such period of thirty days as aforesaid, no account shall be taken of any time during which both Houses are adjourned for more than four days.

PART XII.
—cont.

Relinquishment and transfer of powers and duties.

320.—(1) The council of a county district may at any time, by agreement with the council of the county in which the district is situate, relinquish in favour of, and transfer to, the council of the county any of their functions under this Act for such period and upon such terms and subject to such conditions, if any, including terms and conditions as to the transfer of property and liabilities, as may be specified in the agreement :

Relinquish-
ment of
functions by
district
councils.

Provided that, except in the case of an agreement which is expressed to remain in force for a specified period not exceeding five years, it shall be an implied term of any agreement made under this section that either party to the agreement may determine it at the end of any financial year by giving notice to the other party not less than twelve months beforehand.

(2) A copy of an agreement made under this section shall forthwith be sent to the Minister and notice shall be given to him as soon as may be of the determination of the agreement, or of any variation in the terms thereof.

321. If it appears to a county council that the council of any county district within their county have made default in discharging any of their functions under this Act, the county council may complain to the Minister, and thereupon the Minister shall cause a local inquiry to be held into the matter.

Complaint
by county
council to
Minister of
default of
council of
county
district.

322.—(1) If—

(i) a complaint is made to the Minister that any council, port health authority or joint board have failed to discharge their functions under this Act in any case where they ought to have done so ; or

(ii) the Minister is of opinion that an investigation should be made as to whether any council, port health authority or joint board have failed as aforesaid,

Power of
Minister to
enforce
exercise of
powers by
local autho-
rities, &c.,
in default.

PART XII. the Minister may cause a local inquiry to be held into the
—*cont.* matter.

(2) If, after a local inquiry has been held in pursuance either of this section or of the last preceding section, the Minister is satisfied that there has been such a failure on the part of the council, authority or board in question, he may make an order declaring them to be in default and directing them for the purpose of removing the default to discharge such of their functions, and in such manner and within such time or times, as may be specified in the order.

(3) If a council, authority or board with respect to whom an order has been made under the last preceding subsection fail to comply with any requirement thereof within the time limited thereby for compliance with that requirement, the Minister, in lieu of enforcing the order by mandamus or otherwise, may—

- (i) if the body in default are the council of a county district, or a joint board whose district lies wholly within one county, or a port health authority whose district (so far as it does not consist of water) lies wholly within one county, make an order transferring to the council of the county such of the functions of the body in default as may be specified in his order;
- (ii) in any other case, make an order transferring to himself such of the functions of the body in default as may be so specified.

Subsidiary provisions on transfer of functions of body in default to county council.

323. Where any functions of the council of a county district, a port health authority or a joint board are transferred by an order under the last preceding section to a county council—

- (a) the expenses incurred by the county council in discharging those functions shall, except in so far as they may be met by any grant made by the county council, be a debt due from the body in default to the county council, and shall be defrayed as part of the expenses of the body in default in the execution of this Act, and that body shall have the like power of raising the money required as they have of raising money for defraying expenses incurred directly by them;

- (b) any such expenses as aforesaid shall, where the body in default are the council of a rural district, be raised as general expenses, or as special expenses, or partly as general expenses and partly as special expenses, according as the county council may direct;
- (c) the county council, for the purpose of functions transferred to them, may on behalf of the body in default borrow money subject to the like conditions, in the like manner, and on the security of the like revenues as that body might have borrowed for the purpose of those functions;
- (d) the county council may charge the said revenues with the payment of the principal and interest of the loan, and the loan, with the interest thereon, shall be paid by the body in default in like manner, and the charge shall have the like effect, as if the loan were lawfully raised and charged on those revenues by that body; and
- (e) the county council shall keep separate accounts of all receipts and expenditure in respect of the transferred functions.

PART XII.
—cont.

324.—(1) Where under the last but one preceding section the Minister has by order transferred to himself any functions of a council, port health authority or joint board, any expenses incurred by him in discharging the said functions shall be paid in the first instance out of moneys provided by Parliament, but the amount of those expenses as certified by the Minister shall on demand be paid to him by the body in default, and shall be recoverable by him from them as a debt due to the Crown, and that body shall have the like power of raising the money required as they have of raising money for defraying expenses incurred directly by them.

Provisions
as to
exercise by
Minister of
functions of
body in
default.

(2) The payment of any such expenses as aforesaid shall, to such extent as may be sanctioned by the Minister, be a purpose for which a local authority, port health authority or joint board may borrow money in accordance with the statutory provisions relating to borrowing by such an authority or board.

PART XII.

—cont.

Power to vary and revoke orders relating to defaults.

325. In any case where under this Part of this Act an order has been made by the Minister transferring to a county council or to himself any functions of a council, port health authority or joint board, the Minister may at any time by a subsequent order vary or revoke that order, but without prejudice to the validity of anything previously done thereunder; and when any order is so revoked the Minister may, either by the revoking order or by a subsequent order, make such provision as appears to him to be desirable with respect to the transfer, vesting and discharge of any property or liabilities acquired or incurred by the county council or by him in discharging any of the functions to which the order so revoked related.

General provisions as to transfer, compensation and superannuation rights of officers.

Provisions as to the transfer and compensation of officers and superannuation rights of transferred officers.

326.—(1) The provisions of this section shall apply in relation to any order or agreement made under this Act, or any order made by virtue of this Act under section three hundred and three of the Public Health Act, 1875, being an order or agreement by, under or in consequence of which an authority is constituted or dissolved, or any functions of an authority are relinquished, delegated, transferred or re-transferred, or exercised by two or more authorities in combination, or the services of any staff of one authority are rendered available to another authority.

(2) The provisions of section one hundred and fifty of, and the Fourth Schedule to, the Local Government Act, 1933, (which relate to the transfer and compensation of officers of a local authority affected by an order made under Part VI of that Act) shall have effect in relation to any such order as is mentioned in subsection (1) of this section as they have effect in relation to an order made under the said Part VI, and where, by virtue or in consequence of any such order as is mentioned in subsection (1) of this section, officers of one authority who are entitled as such to the benefits of a superannuation enactment will be transferred to the service of another authority, there shall be included in the order such provisions as are hereinafter mentioned for the purpose of protecting the rights and interests of those officers in respect of superannuation.

(3) The provisions with respect to superannuation to be included in any such order as aforesaid shall be either—

PART XII.
—cont.

- (a) provisions for securing that the superannuation enactment to the benefits of which an officer was entitled immediately before his transfer shall continue to apply to him, subject to such modifications and adaptations as the Minister may determine; or
- (b) provisions for applying to the officer, subject to such modifications and adaptations as the Minister may determine, any superannuation enactment to the benefits of which any officers of the authority to whom the officer is transferred are entitled.

(4) The Minister, on the application of any officer or authority affected by any such agreement as is mentioned in subsection (1) of this section, shall make a scheme containing such provisions for the protection and compensation of existing officers affected by the agreement as are specified in paragraphs (a) and (b) of subsection (1) of section one hundred and fifty of the Local Government Act, 1933, and such provisions, if any, as he deems expedient with respect to the transfer of such existing officers, and where, by virtue or in consequence of the agreement, officers of one authority who are entitled as such to the benefits of a superannuation enactment will be transferred to the service of another authority, the scheme shall also contain such provisions for the purpose of protecting the rights and interests of those officers in respect of superannuation as in the case of an order are required by the last preceding subsection to be included in the order.

(5) A scheme made by the Minister under the last preceding subsection and the agreement to which it relates shall be construed together as if they constituted a single instrument coming into operation on the date on which the agreement comes into operation, and the provisions of subsections (2) to (6) of section one hundred and fifty of, and the Fourth Schedule to, the Local Government Act, 1933, shall have effect in relation thereto as they have effect in relation to a scheme made under Part VI of the said Act.

PART XII.
—cont.

(6) In this section the expression "authority" means a county council, local authority, joint board, isolation hospital committee, port health authority or riparian authority within the meaning of section two of this Act, and, for the purposes of this section, any reference in the relevant provisions of the Local Government Act, 1933, to a local authority shall be construed as a reference to an authority as herein defined.

In this section the expression "superannuation enactment" means an enactment, including a scheme made thereunder, by virtue of which persons employed by an authority become entitled to superannuation benefits on retirement.

Provisions
for compen-
sation in
certain
cases to
officers of
trustees, &c.
executing
local Acts.

327.—(1) If, by virtue or in consequence of a provisional order made by the Minister under or by virtue of any provision of this Act, an officer of any trustees or other body of persons entrusted with the execution of a local Act suffers any direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments and no other provision for his compensation for that loss is made by any enactment or statutory order for the time being in force, he shall be entitled to receive compensation for that loss from such local authority as the Minister may determine.

(2) The provisions of subsections (2) to (6) of section one hundred and fifty of, and the Fourth Schedule to, the Local Government Act, 1933, shall apply to the case of any such officer as aforesaid as if the provisional order of the Minister were an order made under Part VI of the said Act and as if subsection (1) of this section were contained in the said order.

Savings.

Powers of
Act to be
cumulative.

328. All powers and duties conferred or imposed by this Act shall be deemed to be in addition to, and not in derogation of, any other powers and duties conferred or imposed by Act of Parliament, law or custom, and, subject to any repeal effected by, or other express provision of, this Act, all such other powers and duties may be exercised and shall be performed in the same manner as if this Act had not been passed.

PART XII.

—cont.

329. Nothing in this Act with respect to the recovery of expenses from owners of premises affects the provisions of the Land Charges Act, 1925 (as amended by any subsequent enactment), with respect to local land charges.

Saving for certain provisions of the Land Charges Act, 1925.

15 & 16 Geo. 5.
c. 22.

330. Any railway company, dock undertakers or land drainage authority may, after giving reasonable notice to the local authority concerned, at their own expense and on substituting other sewers, drains, culverts and pipes which will be equally effectual and will entail no additional expense on the local authority, take up, divert or alter the level of any sewers, drains, culverts or pipes vested in the local authority which pass under, or interfere with, or interfere with the improvement or alteration of, the railway of the railway company, or, as the case may be, any river, canal, towing path or works forming part of the undertaking of the undertakers, or any watercourse or other works vested in or under the control of the land drainage authority.

Power of railway companies, dock undertakers and land drainage authorities to alter sewers, &c. vested in a local authority.

331. Nothing in this Act shall authorise a local authority injuriously to affect any reservoir, canal, watercourse, river or stream, or any feeder thereof, or the supply, quality or fall of water contained in, or in any feeder of, any reservoir, canal, watercourse, river or stream without the consent of any person who would, if this Act had not been passed, have been entitled by law to prevent, or be relieved against, the injurious affection of, or of the supply, quality or fall of water contained in, that reservoir, canal, watercourse, river, stream or feeder.

Works affecting water rights.

332. Any difference of opinion which may arise under either of the two last preceding sections between a local authority and any person as to whether—

- (a) any sewers, drains, culverts or pipes substituted or proposed to be substituted for sewers, drains, culverts or pipes of a local authority are or will be equally effectual, or entail or will entail additional expense on the authority; or
- (b) the supply, quality or fall of water in any reservoir, canal, watercourse, river, stream or feeder is injuriously affected by the exercise of powers under this Act,

Arbitration as to alteration of sewers, &c., or injurious affection of water rights.

PART XII. may, at the option of the party complaining, be referred
—cont. to an arbitrator to be appointed, in default of agreement,
by the President of the Institution of Civil Engineers.

Protection
for works of
dock under-
takers
and for
railways.

333.—(1) Subject to the provisions of this section,
nothing in this Act shall authorise a local authority
without the consent of the dock undertakers concerned—

- (a) to interfere with any river, canal, dock, harbour, basin, lock or reservoir so as injuriously to affect navigation thereon or the use thereof or the access thereto, or to interfere with any towing path, so as to interrupt the traffic thereon;
- (b) to interfere with any bridges crossing any river, canal, dock, harbour or basin;
- (c) to execute any works in, across or under any dock, harbour, basin, wharf, quay or lock, or any land which belongs to dock undertakers and is held or used by them for the purposes of their undertaking;
- (d) to execute any works which will interfere with the improvement of, or the access to, any river, canal, dock, harbour, basin, lock, reservoir, or towing path, or with any works appurtenant thereto or any land necessary for the enjoyment or improvement thereof;

or without the consent of the railway company concerned, to execute any works along, across or under any railway of a railway company:

Provided that consent under this section shall not be unreasonably withheld, and if any question arises as to whether or not consent is unreasonably withheld, either party may require that it shall be referred to an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers.

(2) Upon an arbitration under this section, the arbitrator shall determine—

- (i) whether any works which the local authority propose to execute are such works as under the last preceding subsection they are not entitled to execute without the consent of the statutory undertakers; and

- (ii) if they are such works, whether the injury, if any, to the undertakers will be of such a nature as to admit of being fully compensated by money; and
- (iii) if the works are of such a nature, the conditions subject to which the local authority may execute the works, including the amount of the compensation, if any, to be paid by them to the undertakers.

PART XII.
—cont.

If the arbitrator should determine that the proposed works are such works as the local authority are not entitled to execute without the consent of the undertakers and that the works would cause injury to the undertakers of such a nature as not to admit of being fully compensated by money, the local authority shall not proceed to execute the works, but in any other case they may execute the works subject to compliance with such conditions, including the payment of such compensation, as the arbitrator may have determined.

(3) For the purposes of this section, dock undertakers shall be deemed to be concerned with any river, canal, dock, harbour, basin, lock, reservoir, towing path, wharf, quay or land if it belongs to them and forms part of their undertaking, or if they have statutory rights of navigating on or using it, or of demanding tolls or dues in respect of navigation thereon or the use thereof.

(4) Nothing in this section shall be construed as limiting the powers of a local authority under any of the foregoing provisions of this Act in respect of the opening and breaking up of streets and bridges for the purpose of constructing, laying and maintaining sewers, drains and pipes.

334. Nothing in this Act shall authorise a local authority to use, injure or interfere with any sluices, floodgates, sewers, groynes, sea defences or other works, whether made before or after the date of commencement of this Act, which are vested in or under the control of a land drainage authority, or are used by any person for draining, preserving or improving land under any local or private Act of Parliament, or for irrigating land, without the consent, as the case may be, of that authority or that person :

Protection
for works
of land
drainage
authorities,
&c.

PART XII.
—cont.

Provided that consent under this section shall not be unreasonably withheld, and if any question arises as to whether or not consent is unreasonably withheld, either party may require that it shall be referred to an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers.

Saving for works, powers, &c. of London County Council.
18 & 19 Vict. c. 120.

335. Nothing in, or done under, this Act shall affect any outfall or other works of the London County Council executed, whether within or outside London, under the Metropolis Management Act, 1855, and the Acts amending that Act, or take away, abridge, or prejudicially affect any right, power, authority, jurisdiction or privilege of the London County Council.

Saving for powers and duties of Middlesex County Council as sewerage and sewage disposal authority.
21 & 22 Geo. 5. c. xxxii.

336. Nothing in this Act shall affect the powers and duties of the County Council of Middlesex with respect to main sewers and sewage disposal under the Middlesex County Council Act, 1931, or impose on local authorities of that county any obligations with respect to sewers or sewage disposal from which they were relieved by the said Act :

Provided that, on the application of the county council, the Minister may by order amend the said Act by making therein such adaptations and modifications as appear to him to be necessary in consequence of the amendments made by this Act in the general law relating to public health, and, in particular, by applying to the county council, by way of substitution but with any necessary adaptation, such of the provisions of this Act as appear to him to correspond to any provisions of the Public Health Acts, 1875 to 1932, which were applied to the council by the said local Act.

Saving for certain payments in respect of drainage into sewers of another district.
24 & 25 Vict. c. 60.

337. Nothing in this Act shall affect the payment or recovery of any yearly sum payable at the time of the passing of the Public Health Act, 1875, in pursuance of the Local Government Act (1858) Amendment Act, 1861, to any local authority in respect of any premises without their district which have a drain communicating with a sewer within their district :

Provided that any such sum shall cease to be payable if the connection between the drain and the sewer is discontinued, but shall again become payable if thereafter the connection is re-established.

338. Any collegiate or other corporate body required or authorised by or in pursuance of Act of Parliament to divert its sewers or drains from any river or to construct new sewers, and any Government department, shall have the like powers and be subject to the like obligations under this Act as they had or were subject to under the Sewage Utilization Act, 1867; and for that purpose the provisions of this Act applicable to purposes the same as, or similar to, those of the Sewage Utilization Act, 1865, and the Sewage Utilization Act, 1867, shall apply in substitution for the provisions of those Acts.

PART XII.

—cont.

Sewers or drains of collegiate and other corporate bodies and Government departments.

30 & 31 Vict.
c. 113.
28 & 29 Vict.
c. 75.

339. Nothing in this Act affects any right of drainage acquired by any person by prescription or otherwise before the commencement of this Act :

Saving for existing rights of drainage.

Provided that nothing in this section shall be construed as limiting the powers conferred on local authorities by sections twenty-two and forty-two of this Act.

340. Nothing in this Act shall authorise the execution of any works on, over or under tidal lands below high-water mark of ordinary spring tides, except in accordance with such plans and sections and subject to such restrictions and regulations as may, before the works are commenced, be approved by the Board of Trade in writing under the hand of one of the secretaries, under-secretaries or assistant secretaries of the Board.

Works below high-water mark.

341.—(1) The provisions of this section shall apply in relation to any house, building or other premises being property belonging to His Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a Government department, or held in trust for His Majesty for purposes of a Government department.

Power to apply provisions of Act to Crown property.

(2) The authority which in relation to any such property is for the purposes of this section the appropriate authority and the council of the county, or the local authority of the district, in which that property is situate may agree that any provisions of this Act specified in the agreement shall apply to that property and, while the agreement is in force, those provisions shall apply to that property accordingly, subject however to the terms of the agreement.

PART XII.
—cont.

Any such agreement as aforesaid may contain such consequential and incidental provisions, including, with the approval of the Treasury, provisions of a financial character, as appear to the appropriate authority to be necessary or equitable.

(3) In this section the expression “ the appropriate authority ” means—

- (a) in the case of property belonging to His Majesty in right of the Crown, the Commissioners of Crown Lands or other Government department having the management of the property in question;
- (b) in the case of property belonging to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
- (c) in the case of property belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints; and
- (d) in the case of property belonging to a Government department or held in trust for His Majesty for purposes of a Government department, that department;

and, if any question arises as to what authority is the appropriate authority in relation to any property, that question shall be referred to the Treasury, whose decision shall be final.

Interpretation, transitory provisions, repeals, &c.

Application
of portions
of Act to
London.

342.—(1) In any Part or section of this Act which is declared to extend to London any reference to a local authority shall be construed as including a reference to the Common Council of the City of London and the council of a metropolitan borough, and any reference to the district of a local authority shall be construed as including a reference to the City of London and to a metropolitan borough.

(2) For the purposes of their functions under any such Part or section of this Act as aforesaid, the Common Council of the City of London and the council of a metropolitan borough may borrow—

- (i) in the case of the Common Council of the City of London, under and in accordance with the

City of London Sewers Acts, 1848 to 1897, as amended by any subsequent enactment; PART XII.
—cont.

- (ii) in the case of the council of a metropolitan borough, in the like manner, and subject to the like conditions, as for the purposes of the Metropolis Management Acts, 1855 to 1893.

(3) The provisions of those sections of this Part of this Act which are specified in the Second Schedule to this Act shall extend to London in so far as they are material for the purposes of any other provisions of this Act which so extend.

343.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them— Interpreta-
tion.

“ authorised officer ” means, as respects any council, an officer of the council authorised by them in writing, either generally or specially, to act in matters of any specified kind, or in any specified matter :

Provided that the medical officer of health, surveyor and sanitary inspector of a council shall, by virtue of their appointments, be deemed to be authorised officers for the purpose of matters within their respective provinces ;

“ bridge authority ” means—

(i) in the case of a county bridge the county council ;

(ii) in the case of a bridge which carries a highway repairable by the inhabitants at large but is not a county bridge, the council who are the highway authority in respect of that highway ; and

(iii) in the case of any other bridge, the authority or person responsible for the maintenance thereof ;

“ building byelaws ” means byelaws made under Part II of this Act with respect to buildings, works and fittings, and includes also byelaws made with respect to those matters under any corresponding enactment repealed by this Act, or under any such enactment as amended or extended by a local Act ;

PART XII.
—cont.

“ clerk,” in relation to a local authority being the council of a borough, means the town clerk;

“ coastal waters ” means waters within a distance of three nautical miles from any point on the coast measured from low-water mark of ordinary spring tides;

“ contributory place ” means—

(a) a rural parish no part of which is included in a special purpose area formed under this Act or under any Act repealed by this Act or by the Public Health Act, 1875;

(b) a special purpose area so formed; and

(c) in the case of a rural parish part of which forms or is included in a special purpose area formed as aforesaid, such part of the parish as is not comprised within that area;

“ county ” means an administrative county;

“ county district ” means a non-county borough, urban district or rural district;

“ dock undertakers ” means persons who are statutory undertakers in respect of a dock, harbour, canal, or inland navigation;

“ drain ” means a drain used for the drainage of one building or of any buildings or yards appurtenant to buildings within the same curtilage;

“ dustbin ” means a movable receptacle for the deposit of ashes or refuse;

“ emoluments ” has the same meaning as it has in the Local Government Act, 1933;

“ enactment ” includes any enactment in a provisional order confirmed by Parliament;

“ factory ” means a factory within the meaning of the Factory and Workshop Acts, 1901 to 1929;

“ functions ” includes powers and duties;

“ highway authority ” means, in the case of a highway repairable by the inhabitants at large, the council in whom that highway is vested;

“ hospital ” includes any premises for the reception of the sick;

- “house” means a dwelling-house, whether a private dwelling-house or not; PART XII.
—cont.
- “inland waters” includes rivers, harbours and creeks;
- “joint board” means a joint board constituted under this Act or under any Act repealed by this Act, and includes such a board acting as a port health authority;
- “land” includes any interest in land and any easement or right in, to or over land;
- “land drainage authority” means a drainage authority within the meaning of the Land Drainage Act, 1930; 20 & 21
Geo. 5. c. 8.
- “local Act” includes a provisional order confirmed by Parliament and the confirming Act so far as it relates to that order;
- “local authority” has the meaning assigned to it in section one of this Act;
- “London” means the administrative county of London;
- “Minister” means the Minister of Health;
- “notifiable disease” means any of the following diseases, namely, small-pox, cholera, diphtheria, membranous croup, erysipelas, the disease known as scarlatina or scarlet fever, and the fevers known by any of the following names, typhus, typhoid, enteric or relapsing, and includes, as respects any particular district, any infectious disease to which Part V of this Act or any corresponding enactment repealed by this Act has been applied by the local authority of the district in manner provided by that Part or that enactment;
- “officer” includes servant;
- “owner” means the person for the time being receiving the rackrent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if those premises were let at a rackrent;
- “planning scheme” means a scheme made under the Town Planning Act, 1925, or the Town and 15 & 16
Geo. 5. c. 16.

PART XII.
—cont.
22 & 23
Geo. 5.c. 48.

Country Planning Act, 1932, or any enactment repealed by either of those Acts;

- “prejudicial to health” means injurious, or likely to cause injury, to health;
- “premises” includes messuages, buildings, lands, easements and hereditaments of any tenure;
- “private sewer” means a sewer which is not a public sewer;
- “public sewer” has the meaning assigned to it in section twenty of this Act;
- “rackrent” in relation to any property means a rent which is not less than two-thirds of the rent at which the property might reasonably be expected to let from year to year, free from all usual tenant’s rates and taxes, and tithe rentcharge (if any), and deducting therefrom the probable average annual cost of the repairs, insurance and other expenses (if any) necessary to maintain the same in a state to command such rent;
- “railway company” means persons who are statutory undertakers in respect of a railway undertaking;
- “school” includes a Sunday school or a Sabbath school;
- “sewer” does not include a drain as defined in this section but, save as aforesaid, includes all sewers and drains used for the drainage of buildings and yards appurtenant to buildings;
- “statutory order” means an order, rule or regulation made under any enactment;
- “statutory scheme” means a scheme made under any enactment;
- “statutory undertakers” means any persons authorised by an enactment or statutory order to construct, work or carry on any railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water or other public undertaking;
- “street” includes any highway, including a highway over any bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

“ vessel ” has the same meaning as in the Merchant Shipping Act, 1894 ;

“ waterworks ” includes streams, springs, wells, pumps, reservoirs, cisterns, tanks, aqueducts, cuts, sluices, mains, pipes, culverts, engines and all machinery, lands, buildings and things for supplying, or used for supplying, water, or used for protecting sources of water supply ;

“ workplace ” does not include a factory or workshop, but save as aforesaid includes any place in which persons are employed otherwise than in domestic service ;

“ workshop ” means a workshop within the meaning of the Factory and Workshop Act, 1901.

1 Edw. 7. c.
22.

(2) In the construction of any enactment incorporated with this Act, the expressions “ the undertakers ” and “ the special Act ” shall be construed as meaning respectively the local authority and this Act.

(3) Nothing in this section shall affect the interpretation of expressions which are used in any local Act, statutory order or scheme passed or made before the commencement of this Act and are defined as having for the purposes thereof the same meaning as in some enactment repealed by this Act.

344.—(1) Where at the commencement of this Act there is in existence a building to the erection of which a local authority have given their consent either under section twenty-seven of the Public Health Acts Amendment Act, 1907, or under section twenty-five of the Housing, Town Planning, &c., Act, 1919, the local authority may under this section extend the period fixed by them, either originally or by way of extension, as the period during which the building may be allowed to stand or, as the case may be, may be allowed to be used for human habitation, and any person aggrieved by their refusal to extend any such period may appeal to a court of summary jurisdiction.

Transi-
tional
provisions
as to
existing
temporary
buildings.
9 & 10
Geo. 5. c. 35.

(2) The owner of any such building shall, on the expiration of the period fixed, or, as the case may be, of that period as extended, remove the building if it was erected under the said Act of 1907 or discontinue its use for human habitation if it was erected under the said Act of 1919, and, if he fails to do so, the local authority shall remove the building and may recover from him

PART XII. the expenses reasonably incurred by them in so doing,
—*cont.* and without prejudice to the right of the authority to
exercise that power he shall be liable to a fine not
exceeding ten pounds and to a further fine not exceeding
five pounds for each day during which the building is
allowed to remain, or, as the case may be, is allowed to
be used for human habitation after the conviction.

Transitional
provisions
as to
offences and
notices.

345.—(1) Where an offence (being an offence for
the continuance of which a penalty was provided) has
been committed under any enactment repealed by this
Act, proceedings may be taken under this Act in respect
of the continuance of the offence after the commencement
of this Act in the same manner as if the offence had
been committed under the corresponding provisions of
this Act.

(2) Where an enactment repealed and re-enacted,
with or without modifications, by this Act relates to
the giving of notices—

(i) not less than a specified period before; or

(ii) within a specified period after,

the doing of some act or the happening of some event,
and the commencement of this Act falls within the period
applicable under that enactment to any particular act
done or to any particular event, the repeal and re-enact-
ment shall be deemed to have taken effect in relation to
that act or event, in the first-mentioned case, at a date
sufficiently early to enable the required notice to be given
under the corresponding provisions of this Act, and, in the
secondly mentioned case immediately before the doing of
the act or the happening of the event in question.

Repeals.

346.—(1) The following Acts are hereby repealed
to the following extent:—

(a) the Public Health Act, 1875, the Public Health
Acts Amendment Act, 1890, the Public Health
Acts Amendment Act, 1907, and the Public
Health Act, 1925, to the extent specified in the
First, Second, Third and Fourth Parts respec-
tively of the Third Schedule to this Act;

(b) the Acts mentioned in the second column of
the Fifth Part of that Schedule, to the extent
specified in the third column of that Part of that
Schedule,

and the said repeal shall as respects the Acts mentioned
in the second column of the Sixth and Seventh Parts of

that Schedule, to the extent specified in the third column of those Parts, extend to London and to Northern Ireland, the Isle of Man and the Channel Islands respectively :

PART XII.
—*cont.*

Provided that—

- (a) save as expressly provided in this Act, nothing in this repeal shall affect any byelaw in force at the commencement of this Act, and, while such a byelaw continues in force by virtue of this proviso, any question as to its application or interpretation shall be determined as if this Act had not been passed;
- (b) nothing in this repeal shall affect the constitution of any authority, board or committee constituted for any district or area under any enactment repealed by this Act, and any such authority, board or committee shall continue to act for that district or area as if they and it had been constituted under the corresponding provisions of this Act;
- (c) in so far as any appointment, agreement, scheme, order, rule, regulation, requirement, apportionment or representation made, or any resolution passed, or any notice, direction, consent, sanction, approval, exemption or certificate given under any enactment repealed by this Act, or any charge conferred by, or any conditions imposed, or any proceeding instituted, or any other thing done, under any such enactment, could have been made, passed, given, conferred, imposed, instituted or done under or by a corresponding provision of this Act, it shall not be invalidated by this repeal, but shall have effect as if it had been made, passed, given, conferred, imposed, instituted or done under or by that corresponding provision and, in the case of any legal proceeding, may be continued and appealed against as if this Act had not been passed;
- (d) where immediately before the commencement of this Act a local authority were recovering any expenses by means of private improvement rates they may continue to recover the

PART XII.
—*cont.*

unpaid balance of those expenses by means of such rates as if this Act had not been passed;

- (e) the repeal of section twenty-seven of the Public Health Acts Amendment Act, 1907, shall not take effect in the district of a local authority until the date on which building byelaws made by that authority under this Act come into force in the district, or until the expiration of one year from the commencement of this Act, whichever date may first occur;
- (f) the repeal of the Isolation Hospitals Acts, 1893 and 1901, shall not take effect until the expiration of two years from the commencement of this Act.

(2) If any enactments or words mentioned in the Third Schedule to this Act are, wholly or partly, re-enacted in a Consolidation Act of the present session of Parliament, the references in the said Schedule to those enactments or words shall be construed as including references to such enactments or words in the Consolidation Act as His Majesty in Council may declare to be corresponding enactments or words, and accordingly any enactments and words to which such declaration extends shall also be repealed by this section.

(3) Any document referring to any Act or enactment repealed by this Act shall be construed as referring to this Act or to the corresponding enactment, if any, in this Act.

(4) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

Short title,
date of
commence-
ment, and
extent.

347.—(1) This Act may be cited as the Public Health Act, 1936, and shall come into operation on the first day of October, nineteen hundred and thirty-seven.

(2) This Act shall not extend to Scotland nor, except as otherwise expressly provided, to Northern Ireland or London.

SCHEDULES.

FIRST SCHEDULE.

Section 3 (3).

PROVISIONS AS TO MEDICAL OFFICERS OF HEALTH AND
SANITARY INSPECTORS OF PORT HEALTH DISTRICTS.*Qualifications, duties, &c.*

1. The Minister may by regulations prescribe—

- (a) the qualifications to be held and the duties to be performed by medical officers of health of port health districts;
- (b) the mode of appointment and terms as to salary and tenure of office of medical officers of health and sanitary inspectors of port health districts, and the qualifications and duties of such sanitary inspectors.

Regulations made under this paragraph shall be laid before Parliament.

2.—(1) Compliance with the regulations made under sub-paragraph (a) of the preceding paragraph shall be obligatory on every port health authority; compliance with the regulations made under sub-paragraph (b) thereof shall not be obligatory on any such authority, but compliance therewith shall be a condition of the right of the authority to receive from a county council or county borough council any such payment as is mentioned in the next succeeding paragraph of this Schedule.

(2) A medical officer of health of a port health district shall perform such duties as may be prescribed under the preceding paragraph of this Schedule, and may exercise any of the powers with which a sanitary inspector is invested.

Payments by councils of counties and county boroughs towards salaries.

3. Where in the case of a medical officer of health or sanitary inspector of a port health district the regulations made under paragraph 1 of this Schedule are complied with, the council

1ST SCH.
—cont.

of the county or county borough in which the district, or any part thereof, is situate shall, during the tenure of office of that officer, pay to the port health authority a sum equal to one-half of his salary :

Provided that—

(i) if the Minister certifies to the council—

(a) that the medical officer of health has failed to send to the Minister such reports and returns as are for the time being required by the regulations made under paragraph 1 of this Schedule to be so sent; or

(b) that the provisions of the next succeeding paragraph of this Schedule relating to a medical officer of health or sanitary inspector have not been complied with,

the said sum equal to one-half of the salary of the medical officer of health or, if the non-compliance relates to the sanitary inspector, of the sanitary inspector, shall be forfeited to the Crown and shall be paid to the Exchequer and not to the port health authority; and

(ii) where a port health district is not wholly situate in one county or county borough, such proportionate part only of the sum otherwise payable as may be certified by the Minister shall be paid by the council of each county or county borough in which a part of the port health district is situate.

Tenure of office.

4.—(1) The following officers, that is to say—

(a) a medical officer of health of a port health district to whom this paragraph applies, and who is restricted by the terms of his appointment from engaging in private practice as a medical practitioner; and

(b) a sanitary inspector of a port health district to whom this paragraph applies, and who is required by the terms of his appointment to devote the whole of his time to the duties of his office, or to the duties of that office and of any other office or offices held by him under a local authority or a public body,

shall not be appointed for a limited time only, and shall not be dismissed except by the port health authority with the consent of the Minister, or by the Minister.

(2) This paragraph applies to a medical officer of health or a sanitary inspector of a port health district, in respect of whose salary a payment is made by the council of a county or county borough under the last foregoing paragraph:

1ST SCH.
—cont.

Provided that, where more than one sanitary inspector is appointed for such a district as aforesaid, the foregoing provisions of this paragraph shall apply only to such one of the sanitary inspectors of the district as the port health authority may determine to be the senior sanitary inspector.

SECOND SCHEDULE.

Section 342.

SECTIONS OF ACT EXTENDING TO LONDON FOR CERTAIN PURPOSES.

<i>Sections.</i>	<i>Subject matter.</i>
273 to 277	Supplementary powers of councils.
283 to 289	Notices, power of entry and obstruction.
291, 293 and 294	Recovery of expenses.
296 to 302	Prosecutions and appeals.
304	Qualification of judges, &c.
305	Protection of members and officers from personal liability.
318	Local inquiries.
319	Regulations.
328	Powers of Act to be cumulative.
343	Interpretation.
345	Transitional provisions.

THIRD SCHEDULE.

Section 346.

ENACTMENTS REPEALED.

PART I.—REPEALS IN THE PUBLIC HEALTH ACT, 1875.

(38 & 39 Vict. c. 55.)

(1) Sections six, ten and eleven.

Sections thirteen to twenty-five; in section twenty-six, paragraph (1) and the word "building" where it subsequently occurs; sections twenty-seven to sixty-five, sixty-seven and seventy.

Sections seventy-one to one hundred and fifteen.

3RD SCH.
—cont.

Sections one hundred and twenty to one hundred and forty-three.

In section one hundred and fifty-seven, paragraphs (2), (3) and (4), the words “or to construct buildings”, the words from “Provided that no byelaw” to “subject to this enactment” and the words “of this section and”; section one hundred and fifty-nine; and in section one hundred and sixty, paragraph (3), except in so far as the enactments incorporated thereby relate to buildings, walls or other things which are dangerous to passengers.

In section one hundred and seventy-one, the words “and (5) With respect to public bathing”.

Section one hundred and seventy-five.

Section two hundred and six.

Section two hundred and eleven.

Sections two hundred and twenty-four, two hundred and twenty-seven, two hundred and twenty-nine, two hundred and thirty-three, two hundred and thirty-five, and two hundred and forty-four.

Section two hundred and fifty-five.

Sections two hundred and seventy and two hundred and seventy-five.

Sections two hundred and seventy-seven, two hundred and seventy-nine to two hundred and eighty-four, two hundred and eighty-seven to two hundred and ninety, and two hundred and ninety-two.

Sections three hundred and seven, three hundred and fourteen, three hundred and fifteen, three hundred and nineteen, three hundred and twenty and three hundred and twenty-three.

Sections three hundred and thirty to three hundred and thirty-seven.

In Schedule I, Part (2).

In Schedule IV, Forms A to D.

In Schedule V, so much of Part III as re-enacts 35 & 36 Vict. c. 79. s. 34.

(2) The following provisions except so far as they may be material for the purposes of any unrepealed enactment in the Public Health Act, 1875, or any Act directed to be construed therewith—

Section four.

Section one hundred and fifty-eight.

3RD SCH.
—cont.

Sections one hundred and seventy-nine to one hundred and eighty-one, one hundred and eighty-three, one hundred and eighty-four and one hundred and eighty-eight.

Sections two hundred and thirteen to two hundred and fifteen.

Sections two hundred and eighteen to two hundred and twenty-three, two hundred and twenty-five and two hundred and twenty-six.

Sections two hundred and thirty-two, two hundred and thirty-four and two hundred and forty to two hundred and forty-three.

Sections two hundred and fifty-one, two hundred and fifty-three, two hundred and fifty-four, two hundred and fifty-six to two hundred and fifty-eight, two hundred and sixty-one, two hundred and sixty-two, and two hundred and sixty-six to two hundred and sixty-nine.

Sections two hundred and seventy-six and two hundred and eighty-five.

Sections two hundred and ninety-three to two hundred and ninety-five.

Sections two hundred and ninety-nine to three hundred and two.

Sections three hundred and five, three hundred and six, three hundred and eight, three hundred and nine, three hundred and thirteen, three hundred and sixteen, and three hundred and seventeen.

Sections three hundred and twenty-seven to three hundred and twenty-nine, three hundred and forty and three hundred and forty-one.

In Schedule IV, Forms E, F, K, L, M, and O.

PART II.—REPEALS IN THE PUBLIC HEALTH ACTS
AMENDMENT ACT, 1890.

(53 & 54 Vict. c. 59.)

In Part I (General).—Subsection (1) of section eleven.

In Part III (Sanitary and Other Provisions).—Sections sixteen to twenty-seven, thirty-two, thirty-three, thirty-six and forty-seven, and in section fifty the words from “Section sixteen” to “certain sanitary purposes” and the words from “Section thirty-two” to the end of the section.

3RD SCH.
—cont.

PART III.—REPEALS IN THE PUBLIC HEALTH ACTS
AMENDMENT ACT, 1907.

(7 Edw. 7. c. 53.)

In Part I (General).—In section one the references to Part III (Sanitary Provisions) and Part V (Common Lodging Houses) of the Act.

In Part II (Streets and Buildings).—Sections fifteen and sixteen in so far as they relate to buildings; sections twenty-three to twenty-seven, and in section thirty-three the words “ or in any byelaws to be made under any enactment extended by this Part ”.

Part III (Sanitary Provisions).—The whole Part.

In Part IV (Infectious Diseases).—Sections fifty-two and fifty-five to sixty-eight.

Part V (Common Lodging Houses).—The whole Part.

Part VII (Police).—Section eighty-two, so far as regards matters with respect to which byelaws can be made under Part VIII of this Act.

In Part X (Miscellaneous).—Sections ninety-two and ninety-three.

PART IV.—REPEALS IN THE PUBLIC HEALTH ACT, 1925.

(15 & 16 Geo. 5. c. 71.)

In Part I (Preliminary).—In subsection (2) of section one the words from “ and the Baths and Washhouses ” to the end of the subsection; in subsection (3) of the said section the words from “ and Part IX ” to the end of the subsection, and in sections one to five any reference to Part III, Part IV, Part V, Part VII, or Part IX of the Act; sections nine, eleven and twelve.

In Part II (Streets and Buildings).—Section twenty.

Part III (Sanitary Provisions).—The whole Part.

Part IV (Verminous Premises, &c.).—The whole Part.

Part V (Watercourses, Streams, &c.).—The whole Part.

Part VII (Infectious Disease and Hospitals).—The whole Part.

In Part VIII (Miscellaneous).—Sections sixty-six, sixty-seven and seventy-three; paragraph (a) of section seventy-seven, except so far as material for the purposes of any unrepealed enactment in the Public Health Act, 1875, or any Act directed to be construed therewith; section seventy-eight, and section eighty in so far as it relates to water pipes.

Part IX (Baths and Washhouses).—The whole Part.
In Schedule I, the references to Part III of the Act and to section forty-four.
In Schedule II, the references to Part III of the Act and to sections thirty-nine and forty-four.
Schedule V.

3RD SCH.
—cont.

PART V.—REPEALS (GENERAL).

Session and Chapter.	Short Title.	Extent of Repeal.
2 & 3 Vict. c. 71.	The Metropolitan Police Courts Act, 1839.	Section forty-one.
3 & 4 Vict. c. 85.	The Chimney Sweepers and Chimneys Regulation Act, 1840.	Section six.
9 & 10 Vict. c. 74.	The Baths and Washhouses Act, 1846.	The whole Act.
10 & 11 Vict. c. 61.	The Baths and Washhouses Act, 1847.	The whole Act.
15 & 16 Vict. c. 84.	The Metropolis Water Act, 1852.	Section fourteen.
16 & 17 Vict. c. 134.	The Burial Act, 1853	Section seven, so far as it relates to the power to provide mortuaries conferred by section forty-two of the Burial Act, 1852, on persons other than burial boards.
34 & 35 Vict. c. 70.	The Local Government Board Act, 1871.	In Part I of the Schedule, the references to Baths and Washhouses and to 9 & 10 Vict. c. 74, and 10 & 11 Vict. c. 61.
37 & 38 Vict. c. 89.	The Sanitary Law Amendment Act, 1874.	The whole Act so far as it applies to the metropolitan police district outside London.
39 & 40 Vict. c. 36.	The Customs Consolidation Act, 1876.	Section two hundred and thirty-four.
39 & 40 Vict. c. 75.	The Rivers Pollution Prevention Act, 1876.	Section seven.
40 & 41 Vict. c. 60.	The Canal Boats Act, 1877.	The whole Act, except sections twelve, sixteen and seventeen.
41 & 42 Vict. c. 14.	The Baths and Washhouses Act, 1878.	The whole Act.
41 & 42 Vict. c. 25.	The Public Health (Water) Act, 1878.	The whole Act.
45 & 46 Vict. c. 23.	The Public Health (Fruit Pickers' Lodgings) Act, 1882.	The whole Act.

3RD SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
45 & 46 Vict. c. 30.	The Baths and Wash-houses Act, 1882.	The whole Act.
46 & 47 Vict. c. 59.	The Epidemic and Other Diseases Prevention Act, 1883.	The whole Act.
47 & 48 Vict. c. 12.	The Public Health (Confirmation of Byelaws) Act, 1884.	Section three, so far as it relates to byelaws made under section sixty-nine of the Town Police Clauses Act, 1847, by virtue of its incorporation with the Public Health Act, 1848, the Local Government Act, 1858, or the Public Health Act, 1875.
47 & 48 Vict. c. 75.	The Canal Boats Act, 1884.	The whole Act.
48 & 49 Vict. c. 35.	The Public Health (Ships, &c.) Act, 1885.	The whole Act.
48 & 49 Vict. c. 72.	The Housing of the Working Classes Act, 1885.	Sections seven to ten.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Section nineteen.
52 & 53 Vict. c. 72.	The Infectious Disease (Notification) Act, 1889.	The whole Act.
53 & 54 Vict. c. 34.	The Infectious Disease (Prevention) Act, 1890.	Sections five to fifteen and seventeen.
54 & 55 Vict. c. 76.	The Public Health (London) Act, 1891.	Sections eighty-two to eighty-seven; subsection (1) of section one hundred and five, so far as it relates to epidemic regulations; section one hundred and thirteen, and in Schedule I the paragraphs reproducing sections 130, 134, 135, and 140 of the Public Health Act, 1875.
56 & 57 Vict. c. 68.	The Isolation Hospitals Act, 1893.	The whole Act.
56 & 57 Vict. c. ccxxi.	The London County Council (General Powers) Act, 1893.	Section thirteen.

3RD SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	In section seven, the words “(b) the Baths and Wash-houses Acts, 1846 to 1882”; in section eight, paragraphs (e) and (f) of subsection (1) and subsection (3); in section sixteen, subsection (1) so far as regards functions of a rural district council which are functions under this Act, and subsection (3); in section twenty-five, subsections (1) and (7) so far as regards functions of a council which are functions under this Act, and section sixty-three to the like extent.
59 & 60 Vict. c. 19.	The Public Health Act, 1896.	The whole Act.
59 & 60 Vict. c. 20.	The Public Health (Ports) Act, 1896.	The whole Act.
60 & 61 Vict. c. 31.	The Cleansing of Persons Act, 1897.	The whole Act.
62 & 63 Vict. c. 8.	The Infectious Disease (Notification) Extension Act, 1899.	The whole Act.
62 & 63 Vict. c. 29.	The Baths and Wash-houses Act, 1899.	The whole Act.
1 Edw. 7. c. 8	The Isolation Hospitals Act, 1901.	The whole Act.
1 Edw. 7. c. 22	The Factory and Workshop Act, 1901.	Subsection (2) of section one; subsections (1) and (2) of section two; in subsection (3) of section seven the words from “and a workshop” to the end of the subsection; in subsection (4) of section nine the words from “or to any place” to the end of the subsection; sections sixty-one, one hundred and nine and one hundred and ten.
4 Edw. 7. c. 16	The Public Health Act, 1904.	The whole Act.
6 Edw. 7. c. 33	The Local Authorities (Treasury Powers) Act, 1906.	In subsection (1) of section one the words “the Baths and Washhouses Acts, 1846 to 1899, or”.
7 Edw. 7. c. 40	The Notification of Births Act, 1907.	The whole Act.

3RD SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 67	The Children Act, 1908	Part I.
9 Edw. 7. c. 44	The Housing, Town Planning, &c., Act, 1909.	Section seventy-one.
1 & 2 Geo. 5. c. 55.	The National Insurance Act, 1911.	Section sixty-four.
3 & 4 Geo. 5. c. 23.	The Public Health (Prevention and Treatment of Disease) Act, 1913.	The whole Act.
3 & 4 Geo. 5. c. 37.	The National Insurance Act, 1913.	Subsection (2) of section forty-two.
5 & 6 Geo. 5. c. 64.	The Notification of Births (Extension) Act, 1915.	The whole Act.
6 & 7 Geo. 5. c. 12.	The Local Government (Emergency Provisions) Act, 1916.	Section five.
8 & 9 Geo. 5. c. 29.	The Maternity and Child Welfare Act, 1918.	The whole Act.
9 & 10 Geo. 5. c. 21.	The Ministry of Health Act, 1919.	In section three, paragraph (f) of subsection (1).
9 & 10 Geo. 5. c. 35.	The Housing, Town Planning, &c., Act, 1919.	In subsection (4) of section twenty-four, the words "new buildings and," and section twenty-five.
11 & 12 Geo. 5. c. 12.	The Public Health (Tuberculosis) Act, 1921.	The whole Act except section six.
11 & 12 Geo. 5. c. 23.	The Public Health (Officers) Act, 1921.	The whole Act.
11 & 12 Geo. 5. c. 51.	The Education Act, 1921	In section one hundred and sixty-six, the words from the beginning of the section to "plans and sections, and".
15 & 16 Geo. 5. c. 14.	The Housing Act, 1925	In section one hundred and one, the words "or buildings".
15 & 16 Geo. 5. c. 76.	The Expiring Laws Act, 1925.	In Part I of Schedule I, the words in column 3 "Section five, except paragraph (a)".
16 & 17 Geo. 5. c. 43.	The Public Health (Smoke Abatement) Act, 1926.	The whole Act, except sections four and twelve.
16 & 17 Geo. 5. c. 48.	The Births and Deaths Registration Act, 1926.	In section nine, paragraph (b).
17 & 18 Geo. 5. c. 38.	The Nursing Homes Registration Act, 1927.	The whole Act.

3RD SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
19 & 20 Geo. 5. c. 17.	The Local Government Act, 1929.	In section two the words "infant life protection and" and paragraph (a); section thirteen; subsections (1), (2) and (3) of section fourteen; section sixteen; in section fifty-seven, subsection (1) and subsections (2) and (3) so far as regards functions relating to public health which are functions under this Act; sections fifty-nine to sixty-one and sixty-three; in section seventy-seven, subsection (2) so far as regards water rates under this Act; in subsection (1) of section one hundred and twenty-eight the words from "or by any scheme" to "infectious disease"; in Schedule I, the references in Parts II and V to section forty-seven of the Public Health Acts Amendment Act, 1907; and paragraph 3 of Schedule III.
20 & 21 Geo. 5. c. 17.	The Poor Law Act, 1930	In paragraph (c) of section sixty-seven, the words "for providing nurses or".
22 & 23 Geo. 5. c. 46.	The Children and Young Persons Act, 1932.	Sections sixty-five to sixty-nine and the Second Schedule so far as it relates to sections one, two, three, eight and nine of the Children Act, 1908.
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act, 1933.	In subsection (1) of section ninety-eight the words "or under Part I of the Children Act, 1908".
23 & 24 Geo. 5. c. 51.	The Local Government Act, 1933.	Subsection (2) of section one hundred and fifty-nine, so far as it relates to purposes which are purposes of this Act, and in section three hundred and five, in the definition of "adoptive Acts" the words "(b) the Baths and Washhouses Acts, 1846 to 1925".

3RD SCH.
—cont.

PART VI.—REPEALS EXTENDING TO LONDON.

Session and Chapter.	Short Title.	Extent of Repeal.
39 & 40 Vict. c. 36.	The Customs Consolidation Act, 1876.	Section two hundred and thirty-four.
40 & 41 Vict. c. 60.	The Canal Boats Act, 1877.	The whole Act, except sections twelve, sixteen and seventeen.
46 & 47 Vict. c. 59.	The Epidemic and other Diseases Prevention Act, 1883.	The whole Act.
47 & 48 Vict. c. 75.	The Canal Boats Act, 1884.	The whole Act.
54 & 55 Vict. c. 76.	The Public Health (London) Act, 1891.	Sections eighty-two to eighty-seven; subsection (1) of section one hundred and five, so far as it relates to epidemic regulations; section one hundred and thirteen, and in Schedule I the paragraphs reproducing sections 130, 134, 135 and 140 of the Public Health Act, 1875.
56 & 57 Vict. c. ccxxi.	The London County Council (General Powers) Act, 1893.	Section thirteen.
59 & 60 Vict. c. 19.	The Public Health Act, 1896.	The whole Act.
4 Edw. 7. c. 16	The Public Health Act, 1904.	The whole Act.
3 & 4 Geo. 5. c. 23.	The Public Health (Prevention and Treatment of Disease) Act, 1913.	Section two and section four, so far as it relates to expenses incurred under section two.
11 & 12 Geo. 5. c. 12.	The Public Health (Tuberculosis) Act, 1921.	Section seven.
19 & 20 Geo. 5. c. 17.	The Local Government Act, 1929.	In section fifty-nine the words from "or any regulations" to "1891".

PART VII.—REPEALS EXTENDING TO NORTHERN IRELAND, THE
ISLE OF MAN AND THE CHANNEL ISLANDS.3RD SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
39 & 40 Vict. c. 36.	The Customs Consolidation Act, 1876.	Section two hundred and thirty-four.
59 & 60 Vict. c. 19.	The Public Health Act, 1896.	Section two.

CHAPTER 50.

An Act to consolidate certain enactments relating to public health in London. [31st July 1936.]

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.

LOCAL ADMINISTRATION.

The county council and the sanitary authorities.

1.—(1) Subject to the provisions of this Act, the local authorities for the purposes of this Act shall, in respect of certain matters, be the county council and, in respect of other matters, be the sanitary authorities.

Administra-
tion of Act
by county
council and
sanitary
authorities.

(2) Without prejudice to the provisions of this Act relating to the port health authority, the sanitary authorities for the purposes of this Act shall be—

- (a) as respects the city, the common council,
- (b) as respects the Inner Temple and the Middle Temple, the respective overseers thereof, and
- (c) as respects a borough, the council of the borough;

and the area as respects which any authority are by this section constituted the sanitary authority, is in this Act referred to as "the district" of that authority.

PART I
—cont.

(3) References in this Act to the common council shall be construed as references to the mayor, commonalty and citizens of the city acting through the common council, and in this Act, unless the context otherwise requires, the expressions “borough” and “borough council” mean respectively a metropolitan borough and the council of a metropolitan borough.

General
duty of
sanitary
authorities.

2. It shall be the duty of every sanitary authority to cause inspection of their district to be made from time to time, with a view to ascertaining whether there exist therein any nuisances calling for abatement under this Act, and to enforce the provisions of this Act for the purpose of abating any such nuisances, and otherwise to exercise the powers of the authority relating to public health and local government, so as to secure that all premises within their district are in a proper sanitary condition.

Jurisdiction
of sanitary
authorities
as to ships.

3.—(1) For the purposes of the provisions of this Act, other than those specified in Part I of the First Schedule to this Act, any vessel lying in a river or other water within the district of a sanitary authority shall (subject to the provisions of this Act with respect to the port health authority, and save as otherwise expressly provided by this Act) be subject to the jurisdiction of the sanitary authority in the same manner as if it were a house within their district and as if the master of the vessel were the occupier of the house.

(2) This section shall not apply to a vessel under the command or charge of an officer bearing His Majesty's commission, or to a vessel belonging to a foreign government.

Powers of
committees
of sanitary
authorities.

4. Any committee appointed by a sanitary authority for the purposes of this Act may, subject to the terms of their appointment, serve and receive notices, take proceedings, and empower any officer of the sanitary authority to make complaints and take proceedings on their behalf and otherwise to enforce the provisions of this Act, other than those specified in Part I of the First Schedule to this Act; but nothing in this section shall be taken to prejudice any power to act through a committee which, apart from this section, is exercisable by a sanitary authority.

The port health authority.

5.—(1) The mayor, commonalty and citizens of the city shall be the port health authority of the port of London, and as such are in this Act referred to as “the port health authority.”

(2) References in any enactment passed before the commencement of this Act to the port sanitary authority of the port of London shall be construed as references to the port health authority.

6.—(1) The Minister may by order vest in, or impose on, the port health authority, as respects all waters within the port of London, and as respects such districts or parts of districts of riparian authorities (if any) as may be specified in the order, any functions, rights or liabilities of a sanitary authority under any of the provisions of this Act other than those specified in Part II of the First Schedule to this Act, and any functions, rights or liabilities of a local authority under the Public Health Act, 1875, with such modifications and additions (if any) as appear to the Minister to be necessary.

(2) Where any functions are vested in, or imposed on, the port health authority by an order made under this section, no other authority shall discharge those functions within the port of London :

Provided that the port health authority may, with the consent of the Minister, delegate to any riparian authority the exercise of any powers conferred on the port health authority by an order under this section.

(3) Save as otherwise provided in this Act, an order under this section may extend any of the provisions of this Act in relation to which subsection (1) of this section authorises the making of orders, or any byelaw made under any of those provisions, to all waters within the port of London and to such districts or parts of districts of riparian authorities (if any) as may be specified in the order, whether those waters, districts or parts are within or outside the county.

(4) In this section the expression “riparian authority” means—

- (a) any sanitary authority, or any local authority for the purposes of the Public Health Act, 1875, being in either case an authority whose district or part of whose district forms part of, or abuts on, the port of London;

PART I.

—cont.

Port health authority of port of London.

Vesting of functions of sanitary authority in port health authority.

38 & 39 Vict. c. 55.

PART I.
—cont.

(b) the Port of London Authority or any conservators, commissioners or other persons having jurisdiction over any part of the said port.

*Medical officers of health and sanitary inspectors.*County
medical
officers of
health.

7.—(1) The county council may appoint one or more persons to be medical officer or officers of health for the county, and any such medical officer of health is in this Act referred to as a “county medical officer of health.”

(2) A person shall not be appointed a county medical officer of health unless he is a legally qualified medical practitioner and is registered in the medical register as the holder of a diploma in sanitary science, public health or state medicine.

(3) A county medical officer of health shall, for the purpose of discharging his functions, have the same powers of entry on premises as are conferred by or under this or any other Act on a medical officer of health for a borough.

District
medical
officers of
health.

8.—(1) Every sanitary authority shall appoint one or more persons to be medical officer or officers of health for their district, and any such medical officer of health is in this Act referred to as a “district medical officer of health.”

(2) The same person may, with the consent of the Minister, be appointed district medical officer of health for two or more districts by the sanitary authorities of those districts; and the Minister shall prescribe the mode of appointing any such officer under this subsection and the proportions in which the expenses of the appointment and the salary and charges of the officer shall be borne by the sanitary authorities by whom he is appointed.

(3) A person shall not be appointed a district medical officer of health unless he is a legally qualified medical practitioner and is registered in the medical register as the holder of a diploma in sanitary science, public health or state medicine.

(4) Every district medical officer of health shall, except during the two months immediately following the date of his appointment or except in cases allowed by the Minister, reside in the district of the sanitary

PART I.
—cont.

authority, or one of the districts of the sanitary authorities, by whom he was appointed, or within one mile of the boundary thereof, and if, while not so residing, he purports to act, or receives any remuneration, as a district medical officer of health, he shall cease to hold office.

(5) A district medical officer of health may exercise any of the powers of a sanitary inspector.

(6) The annual report made by a district medical officer of health to a borough council shall be appended to the annual report made by that council under section sixty-one of the London County Council (General Powers) Act, 1929.

19 & 20
Geo. 5.
c. lxxxvii.
Sanitary
inspectors.

9.—(1) Every sanitary authority shall appoint an adequate number of persons to be sanitary inspectors.

(2) If, on a representation made by the county council and after local inquiry, the Minister is satisfied that a sanitary authority have failed to appoint an adequate number of sanitary inspectors, he may by order require the sanitary authority to appoint such number of additional sanitary inspectors, and to allow them such remuneration, as may be specified in the order, and the sanitary authority shall comply with the order.

(3) A person shall not be appointed a sanitary inspector unless he is the holder of a certificate stating that he has shown himself by examination to be competent for the office, being a certificate issued by such body as the Minister may approve.

(4) It shall be the duty of a sanitary inspector—

(a) to report to the sanitary authority the existence of any nuisance; and

(b) to inquire into, and report to the sanitary authority upon, all complaints made to the authority with respect to nuisances or with respect to contraventions of, or of any bye-laws made under, any of the provisions of this Act other than those specified in Part I of the First Schedule to this Act;

and the report of a sanitary inspector upon any such complaint as aforesaid shall be laid before the sanitary authority at their next meeting, and shall, together with the order of the sanitary authority with respect thereto, be entered in a book, which shall be kept at the

PART I.
—cont.

office of the authority and shall be open at all reasonable times to inspection by any inhabitant of the district of the authority or by any officer of the county council generally or specially authorised in that behalf by the council.

Every sanitary authority shall cause to be kept a book, in which shall be entered particulars of all such complaints as aforesaid.

(5) It shall be the duty of a sanitary inspector, subject to the directions of the sanitary authority, to make complaints before justices and to take legal proceedings for the punishment of any person in respect of offences against, or against byelaws made under, any of the provisions of this Act other than those specified in Part I of the First Schedule to this Act.

(6) A sanitary authority may distribute the duties of the office of sanitary inspector among the sanitary inspectors appointed for the district.

Temporary arrangements for discharge of duties of district medical officers of health and sanitary inspectors.

10. A sanitary authority, where occasion requires, may, with the consent of the Minister, make temporary arrangements for the performance by any person of all or any of the duties of a district medical officer of health or sanitary inspector, and any person appointed by virtue of any such arrangements to perform those duties or any of them, shall, subject to the terms of his appointment, have all the functions and liabilities of a district medical officer of health or sanitary inspector, as the case may be.

General provisions as to tenure of office, &c. of medical officers of health and sanitary inspectors.

11.—(1) The following officers, that is to say—

(a) a district medical officer of health or a medical officer of health of the port health authority, and

(b) the chief or senior sanitary inspector of a borough council or of the port health authority,

shall not be appointed for a limited period only and shall not be removable from office except by, or with the consent of, the Minister.

The Minister shall take into consideration every representation made to him by a sanitary authority or the port health authority for the removal from office of any such officer of the authority as is mentioned in the foregoing provisions of this subsection, whether the

representation is based on the general interests of the district, or on the conduct of the officer, or on any other ground.

PART I.
—cont.

(2) Without prejudice to the foregoing provisions of this Act, the Minister may make regulations with respect to district medical officers of health and sanitary inspectors (including the medical officer of health and sanitary inspectors of the port health authority), defining the duties to be performed by them, directing the mode of their appointment, determining their qualifications and tenure of office and regulating the amount of their salaries and the time and mode of payment thereof.

12. The county council shall, in respect of every medical officer of health or sanitary inspector whose qualifications, appointment, salary and tenure of office are in accordance with the regulations made under the last foregoing section, pay, during his tenure of office, to the authority by whom he was appointed, a sum equal to one-half of his salary; but if—

Contribu-
tions by
county
council to
salaries of
medical
officers of
health and
sanitary
inspectors.

(a) the Minister certifies to the county council that a medical officer of health has failed to send to the Minister such reports and returns as are for the time being required by such regulations as aforesaid, or

(b) the said authority have failed to comply with subsection (1) of the last foregoing section,

the said sum shall be forfeited to the Crown and shall be paid to the Exchequer and not to the authority by whom the medical officer of health or sanitary inspector was appointed.

Health Visitors.

13.—(1) A sanitary authority may appoint suitable women (to be known as health visitors) for the purpose of giving persons advice as to the proper nurture, care and management of young children and the promotion of cleanliness, and for the purpose of performing such other duties, if any, as may be assigned to them in accordance with the provisions of this section.

Health
visitors.

(2) The Minister may make regulations prescribing the qualifications, mode of appointment, duties, tenure of office and salary of health visitors appointed under this section, and no health visitor shall be so appointed

PART I.
—cont.

otherwise than in accordance with the regulations made under this subsection.

* (3) The county council may pay, by way of contribution towards the salary of a health visitor appointed under this section, sums not exceeding in any one year one-half of her salary.

PART II.

SEWERAGE AND DRAINAGE.

Vesting of sewers in county council and borough councils.

Sewers, &c.
vested in
county
council and
borough
councils
respectively.

14.—(1) There shall be vested in the county council—

- (a) all sewers and works constructed by them under this Part of this Act; and
- (b) all sewers and all works, rights and things connected therewith, being sewers, works, rights and things which were, immediately before the commencement of this Act, vested in the council by virtue of the enactments repealed by this Act.

(2) Subject to the provisions of this Part of this Act, there shall be vested in the council of a borough—

- (a) all sewers in the borough (whether constructed before or after the commencement of this Act, and whether originally constructed as sewers or not), except sewers vested in the county council; and
- (b) all such works, rights and things in connection with sewers as were, immediately before the commencement of this Act, vested in the council by virtue of the enactments repealed by this Act.

(3) In this section the expression “ works, rights and things ” includes, in relation to a sewer, the walls, defences, banks, outlets, sluices, flaps, penstocks, gullies, grates, works and things belonging to the sewer and the materials thereof, and all rights of way and passage used and enjoyed by the county council or the borough council, as the case may be, over and to the sewer, works and things, and all other rights concerning, or incidental to, the sewer, works or things.

15.—(1) If it appears to the county council that any sewer in the county which is not vested in them ought to be so vested, they may by order declare that sewer to be a sewer vested in them, and thereupon the sewer shall become vested in, and be under the management of, the county council.

PART II.
—*cont.*
Power of county council to take over sewers not vested in them.

(2) The county council may by order transfer to themselves any of the functions of a borough council under this Part of this Act.

16. If a resolution for transferring to the county council the functions of a borough council under this Part of this Act is passed at a meeting of the borough council specially convened for the purpose of considering the proposed resolution, being a meeting of which not less than fourteen days' notice has been given and at which there are present not less than two-thirds of the total number of members of the borough council, then as from the expiration of one month after notice of the passing of the resolution has been given under the seal of the borough council to the county council, the said functions and all sewers and property vested in the borough council in connection with those functions shall be transferred to, and vested in, the county council :

Transfer of functions of borough council to county council.

Provided that no such resolution as aforesaid shall be of any effect unless the county council have previously consented in writing to the transfer proposed by the resolution.

General functions of borough councils in relation to sewerage and drainage.

17.—(1) Subject to the provisions of this Part of this Act, it shall be the duty of the council of a borough—

Construction and maintenance of sewers by borough councils

- (a) to cause to be made, repaired and maintained such sewers and works, and such diversions or alterations of sewers and works, as are necessary for effectively draining the borough ;
- (b) to repair and maintain all sewers vested in the borough council which have not been duly closed up, destroyed or discontinued ; and
- (c) to cause all banks, wharves, docks and defences (not being flood works or banks as defined by

PART II.
—cont.
42 & 43 Vict.
c. cxviii.

the Metropolis Management (Thames River Prevention of Floods) Amendment Act, 1879) abutting on or adjoining any river, stream, canal, pond or watercourse in the borough to be raised, strengthened, altered or repaired, if and in so far as it may be necessary so to do for effectively draining the borough.

(2) A borough council may, for the purpose of performing any of their duties under this section, carry any sewer or works through, across or under any street or any place laid out as, or intended for, a street, or through or under any cellar or vault situate under any street, and into, through or under any land whatsoever, and where it is necessary for the purpose aforesaid to carry any sewer or work outside the county, may, subject as hereinafter provided, execute works outside the county and may maintain, repair and cleanse such works :

Provided that no work shall be executed outside the county by the council of a borough—

- (a) except in so far as that work will continue, or form part of, a work begun or executed within the borough ; or
- (b) without the previous consent in writing of the county council, and the consent of every sanitary authority and of every county borough council or county district council within whose area any part of the work will be ;

but if any such sanitary authority, county borough council or county district council refuse their consent, a Secretary of State shall have power to decide whether the consent ought to be withheld and for that purpose may make such order as he thinks proper.

A borough council shall make compensation for any damage occasioned by the exercise of their powers under this subsection.

Power of
borough
councils to
alter or dis-
continue
use of
sewers.

18.—(1) A borough council may enlarge, contract, raise, lower, arch over or otherwise improve or alter any sewer, watercourse or works vested in the council or subject to their control by virtue of this Part of this Act, and may close up or destroy, or discontinue the use of, any such sewer, watercourse or works as aforesaid which they consider to have become unnecessary :

Provided that the powers conferred by this subsection to alter, close up, destroy or discontinue the use of a sewer shall not be exercised in such a manner as to create a nuisance.

PART II.
—cont.

(2) If, by reason of the exercise by a borough council of any of their powers under this section, any person is deprived of the lawful use of a covered sewer, it shall be the duty of the council to provide a sewer or drain as effective for his use as the first-mentioned sewer.

(3) Where a borough council alter a sewer or provide a sewer in lieu of a sewer closed up, destroyed or discontinued, the council may alter any private drain communicating with the sewer so altered or so closed up, destroyed or discontinued, as the case may be, or may close up or destroy the private drain and provide a new drain in lieu thereof, as the circumstances of the sewerage appear to them to require, so however that the altered or substituted drain shall be as effective for the use of the person entitled to use it as the original drain.

19.—(1) Where, immediately before the first day of January, eighteen hundred and fifty-six, any person was, by prescription, by reason of tenure, or otherwise, liable to maintain or repair any sewer, bank, watercourse or works which is or are within a borough and which the council of the borough consider it necessary to alter or improve, the council may make such alteration or improvement in the sewer, bank, watercourse or works as they think necessary, and may apportion the cost of the alteration or improvement as between the person aforesaid or his successor in title for the time being and the council in such proportions as the council may, by general regulations or by order made as respects the particular case, determine with a view to securing that the first mentioned person or his said successor is charged with a part of that cost equal to the amount of the expense which he would have incurred in discharging his said liability, and that the council are charged with the residue.

Apportionment of cost of altering or improving sewers.

(2) Nothing in this Part of this Act shall exempt any person from liability to execute, or to pay the whole cost of executing, any works, being a person who, by prescription, by reason of tenure, or otherwise by law, is liable so to do.

PART II.
—cont.
42 & 43 Vict.
c. cxviii.

(3) This section shall not apply in relation to flood-works or banks as defined by the Metropolis Management (Thames River Prevention of Floods) Amendment Act, 1879.

Prevention of effluvia from sewers.

20. The council of a borough shall, by providing traps or other coverings or by ventilation or by such other means as are practicable, prevent the exhalation of effluvia from sewers through gully-holes, gratings or other openings of sewers in any street or place within the borough.

Cleansing of sewers.

21.—(1) A borough council shall cause every sewer vested in them to be so constructed, covered and kept as not to be a nuisance or injurious to health, and to be properly cleared, cleansed and emptied.

(2) For the purpose of clearing, cleansing and emptying any sewer vested in them, a borough council may construct, whether above or below ground, such reservoirs, sluices, engines and other works as are necessary.

Cleansing of county council's gratings and gullies by borough councils.

22. It shall be the duty of the council of a borough to cleanse every grating and gully in the borough which—

- (1) is vested in, or under the control of, the county council; and
- (2) is situate in any street, not being a street vested in, and cleansed by, the county council; and
- (3) communicates with any sewer vested in the county council.

Expenses of constructing sewers in connection with streets and houses.

23.—(1) Where a borough council construct a sewer in, or for the drainage of, any street to which this subsection applies, or for the drainage of any house erected since the first day of January, eighteen hundred and fifty-six, then, subject to the provisions of the next following subsection, the cost of constructing the sewer and the works appertaining thereto (including the cost of gullies, side entrances, lengths of sewer at the intersection of streets, and other incidental charges and expenses) shall, in such proportions as the council think just, be charged on, and recoverable by the council from, the owners of the street or house and of the land bounding, or abutting on, the street.

The streets to which this subsection applies are—

PART II.
—cont.

- (a) any street formed or laid out after the sixth day of August, eighteen hundred and sixty-two, or any part of such a street;
- (b) any street, the duty of maintaining the paving and roadway whereof had not, before the seventh day of August, eighteen hundred and sixty-two, been vested in the commissioners, trustees, surveyors or other authorities having control of the pavements or highways in the parish or place in which the street was situate, or any part of such a street; and
- (c) any street partly formed or laid out.

(2) Where a borough council construct a sewer in any street in which, before the construction of that sewer, there had been no sewer or only an open sewer, but a rate in respect of sewerage was levied, such part of the cost of constructing the sewer and the works appertaining thereto (including the cost of gullies, side entrances, lengths of sewer at the intersection of streets, and other incidental charges and expenses) as the council may determine shall be charged on, and recoverable by the council from, the owners of the houses situate in, and of the land bounding or abutting on, the street respectively, and the residue of that cost shall be defrayed by the council :

Provided that nothing in this subsection shall authorise the making of any charge in relation to any street or premises in respect of which sewers rates were levied for five years before the year eighteen hundred and fifty-six.

As respects any period beginning on or after the first day of April, nineteen hundred and one, such part (if any) of the general rate levied in the borough as was required to meet expenses in respect of sewerage, shall be deemed, for the purposes of this subsection, to be a rate in respect of sewerage.

(3) In apportioning any cost for the purposes of this section, a borough council may charge the owners of land bounding or abutting on any street in a less proportion than the owners of houses.

PART II.
—cont.

(4) Notwithstanding anything in the foregoing provisions of this section, the council of a borough may defray any proportion of the cost of, or incidental to, the construction of a sewer as aforesaid, and may at any time defray the whole or any part of the cost of sewerage any street in the borough which is not repairable by the council or by the inhabitants at large.

(5) The amount payable under the foregoing provisions of this section by the owner of any premises in respect of the cost of constructing any sewer and works, shall be payable either before the sewer and works are begun, or during their execution, or after their completion, according as the borough council may in each case determine.

(6) Where, in accordance with the foregoing provisions of this section, the owners of any premises have been charged with any sum by reference to the estimated cost of constructing any sewer and works, then—

(a) if the actual cost of constructing the sewer and works is less than the estimated cost, the sum charged shall be reduced by the amount of the difference, and the amount, if any, by which the sums paid by the owners in respect of the charge exceeds the amount which they are liable to pay shall be repaid to them by the borough council; or

(b) if the actual cost of constructing the sewer and works exceeds the estimated cost, the owners shall be liable to pay to the borough council on demand such further sum as, together with the sums already charged on them, will make up the amount of the actual cost.

(7) Every sum recoverable under this section from the owner of any premises may be recovered from the owner for the time being of the premises.

(8) For the purposes of this section, a borough council may charge as part of the cost or estimated cost of executing any sewerage works in, or in connection with, a street, a commission not exceeding five per cent. of the amount of the said cost or estimated cost, in respect of surveys, superintendence, notices, establishment charges and similar matters, and the provisions of this section

relating to the apportionment, recovery and adjustment of such cost or estimated cost shall have effect accordingly.

PART II.
—cont.

24.—(1) A borough council may cause any ditch at the side of or across any public road or byway or public footway to be filled up, and a pipe or other drain to be constructed in lieu thereof alongside or across the road, byway or footway, together with appropriate shoots and means of conveying water from the road, byway or footway into the pipe or other drain, and may repair and improve any works executed under this section.

Power of borough councils to substitute drains for ditches.

(2) The surface of any land which is made available by the filling up by a borough council of any ditch at the side of or across such a road, byway or footway as aforesaid may, if the council so direct, be added to the road, byway or footway and be repairable as part thereof, and, in a case where the road, byway or footway is vested in the council, be placed under the control of the council, or, in any other case, be placed under the control of the person in charge of the road, byway or footway.

25. The council of a borough may, during the execution by them of any sewerage or other works under this Part of this Act in any street in the borough, close or stop up that street, and may keep the street closed or stopped up for so long as is necessary for the execution of those works :

Power of borough councils to stop up streets.

Provided that, before closing or stopping up a street under this section, the council shall give notice of their intention to close or stop up the street to the council of every borough contiguous to the borough in which the street is situate.

26. Where anything done by a borough council in pursuance of the provisions of this Part of this Act interferes with, or prejudicially affects, any ancient mill or any right connected therewith, or any other right to the use of water, the council shall make compensation to all persons sustaining damage thereby :

Compensation for interference with right to use of water.

Provided that, in lieu of making compensation in respect of any such mill or right, the council may purchase it by agreement.

PART II.
—cont.*General functions of county council in relation to
sewerage.*County
council's
approval of
new sewers.

27. No sewer shall, without the previous approval of the county council, be constructed, either within or outside the county, by a borough council or by any other body having control of sewers within the county.

Duty of
county
council to
construct
and
maintain
sewers.

28.—(1) It shall be the duty of the county council—

- (a) to construct such sewers and works (including works for deodorising sewage) as they think necessary for securing the effective sewerage and drainage of the county, for improving the main drainage of the county, and for preventing, so far as practicable, the sewage of or within the county, or any part of that sewage, from passing into the River Thames in or near the county;
- (b) to make such diversions or alterations of the sewers or works vested in them as they think necessary for securing the effective sewerage and drainage of the county;
- (c) to close up, destroy, or discontinue the use of, such sewers vested in them as they consider unnecessary; and
- (d) to repair and maintain all sewers vested in them which have not been duly closed up, destroyed or discontinued.

(2) For the purpose of performing any of their duties under this section, the county council—

- (a) may carry any sewer or work through, across or under any street or any place laid out as, or intended for, a street, or through or under any cellar or vault situate under any street, and into, through or under any land whatsoever (whether the street, place, cellar, vault or land is within or without the county); and
- (b) subject to the provisions of the next following section, may construct any work through, along, over or under the bed, soil, banks or shores of the River Thames.

The county council shall make compensation for any damage to property occasioned by them in the exercise of their powers under this subsection.

PART II.
—cont.

(3) The county council may make and maintain such bridges, arches, culverts, passages or roads over, under, by the side of, or leading to or from, any sewerage works constructed by the council or by the Metropolitan Board of Works, as the council consider necessary and convenient for preserving the communications between lands through which the sewerage works have been or may be made or carried; or, in lieu of making and maintaining such bridges, arches, culverts, passages or roads, the council may make agreements with the owners and occupiers of such lands as aforesaid to pay them compensation.

All bridges, arches, culverts or passages made in connection with sewerage works which are vested in the county council, shall be maintained by the council.

29.—(1) The county council shall not, in pursuance of this Part of this Act, execute upon the bed or shores of the River Thames below high-water mark any works which may interfere with the navigation of that river, unless the Board of Trade have previously consented in writing to the execution of those works.

Restrictions
on con-
struction of
drainage
works on
the Thames
and Lee.

(2) Without prejudice to the provisions of the foregoing subsection, the county council shall not, in pursuance of this Part of this Act, execute upon the banks, bed or shores of the River Thames any works which may interfere with the navigation of that river, unless the Port of London Authority have previously given, in writing under the hand of their secretary, a certificate stating that they have approved the plans of the proposed works and that the works, if executed in accordance with the plans, will not interfere with the navigation of the river.

(3) No works under or over the main navigable channel of the River Lee shall be executed by the county council in pursuance of this Part of this Act, unless—

- (a) in the case of any work under the navigation, the top of the work is at least twelve feet below high water, Trinity standard, and
- (b) in the case of any work over any part of the navigation, the soffit of the work is at least

PART II.
—cont.

eight feet six inches above high water, Trinity standard, with a clear span over the river, inclusive of the towing path thereof, of at least fifty-four feet :

Provided that the Lee Conservancy Board, upon the application of the county council, may, by writing under the common seal of the board, allow a variation of the said dimensions or any of them.

(4) Nothing in this section shall affect the operation of section sixty-four of the Land Drainage Act, 1930.

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Geo. 5. c. 44.

Power of
county
council to
stop up
streets.

30. The county council may, during the execution of any works by them under this Part of this Act, cause the whole or part of a street or way to be stopped up if and in so far as it may be necessary to do so for the due execution of those works.

Cleansing of
sewers and
disposal of
sewage.

31.—(1) The county council shall cause every sewer vested in them—

(a) to be constructed, covered and kept so as not to be a nuisance or injurious to health; and

(b) to be properly cleared, cleansed and emptied;

and shall cause all other sewerage works vested in the council to be constructed and kept so as not to be a nuisance.

(2) For the purpose of clearing, cleansing or emptying any sewer vested in them, the county council may construct, whether above or below ground, such reservoirs, sluices, engines and other works as are necessary.

(3) The county council may cause the sewage and refuse from any sewer vested in them to be sold or disposed of as they think fit.

(4) The county council shall, in deodorising any sewage and in disposing of any sewage or refuse from sewers, act in such manner as not to create a nuisance.

(5) A Secretary of State may, upon a representation being made to him that a nuisance is being committed by the county council in deodorising any sewage, or in disposing of any sewage or refuse from sewers, or in executing any works or doing any other thing under this Part of this Act, cause inquiry to be made into the matter of the representation, and take, or direct the taking of, such proceedings as he thinks fit

in order to secure the prevention or abatement of the nuisance.

PART II.
—cont.

32.—(1) The county council—

Discharge
of storm
waters.

- (a) may cause storm water to be discharged from any sewer or pumping station for the time being vested in them into Channelsea river or Abbey creek or both, at any point in the county borough of West Ham southward of the bridges respectively carrying Abbey road over the said river and creek; and
- (b) may permit any storm water discharged under this subsection into the said river or creek to flow thence into Bow creek and thence into the River Thames:

Provided that the council—

(i) shall cause the storm water to be discharged only at such times and in such manner as may be necessary to prevent the flooding of places and premises within the county; and

(ii) shall take all steps to avoid, so far as practicable, the creation of any nuisance in Channelsea river or Abbey creek by reason of the exercise of the powers of the council under this subsection.

(2) The county council shall, at the request of the Lee Conservancy Board, cause to be removed at the expense of the council, by dredging or otherwise to the reasonable satisfaction of the engineer of the said board, any deposit on the bed of Channelsea river or Abbey creek caused by, or arising from, the discharge by the county council of storm water into the said river or creek under this section.

Any dispute arising under this subsection between the county council and the Lee Conservancy Board shall be determined by an arbitrator, who shall, in default of agreement, be appointed by the Board of Trade on the application of either party to the dispute.

(3) Save as otherwise agreed in writing between the county council and the council of the county borough of West Ham (in this subsection referred to as "the

PART II.
—cont.

borough council”) or, as the case may be, the Lee Conservancy Catchment Board (in this subsection referred to as “the board”), the county council, in the exercise of their powers under this section, shall not begin any such part of the works required for the purpose of a storm outlet as may involve interference with any river, sewer, drain, pipe, water-course, river wall, defence or other work which is—

51 & 52 Vict.
c. clxxix.

(a) under the management or control of the borough council by virtue of the powers transferred to that council under the West Ham Corporation (Improvements) Act, 1888, or

(b) under the management or control of the board by virtue of the transfer, under the Land Drainage Act, 1930, of any of the aforesaid powers of the borough council to the board,

unless the county council have given to the borough council or to the board, as the case may be, at least one month’s previous notice in writing of the county council’s intention to begin that part of the works aforesaid, together with a plan and section thereof; and in respect of that part of the works and the execution and maintenance thereof, the county council shall comply with all such reasonable requirements as may be communicated to them in writing by the borough council or the board within fourteen days after service of the said notice upon them, and that part of the works shall be executed to the reasonable satisfaction of the borough council or the board, and the reasonable expenses incurred by the borough council or the board in connection therewith shall be paid by the county council.

Any dispute arising under this subsection between the county council and the borough council or the board shall be determined by an arbitrator who shall, in default of agreement, be appointed by the President of the Institution of Civil Engineers, on the application of either party to the dispute.

County
council’s
directions to
borough
councils.

33.—(1) For the purpose of securing the efficient maintenance of the main and general sewerage of the county, the county council shall make such general or special orders as they think proper—

(a) for the guidance, direction and control of borough councils in relation to the levels, construction,

alteration, maintenance and cleansing of sewers in their respective boroughs ;

PART II.
—cont.

- (b) for securing the proper connection and intercommunication of the sewers vested in the several borough councils, and the communications of those sewers with the sewers vested in the county council ;
- (c) generally for the guidance, direction and control of borough councils in the discharge of their functions in relation to sewerage.

(2) Where by an order made under this section at the request of a borough council, the county council direct that a sewer vested in that borough council is, for the purposes of out-fall or otherwise, to be connected with a sewer vested in another borough council, the first-mentioned borough council may execute any works necessary for the purposes of the order at any such place within the county (not being within the city) as may be specified in the order.

(3) All communications which a borough council are required by an order under this section to make with any sewer not vested in them shall be made under the supervision, and to the satisfaction, of the authority in whom that sewer is vested, and such proper compensation or remuneration, if any, for the use of the sewer as the county council may by order direct, shall be paid to the said authority by the borough council.

(4) An order under this section directing payment of compensation or remuneration, may direct that the payment shall be made either in a lump sum or in such instalments, to be paid at such times, as may be specified in the order.

(5) All orders made by the county council under this section shall be binding on borough councils.

34.—(1) The county council may make byelaws—

- (a) for regulating the dimensions, form and mode of construction, and the maintenance, cleansing and repair, of pipes, drains and other means of communication with sewers, and the traps and apparatus connected therewith, and for prescribing the levels at which

Byelaws of
county
council.

PART II.
—cont.

- such means of communication, traps and apparatus as aforesaid are to be laid;
- (b) for the guidance, direction and control of borough councils and all other persons in relation to the levels, dimensions, construction, maintenance, ventilation and cleansing of sewers; for securing the proper connection and intercommunication of the sewers under the control of borough councils and the communications of such sewers with the sewers vested in the county council; and generally for the guidance, direction and control of borough councils in the discharge of their functions in relation to sewerage;
- (c) for requiring persons who are about to construct, reconstruct, or alter pipes, drains or other means of communication with a sewer, or the traps or apparatus connected therewith, to deposit with the sanitary authority such plans, sections and particulars of the proposed work as may be necessary for the purpose of ascertaining whether it will be in accordance with the enactments relating thereto and the byelaws, if any, in force under this section;
- (d) generally for carrying this Part of this Act into effect:

Provided that—

- (i) paragraph (b) of this subsection shall not extend to the city or the liberties thereof except so far as regards the main drainage of the county; and
- (ii) byelaws made under paragraph (c) of this subsection—

(a) shall not require the deposit of plans or sections in the case of any repair which does not involve the alteration or entire reconstruction of any such means of communication as aforesaid or of the traps or apparatus connected with a sewer, and

(b) in a case where the alteration of a drain must be carried out at once, shall not

require the deposit of plans, sections and particulars of the proposed work before it is begun, but may require the deposit thereof within such period after the commencement of the work as may be specified in the byelaws.

PART II.
—cont.

(2) The fines for the imposition of which on persons offending against byelaws under this section provision may be made by such byelaws by virtue of section forty of the London County Council (General Powers) Act, 1934, shall be a fine not exceeding forty shillings for each offence and, in the case of a continuing offence, a further fine not exceeding twenty shillings for each day on which the offence continues after notice thereof has been given to the offender by the borough council.

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Geo. 5. o xl.

35.—(1) If it appears to the county council that any part of a borough is so situate that it would be convenient for the purposes of sewerage and drainage that that part should be placed under the management of the council of an adjoining borough, the county council may by order direct that that part shall, for those purposes, be under the management of that borough council.

Transfer of
manage-
ment of
part of
borough
for sewerage
and drain-
age pur-
poses.

(2) Where, by virtue of an order under this section, any part of a borough is placed under the management of the council of an adjoining borough, the sums which that council require for defraying the expenses of executing this Part of this Act in the said part of the first-mentioned borough shall be paid, upon the order of that council, by the council of the first-mentioned borough, and for the purpose of any payment which a borough council are required to make under this subsection, the expenses in respect of which the payment is required shall be treated as expenses incurred by that council in the execution of this Part of this Act.

36. Where—

- (a) a street or line of street is situate in two or more boroughs, or
- (b) the whole of a street is situate in one borough, but the whole or any part of the buildings abutting on that street is situate in another borough,

Transfer of
manage-
ment of
streets
for sewerage
and
drainage
purposes.

PART II.
—cont.

the county council may order that the street or line of street shall, for the purposes of sewerage or drainage or both, be under the exclusive management of the council of one of the said boroughs, and may by order direct in what proportions the costs of constructing and maintaining any new sewer or drain in the street or line of street, or of reconstructing, repairing or maintaining any sewer or drain therein, are to be borne and defrayed respectively by the councils of those boroughs, and the decision of the county council with respect thereto shall be final.

Drainage of premises.

Drainage in
new or
rebuilt
premises.

37.—(1) It shall not be lawful in a borough—

(a) to erect any house or other building, or

(b) to rebuild any house or other building which has been pulled down to, or to a level below, the floor commonly called the ground floor,

unless drains conforming with the requirements of this section, and branches thereto, and other works and apparatus in connection therewith, being in each case constructed of such materials and size, at such level, and with such fall, as the council of the borough may approve, and a water supply, are constructed and provided to the satisfaction of the council, so as to be available for the efficient drainage by gravitation of all parts of the house or building, and also of its areas, waterclosets, privies and offices (if any), at all times and under all conditions.

(2) It shall not be lawful to occupy any house or other building in a borough which has been erected or rebuilt in contravention of the foregoing subsection or of section four of the London County Council (General Powers) Act, 1920.

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Geo. 5.
c. lxxxix.

(3) In order to conform with the requirements of this section, a drain must provide for the drainage of the house or building in connection with which it is required—

(a) into such sewer, situate or intended to be constructed near the house, building or site, as the council of the borough may direct; or

- (b) if no sewer is situate or intended to be constructed within one hundred feet of any part of the site of the house or building or of the proposed house or building, as the case may be, into such covered cesspool or other place, not being under any house or other building, as the council may direct.

(4) In rebuilding in a borough any house or building which has been pulled down to, or to a level below, the floor commonly called the ground floor, the level of the lowest floor of the house or building shall, subject to the provisions of the next following subsection, be raised so far as may be necessary to allow of the construction of such works as are required by this section, and for that purpose levels shall be taken and determined under the direction of the council of the borough.

(5) Notwithstanding anything in the foregoing provisions of this section, where it is proposed to erect or rebuild in a borough any house or building at such a level as will not allow of the drainage of all parts of the house or building by gravitation as aforesaid, the council of the borough may, as respects any part of the house or building which cannot be so drained, either—

- (a) allow that part to be constructed so as not to require drainage therefrom; or
- (b) allow that part to be drained by means of such pumping or lifting apparatus as may be provided to the satisfaction of the council.

Any pumping or lifting apparatus provided under this subsection shall be deemed to be a drain.

(6) Where separate sewers for the reception of surface water and sewage respectively have been, or are intended to be, provided in any street, the borough council may, in the discharge of their functions under this section in relation to any house or other building which is to be drained into the sewers in that street, require that the house or building be provided with separate drains for discharging surface water and sewage respectively into the appropriate sewers.

(7) Where any drainage alterations are proposed to be made in connection with any house or other

PART II.
—cont.

building in a borough which existed immediately before the fourth day of August, nineteen hundred and twenty, those alterations may, by agreement between the council of the borough and the owner, or other persons responsible for the drainage, of the house or building, be carried out in accordance with the provisions of this section.

Power of
borough
council to
compel
house owner
to construct
drains into
sewer.

38.—(1) Where—

- (a) any house or other building, whether erected before or after the commencement of this Act, is not drained, to the satisfaction of the council of the borough in which it is situate, by means of a sufficient drain communicating with, and emptying itself into, a sewer, and
- (b) a sewer of sufficient size is situate within one hundred feet of any part of the house or building and at a lower level than the house or building,

the council may, by a written notice served on the owner of the house or building, require him forthwith or within such reasonable period as the council may determine—

- (i) to construct a covered drain from the house or building into such sewer as aforesaid, and such branches to the drain as are adequate for the purposes of draining the house or building and its areas, water-closets, privies and offices (if any) and of conveying the soil, drainage and wash therefrom into the sewer; and to construct the drain and branches of such materials and size, at such level and with such fall, as are adequate for the said purposes; and
- (ii) to provide—
 - (aa) proper paved or impermeable sloping surfaces for carrying surface water into the drain or any branches thereto;
 - (bb) proper sinks, and proper inlets and outlets, syphoned or otherwise trapped, for preventing the emission of effluvia from the drain or any branches thereto;
 - (cc) proper water supply and water-supplying pipes, cisterns and apparatus for scouring

the drain and any branches thereto, and for causing the drain and any branches thereto to convey away the soil;

(*dd*) proper sand traps, expanding inlets and other apparatus for preventing the entry of improper substances into the drain or any branches thereto; and

(*ee*) all such other proper works and arrangements as appear to the council or their officers necessary to secure the safe and proper working of the drain and to prevent it from obstructing or otherwise injuring, or impeding the action of, the sewer into which it leads.

(2) Where—

(*a*) any house or other building in a borough, whether erected before or after the commencement of this Act, is without sufficient drainage; and

(*b*) there is no proper sewer within two hundred feet of any part of the house or building,

the council of the borough may, with a view to making temporary provision for the drainage of the house or building and for the abatement of any nuisance existing therein or caused thereby, serve on the owner of the house or building a written notice requiring him—

(*i*) to construct, elsewhere than under a house and not nearer to any house than the council may direct, a covered water-tight cesspool or tank or other suitable receptacle; and

(*ii*) to construct and lay a covered drain leading from the first-mentioned house or building into that cesspool, tank or other receptacle.

(3) Where a borough council have required any works to be executed under the foregoing provisions of this section, the council may, from time to time during the execution of the works, cause them to be inspected and order such reasonable alterations thereof, additions thereto or abandonment of parts thereof, as the council or their officers, with the fuller knowledge afforded by the opening of the ground, consider necessary to secure that the works will be thoroughly effective for their purpose.

PART II.
—cont.

(4) Where—

- (a) it appears to a borough council that a group or block of contiguous houses, or of adjacent detached or semi-detached houses, can more economically or advantageously be drained and improved in combination than separately; and
- (b) a sewer of sufficient size is situate, or about to be constructed, within one hundred feet of any part of the group or block,

the council may by order require that the group or block be drained and improved, as hereinbefore provided, by a combined operation.

(5) If the owner of any house or building fails to begin any works required by a notice served on him under this section within twenty-eight days after the notice is served on him, or fails thereafter to complete the works with all reasonable dispatch, or fails to comply with an order made under this section in relation to the house or building, the council by whom the notice was given or by whom the order was made, as the case may be, may at their option either—

- (a) cause the necessary works to be executed and recover from the owner the expenses incurred by them in so doing; or
- (b) recover as a debt due from the owner to the council a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day on which the failure continues.

Supervision
of new
drainage
works by
borough
councils.

39.—(1) No person shall—

- (a) begin to lay or to dig out the foundations of any house or building in a borough, or to rebuild any house or building therein; or
- (b) begin to make any drain for the purpose of draining directly or indirectly into a sewer under the control of the council of a borough,

unless, at least seven days previously, he has given to the council of the borough written notice of his intention so to do, and if any person begins to lay or to dig out the foundations of any such house or building, or to make any drain for the purpose aforesaid, in contravention of the foregoing provisions of this subsection, he shall be liable to a fine not exceeding five pounds and to a

further fine not exceeding forty shillings for every day thereafter until the notice is given.

PART II.
—cont.

(2) If any house or building, or any drain for draining directly or indirectly into a sewer under the control of a borough council, or any branches to such a drain, or any works, apparatus or water supply in connection with such a drain, is or are begun, erected, made or provided in a borough in contravention of the provisions of this Part of this Act or of the corresponding provision of any enactment repealed by this Act, the council at their option may either—

- (a) cause the house or building to be demolished or altered, or cause the drain or the branches or other works and apparatus in connection therewith, or the water supply, to be relaid, remade, altered or added to, as the case may require, and recover from the owner of the house, building or drain the expenses incurred by them in so doing; or
- (b) recover from the person in default, as a debt due from him to the council, a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day on which the contravention continues.

40.—(1) The council of a borough may inspect any drain in the borough and any works or apparatus connected therewith, and for that purpose may, after twenty-four hours' notice in writing has been served by the council on the occupier of the premises to which the drain, works or apparatus is or are attached, enter the premises at all reasonable times by day, with or without workmen, and cause the ground to be opened wherever they think fit, doing as little damage as may be :

Inspection
of drains by
borough
councils.

Provided that the powers conferred by this subsection may, in a case of emergency, be exercised notwithstanding that notice has not been given in accordance with the requirements of this subsection.

(2) The powers conferred by the foregoing subsection on a borough council may be exercised by the surveyor or sanitary inspector of the council or by such other person as the council may appoint in that behalf.

PART II.
—cont.

(3) If, upon an inspection being made under this section, the drain, works and apparatus which are the subject of the inspection are found to be in proper order and condition and to be constructed to the satisfaction of the borough council, the council shall make compensation for any damage or injury occasioned by the inspection and shall cause the drain, works and apparatus to be reinstated and made good as soon as may be at their own expense.

(4) If, upon an inspection being made as aforesaid, any drain appears to be in bad order and condition or to require cleansing, alteration, repair or filling up, the council of the borough shall serve on the owner or the occupier of the premises in respect of which the inspection was made, a written notice requiring him to execute any necessary works forthwith or within such reasonable period as may be specified in the notice; and if the notice is not complied with by the person on whom it is served, the council may at their option either—

- (a) execute the necessary works, and recover from the owner or occupier of the premises the expenses incurred by them in so doing; or
- (b) recover from that person, as a debt due from him to the council, a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day on which the non-compliance continues.

(5) If, upon an inspection being made as aforesaid, any drain, or any works or apparatus connected with the drain, is or are found not to have been provided in accordance with the directions or regulations of the council of the borough, or to have been provided in contravention of the provisions of this Part of this Act, or the corresponding provisions of any enactment repealed by this Act, the person by whom the drain, works or apparatus, as the case may be, was or were so provided shall be liable to a fine not exceeding ten pounds; and if, within fourteen days after written notice in that behalf has been served on him by the council, he does not cause the drain, works or apparatus, as the case may be, to be altered or reinstated in accordance with the directions of the council, the council may cause the

necessary work to be done and may recover from the said person the expenses incurred by them in so doing.

PART II.
—cont.

(6) In this section the expression "drain" includes a disused drain.

41.—(1) Where the freehold of any court, passage or public place, not being a thoroughfare, is vested in the owner of an adjacent house, the owner shall, if required so to do by the council of the borough in which the court, passage or public place is situate, lay, to the satisfaction of the council, a drain, channel or gutter at a proper level through, over, under or along such part of the court, passage or public place as the council may require, and shall, whenever required by the council so to do, repair the drain, channel or gutter to the satisfaction of the council.

Power of borough councils to require drainage of courts, &c.

(2) If the owner of any court, passage or public place fails to comply with any requirement of a council under the foregoing subsection within fourteen days after notice in writing requiring him so to do has been served on him by the council, he shall be liable, in proceedings taken by the council, to a fine not exceeding five pounds :

Provided that, in lieu of taking proceedings under the foregoing provisions of this subsection, the council may execute the necessary work and recover from the owner the expenses incurred by them in so doing.

42.—(1) Subject to the provisions of this Part of this Act, the owner or occupier of any premises in a borough may construct at his own expense a sewer for the purpose of draining the premises.

Power of owners and occupiers of premises to construct sewers.

(2) A borough council may contribute towards the expenses incurred by the owner or occupier of any premises in constructing a sewer in the borough for the purpose of draining the premises.

43. Subject to the provisions of this Part of this Act, any person may at his own expense make or branch any drain into a sewer vested in the county council or in a borough council, or into a sewer authorised to be made by any such council under this Part of this Act :

Power of persons to construct drains communicating with sewers.

PART II.
—cont.

Provided that—

- (i) the drain shall be of such size and materials, and branched in such manner and form, as the council in whom the sewer is vested may direct; and
- (ii) where any contribution towards the cost of a sewer is payable under this Part of this Act in respect of drainage into that sewer, it shall not be lawful for any person to make or branch any drain into that sewer except in conformity with the order made by the council in whom the sewer is vested with respect to payment of contributions under this Part of this Act.

Power of borough council to construct or alter drains by agreement.

44. A borough council may by agreement with the owner or occupier of any premises, construct or alter any drain which the owner is required to construct or alter, so, however, that the cost of the construction or alteration, as certified by the surveyor of the council, shall be repaid to the council by the owner or the occupier, as the case may be.

Notice of existence of disused drains.

45.—(1) The owner or (in default of the owner) the occupier of any premises in a borough shall, forthwith after it comes to his knowledge that there is any disused drain in, under or attached to the premises, give written notice of the existence of the disused drain to the council of the borough.

(2) If any person fails to comply with the foregoing subsection, he shall be liable to a fine not exceeding five pounds :

Provided that, in any proceedings against the occupier of any premises in respect of a failure to give a notice in accordance with this section, it shall be a good defence to prove that the occupier had reasonable cause to believe that the notice had been given by the owner.

(3) Notwithstanding anything in this or any other Act, the whole of every fine recovered by virtue of this section shall be payable to the authority by whom the proceedings leading to the recovery of the fine are taken.

*Regulation of construction of sewers and communications
therewith.*PART II.
—cont.

46.—(1) Where a borough council propose to construct a sewer, they shall, before beginning any works for that purpose, submit to the county council a plan of the street or place in which it is proposed to construct the sewer, and the sewer and the works in connection therewith shall not be proceeded with except with the written approval, and in accordance with the directions, of the county council.

Supervision
by county
council of
sewers made
by borough
councils.

(2) Every plan submitted under this section in relation to a proposed sewer shall show the position, course and dimensions of the sewer, with sections thereof, and such other particulars in relation thereto as the county council may require, and shall be drawn to such convenient scale as the county council may direct.

47. A borough council shall, at least three clear days before connecting any sewer or drain with a sewer vested in the county council, give written notice of their intention so to do to the county council, and the necessary junction or connection shall be made to the satisfaction of the county council.

Supervision
by county
council of
connections
with their
sewers.

48.—(1) No person shall make or branch any sewer or drain into a sewer vested in the county council until he has obtained the written consent of the county council and of the council of the borough in which the last-mentioned sewer is situate, and no person shall make any opening into a sewer vested in the county council until he has obtained the written consent of the county council.

Control of
connections
with county
council's
sewers.

(2) The applicant for the consent of a borough council under this section to the making or branching of a sewer shall submit to the council a plan and section of the sewer proposed to be made or branched.

(3) A borough council shall, before consenting under this section to the making or branching of a sewer, submit the plan and section thereof to the county council for their approval, in the same manner as if the sewer were about to be constructed by the borough council, and the borough council shall not consent to the making

PART II.
—cont.

or branching of the sewer until they have obtained the written approval of the county council.

(4) Every application for a consent of a borough council under this section to the making or branching of a drain shall be in writing, shall be made at least seven clear days before any works for the purpose of making or branching the drain are begun, and shall be accompanied by a plan showing such particulars as may be required by any byelaw or directions of the county council.

Control of
connections
with
borough
council's
sewers.

49.—(1) No person shall make or branch any sewer or drain, or make any opening, into a sewer vested in a borough council, until he has obtained the written consent of that council.

(2) The applicant for a consent of a borough council under this section to the making or branching of a sewer shall submit to that council a plan and section of the sewer proposed to be made or branched, and the borough council shall, before consenting under this section to the making or branching of a sewer, submit the plan and section thereof to the county council for their approval, in the same manner as if the sewer were about to be constructed by the borough council, and shall not consent to the making or branching of the sewer until they have obtained the written approval of the county council.

Restrictions
on altera-
tion, &c. of
plans for
sewers.

50.—(1) Where, in pursuance of the foregoing provisions of this Part of this Act, the county council have approved any plan for a sewer, the work shall not be carried out otherwise than in accordance with that plan, or abandoned in any respect, without the previous approval in writing of the county council and (if the person carrying out or abandoning the work is not the council of the borough in which the work is, or was proposed to be, carried out) the previous consent in writing of the council of that borough.

(2) Every application for a consent or approval under the foregoing subsection to any proposed alteration or abandonment of work shall be accompanied by plans and sections showing the nature of the proposal.

(3) A borough council shall, before consenting under this section to any proposed alteration or abandonment, submit plans and sections thereof to the county council for their approval, and the borough council shall not consent to the alteration or abandonment until they have obtained the written approval of the county council.

PART II.
—cont.

51. If any works which have been approved by the county council in connection with the making or branching of a sewer are not executed within twelve months from the date on which they were so approved, the works shall not be proceeded with without the further written approval of the county council given upon application made in the manner required in connection with the original approval of the council.

Delay in
execution of
sewerage
works.

52.—(1) If any person makes a sewer, or branches a sewer or drain, into a sewer vested in the county council or in a borough council, or causes a sewer or drain to be made or branched into a sewer so vested,—

Unlawful
making or
branching of
sewers and
drains.

- (a) without the previous consent in writing of the county council or the borough council, as the case may be; or
- (b) otherwise than in accordance with the plans and sections (if any) approved by the county council under the foregoing provisions of this Part of this Act,

he shall be liable to a fine not exceeding fifty pounds.

(2) If any person—

- (a) makes any opening into a sewer vested in the county council or in a borough council, without the previous consent in writing of the council in whom the sewer is vested; or
- (b) makes or branches any drain, or causes any drain to be made or branched, into such a sewer as aforesaid otherwise than in accordance with such directions as may be given by the county council or the borough council, as the

PART II.
—*cont.*

case may be, in respect of the construction, size, materials and form of the drain, and in respect of the mode of making or branching it,

he shall be liable to a fine not exceeding fifty pounds.

(3) The county council or a borough council may, in a case where a drain has, without their previous approval in writing, been made or branched in contravention of any of the foregoing provisions of this Part of this Act, either cut off the connection between the drain and the sewer or carry out the work necessary for making the drain conform with the requirements of their regulations or directions, and may recover the expense incurred by them in so doing from the person who made or branched the drain as aforesaid or caused it to be so made or branched.

(4) Where any sewer has been made, or any sewer or drain branched, into a sewer in contravention of the foregoing provisions of this Part of this Act, the county council or the borough council, as the case may be, may, by written notice served on the owner of any premises connected with the sewer or drain so made or branched or, if there are no such premises, on the owner of the land in which the sewer or drain is placed, require that owner forthwith to remove it or to reconstruct it, at his own expense, to the satisfaction of the council and in accordance with the plans and sections (if any) approved by the county council as aforesaid.

(5) If any person fails to comply with a notice served on him under this section, he shall be guilty of an offence and liable to a fine not exceeding five pounds for every day during which the offence continues, and the council by whom the notice was served may execute the work necessary for compliance with the notice, and may recover the expenses incurred by them in so doing from the person who made or branched the sewer or drain to which the notice relates or from the person on whom the notice was served; so however that if the notice was served on two or more owners of premises and those premises were, at the time when the work was

begun by the council, connected with the sewer in respect of which the notice was served, the expenses aforesaid shall be apportioned among, and recoverable from, those owners in proportion to the net annual value of their several premises which were so connected.

PART II.
—cont.

(6) Where, in accordance with the foregoing provisions of this section, any owner of premises or land pays any sum to a council in consequence of the making or branching of a sewer or drain, he shall be entitled to recover the amount of that sum from the person by whom the sewer or drain was made or branched or who caused it to be so made or branched.

53.—(1) If any person—

- (a) in a case where a borough council have ordered that a sewer or drain be not made or be demolished or stopped up, constructs, rebuilds or unstops the sewer or drain, as the case may be, without the consent of the council; or
- (b) destroys any works or apparatus connected with a drain in a borough; or
- (c) without the consent of the borough council, breaks into any sewer vested in that council,

Unlawful
alteration,
&c. of
sewers or
drains.

that person shall be liable to a fine not exceeding ten pounds; and if, within fourteen days after written notice in that behalf has been served on him by the borough council, he does not cause the sewer or drain to be demolished or stopped up, or the works or apparatus to be restored, as the case may be, the council may cause the necessary work to be done and may recover from him the expenses incurred by them in so doing.

(2)* In this section the expression "drain" includes a disused drain.

54.—(1) Where any drain is made or branched into a sewer in the county, being a sewer—

- (a) which is vested in the county council or in a borough council and has been constructed at the expense of some person other than the council

Contribution
towards
expenses of
constructing
certain
sewers.

PART II.
—cont.

in whom it is vested or their predecessors (not being a sewer constructed before the fourth day of September, eighteen hundred and thirteen); or

- (b) which is under the control of some other body and has been constructed at the expense of some person other than that body or their predecessors (not being a sewer constructed before the year eighteen hundred and fifty-six),

the council or body, as the case may be, may by order require the owner of the premises to which the drain belongs to pay to them such sum as they think proper as a contribution towards the expenses incurred in the construction of the sewer, and upon receiving that sum, shall pay it to the person at whose expense the sewer was constructed.

(2) Every sum payable by virtue of an order made under this section shall be recoverable from the owner for the time being of the premises to which the order relates.

(3) Where any council or body other than the county council make an order under this section providing for payment of any contribution by instalments, they shall forthwith transmit to the county council a copy of the order, or of the resolution for the making thereof, and such other particulars in relation thereto as the county council may require.

(4) The county council shall keep a register of all orders under this section providing for the payment of any contribution by instalments, and the said register shall, as respects every order required to be registered therein, contain particulars of—

- (a) the premises by the owner of which the contribution is payable; and
- (b) the amounts of the instalments and the period for which they are payable,

and such other particulars as are necessary.

(5) The register kept under this section shall, during office hours, be open to inspection by any person interested free of charge.

55. Where, for the purpose of making or branching any private drain into a sewer or drain vested in the county council or in a borough council, it is necessary to open any part of a street or public place, the council may make so much of the private drain, and construct so much of the work necessary for branching it into the public sewers, as is in or under any street, and may recover from the owner of the premises to which the private drain belongs the expenses incurred by the council in so doing.

PART II.
—cont.
Construc-
tion of
portions of
private
drains by
sewerage
authorities.

Provisions for the protection of sewers and drains.

56.—(1) If any person—

- (a) places or throws any solid matter, mud or refuse (except such as is contained in ordinary house sewage) in or into any sewer vested in the county council or any sewer, drain, dock or inlet communicating with a sewer so vested, or over any grate communicating with any such sewer or drain, or
- (b) causes any such matter, mud or refuse to be placed or thrown or to fall, or knowingly permits any such matter, mud or refuse to be placed or to fall or to be carried, in or into any such sewer, drain, dock or inlet, or over any such grate, as aforesaid, or
- (c) causes or knowingly permits any such matter, mud or refuse to be placed in such a position as to be liable to fall or be carried as aforesaid,

Discharge of
solid matter
and refuse
into county
council's
sewers.

that person shall be guilty of an offence and liable to a fine not exceeding twenty pounds and to a further fine not exceeding five pounds for every day on which the offence continues after conviction.

(2) Proceedings in respect of an offence under this section shall be taken by the county council only, and the council shall not be bound to take such proceedings in any case where, in their opinion, the matter, mud or refuse in respect of which such an offence has been committed can be received into the sewers without risk of causing damage thereto or obstruction therein, or of prejudicially

PART II. affecting the health of any person employed in the sewers
—cont. or otherwise.

Discharge of
offensive
liquid
refuse into
county
council's
sewers.

57.—(1) If any person causes any matter to which this section applies to enter, or permits any such matter to enter, into any sewer vested in the county council or into any sewer or drain communicating with a sewer so vested, he shall be guilty of an offence and liable to a fine not exceeding twenty pounds and to a further fine not exceeding five pounds for every day on which the offence continues after conviction.

(2) Proceedings in respect of an offence under this section shall be taken by the county council only, and no such proceedings shall be taken in respect of the entry of any matter into a sewer or drain except in pursuance of a recommendation of the committee of the council charged with the management of the sewers, after a report from a county medical officer of health or an engineer of the council describing—

- (a) the matter alleged to be causing a nuisance or to be dangerous or injurious; and
- (b) the nature of the nuisance, danger or injury alleged to be caused thereby.

(3) The matters to which this section applies are—

- (a) any chemical, manufacturing, trade or other refuse (not being solid matter or refuse to which the last foregoing section applies), and
- (b) any waste steam or any condensing water, heated water or other liquid, being water or liquid of a higher temperature than one hundred and ten degrees Fahrenheit,

which, either alone or in combination with any other matter in a sewer, may cause a nuisance or involve danger to, or injury to the health of, persons entering the sewer or injury to the structure or materials of the sewers and works vested in the county council.

Power of
county
council to
prohibit
discharge
of certain
matter into
sewers.

58.—(1) If, in the opinion of the county council, the introduction, whether directly or indirectly, of any matter to which the last foregoing section applies into any sewer either does or will involve danger to, or injury to the health of, persons entering the sewer, or injury to the structure or materials thereof, the council may by

order direct that no person shall cause or permit that matter to enter into the sewer directly or indirectly.

PART II.
—cont.

(2) The county council may at any time cause a copy of an order under this section to be served on any person who, in the opinion of the council, is contravening the order.

(3) If any person upon whom a copy of an order under this section has been served disputes the reasonableness of the order in relation to himself or in relation to any works or premises under his control, he may apply to the Minister for the appointment of an arbitrator to determine the matter in dispute, and thereupon the matter shall be referred to an arbitrator appointed by the Minister, and the arbitrator may by his award—

- (a) determine that the order ought not to be enforced as against the person disputing the reasonableness thereof; or
- (b) determine that the order ought to be so enforced subject to such modifications or conditions (if any) as the arbitrator thinks fit to make or impose;

and may also by his award determine that the person aforesaid ought to be allowed reasonable time in which to execute any works or alterations of premises which may be necessary to prevent the introduction into any sewer of the matter specified in the order; and the order shall have effect subject to any such determination.

(4) Every person who contravenes an order under this section after service of a copy thereof upon him or, in the event of a reference under this section with respect to the order, after the making of the arbitrator's award thereon, shall be guilty of an offence and liable to a fine not exceeding twenty pounds, and to a further fine not exceeding five pounds for every day on which the offence continues after conviction.

59.—(1) Subject to the provisions of the next following section, any officer of the county council generally or specially authorised in writing in that behalf, may enter any premises at all reasonable times for the purpose of ascertaining whether the provisions of any of the last three foregoing sections are being contravened.

Entry and
inspection
of premises.

PART II.
—cont.

(2) Every person who refuses to permit such an officer, after production of his authority, to enter any premises, or obstructs such an officer in the discharge of his functions under this section, shall be liable to a fine not exceeding twenty pounds.

Special provisions as to certain railways of London Passenger Transport Board.

60.—(1) Nothing in the last four preceding sections shall apply in relation to heated water discharged from railway engines on any part of the railways belonging to, or worked over by, the London Passenger Transport Board as the successors of the Metropolitan Railway Company or of the Metropolitan District Railway Company, if reasonable provision is made, to the satisfaction of the Minister of Transport, either in or in connection with a sewer vested in the county council or a sewer or drain communicating with a sewer so vested, for securing that the temperature of the heated water does not exceed one hundred and ten degrees Fahrenheit at such distance from the point of discharge into any sewer, not being more than fifty feet from that point, as may be agreed upon by the council and the said board or, in default of agreement, considered reasonable by the Minister of Transport.

(2) The county council shall afford all needful facilities for the execution or provision of any works or appliances for the purposes of this section in any sewer vested in the council, and all such works shall be constructed and maintained by the council to the reasonable satisfaction of the engineer of the London Passenger Transport Board, and the amount of the expenses reasonably incurred in connection therewith, which shall, in case of dispute, be ascertained by an arbitrator appointed by the Minister of Transport on the application of either party to the dispute, shall be paid by the London Passenger Transport Board to the council on demand.

(3) The London Passenger Transport Board shall afford reasonable facilities for enabling any officer of the county council duly authorised in writing, to inspect, at convenient times having regard to the safety of the public and the exigencies of the traffic, the engine pits on the board's railway premises and the connections on those premises with sewers and drains, the inspection being for the purpose only of ascertaining whether such

of the provisions of the last four preceding sections as are applicable in relation to the board are being complied with: PART II.
—cont.

Provided that the officer shall not be entitled—

- (a) to require any interruption or obstruction of the working of the traffic on the railway; or
- (b) to go onto any part of the railway except after twenty-four hours' notice in writing to the board of his intention to do so.

(4) The provisions of Part I of the Board of Trade Arbitrations, &c., Act, 1874, shall have effect for the purposes of this section as if references to the Minister of Transport were substituted in that Part of the said Act for the references to the Board of Trade. 37 & 38 Vict.
c. 40.

61. Nothing in the last five preceding sections shall— Savings.

- (a) be taken to prohibit the introduction into any sewer of water or liquid used for washing casks or other vessels at any brewery, if the water or liquid is not at a temperature exceeding one hundred and ten degrees Fahrenheit and does not contain a greater proportion than three per cent. of solid refuse; or
- (b) prevent a borough council placing snow in any sewer vested in them, if arrangements are made to prevent the obstruction of any sewer and to prevent any solid matter from passing into any sewer vested in the county council; or
- (c) authorise the taking of proceedings against the common council or a borough council for flushing or washing the surface of any street or place under their control, or for removing mud or proper sewage deposit from any sewer under their control by flushing it with water, if the street or place, or the streets, places and gullies respectively draining into, and communicating with, the sewer, as the case may be, have previously been properly swept and cleansed, and the solid matter, mud and refuse have been removed therefrom so far as is reasonably practicable.

PART II.
—*cont.*
Discharge
of
petroleum,
&c. into
county
council's
sewers.

62.—(1) Every person who (whether within or outside the county) wilfully or negligently empties, turns or permits to enter into any sewer vested in the county council, or into any sewer or drain communicating directly or indirectly with a sewer so vested, any petroleum, petroleum-spirit or carbide of calcium shall be guilty of an offence and liable to a fine not exceeding twenty pounds and to a further fine not exceeding five pounds for every day on which the offence continues after conviction.

(2) Any officer of the county council generally or specially authorised in writing in that behalf may at any reasonable time enter any premises (whether within or outside the county) for the purpose of ascertaining whether the provisions of this section are being contravened; and every person who refuses to permit such an officer, after production of his authority, to enter any premises, or obstructs such an officer in carrying out his duties under this subsection, shall be liable to a fine not exceeding twenty pounds :

Provided that the powers conferred by this subsection shall not be exercised in respect of any premises in the area of a local authority who have adopted section forty-one of the Public Health Act, 1925, unless—

15 & 16
Geo. 5. c. 71.

(a) the county council have previously, by notice in writing, required that local authority to exercise in respect of those premises the powers of entry conferred upon them by the Public Health Act, 1875, and to report to the county council whether an offence under the said section forty-one has been committed by any person on the premises; and

(b) the local authority have neglected for a period of fourteen days so to report.

(3) Proceedings in respect of an offence under this section shall be taken by the county council only; and no such proceedings shall be taken in respect of any premises in the area of a local authority who have adopted section forty-one of the Public Health Act, 1925, unless (in the event of that local authority reporting that an offence under that section has been committed by any person) the local authority neglect, for a period of

fourteen days after so reporting, to take proceedings against that person in respect of the offence.

PART II.
—cont.

(4) Notwithstanding anything in this or any other Act, the whole of every fine recovered by virtue of this section shall be payable to the county council.

(5) Nothing in this section shall authorise the taking of proceedings against the municipal corporation of the county borough of Croydon or the municipal corporation of the county borough of West Ham, by reason only of their being the owners of a sewer or drain by means of which any petroleum, petroleum-spirit or carbide of calcium enters into a sewer vested in the county council.

(6) In this section—

(a) the expression “petroleum” means crude petroleum or any oil made from petroleum or from coal, shale, peat or other bituminous substances; and

(b) the expression “petroleum-spirit” means—

(i) any product of petroleum which, when tested in accordance with Part II of the Second Schedule to the Petroleum (Consolidation) Act, 1928, gives off an inflammable vapour at a temperature of less than seventy-three degrees Fahrenheit; or

(ii) any mixture containing petroleum which, when tested in accordance with Part II of the Second Schedule to the Petroleum (Consolidation) Act, 1928, as modified by any Order in Council made under that Act, gives off an inflammable vapour at a temperature of less than seventy-three degrees Fahrenheit.

18 & 19
Geo. 5. c. 32.

(7) The expenses incurred by the county council in pursuance of this section shall be defrayed as expenses for general or special county purposes, according as the council may decide.

63. If any person sweeps, rakes, or places any soil, rubbish or filth or any other matter—

(a) into or in any sewer or drain; or

Prohibition
of sweeping
dirt into
sewers.

PART II.
—cont.

- (b) over any grate communicating with any sewer or drain; or
- (c) into any dock or inlet which communicates with the mouth of any sewer or drain or into which any sewer or drain may discharge its contents; or
- (d) into the River Thames contiguous to the mouth of any sewer or drain or to any such dock or inlet,

he shall be liable to a fine not exceeding five pounds.

Prevention
of obstruc-
tion of
sewers by
soil or
refuse.

64.—(1) A borough council may serve on the owner or occupier of any land abutting on a street vested in, or repairable by, the council a notice requiring him, within the period of twenty-eight days from the service of the notice, so to fence off, channel or embank the land as to prevent soil or refuse therefrom falling upon, or being washed or carried into, any sewer or gully in the street in such quantities as to choke up the sewer or gully, and the notice shall specify the works to be executed.

(2) If any person fails to comply with the requirements of a notice served on him in accordance with this section, he shall be guilty of an offence and liable to a fine not exceeding five pounds and to a further fine not exceeding twenty shillings for every day on which the offence continues after conviction.

(3) Any person who considers himself aggrieved by any requirement contained in a notice served on him under this section, may appeal to the next practicable court of quarter sessions in the manner prescribed by the Summary Jurisdiction Acts.

(4) Notwithstanding anything in this or any other Act, the whole of every fine recovered by virtue of this section shall be payable to the authority by whom the proceedings leading to the recovery of the fine are taken.

Restriction
on trapping
gullies
connected
with county
council's
sewers.

65. No gully or ventilating shaft immediately connected with, or appertaining to, any sewer vested in the county council shall be trapped, covered or closed up, unless notice in writing has previously been given to the council, nor if the council or their engineer object thereto

in writing within one week after the notice aforesaid has been given.

PART II.
—cont.

66.—(1) If any person—

- (a) knowingly erects or places any building, wall, bridge, fence, obstruction or encroachment in, on, over or under any sewer vested in the county council or in a borough council; or
- (b) obstructs, fills in or diverts any sewer or drain vested in, or under the control of, the county council or a borough council,

Penalty for
encroaching
on sewers.

without the previous consent in writing of the county council or the borough council, as the case may be, then, without prejudice to any other proceedings which may be taken against him, the council concerned may recover from him, as a debt due from him to the council, a penalty not exceeding twenty pounds, and a further penalty not exceeding five pounds for every day on which the contravention continues after notice thereof has been served on him by the council; and the council concerned may demolish and remove the building, wall, bridge, fence, obstruction or encroachment, and execute any works necessary for re-opening, restoring, repairing or reinstating the sewer or drain, as the case may be, and may recover from the offender the expenses incurred by them in so doing.

(2) Nothing in this section shall prevent or impede the maintenance, repair or renewal of any building or works under which a sewer or drain has been constructed, so however that the building or works shall not injure or obstruct the sewer or drain.

67. If any person—

- (1) removes, demolishes or otherwise interferes with any sewer or part of a sewer vested in the county council or in a borough council, without the previous consent in writing of the county council or borough council, as the case may be, or
- (2) wilfully damages any sewer, bank, defence, wall, penstock, grating, gully, side entrance, tide valve, flap, work or thing vested in the county council or in a borough council, or

Penalty for
interference
with sewers.

PART II.
—cont.

(3) does anything by reason of which the drainage of the county or any part thereof may be obstructed or damaged,

the council concerned may recover from that person, as a debt due from him to the council, a penalty not exceeding twenty pounds, and also the amount of the expenses incurred by that council in repairing, restoring or reinstating the sewer or other work or thing removed, demolished, interfered with, damaged or obstructed, as the case may be.

Punishment
of tres-
passers in
sewers.

68.—(1) Every person found in, or attempting to enter, any sewer vested in the county council or in a borough council, without the permission of the council in whom the sewer is vested, shall be liable to a fine not exceeding forty shillings.

(2) Any person found in, or attempting to enter, any such sewer as aforesaid without the permission of the council in whom it is vested may be removed from the sewer by any officer of that council, and in the event of the name and address of that person not being known, the officer may detain him and hand him over to a police constable.

*Supplementary powers of county council and
borough councils.*

Power to
purchase
lands, &c.

69.—(1) Without prejudice to the generality of the enactments relating to the acquisition of land by the councils of counties or boroughs, the county council and any borough council may—

- (a) contract for the purchase, removal or abatement of any milldam, pound, weir, bank, wall, lock or other obstruction to the flow of water whereby sewerage or drainage is interrupted or impeded, and for the purchase of any land, or any right or easement in or over any land, which it may be necessary or expedient to purchase for the purpose of preventing the obstruction of sewerage or drainage;
- (b) purchase or take on lease the whole or any part of any stream or spring of water or any rights therein, which it appears to them necessary to acquire and use for the purpose of

cleansing sewers and drains or for any other purposes of this Part of this Act;

PART II.
—cont.

- (c) purchase or take on lease any land which the council consider it advisable to purchase or take on lease for the purpose of drawing or obtaining water from springs or by sinking of wells, and for making and providing reservoirs, tanks, aqueducts, water-courses and other works, or for any other purpose connected with the works for obtaining such supply of water as aforesaid :

Provided that nothing in this section shall authorise any council to use any works executed by them under this Part of this Act, or permit such works to be used, for the purpose of carrying water by supply pipes into any house or factory for domestic, manufacturing or commercial purposes.

(2) For the purpose of enabling the county council or a borough council to acquire any land, or any right or easement in or over land, which the council propose to acquire for the purposes of this Part of this Act, the Lands Clauses Acts (except the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the recovery of forfeitures, penalties and costs) shall be incorporated with this Act; and the provisions of the said Acts so incorporated with this Act which would be applicable in the case of a purchase of land shall be applicable in the case of a purchase of a right or easement in or over land :

8 & 9 Vict.
c. 18.

Provided that—

- (i) this subsection shall not authorise a borough council to acquire compulsorily any land or any right or easement in or over land, and shall not authorise the county council so to acquire any land or any right or easement in or over land except with the written consent of the Secretary of State; and
- (ii) for the purposes of this Part of this Act the expression “the promoters of the undertaking”, wherever used in the Lands Clauses Acts, shall be construed as meaning the county council or the borough council, as the case may be.

PART II.
—cont.

(3) The county council, before applying for the consent of the Secretary of State to the compulsory acquisition of any land, or any right or easement in or over land, shall—

- (a) publish, once at least in each of four consecutive weeks, in a daily newspaper published in the county, a notice describing the nature of the proposed works, naming a place where a plan of the proposed works will be open to inspection at all reasonable times, and stating the amount of land, or the particulars of the right or easement, proposed to be acquired; and
- (b) at least four weeks before making the application, serve a notice on the owners or reputed owners, lessees or reputed lessees, and occupiers, of the land proposed to be acquired or of the land in or over which they propose to acquire a right or easement, stating the particulars of the land, right or easement proposed to be acquired, and that the council are willing to treat for the acquisition thereof, and as to the compensation to be made for the damage that may be sustained by reason of the proposed works.

Borrowing
powers.

70. Without prejudice to any power of the county council to borrow, a borough council may borrow for the purpose of defraying any expenditure incurred or to be incurred by the borough council in the execution of the foregoing provisions of this Part of this Act.

Miscellaneous Provisions.

Appeals
from
borough
councils to
county
council.

71. Any person who considers himself aggrieved—

- (a) by any order made or act done under this Part of this Act by a borough council in relation to the construction, repair, alteration, stopping or filling up or demolition of any sewer, drain or building, or
- (b) by any order made under this Part of this Act by a borough council in relation to the level of a building, or
- (c) by any order or resolution made or passed by a borough council for the purposes of

section twenty-three of this Act, with respect to the payment of expenses incurred by the council in connection with the construction of a sewer,

PART II.
—cont.

may, within seven days after service of notice of the order or resolution on the occupier of the premises affected thereby or after the doing of the act, as the case may be, appeal to the county council.

72. Without prejudice to the effect of sections thirty-three and thirty-four of the Summary Jurisdiction Act, 1848, and subsection (10) of section twenty of the Summary Jurisdiction Act, 1879, there may be heard and determined by a single justice summary proceedings taken by virtue of any of the provisions of this Part of this Act other than those specified in Part III of the First Schedule to this Act.

Proceedings before a single justice.
11 & 12 Vict. c. 43.
42 & 43 Vict. c. 49.

73.—(1) Save as otherwise provided in this Part of this Act, every fine recovered in criminal proceedings taken by virtue of any of the provisions of this Part of this Act other than those specified in Part IV of the First Schedule to this Act, shall, subject to the provisions of section five of the Criminal Justice Administration Act, 1914, be applied in the following manner, that is to say :—

Application of fines and recovery of penalties.
4 & 5 Geo. 5. c. 58.

- (a) if the informer was the county council or a borough council, the whole amount recovered on account of the fine shall be paid to the informer ;
or
- (b) in any other case, one half of the said amount shall be paid to the informer, and the remainder shall be paid to the council of the borough in which the offence was committed or, if damage has been sustained by the county council by reason of the offence or if the offence was committed in relation to the county council, be paid to that council :

Provided that, subject to the provisions of the said section five, the whole of any fine imposed on a borough council shall be paid to the informer.

(2) Any penalty which, under any of the provisions of this Part of this Act, may be recovered as a debt shall be recoverable either by action or summarily.

PART II.
—*cont.*
Service of
documents
under
Part II.

74.—(1) Subject to the provisions of this section, any document which, under any of the provisions of this Part of this Act other than those specified in Part V of the First Schedule to this Act, or the provisions of any Act which, for the purposes of this Part of this Act, is incorporated with this Act, is required or authorised to be served by or on behalf of the county council or a borough council, or by an officer of the county council or of a borough council, shall be deemed to be duly served—

(a) where the person to be served is a company, if the document is addressed to the secretary of the company at their registered office or at their principal office or place of business, and is either—

(i) sent by post, or

(ii) delivered at the registered office, or at the principal office or place of business, of the company;

(b) where the person to be served is a partnership, if the document is addressed to the partnership at their principal place of business, identifying them by the name or style under which their business is carried on, and is either—

(i) sent by post, or

(ii) delivered at the said place of business;

(c) where the person to be served is a local, sanitary or public authority, or a corporation, society or other body, if the document is addressed to the clerk, secretary, treasurer or other head officer of the authority, corporation, society or body, at their principal office, and is either—

(i) sent by post, or

(ii) delivered at that office; or

(d) in any other case, if the document is sent by post addressed to the person to be served, or delivered to that person or at his residence or place of business.

(2) Any such document as aforesaid which is required or authorised to be served on the owner or occupier of any premises may be addressed "the owner" or "the occupier", as the case may be, of those premises (naming them) without further name or description, and shall be deemed to be duly served—

- (a) if the notice so addressed is sent or delivered in accordance with paragraph (d) of the foregoing subsection, or
- (b) if the notice so addressed, or a copy thereof so addressed, is delivered to some person on the premises or, where there is no person on the premises to whom it can be delivered, is affixed to some conspicuous part of the premises.

(3) A notice to treat under section eighteen of the Lands Clauses Consolidation Act, 1845, as incorporated with this Act for the purposes of this Part of this Act, shall, if served by post, be served by registered post. 8 & 9 Vict.
c. 18.

(4) Where such a document as is mentioned in subsection (1) of this section is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(5) For the purpose of proving the service by post of any such document as aforesaid, it shall (except where the document is sent by registered post) be sufficient to prove that the document was properly addressed and was put into the post.

(6) Any such document as is mentioned in subsection (1) of this section shall be deemed to be sufficiently authenticated if it is signed by the clerk of the county council or the town clerk of the borough, as the case may be, or if it bears in writing the name of the said clerk or town clerk.

(7) For the purposes of this section, a document shall be deemed to be a document which is required or authorised to be served on a person if it is required or authorised to be notified, given or transmitted, or (in the case of a demand) if it is required or authorised to be made, to that person, and in this section the expressions "served" and "service" shall be construed accordingly.

PART II.
—*cont.*
Application
of certain
provisions
of the
Metropolis
Management
Acts, 1855
& 1862.

18 & 19
Vict. c. 120.
25 & 26
Vict. c. 102.

14 & 15
Vict. c. 95.

75. The provisions of the Metropolis Management Act, 1855, and of the Metropolis Management Amendment Act, 1862, specified in Part I of the Second Schedule to this Act, shall, as amended by this Act or by any subsequent enactment, apply for the purposes of this Part of this Act as they apply for the purposes of those Acts :

Provided that nothing in this section shall exempt from the operation of the provisions of this Part of this Act relating to sewerage and house drainage—

(a) the streets and places in the neighbourhood of the Houses of Parliament delineated on a plan marked " E " referred to in the Crown Estate Paving Act, 1851, and the district the management of which was by that Act transferred to the commissioners for carrying that Act into effect ; or

(b) the parts of the borough of Holborn to which a local Act of the fifth and sixth years of Her late Majesty Queen Victoria, chapter forty-eight, for paving, lighting, watching, cleansing and improving Ely Place and Ely Mews, Holborn, in the County of Middlesex, extends.

Saving for
common
council.

76. Nothing in this Part of this Act shall affect the powers or rights of the common council in relation to the sewerage and drainage of the city.

Saving for
Port of
London
Authority.

77. Nothing in this Part of this Act shall be taken to affect any of the rights and powers of the Port of London Authority, so far as such rights and powers may be exercised for the purpose of preserving the free navigation of the River Thames and were exercisable, immediately before the second day of August, eighteen hundred and fifty-eight, by the Conservators of the River Thames.

Protection
for railway
or canal
companies.

78.—(1) The county council or a borough council shall, before beginning to execute under this Part of this Act any works which will interfere with a railway or canal, serve on the company owning the railway or canal a notice of the council's intention so to do, together

with a plan and section showing the nature of the interference; and if, within seven days after the receipt of the notice, the company make to the council concerned a written objection to the manner in which it is intended to interfere with the railway or canal, as the case may be, on the ground that the interference will probably interrupt or endanger traffic thereon, the works shall not be executed except in accordance with this section.

PART II.
—cont.

(2) In the event of any objection being made under the foregoing subsection with regard to any works, the question of the mode of executing the works shall be referred for determination to an engineer, who shall be appointed, on the application of either party, by the Minister of Transport.

(3) Nothing in this Part of this Act shall authorise the county council or a borough council to alter the level of any railway or canal without the consent of the company owning it or, if that consent is refused, without the consent of the Minister of Transport, and nothing in this Part of this Act shall affect the right of any railway or canal company to be compensated—

- (a) for the taking or injurious affection of any property of the company; or
- (b) for any interruption of the traffic on the railway or canal, as the case may be; or
- (c) for any damages, costs or expenses which the company may become liable to pay by reason of any such interruption.

(4) The provisions of Part I of the Board of Trade Arbitrations, &c., Act, 1874, shall have effect for the purposes of this section as if references to the Minister of Transport were substituted in that Part of the said Act for the references to the Board of Trade.

79. Nothing in the foregoing provisions of this Part of this Act which relate to disused drains shall apply in relation to any disused drain appertaining to—

- (a) railways of a railway company; or
- (b) any building or structure which is situate on the railway or within the railway or station premises

Saving as regards disused drains on railway or dock premises.

PART II.
—cont.

of any such company, and which is used for the purposes of, or in connection with, the traffic of the company; or

- (c) any building or structure which belongs to, and is situate within the dock premises of, the Port of London Authority.

Saving for
39 & 40 Vict.
c. 75, s. 7,
and certain
local enact-
ments.

80. Nothing in this Part of this Act shall affect the operation of section seven of the Rivers Pollution Prevention Act, 1876, (which requires the authorities having control of sewers to give facilities for drainage from factories into sewers) or of the local enactments specified in Part II of the Second Schedule to this Act (which provide for the admission of the drainage of certain areas outside the county into the main drainage system of the county) as amended or affected by any order for the alteration of areas made under Part III of the Local Government Act, 1888, Part IV of the Local Government Act, 1929, or Part VI of the Local Government Act, 1933.

51 & 52
Vict. c. 41.
19 & 20
Geo. 5. c. 17.
23 & 24
Geo. 5. c. 51.
Interpre-
tation of
Part II.

81.—(1) In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

“deodorising,” in relation to any sewage, includes subjecting that sewage to any process whereby the solid suspended matters therein are precipitated or separated from the liquid before the discharge thereof, or whereby the noxious or offensive properties of the sewage are neutralised :

“disused drain ” means any channel, work or apparatus which—

(a) having been a drain, has ceased to be used as such, the circumstances being such as to indicate the absence of any intention to resume that user; or

(b) having been provided for use as a drain, is not used as such, the circumstances at any time after the provision of the channel, work or apparatus as aforesaid

being such as to indicate the absence of any intention to use it as a drain, PART II.
—cont.

or any part of any such channel, work or apparatus :

“ drain ” means a drain used for the drainage of one building only or premises within the same curtilage, being a drain made merely for the purpose of communicating with a cesspool or other like receptacle for drainage or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed, and includes—

(a) a drain for draining any group or block of houses by a combined operation under an order of a borough council or their predecessors; and

(b) a drain for draining a group or block of houses by a combined operation, being a drain laid or constructed before the year eighteen hundred and fifty-six in pursuance of an order or direction of, or with the sanction or approval of, the Metropolitan Commissioners of Sewers :

“ sewage ” means the contents of sewers before any process of deodorising has been employed :

“ sewer ” means a sewer or drain of any description, except a drain as hereinbefore defined :

“ street ” includes a highway, a road, a bridge not being a county bridge, and any lane, footway, square, court, mews, alley or passage, whether a thoroughfare or not, and any part of any such highway, road, bridge, lane, footway, square, court, mews, alley or passage :

“ surveyor ” includes any officer called “ engineer.”

(2) For the purposes of this Part of this Act, a drain for draining any group or block of houses by a combined operation shall not be deemed to have become a sewer, or to have ceased to be a drain, by reason only of the fact that the drainage of premises not specified in the

PART II.
—cont.

order relating to the combined operation has been connected with the drain aforesaid either before or after the commencement of this Act, and any such drainage so connected shall be deemed to be, and always to have been, subject to the order :

Provided that nothing in this subsection shall empower a borough council—

- (a) to connect, or authorise the connection of, a sewer with any such drain as aforesaid ; or
- (b) to recover from the owner of any premises in connection with which any drainage or other works were carried out before the third day of August, nineteen hundred and twenty-eight, any expenses incurred by the council in connection with the carrying out of those works.

(3) References in this Part of this Act (except sections fifty-six to sixty-one) to sewers or works vested in the county council or in a borough council shall be construed as including references to any such sewers or works outside the county.

PART III.

GENERAL SANITATION AND CLEANLINESS.

General Provisions.

Nuisances which may be dealt with summarily.

82.—(1) The following matters shall, subject as hereinafter provided, be nuisances which may be dealt with summarily under this Act, that is to say :—

- (a) any premises in such a state as to be a nuisance or injurious or dangerous to health ;
- (b) any pool, ditch, gutter, watercourse, cistern, sanitary convenience, cesspool, drain, dung-pit or ashpit so foul or in such a state as to be a nuisance or injurious or dangerous to health ;
- (c) any accumulation or deposit which is a nuisance or injurious or dangerous to health ;

- (d) any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates, whether or not members of the same family.

PART III.
—cont.

(2) Nothing in paragraph (c) of the foregoing subsection shall render a person punishable in respect of any accumulation or deposit necessary for the effectual carrying on of a business or manufacture, if the court is satisfied that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury thereby to the public health.

(3) In considering for the purpose of any proceedings whether any dwelling-house or part of a dwelling-house which is used also as a factory, workshop or workplace is a nuisance by reason of overcrowding, the court shall have regard to the circumstances in which it is used as a factory, workshop or workplace, as the case may be.

83.—(1) Every sanitary authority—

- (a) shall drain, cleanse, cover or fill up, or cause to be drained, cleansed, covered or filled up, all ponds, pools, open ditches, drains, and places containing or used for the collection of any drainage, filth, water, matter or thing of an offensive nature or likely to be prejudicial to health, which may be situate in their district; and
- (b) shall cause notice to be served on the person causing any such nuisance, or on the owner or occupier of any premises whereon such a nuisance exists, requiring him, within the time specified in the notice, to drain, cleanse, cover or fill up the pond, pool, ditch, drain or place, or to construct a proper drain for the discharge of the filth, water, matter or thing, or to execute such other works as the case may require.

Cleansing
and covering
of offensive
ditches,
drains, &c.

(2) If the person on whom such a notice as aforesaid is served fails to comply therewith, he shall be liable to a

PART III.
—cont.

fine not exceeding five pounds, and to a further fine not exceeding forty shillings for each day during which the offence continues; or the sanitary authority, in lieu of proceeding for a fine, may enter on the premises and execute such works as may be necessary for the abatement of the nuisance, and may recover the expenses thereby incurred from the owner of the premises :

Provided that—

(a) the sanitary authority, where they think it reasonable, may defray all or any portion of the said expenses; and

(b) where any work which a sanitary authority do or require to be done in pursuance of this section interferes with, or prejudicially affects, any ancient mill or any right connected therewith or any right to the use of water, the sanitary authority shall make full compensation to all persons sustaining damage thereby in manner provided by sections two hundred and twenty-five and two hundred and twenty-six of the Metropolis Management Act, 1855, or, in lieu of making such compensation, may purchase the mill or right by agreement; and the provisions of that Act with respect to purchases by a sanitary authority shall apply in relation to every purchase under this proviso.

(3) Any person who thinks himself aggrieved by anything done under this section by a sanitary authority in relation to the construction, covering, filling up or other alteration of any drain may appeal to the county council, whose decision shall be final.

Byelaws as to cleansing streets and prevention of nuisances.

84.—(1) Every sanitary authority shall make byelaws—

(a) for the prevention of nuisances arising from snow, ice, salt, dust, ashes, rubbish, offal, carrion, fish or filth or other matter or thing in any street; and

(b) as to the paving of yards and open spaces in connection with dwelling-houses.

(2) The county council shall make byelaws—

PART III.
—cont.

- (a) for prescribing the times for the removal or carriage by road or water of any faecal or offensive or noxious matter in or through the county, and providing that the carriage or vessel used therefor shall be properly constructed and covered so as to prevent the escape of any such matter and so as to prevent any nuisance arising therefrom; and
- (b) as to the closing and filling up of cesspools and privies; and
- (c) as to the removal and disposal of refuse, and as to the duties of the occupier of any premises in connection with house refuse, so as to facilitate its removal by the scavengers of the sanitary authority.

(3) It shall be the duty of every sanitary authority to enforce the byelaws made under this section.

(4) Except as otherwise provided by byelaws under this section, a constable may arrest without warrant, and take before a justice, any person whom he finds committing an offence under such byelaws and who refuses to give his name and address.

(5) Byelaws under this section shall not make it an offence to lay sand or other material in any street in time of frost to prevent accidents, or litter or other matter to prevent the freezing of water in pipes or, in case of sickness, to prevent noise, if the same is laid and, when the occasion ceases, duly removed, in accordance with the byelaws.

85.—(1) The county council may make byelaws in relation to the demolition of buildings in a borough for the following purposes, that is to say:—

Byelaws as to demolition of buildings.

- (a) the fixing of fans at the level of each floor of the building undergoing demolition;
- (b) the hoarding up of windows in such building from which sashes and glass have been removed;
- (c) the regulation of the demolition of internal parts of buildings before commencing to take down any external wall thereof;

PART III.
—cont.

- (d) the placing of screens or mats to prevent nuisance arising from dust;
- (e) requiring the use of water to prevent nuisance arising from dust;
- (f) requiring the taking of such other precautions as may be prescribed by the byelaws to prevent nuisance arising from dust;
- (g) the regulation of the hours during which ceilings may be broken down and mortar may be shot, or allowed to fall, into any lower floor.

(2) Byelaws made under this section may provide that the byelaws shall, either generally or as respects any particular borough or part of a borough, have effect subject to such modifications, limitations or exceptions as may be specified in the byelaws.

(3) Byelaws made under this section shall be enforceable in each borough by the council thereof.

(4) The council of a borough, or any officer or person duly authorised by them in that behalf, may enter at all reasonable times any building in the borough which is undergoing or about to undergo demolition, for the purpose of examining whether there is any contravention of the provisions of any byelaw made under this section, and any person who obstructs any such officer or person as aforesaid entering any building or carrying out his duties under this section, shall be liable to a fine not exceeding five pounds.

(5) Nothing in any byelaws made under this section shall apply to a building (not being a dwelling-house) belonging to a railway company and used by the company as a part of, or in connection with, their railway.

Cleaning
and water-
ing of
streets.

86.—(1) It shall be the duty of every sanitary authority to keep all streets in their district which are repairable by the inhabitants at large properly swept and cleansed so far as is reasonably practicable, and to collect and remove, so far as is reasonably practicable, all street refuse from such streets.

(2) If any such street is not properly swept and cleansed, or the street refuse is not collected and removed from any such street, in accordance with the requirements

of this section, the sanitary authority shall be liable to a fine not exceeding twenty pounds.

PART III.
—cont.

(3) The council of a borough may cause all or any of the streets in the borough to be watered as often as the council think proper.

(4) If it appears to the county council that any street, being situate in more than one borough, ought, for the purpose of cleansing or watering, to be under the exclusive management of one borough council, the county council may by order direct that the street shall for that purpose be under the exclusive management of that borough council.

(5) In subsections (3) and (4) of this section, the expression "street" has the same meaning as in Part II of this Act.

87.—(1) It shall be the duty of every sanitary authority—

Removal of
house refuse.

- (a) to secure the removal, at proper intervals, of house refuse from premises, and the cleansing and emptying at proper intervals of ashpits, earth-closets, privies and cesspools (if any) in their district, and the giving of sufficient notice of the times appointed for such removal, cleansing and emptying; and
- (b) where house refuse is not removed from any premises in the district at the time appointed under paragraph (a) of this subsection, or any ashpit, earth-closet, privy or cesspool in or under any building in the district is not cleansed or emptied at the time so appointed, and the occupier of the premises serves on the sanitary authority a written notice requiring the removal of the refuse or the cleansing and emptying of the ashpit, earth-closet, privy or cesspool, as the case may be, to comply with the notice within forty-eight hours after the service thereof, exclusive of Sundays and public holidays.

(2) If a sanitary authority fail without reasonable cause to comply with this section, they shall be liable to a fine not exceeding twenty pounds.

PART III.
—cont.

(3) If any person in the employ of a sanitary authority or of any contractor with a sanitary authority demands from an occupier or his servant any fee or gratuity for removing house refuse from premises, he shall be liable to a fine not exceeding twenty shillings.

Disposal of
house refuse
by owners
of premises.

88. If a sanitary authority or any persons employed by them neglect for seven days to remove from any premises all such house refuse as they are required under this Part of this Act to remove, the occupier of the premises, after giving twenty-four hours' notice to the sanitary authority requiring them to remove the refuse, may, without prejudice to any other proceeding under this Act, give away or sell the house refuse, and any person to whom it is given away or sold as aforesaid may remove it.

Prohibition
of scavenging
during
certain
hours.

89.—(1) Every person who, between the hours of ten a.m. and seven p.m. on any day, removes any ashes, dust or refuse from any dwelling-house in any such street as may be named for the purpose of this subsection by the Commissioner of Police, shall be liable to a fine not exceeding forty shillings.

(2) Subject to the provisions of section five of the Criminal Justice Administration Act, 1914, all fines recovered in proceedings taken by virtue of this section shall—

- (a) in the city and the liberties thereof, be recovered and applied in the manner prescribed by a local Act of the second and third years of Her late Majesty Queen Victoria, chapter ninety-four, for regulating the police of the city of London; and
- (b) elsewhere, be recovered and applied in the manner prescribed by the Acts relating to the metropolitan police.

(3) In this section—

the expression “the Commissioner of Police” means, in relation to the city and the liberties thereof, the Commissioner of Police of the City of London or, in relation to any other

part of the county, the Commissioner of Police of the Metropolis; PART III.
—cont.

the expression "street" includes a highway or other public place, whether a thoroughfare or not, and for the purposes of this definition, the royal parks, gardens and possessions which are managed by the Commissioners of Works in pursuance of the Crown Lands Act, 1851, shall be deemed to be public places.

14 & 15 Vict.
c. 42.

90.—(1) Every sanitary authority shall employ a sufficient number of scavengers, or contract with scavengers, for the performance of the duties of the sanitary authority under this Part of this Act with respect to the sweeping and cleansing of streets within their district, the collection and removal of street refuse and house refuse, and the cleansing and emptying of ashpits, earth-closets, privies and cesspools. Incidental functions of sanitary authority as to collection and removal of refuse.

(2) A borough council may borrow for the purpose of the provision of premises, wharves, destructors, plant and equipment for the collection, removal and disposal of street refuse and house refuse.

91.—(1) Subject to the foregoing provisions of this Part of this Act and to the provisions of this section, no person other than the sanitary authority or their contractors or servants shall receive, carry away or collect any house refuse or street refuse from any premises or street, and if any person contravenes the provisions of this subsection, he shall be liable to a fine not exceeding five pounds. Restrictions on dealing with, and disposal of, house refuse and street refuse.

(2) All house refuse and street refuse collected by or on behalf of a sanitary authority shall be the property of that authority, who may sell and dispose of it as they think proper, and the person purchasing the refuse may, notwithstanding anything in the foregoing subsection, take, carry away and dispose of the refuse for his own use.

92.—(1) If a sanitary authority are required by the owner or occupier of any premises to remove any trade refuse, the authority shall do so, and the owner or occupier shall pay to the authority, in respect of the Removal of trade refuse.

PART III.
—cont.

removal, a reasonable sum, the amount of which shall, in case of dispute, be settled by an order made by a petty sessional court on the application of either party.

(2) If any dispute or difference of opinion arises between the owner or occupier of premises and the sanitary authority as to what is to be considered for the purposes of this section as trade refuse, a petty sessional court, on complaint made by either party, may by order determine whether the subject matter of dispute is or is not trade refuse, and the decision of the court shall be final.

Removal of
obnoxious
matters at
request of
sanitary
inspector.

93.—(1) Where it appears to a sanitary inspector that any accumulation of obnoxious matter, whether manure, dung, soil, filth or other matter, ought to be removed, and it is not the duty of the sanitary authority to remove it, the inspector shall serve on the owner of the obnoxious matter, or on the occupier of the premises on which it exists, a notice requiring him to remove the obnoxious matter; and if the notice is not complied with within forty-eight hours from the service thereof, exclusive of Sundays and public holidays, the matter to which the notice refers shall become the property of the sanitary authority and shall be removed and disposed of by them.

(2) The proceeds (if any) of the disposal by a sanitary authority of any obnoxious matter removed by them under this section shall be applied in payment of the expenses incurred by the authority in removing and disposing of the matter, and the surplus (if any) shall be paid on demand to the former owner of the matter; and the said expenses, so far as not covered by such proceeds, may be recovered by the sanitary authority from the former owner of the matter or from the occupier, or, where there is no occupier, the owner, of the premises from which it was removed.

Removal of
refuse from
stables, cow-
houses, &c.

94.—(1) A sanitary authority may collect and remove manure and other refuse from any stable or cow-house within their district the occupier of which signifies his consent thereto in writing, and may employ, or contract with, scavengers so far as appears to the sanitary authority to be necessary for the exercise of their powers under this section :

Provided that—

PART III.
—cont.

- (a) no consent given for the purposes of this section shall be withdrawn without one month's previous notice to the sanitary authority; and
- (b) no person shall be hereby relieved from any fine to which he may be subject for placing dung or manure upon a street or for having any accumulation or deposit of manure or other refuse so as to be a nuisance or injurious or dangerous to health.

(2) A sanitary authority may (by public announcement or otherwise) require the periodical removal of manure or other refuse from stables, cow-houses or other premises; and, where any such notice has been given, if any person to whom the manure or other refuse belongs fails to comply with the notice, he shall be liable without further notice to a fine not exceeding twenty shillings for every day during which the non-compliance continues.

Water Supply.

95.—(1) An occupied house without a proper and sufficient supply of water shall be a nuisance which may be dealt with summarily under this Act, and, if it is a dwelling-house, shall be deemed to be unfit for human habitation. Houses to have proper water supply.

(2) It shall not be lawful to occupy a house as a dwelling-house until the sanitary authority have certified that it has a proper and sufficient supply of water, either from the Metropolitan Water Board or by some other means :

Provided that this subsection shall not apply to a house newly erected before the year eighteen hundred and ninety-two, unless it has, since the year eighteen hundred and ninety-one, been pulled down to or below the ground floor and rebuilt.

(3) If the sanitary authority refuse such a certificate in respect of any house, or fail to give it within one month after written request therefor from the owner of the house, the owner of the house may apply to a petty sessional court for an order authorising the occupation of

PART III.
—cont.

the house, and the court, after giving the sanitary authority an opportunity of being heard, may, if the court thinks that the certificate ought to have been granted, make an order authorising the occupation of the house.

(4) If the owner of a house occupies it, or permits it to be occupied, as a dwelling-house without such certificate or order as aforesaid, he shall be liable to a fine not exceeding ten pounds, and to a further fine not exceeding twenty shillings for every day during which the house is so occupied until a proper and sufficient supply of water is provided.

The imposition of a fine under this subsection shall be without prejudice to any proceedings for obtaining a closing order under this Act.

(5) For the purposes of this section, a tenement house shall be deemed to be a house without a proper and sufficient supply of water unless there is provided on the storey, or one of the storeys, in which the rooms or lodgings in the separate occupation of each family occupying the house are situate, a sufficient provision for the supply of water for domestic purposes :

Provided that this subsection shall not apply in relation to—

(a) any building which was in use as a tenement house immediately before the twenty-eighth day of August, nineteen hundred and seven, if the only storeys on which a proper and sufficient supply of water is not provided are storeys—

(i) which are constructed at a height exceeding that to which the Metropolitan Water Board may be required for the time being to supply water for domestic purposes; and

(ii) to which a supply of water for such purposes was not, immediately before the said twenty-eighth day of August, being furnished by the said Board under agreement; or

(b) any tenement house in respect of which it can be shown that such provision for the supply of water as aforesaid is not reasonably necessary.

96.—(1) If any building to which this section applies or any part of such a building, being a building or part occupied as a separate tenement, is used for human habitation or as a place where persons are employed, and provision is at any time not made or maintained, to the reasonable satisfaction of the sanitary authority for the district in which the building or part is situate, for an adequate and readily accessible supply of water for drinking purposes from pipes directly subject to water pressure from the mains of the Metropolitan Water Board, the sanitary authority may serve on the owner of the building or part, as the case may be, a written notice requiring him, for the purpose of securing such provision as aforesaid, to execute, within such period as may be specified in the notice, such works, or do such things, as may be so specified, or to carry out, within such period as may be so specified, such works of alteration, repair or maintenance as may be so specified; and after the expiration of the said period the building or part shall not be used as aforesaid unless the requirements of the notice have been complied with to the reasonable satisfaction of the sanitary authority:

PART III.
—*cont.*
Water
supply for
drinking
purposes.

Provided that—

(a) this subsection shall not apply to any part of a building—

(i) if the part is constructed at a height exceeding that to which the said Board may for the time being be required to furnish a supply of water for domestic purposes, and a supply of water for such purposes is not being furnished to the part by the said Board by agreement; or

(ii) if the part is, to the reasonable satisfaction of the sanitary authority, supplied from a permanent source other than the mains of the said Board with an adequate and readily accessible supply of water for drinking purposes; and

(b) a sanitary authority shall not be authorised by this subsection to make any requirement inconsistent with any byelaw in force under section sixteen of the Metropolitan Water Board Act, 1932.

22 & 23
Geo. 5.
c. lxxx.

PART III.
—cont.

(2) A sanitary authority may enter any building to which this section applies or part of such a building in their district, being a building or part which they have reasonable cause to suppose is used for human habitation, or as a place where persons are employed, for the purpose of ascertaining—

(a) whether any such provision as aforesaid is made or (if made) is adequate and readily accessible; or

(b) whether any requirement made by the sanitary authority under this section is complied with.

(3) If any building or part of a building is used in contravention of this section, the owner of the building or part, as the case may be, shall be guilty of an offence and liable to a fine not exceeding ten pounds, and to a further fine not exceeding five pounds for every day on which the offence continues after conviction.

(4) It shall be the duty of every sanitary authority to enforce the provisions of this section.

(5) The provisions of section seventy-four of this Act shall apply in relation to a notice authorised to be served under this section, as those provisions apply in relation to documents authorised to be served under Part II of this Act.

(6) In determining, for the purposes of this section, whether a supply of water to a building or part of a building is adequate and readily accessible, regard shall be had to the number of persons for the time being inhabiting, or employed in, the building or part.

(7) This section applies—

(a) to any building in the county the erection of which is begun after the end of the year nineteen hundred and thirty-five, and

(b) to any other building in the county which, after the end of the year nineteen hundred and thirty-five, is structurally divided into separate flats or tenements capable of being occupied separately,

being in either case a building which, or any part of which, is for the time being supplied with water by the Metropolitan Water Board, but does not apply to any factory or workshop to which section seven of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, applies.

97. Where, in the case of any premises, any water-fittings prescribed by byelaws under the Metropolitan Water Board Act, 1932, are absent after the expiration of the period so prescribed, the absence of those water-fittings shall be a nuisance which may be dealt with summarily under this Act, and shall be presumed, until the contrary is proved, to render the premises unfit for human habitation.

PART III.
—cont.
Absence of
water-
fittings.

98.—(1) Where for any reason the Metropolitan Water Board, in the exercise of their right to cut off the water supply to any inhabited dwelling-house, cease to supply such a dwelling-house with water, the Board shall, within twenty-four hours after so exercising the said right, give notice thereof in writing to the sanitary authority for the district in which the house is situate.

Notice to
sanitary
authority of
water supply
being cut off.

(2) If the Metropolitan Water Board neglect to comply with the foregoing subsection, they shall be guilty of an offence and liable to a fine not exceeding ten pounds, and it shall be the duty of the sanitary authority to take proceedings against the Board in respect of the offence.

99. Every sanitary authority shall make byelaws for securing the cleanliness and freedom from pollution of tanks, cisterns and other receptacles used for the storage of water used or likely to be used for human consumption or domestic purposes, or for manufacturing drink for human consumption.

Cleansing of
cisterns.

100.—(1) All such public cisterns, reservoirs, wells, fountains, pumps and works used for the gratuitous supply of water to the inhabitants of the district of a sanitary authority as were, immediately before the commencement of this Act, vested in, and under the control of, the sanitary authority by virtue of the enactments repealed by this Act, shall continue to be vested in, and under the control of, the authority.

Provision of
public
water
supply.

(2) A sanitary authority—

- (a) may maintain all public cisterns, reservoirs, wells, fountains, pumps and works used for the gratuitous supply of water to the inhabitants of the district of the sanitary authority which are vested in the authority, or may provide and maintain in lieu thereof any other such works equally convenient; and

PART III.
—cont.

(b) may maintain within their district other public cisterns, reservoirs, wells, fountains and pumps and other such works as aforesaid;

and may supply with pure and wholesome water any cistern, reservoir, well, fountain, pump or works which they are authorised to maintain under this subsection.

(3) A sanitary authority may provide and maintain public wells, pumps and drinking fountains in such convenient and suitable situations as they think proper.

(4) If any person wilfully damages any well, pump or fountain maintained under the last foregoing subsection by a sanitary authority, he shall, in addition to any punishment to which he is liable, pay to the sanitary authority the expenses incurred by them in making good the damage.

Corruption
of water
by gas
washings.

101.—(1) If any person engaged in the manufacture of gas—

(a) causes or suffers to be brought or to flow into any source of water supply, or into any drain or pipe communicating therewith, any washing or other substance produced in making or supplying gas; or

(b) wilfully or negligently does any act connected with the making or supplying of gas whereby the water in any source of water supply is fouled,

he shall be guilty of an offence and liable to a fine of two hundred pounds and to a further fine of twenty pounds for every day during which the offence continues after the expiration of twenty-four hours' notice from the sanitary authority or the person to whom the water belongs.

(2) Every fine in respect of an offence under this section may be recovered with full costs of action in proceedings in the High Court—

(a) in a case where the water in respect of which the offence is committed belongs to, or is under the control of, the sanitary authority, by that authority; or

(b) in any other case by the person to whom the water aforesaid belongs or, in default of

proceedings on the part of that person after service upon him of notice from the sanitary authority of their intention to proceed for the recovery of the fine, by that authority.

PART III.
—cont.

(3) No fine shall be recoverable in respect of an offence under this section unless proceedings for the recovery of the fine are commenced either during the continuance of the offence or within six months after it has ceased.

102. If any person—

- (a) does any wilful act whereby any fountain or pump is damaged, or
- (b) is guilty of any act or neglect whereby the water of any well, fountain or pump used or likely to be used for human consumption or domestic purposes, or for manufacturing drink for human consumption, is polluted or fouled,

Penalty for
fouling
water.

he shall be guilty of an offence and liable to a fine not exceeding five pounds, and to a further fine not exceeding twenty shillings for every day on which the offence continues after notice is served on him by the sanitary authority in relation thereto :

Provided that proceedings shall not be taken under this section in respect of any act or neglect which constitutes an offence under the last foregoing section.

103.—(1) Upon complaint made by a sanitary authority, on the representation of any person, that within the district of the authority the water in any well, tank or cistern, or supplied from any public pump,—

Closing of
polluted
wells, &c.

- (a) is used or likely to be used for human consumption or domestic purposes, or for manufacturing drink for human consumption; and
- (b) is so polluted, or is likely to be so polluted, as to be injurious or dangerous to health,

a petty sessional court may order that the well, tank, cistern or pump be permanently or temporarily closed, or may make such other order as appears to the court to be requisite to prevent injury or danger to the health of persons drinking the water complained of, and may, if the court thinks fit, cause the water to be analysed at the expense of the sanitary authority :

PART III.
—cont.

Provided that, before making an order under this subsection, the petty sessional court shall—

- (a) in the case of a private well, tank or cistern, give the owner or occupier of the premises on which it is situate an opportunity of being heard, or
- (b) in the case of a public well, tank, cistern or pump, give the like opportunity to the person alleged in the complaint to be interested therein.

(2) If the person against whom an order is made under this section fails to comply therewith, he shall be liable to a fine not exceeding twenty pounds, and a petty sessional court, on complaint by the sanitary authority, may authorise the authority to carry the order into effect, and any expenses incurred by them in so doing may be recovered from the said person.

Provisions as to Sanitary Conveniences, &c.

Nuisance
from water-
closets, &c.

104. If any person causes a drain, watercloset, earth-closet, privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging, or by otherwise wilfully stopping up, or wilfully interfering with, or improperly using, the drain, watercloset, earthcloset, privy or ashpit or any water supply, apparatus, pipe or work connected therewith, he shall be liable to a fine not exceeding five pounds.

Obligation
to provide
water-
closets, &c.

105.—(1) It shall not be lawful to erect any house, or to rebuild any house which has been pulled down to or below the ground floor, without a sufficient ashpit furnished with proper doors and coverings, and one or more proper and sufficient waterclosets, according as circumstances may require, furnished with suitable water supply and water supply apparatus, and with suitable trapped soilpan and other suitable works and arrangements, so far as may be necessary to ensure the efficient operation thereof.

(2) If any person erects or rebuilds a house in contravention of the last foregoing subsection, he shall be liable to a fine not exceeding twenty pounds.

(3) If it appears to the sanitary authority that any house, whether built before or after the commencement of this Act, is without such ashpit or waterclosets as aforesaid, the sanitary authority shall cause notice to be served on the owner or occupier of the house

requiring him forthwith, or within such reasonable time as is specified in the notice, to provide the ashpit or waterclosets in accordance with the directions contained in the notice; and if the notice is not complied with, the person on whom the notice was served shall be guilty of an offence and liable to a fine not exceeding five pounds, and to a further fine not exceeding forty shillings for every day on which the offence continues; or the sanitary authority, in lieu of proceeding for a fine, may enter on the premises and execute such works as the case may require, and may recover the expenses incurred by them in so doing from the owner of the house.

(4) Notwithstanding anything in the foregoing provisions of this section—

(a) where a system of sewerage or water supply sufficient for a watercloset is not reasonably available, the provision of a privy or earthcloset shall be deemed to be a compliance with the requirements of this section; and

(b) where a watercloset is used in common by the inmates of two or more houses, being a watercloset which was so used before the year eighteen hundred and ninety-two and which, in the opinion of the sanitary authority, can properly continue to be so used, they need not require a watercloset to be provided for each house.

(5) Any person who thinks himself aggrieved by anything done under this section by a sanitary authority may appeal to the county council, whose decision shall be final.

106.—(1) Every factory, workshop or workplace, whether erected before or after the commencement of this Act, shall be provided with proper and sufficient accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in, or in attendance at, the building, and where persons of both sexes are, or are intended to be, employed or in attendance, shall also be provided with proper separate accommodation for persons of each sex.

Sanitary
conveniences
for factories,
&c.

(2) Where it appears to a sanitary authority that this section is not complied with in the case of any factory, workshop or workplace, the sanitary authority shall, by notice served on the owner or occupier of the factory,

PART III.
—cont.

workshop or workplace, require him to make the alterations and additions necessary to secure compliance with this section, and if the person served with such a notice fails to comply therewith, he shall be guilty of an offence and liable to a fine not exceeding twenty pounds, and to a further fine not exceeding forty shillings for every day during which the offence continues after conviction.

Byelaws as
to sanitary
con-
veniences,
&c.

107.—(1) The county council shall make byelaws with respect to sanitary conveniences, ashpits, cesspools and receptacles for dung, and the proper accessories thereof, in connection with buildings, whether constructed before or after the commencement of this Act.

(2) Every sanitary authority shall make byelaws with respect to the keeping of waterclosets and urinals supplied with sufficient water for their effective action.

(3) It shall be the duty of every sanitary authority to enforce the byelaws made under this section, and any directions given by a sanitary authority under this Part of this Act shall be in accordance with those byelaws, and so far as such directions are not in accordance with the byelaws, the directions shall be void.

Examina-
tion of
sanitary
con-
veniences,
&c. by
sanitary
authority.

108.—(1) A sanitary authority may examine any of the following works, that is to say, any sanitary convenience, ashpit or cesspool, and any water supply, sink, trap, siphon, pipe or other works or apparatus connected therewith, upon any premises within their district, and for that purpose, or for the purpose of ascertaining the course of a drain, may at all reasonable times by day, after twenty-four hours' notice has been served on the occupier of the premises or, if they are unoccupied, on the owner, or in a case of emergency without notice, enter on the premises, and cause the ground to be opened in any place they think fit, doing as little damage as may be.

(2) If any such work as aforesaid is found on examination to be in proper order and condition and in accordance with this Part of this Act and the byelaws of the county council and sanitary authority and with the directions of the sanitary authority contained in any notice under this Part of this Act, the sanitary authority shall cause the work to be reinstated and made good as soon as may be, and shall defray the expenses of examination, reinstating and making good the work, and pay full compensation for all damage or injury occasioned by the

examination; but if on examination any such work is found not to be in proper order or condition, or not to be in accordance with the said byelaws and directions, or not to conform with this Part of this Act, the reasonable expenses of the examination shall be repaid to the sanitary authority by the person offending.

PART III.

—cont.

109.—(1) In any of the following cases, that is to say:—

- (a) if, on examination in pursuance of the last foregoing section, any such work as is therein mentioned is found to have been made or provided by any person otherwise than in accordance with the byelaws of the county council and sanitary authority and the directions of the sanitary authority given in any notice under this Part of this Act, or otherwise in contravention of this Part of this Act; or
- (b) if a person, without the consent of the sanitary authority, constructs or rebuilds any sanitary convenience, ashpit or cesspool which has been ordered by them either not to be made or to be demolished; or
- (c) if a person discontinues any water supply without lawful authority; or
- (d) if a person destroys any such sink, trap, siphon, pipe or other connected work or apparatus as is mentioned in the last foregoing section, either without lawful authority or so that the destruction creates a nuisance or is injurious or dangerous to health;

Penalty for improperly making or altering sanitary conveniences, &c.

that person shall be liable to a fine not exceeding ten pounds; and if he does not, within fourteen days after notice is served on him by the sanitary authority, or within any further time allowed by that authority or appearing to a petty sessional court necessary for the execution of the works, cause the sanitary convenience, ashpit or cesspool to be altered or reinstated in conformity with the said byelaws and directions or, as the case may be, to be demolished, or the water supply to be renewed, or the sink, trap, siphon, pipe or other connected work or apparatus to be restored, he shall be guilty of an offence and liable to a fine not exceeding twenty shillings for every day on which the offence continues; or the

PART III.
—cont.

sanitary authority, in lieu of proceeding for a fine, may enter on the premises and cause the work to be done, and the expenses thereof shall be paid by the offender to the sanitary authority.

(2) If, on examination in pursuance of the last foregoing section, any sanitary convenience, ashpit or cesspool, or any water supply, sink, trap, siphon, pipe or other work or apparatus connected therewith appears to be in bad order and condition or to require cleansing, repair, alteration or filling up, the sanitary authority shall cause notice to be served on the owner or occupier of the premises upon or in respect of which the examination was made, requiring him forthwith, or within a reasonable time specified in the notice, to do what is necessary to place the work in proper order and condition; and if the notice is not complied with, the said owner or occupier shall be guilty of an offence and liable to a fine not exceeding five pounds, and to a further fine not exceeding forty shillings for every day on which the offence continues; or the sanitary authority, in lieu of proceeding for a fine, may enter on the premises and execute the works, and the expenses incurred by them in so doing shall be paid to them by the owner or occupier of the premises.

(3) Any person who thinks himself aggrieved by any notice or act of a sanitary authority under this section in relation to any sanitary convenience, ashpit or cesspool, may appeal to the county council, whose decision shall be final.

Improper
construction
or repair of
watercloset,
urinal or
drain.

110. If a watercloset, urinal or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health, the person who undertook or executed the construction or repair shall, unless he proves that the mode of the construction or repair was not due to any wilful act, neglect or default, be liable to a fine not exceeding twenty pounds :

Provided that, where a person is charged with an offence under this section, he shall be entitled, upon information duly laid by him, to have any other person, being his agent, servant or workman, whom he charges as the actual offender, brought before the court at the time appointed for hearing the charge, and if he proves that he had used due diligence to prevent the commission of the offence, and that the said other person committed

the offence without his knowledge, consent or connivance, he shall not be liable to any fine, and the said other person may be summarily convicted of the offence.

PART III.
—cont.

111. The following provisions shall have effect with respect to a sanitary convenience used in common by the occupiers of two or more separate dwelling-houses or by other persons :—

Sanitary
con-
veniences
used in
common.

- (1) if any person injures or improperly fouls any such sanitary convenience or anything used in connection therewith, he shall be liable to a fine not exceeding ten shillings ;
- (2) if any such sanitary convenience or the approaches thereto, or the walls, floors, seats or fittings thereof, is or are, in the opinion of the sanitary authority or of their sanitary inspector or district medical officer of health, in such a state as to be a nuisance or annoyance to any inhabitant of the district for want of proper cleansing, such of the persons having the use thereof in common as may be in default, or, in the absence of proof satisfactory to the court as to which of those persons is in default, each of them, shall be guilty of an offence and liable to a fine not exceeding ten shillings and to a further fine not exceeding five shillings for every day on which the offence continues after conviction.

112.—(1) Where any person has provided in connection with a building a movable ashpit conforming with the requirements of any byelaw or order made under any enactment in that behalf, the sanitary authority may by a written notice require the owner of the building to remove or fill up any fixed ashpit in or about the building and to restore the site of the fixed ashpit to a good and sanitary condition within such reasonable period as may be specified in the notice, and if the owner fails to comply with the requirements of the notice, he shall be guilty of an offence and liable to a fine not exceeding twenty shillings and to a further fine not exceeding ten shillings for every day on which the offence continues after conviction.

Removal of
fixed ash-
pits.

(2) A sanitary authority may defray any reasonable expenses incurred by the owner of a building in executing any work under this section.

PART III.
—*cont.*

(3) A sanitary authority may, at all reasonable times, enter any premises for the purpose of ascertaining whether there is any non-compliance with the requirements of a notice given under this section.

(4) It shall be the duty of every sanitary authority to enforce the provisions of this section within their district.

(5) For the purposes of this section, the port health authority shall be deemed to be the sanitary authority as respects so much of the port of London as is within the county.

Provision of
public con-
veniences.

113.—(1) A sanitary authority may provide and maintain public lavatories and ashpits and public sanitary conveniences other than privies, in situations where they deem them to be required, and may supply with water the lavatories and sanitary conveniences provided by them under this section or under the corresponding provision of any enactment repealed by this Act.

(2) For the purpose of the exercise by a sanitary authority of their powers under this section, the subsoil of any street repairable by the inhabitants at large shall be vested in the sanitary authority :

Provided that nothing in this subsection shall be taken to vest in a sanitary authority any bridge vested in the county council or in the common council, or any part of such a bridge, or any such part of the approaches, or of the subsoil of the approaches, thereto as is vested in the county council or in the common council.

(3) A sanitary authority may, with the consent of the Minister, borrow for the purpose of the provision under this section of sanitary conveniences, lavatories and ashpits.

(4) Any person who suffers damage by the exercise, in relation to the subsoil of the footway of any street repairable by the inhabitants at large, of the powers of a sanitary authority under this section, shall be entitled to recover compensation for the damage from the sanitary authority.

Any question as to whether compensation is payable under this subsection, or as to the amount of any compensation so payable, shall, in default of agreement, be determined by an official arbitrator appointed under

the Acquisition of Land (Assessment of Compensation) Act, 1919.

PART III.
—cont.
9 & 10
Geo. 5. c. 57.

114.—(1) Where a sanitary authority provide and maintain any public lavatories, ashpits or sanitary conveniences, the authority may—

Regulations
as to public
sanitary
con-
veniences,
&c.

- (a) make regulations with respect to the management thereof, and byelaws as to the decent conduct of persons using them; and
- (b) let the public lavatories, ashpits or sanitary conveniences for any term not exceeding three years at such rent and subject to such conditions as they think fit.

(2) A sanitary authority may charge such fees for the use of any lavatories or waterclosets provided by them as they think proper.

(3) No public lavatory, ashpit or sanitary convenience shall be erected in, or be accessible from, any street without the consent in writing of the sanitary authority, who may give their consent upon such terms as to the use thereof or the removal thereof at any time, if required by the sanitary authority, as they think fit.

(4) If any person who has erected a lavatory, ashpit or sanitary convenience in contravention of this section, or of the corresponding provision of any enactment repealed by this Act, does not remove it after notice to that effect served on him by the sanitary authority, he shall be guilty of an offence and liable to a fine not exceeding five pounds and to a further fine not exceeding twenty shillings for every day on which the offence continues after conviction.

(5) Nothing in this section shall extend to any lavatory or sanitary convenience erected (whether before or after the commencement of this Act) by a railway company within their railway station yard or the approaches thereto.

115.—(1) It shall be lawful for sanitary authorities to enter into, and carry into effect, agreements with each other and with local authorities for areas adjoining the county, for the provision, construction or maintenance of public lavatories or sanitary conveniences on, or in the vicinity of, the boundary of any one or more of the respective districts and areas of the parties to the agreement.

Arrange-
ments
between
several
authorities
as to provi-
sion of
public con-
veniences.

PART III.
—cont.

(2) For the purpose of carrying into effect any such agreement as aforesaid, any authority being a party thereto may, subject to the terms of the agreement and notwithstanding that the lavatory or sanitary convenience to which it relates is or will be wholly or partly outside their district or area,—

- (a) defray, or contribute towards, the expenses incurred in providing and constructing or maintaining the lavatory or convenience, and for that purpose apply the same funds and rates as they might apply if the lavatory or convenience were situate within their district or area;
- (b) for the purpose of the provision or construction of the lavatory or convenience, borrow as if it were situate within their district or area;
- (c) exercise, in relation to the lavatory or convenience, such powers of regulation and charging, and such other powers, as they might exercise if it were situate within their district or area.

(3) The enactments, byelaws and regulations relating to public lavatories and sanitary conveniences within the respective districts or areas of the parties to such an agreement as aforesaid shall, to the extent specified in the agreement, apply in relation to any public lavatory or sanitary convenience provided, constructed or maintained under the foregoing provisions of this section.

(4) For the purposes of this section, the overseers of the Inner Temple and the Middle Temple shall be deemed not to be sanitary authorities.

Removal of
or alteration
of sanitary
con-
veniences.

116.—(1) If any sanitary convenience which has (whether before or after the commencement of this Act) been erected in, or which is accessible from, any street is so placed or constructed as to be a nuisance or offensive to public decency, the sanitary authority may by notice in writing require the owner of the sanitary convenience to remove it or to reconstruct it in such manner and with such materials as may be required to abate the nuisance or remove the offence against public decency, as the case may be; and if the owner fails to comply with the requirements of the notice within a reasonable time, he shall be guilty of an offence and liable to a fine not exceeding five pounds and to a further fine not exceeding twenty shillings for every day during which the offence continues after conviction.

(2) A sanitary authority may at all reasonable times enter any premises for the purpose of ascertaining whether there is any non-compliance with the requirements of a notice given under this section.

(3) It shall be the duty of every sanitary authority to enforce the provisions of this section within their district.

(4) For the purposes of this section, the port health authority shall be deemed to be the sanitary authority as respects so much of the port of London as is within the county.

117.—(1) The county council may provide, or contribute towards the cost of providing, lavatories and sanitary conveniences for the use of the public in, on or under any part of the Victoria Embankment or any lands belonging to the council abutting thereon, and may make byelaws with respect to the management of such lavatories and sanitary conveniences, and as to the conduct of persons using them.

PART III.
—*cont.*

Public con-
veniences,
&c. on
Victoria
Embank-
ment.

(2) Any lavatory or sanitary convenience provided under this section or under the corresponding provision of any enactment repealed by this Act, shall be maintained, if situate in the city, by the common council or, if situate in a borough, by the borough council.

(3) The common council or a borough council—

(a) may contribute towards the cost of maintaining any lavatory or sanitary convenience provided as aforesaid by any person other than the county council;

(b) may charge for the use of any such lavatory or sanitary convenience as aforesaid which is maintained wholly or partly at the expense of the council, such fees as they think proper; and

(c) shall enforce any byelaws made under this section by the county council.

(4) The county council and any other person may enter into, and carry into effect, agreements with reference to the provision, and the common council or a borough council and any other person may enter into, and carry into effect, agreements with reference to the maintenance and use, of any lavatories or sanitary conveniences which may be provided under this section, or under the corresponding provision of any enactment repealed by this Act, wholly or partly at the expense of the council.

PART III.
—cont.

(5) Nothing in this section shall authorise the provision, without the consent of the London Passenger Transport Board, of lavatories or sanitary conveniences so as to affect or interfere with the structure of the railways, tunnels, stations and works belonging to the said board which were in existence immediately before the eighteenth day of August, nineteen hundred and eleven, or were authorised by the London Electric Railway Act, 1911, or so as to interfere with, or render less convenient, the means of access to or from any station on any railway vested in the London Passenger Transport Board as the successors of the Metropolitan District Railway Company or of the London Electric Railway Company.

1 & 2 Geo. 5.
c. xxix.63 & 64 Vict.
c. cclvi.

(6) All works carried out under the provisions of this section shall be executed in such a manner as not to affect prejudicially the structure of the Charing Cross Bridge or the columns or foundations thereof, or any other property of the Southern Railway Company, or so as to interfere with the Widenings Nos. 1 and 2 authorised by the South Eastern and London Chatham and Dover Railway Companies Act, 1900, or with the repair of the said bridge or widenings by the Southern Railway Company.

(7) Nothing in this section shall authorise the provision or maintenance of lavatories or sanitary conveniences in, on or under any part of the Victoria Embankment to the south of the land vested in the respective trustees of the societies of the Inner Temple and the Middle Temple, or in any way to interfere with the access to their private landing place, without the consent in writing of the treasurers for the time being of the two societies respectively.

25 & 26 Vict.
c. 93.1 & 2 Geo. 5.
c. lxxiii.

(8) Nothing in this section shall authorise the provision or maintenance of lavatories or sanitary conveniences in, on or under the approach road mentioned in section sixty of the Thames Embankment Act, 1862, and leading from the Victoria Embankment to Surrey Street, Norfolk Street and Arundel Street respectively, or in, on or under any part of the two pieces of land coloured green on the plan marked A, signed in quadruplicate by the Right Honourable the Earl of Donoughmore, the Chairman of the Committee of the House of Lords to which the Bill for the London County Council (General Powers) Act, 1911, was referred (one copy of which plan

was deposited in the Office of the Clerk of the Parliaments in the House of Lords, and one copy in the Private Bill Office of the House of Commons), without the consent in writing of the Duke of Norfolk, as defined in the said section sixty.

PART III.
—cont.

(9) The provisions of this section shall not be construed as authorising the provision, or any contribution to be made towards the cost of the provision, of any lavatory or sanitary convenience within one hundred yards of any premises vested in, or held in trust for or on behalf of, the Crown, without the consent of the Commissioners of Works, which consent those Commissioners may give subject to such conditions as they think fit to impose.

Animals and birds.

118.—(1) Any animal kept in such a place or manner as to be a nuisance or injurious or dangerous to health shall be a nuisance which may be dealt with summarily under this Act. Nuisance from keeping of animals.

(2) Every sanitary authority shall make byelaws for the prevention of the keeping of animals on any premises in such place or manner as to be a nuisance or injurious or dangerous to health.

(3) It shall be the duty of every sanitary authority to enforce the byelaws made under this section.

(4) Except as otherwise provided by byelaws under this section, a constable may arrest without warrant, and take before a justice, any person whom he finds committing an offence under the byelaws and who refuses to give his name and address.

119.—(1) No person shall—

- (a) feed or keep any swine in any premises, locality or place which are or is unfit for the keeping of swine or in which the feeding or keeping of swine may create a nuisance or be injurious to health; or
- (b) permit any swine to stray or go about in any street or public place.

Restrictions on keeping swine.

(2) If any person contravenes the provisions of this section, he shall be liable to a fine not exceeding forty shillings and to forfeiture of the swine in respect of which

PART III.
—cont.

the contravention occurs, and to a further fine not exceeding ten shillings for every day during which the contravention continues after the sanitary authority have given the offender notice requiring him to discontinue it.

(3) Any swine found straying or going about in any street or public place may be seized and removed by a constable.

(4) Any premises within forty yards of a street or public place shall be deemed for the purposes of this section to be a place unfit for the keeping of swine.

Restriction
on keeping
of animals
in general.

120. If it is proved to the satisfaction of a petty sessional court that any premises, locality or place are or is unfit for the keeping of any animal, the court may by order prohibit the use of the premises, locality or place for that purpose after the making of the order.

Nuisance
from
pigeons.

121. For the purpose of abating or mitigating any nuisance, annoyance or damage caused by the congregation, at any place in the city or a borough, of house doves or pigeons having, or believed by the sanitary authority to have, no owner, or of preventing or minimising any such nuisance, annoyance or damage which might, in the opinion of the sanitary authority, be so caused, the sanitary authority may, notwithstanding anything in the Larceny Act, 1861, or in any other Act, seize and destroy, or sell or otherwise dispose of, or cause to be seized and destroyed or sold or otherwise disposed of, any such house doves or pigeons in excess of such number as the sanitary authority consider reasonable, and take such other steps as they think necessary for any such purpose :

24 & 25 Vict.
c. 96.

Provided that a sanitary authority shall not in the exercise of the powers conferred by this section—

- (a) enter upon any premises (other than a public highway) without the consent of the occupier or the person having the exclusive control and management of the premises; or
- (b) execute or do any work or thing affecting the structure of any building or the use of any land without the consent of the person in whom the building or land is vested.

Verminous articles, premises and persons.

PART III.

--cont.

Cleansing or
destruction
of filthy or
verminous
articles.

122.—(1) Where it appears to a sanitary authority, on a report from a district medical officer of health,—

- (a) that any article in a house in their district, or any article offered or exposed for sale, or stored or deposited with a view to sale, in or on a street, stall or place in their district, is in such a filthy, dangerous or unwholesome condition that health is affected or endangered thereby, or
- (b) that the cleansing, disinfection or destruction of any such article is necessary in order to prevent the risk of, or to check, infectious disease, or
- (c) that any such article is infested with vermin or, by reason of having been used by any person infested with vermin, is likely to be so infested,

the authority may cause the article to be cleansed, disinfected or destroyed and (if they think fit) removed for that purpose.

(2) If the owner of any such article as aforesaid suffers unnecessary damage by reason of the exercise by a sanitary authority of their powers under this section, the sanitary authority shall compensate him for that damage and shall also reasonably compensate him for the loss of any article destroyed.

Any compensation payable under this subsection shall be recoverable summarily as a civil debt.

(3) If a sanitary authority have reason to suppose that any article in a house or part of a house in their district, or any article offered or exposed for sale, or stored or deposited with a view to sale, in or on any street, stall or place in their district, is in such a state as is described in paragraph (a) or paragraph (b) of subsection (1) of this section, the authority may, for the purpose of the exercise of their powers under that subsection, enter the house or part and inspect it and any article therein, or inspect any article in or on any such street, stall or place, as the case may be.

(4) It shall be the duty of every sanitary authority to enforce the provisions of this section within their district.

PART III.
—cont.

(5) For the purposes of this section—

1 Edw. 7.
c. 22.

- (a) the expression “house” does not include a factory, workshop or laundry to which the Factory and Workshop Act, 1901, applies, or any building within the port of London which is not used wholly or in part as a dwelling-house or stable;
- (b) the wrapper or cover of an article offered or exposed for sale, or stored or deposited with a view to sale, shall be deemed to form part of the article; and
- (c) the port health authority shall be deemed to be the sanitary authority as respects so much of the port of London as is within the county.

Cleansing of
verminous
houses.

123.—(1) Where it appears to a sanitary authority, on a report from a district medical officer of health, that any house or part of a house in their district is infested with vermin, the authority shall serve a written notice on the owner or occupier of that house or part of a house requiring him, within such period as may be specified in the notice, to cleanse the house or part or such portion thereof as may be so specified, and may, by the said notice, require him to remove wall paper from the walls of the house or part or the portion thereof so specified, and to take such other steps for the purpose of destroying and removing vermin as the case may require.

(2) If the person on whom such a notice as aforesaid is served fails to comply with the notice within the period therein specified, he shall be guilty of an offence and liable to a fine not exceeding ten shillings for every day on which the offence continues, and the sanitary authority may, at any time after the expiration of the said period, do any work required by the notice to be done, and all reasonable expenses incurred by the sanitary authority in doing so shall (subject to the provisions of the next following subsection) be recoverable summarily as a civil debt from the offender.

(3) Upon any proceedings under this section the court may inquire as to whether any requirement contained in a notice served, or whether any work done, by a sanitary authority under this section was reasonable, and

as to whether the expenses incurred by the sanitary authority in doing that work or any part thereof ought to be borne wholly or in part by the person on whom the notice was served, and the court may make such order concerning those expenses or their apportionment as appears to the court to be just and equitable in the circumstances of the case.

PART III.
—cont.

(4) A sanitary authority—

- (a) may enter and inspect any house or part of a house in their district which they have reason to suppose is infested with vermin; and
- (b) may, at all reasonable hours, enter any house or part of a house in their district for the purpose of ascertaining whether there has been any failure to comply with a notice given under this section in respect of the house or part.

(5) It shall be the duty of every sanitary authority to enforce the provisions of this section within their district.

(6) In this section the expression “house” does not include a factory, workshop or laundry to which the Factory and Workshop Act, 1901, applies, or any building within the port of London which is not used wholly or in part as a dwelling-house or stable.

(7) For the purposes of this section, the port health authority shall be deemed to be the sanitary authority as respects so much of the port of London as is within the county.

124.—(1) It shall be the duty of every sanitary authority to provide, either within or without their district, proper premises, with all necessary apparatus and attendants, for the cleansing of verminous articles and houses and for the removal and destruction of verminous articles, and a sanitary authority may, for the purpose of the cleansing of verminous persons, do any of the things which the sanitary authority are required to do by the preceding provisions of this subsection.

Provision
of cleansing
stations.

(2) Any two or more sanitary authorities may act in combination for the purposes of this section, or enter into an agreement for the use by one of the parties to the agreement of any premises, apparatus and attendants

PART III.
—cont.

provided for the purposes of this section by any other of the parties to the agreement.

(3) A sanitary authority may, with the consent of the Minister, borrow for the purpose of the provision, under this section, of means for removing, cleansing and destroying articles and for cleansing houses.

(4) Any premises provided under this section, or under the corresponding provisions of any enactment repealed by this Act, are in this Part of this Act referred to as "a cleansing station."

Use by
verminous
persons of
sanitary
authority's
cleansing
apparatus.

125.—(1) A sanitary authority may, upon application made to them by any person on the ground that he is infested with vermin, allow that person to use, free of charge, for the purpose of cleansing himself and his clothing from vermin, any suitable apparatus which the authority possess.

(2) The use of any such apparatus for the purposes of this section shall not be deemed to be poor relief or charitable allowance to any person using the apparatus, or to the parent of any such person, and no such person or parent shall by reason thereof be deprived of any right or privilege or be subject to any disqualification or disability.

Cleansing of
children
attending
school and
inmates of
common
lodging-
houses.

126.—(1) A county medical officer of health or any person authorised by him in writing may, in any school in the county provided or maintained by the county council as the local education authority, examine the person or clothing of any child attending the school, and if the person making the examination is of opinion that the person or clothing of the child is infested with vermin, or is in a foul or filthy condition, the county medical officer of health may serve on the parent or guardian of the child or on any other person who is liable to maintain, or has the actual custody of, the child, a written notice requiring the parent, guardian or other person to cleanse properly the person and clothing of the child within twenty-four hours after the receipt of the notice.

(2) A county or district medical officer of health or any person authorised by him in writing may, if he has reason to suspect that the person or clothing of any inmate of a common lodging-house is infested with vermin or is in a foul or filthy condition, enter the common lodging-house at any reasonable hour and examine the

person and clothing of the inmate; and if the person or clothing of the inmate appears to the person making the examination to be infested with vermin or to be in a foul or filthy condition, that person may serve on the inmate a written notice requiring him within twenty-four hours after the receipt of the notice to submit his person and clothing to be cleansed in such cleansing station as may be specified in the notice and by means of any suitable appliance available thereat for the purpose :

PART III.
—cont.

Provided that the powers conferred by this subsection on a county medical officer of health shall not be exercisable within the city.

(3) If any person on whom a notice is served in accordance with the foregoing provisions of this section fails to comply with the notice within twenty-four hours after the receipt thereof, the county or district medical officer of health, as the case may be, or any person authorised by him in writing, may cause the person and clothing of the person to whom the notice relates to be properly cleansed in a cleansing station and with suitable appliances, and for that purpose may—

(a) if the notice relates to a child attending school, remove the child from school; or

(b) if the notice relates to the inmate of a common lodging-house, enter the common lodging-house,

and may, if necessary, convey the person to whom the notice relates to a cleansing station and detain him there until the cleansing required by the notice has been effected.


(4) Every person authorised by a county or district medical officer of health for the purposes of this section shall produce his authority when required so to do.

(5) Every person who—

(a) prevents or obstructs any person in the exercise of his power under this section to enter a common lodging-house; or

(b) being an inmate of a common lodging-house, refuses to permit any examination or cleansing of his person or clothing in accordance with the provisions of this section,

shall be liable to a fine not exceeding forty shillings.

PART III.
—cont. 

(6) The examination or cleansing of females under this section shall be effected only by a legally qualified medical practitioner or by a woman authorised in writing by a county or district medical officer of health.

(7) The county council and any sanitary authority may make, and carry into effect, agreements with respect to the cleansing of the person or clothing of any person under this section, and for the use by the county council, for the purpose of effecting such cleansing as aforesaid, of any cleansing station and any appliances adapted for that purpose which belong to, or are used by, the sanitary authority.

For the purposes of this subsection, the overseers of the Inner Temple and of the Middle Temple shall be deemed not to be sanitary authorities.

(8) The county council may make regulations with respect to the mode of carrying into effect the provisions of this section, but no such regulations shall have effect until they have been confirmed by the Minister.

Cleansing of
verminous
persons by
order of
petty
sessional
court.

127.—(1) Where it appears to a sanitary authority, on a report from a district medical officer of health, that any person, or the clothing of any person, is infested with vermin, and that person does not consent to be removed to a cleansing station, a petty sessional court, if satisfied on the application of the sanitary authority that it is necessary that he or his clothing should be cleansed, may make an order that he be removed to a cleansing station and be detained therein for such period, and subject to such conditions, as may be specified in the order.

(2) Where a person has been removed to a cleansing station in pursuance of the foregoing subsection, the sanitary authority shall take such measures as are, in their opinion, necessary to free him and his clothing from vermin.

(3) The cleansing of females under this section shall be effected only by a legally qualified medical practitioner or by a woman duly authorised by the district medical officer of health.

(4) No charge shall be made by a sanitary authority in respect of the cleansing of a person or of his removal to, or his maintenance in, a cleansing station under this section.

(5) The cleansing, removal and maintenance of a person under this section shall not be deemed to be poor relief or charitable allowance to that person or to the parent of such person, and no such person or parent shall by reason thereof be deprived of any right or privilege or be subject to any disqualification or disability.

PART III.
—cont.

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

(7) Notwithstanding anything in this or any other Act, the whole of every fine recovered by virtue of this section shall be payable to the authority by whom the proceedings leading to the recovery of the fine are taken.

Factories, Workshops and Bakehouses.

128.—(1) Any factory which is not a factory subject to the provisions of the Factory and Workshop Act, 1901, relating to cleanliness, ventilation and overcrowding, and any workshop or workplace, shall—

Nuisance
from
factories,
&c.

- (a) if it is not kept in a cleanly state and free from effluvia arising from any drain, sanitary convenience or other nuisance; or
- (b) if it is not ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein that are a nuisance or injurious or dangerous to health; or
- (c) if it is so overcrowded while work is carried on as to be injurious or dangerous to the health of those employed therein,

be a nuisance which may be dealt with summarily under this Act.

(2) In considering for the purpose of any proceedings whether any factory, workshop or workplace used also as a dwelling-house is a nuisance by reason of overcrowding, the court shall have regard to the circumstances in which it is used as a dwelling-house.

PART III.
—cont.

(3) In determining for the purposes of paragraph (b) or paragraph (c) of subsection (1) of this section whether a factory or workshop—

(a) is not ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein; or

(b) is so overcrowded while work is carried on as to be injurious or dangerous to the health of those employed therein,

regard shall be had to the provisions of the Factory and Workshop Act, 1901, and of any order made by a Secretary of State thereunder, with respect to ventilation or overcrowding in factories and workshops.

Limewash-
ing and
washing of
workshops.

129.—(1) Where, on the certificate of a district medical officer of health or sanitary inspector, it appears to a sanitary authority that the limewashing, cleansing or purifying of any workshop (other than a bakehouse), or of any part thereof, is necessary for the health of the persons employed therein, the sanitary authority shall serve a written notice on the owner or occupier of the workshop requiring him to limewash, cleanse or purify the workshop or part, as the case requires, within such period as may be specified in the notice.

(2) If any person on whom a notice is served under this section fails to comply with the notice, he shall be guilty of an offence and liable to a fine not exceeding five pounds, and to a further fine not exceeding ten shillings for every day during which the offence continues after conviction; and the sanitary authority may cause the workshop or part of a workshop in question to be limewashed, cleansed or purified, and may recover the expenses incurred by them in so doing from the person, on whom the notice was served.

(3) This section shall apply to a factory which is not subject to the provisions of the Factory and Workshop Act, 1901, and to any workplace, in like manner as it applies to a workshop.

Provisions
as to bake
houses.

130.—(1) Sections ninety-seven to one hundred and one, and section one hundred and thirty-five, of the Factory and Workshop Act, 1901 (which relate to cleanliness, ventilation, and other sanitary conditions), shall,

as respects every bakehouse which is a workshop, be enforced by the sanitary authority of the district in which the bakehouse is situate.

PART III.
—cont.

(2) For the purpose of enforcing, in relation to any such bakehouse as is referred to in subsection (1) of this section, the provisions of the Factory and Workshop Act, 1901, mentioned in that subsection, a sanitary authority may enter the bakehouse at any hour by day or at any hour when business is being, or is usually, carried on therein.

131. If any woman, child or young person is employed in a workshop, and the district medical officer of health becomes aware of the fact, he shall forthwith give written notice thereof to the factory inspector for the district.

Notification
of employ-
ment of
child or
woman in
workshop.

Underground rooms.

132.—(1) Subject to the provisions of this section, an underground room shall not be let or separately occupied as a dwelling unless—

Restrictions
on use of
under-
ground
rooms as
dwellings.

- (a) the height of the room is, in every part thereof, at least seven feet measured from the floor to the ceiling, and, subject as hereinafter provided, the lowest point of the ceiling is at least three feet above the level of the surface of the street or ground adjoining or nearest to the room; and
- (b) the room is provided with one or more windows opening directly into the external air, having a total area (exclusive of the sash frames) equal to at least one-tenth of the area of the floor of the room, and being so constructed that one-half at least of each window can be opened in such a way that the opening extends to the top of the window; and
- (c) subject as hereinafter provided, there is, outside and adjoining the room and extending along the entire frontage thereof, an open area properly paved and so constructed that the surface of the area is, at its highest point, at least six inches below the level of the floor of the room and the width of the area in every part thereof is at least four feet; and

PART III.
—cont.

- (d) the room is effectively ventilated; and
- (e) the room is provided with a fireplace having a proper chimney or flue; and
- (f) every wall of the room is constructed with a proper damp course and, where in contact with the soil, is effectively protected against dampness arising therefrom; and
- (g) the area aforesaid and the soil immediately below the room are effectively drained; and
- (h) the room is effectively protected from the rising of any effluvia or exhalation; and
- (i) in the case of a room having a hollow floor, the space beneath the floor is sufficiently ventilated to the outer air; and
- (j) every drain passing under the room is properly constructed of gas-tight piping; and
- (k) there is appurtenant to the room the use of a watercloset and a proper and sufficient ashpit:

Provided that—

(i) the height of the lowest point of the ceiling of the underground room above the level of the surface of the street or ground adjoining or nearest to it may be less than three feet (but not less than one foot), if the width of the area required by paragraph (c) of this subsection is, in the narrowest part thereof, not less than six feet or than the distance measured vertically from the floor of the room to the level aforesaid, whichever is the less; and

(ii) in the area aforesaid there may be such steps as are necessary for access to the room, and over and across the area there may be such steps as are necessary for access to any building above the room, if in either case the steps are so placed as not to pass over or across any external window of the room.

(2) If any person lets or occupies, or knowingly suffers to be occupied, any underground room in contravention of this section, he shall be liable to a fine not

exceeding twenty shillings for every day during which the room continues to be so let or occupied.

PART III.
—*cont.*

(3) Any such dispensation with, or modification of, any of the conditions imposed by subsection (1) of this section as was granted or allowed under the enactments repealed by this Act in relation to any underground room or class of underground rooms which was or were let or separately occupied as a dwelling or dwellings before the fifth day of August, eighteen hundred and ninety-one, shall, if and in so far as the dispensation or modification was operative immediately before the commencement of this Act, continue to have effect notwithstanding any repeal effected by this Act; but any such dispensation or modification granted or allowed by a sanitary authority or their predecessors may be revoked or varied by that authority, and any such dispensation or modification granted or allowed by the Local Government Board may be revoked or varied by the Minister.

(4) For the purposes of this section—

- (a) the expression “underground room” includes every room of a house, being a room the surface of the floor of which is, in any part thereof, more than three feet below the level of the surface of the footway of the street adjoining the room, or of the surface of the ground adjoining or nearest to the room;
- (b) where two or more underground rooms are occupied together and are not occupied in conjunction with any other room on any other floor of the same house, each of the underground rooms shall be deemed to be separately occupied as a dwelling;
- (c) where, in any proceedings taken by virtue of this section, it is shown that any person uses an underground room as a sleeping-place, the room shall, until the contrary is proved, be deemed to be separately occupied as a dwelling;
- (d) every underground room in which a person passes the night shall be deemed to be occupied as a dwelling.

PART III.
—cont.
Enforce-
ment of
provisions
as to under-
ground
rooms.

133.—(1) Any officer of a sanitary authority appointed or designated by that authority for the purpose shall, without any fee or reward, report to the sanitary authority, at such times and in such manner as the sanitary authority may direct, all cases in which underground rooms in the district of the authority are occupied in contravention of the last foregoing section.

(2) Any such officer as aforesaid or any other person having reasonable grounds for believing that an underground room is occupied in contravention of the last foregoing section may enter and inspect the room at any hour by day; and if admission is refused to any person other than an officer of the sanitary authority, the like warrant may be granted by a justice under this Act as in the case of a refusal to admit such an officer.

(3) The warrant of a justice authorising an entry into an underground room may authorise the entry between any hours specified in the warrant.

Provision in
case of two
convictions
for unlaw-
fully occu-
pying under-
ground
room.

134. Where two convictions for an offence relating to the occupation of an underground room as a dwelling have taken place within a period of three months (whether the persons convicted were or were not the same), a petty sessional court may direct the closing of the underground room for such period as the court may deem necessary, or may empower the sanitary authority of the district in which the room is situate permanently to close it, in such manner as the authority think fit, at their own expense.

Tents and vans.

Tents and
vans used
for human
habitation.

135.—(1) A tent, van, shed or similar structure used for human habitation, which is in such a state as to be a nuisance or injurious or dangerous to health, or is so overcrowded as to be injurious or dangerous to the health of the inmates, whether or not members of the same family, shall be a nuisance which may be dealt with summarily under this Act.

(2) A sanitary authority may make byelaws for promoting cleanliness in, and the habitable condition of, tents, vans, sheds and similar structures used for human habitation, and for preventing the spread of infectious

disease by the persons inhabiting them, and generally for the prevention of nuisances in connection therewith.

PART III.
—cont.

(3) Where any person duly authorised by a sanitary authority or by a justice has reasonable cause to believe either—

- (a) that any tent, van, shed or similar structure used for human habitation is in such a state or so overcrowded as aforesaid, or that there is any contravention therein of any byelaw made under this section; or
- (b) that there is in any such tent, van, shed or structure any person suffering from a dangerous infectious disease,

he may enter by day the tent, van, shed or structure, and examine it in order to ascertain whether it is in such a state or so overcrowded as aforesaid, or whether there is therein any such contravention or a person suffering from a dangerous infectious disease, and the provisions of this Act with respect to the entry into premises by an officer of the sanitary authority shall apply as if a person duly authorised as aforesaid were such an officer.

(4) Nothing in this section shall apply to any tent, van, shed or structure erected or used by any portion of His Majesty's naval or military forces.

Rag flock.

136.—(1) No person shall—

- (a) sell rag flock, or
- (b) have rag flock in his possession for the purpose of selling it, or
- (c) use rag flock for the purpose of making bedding, cushions or any article of upholstery, or have in his possession rag flock intended to be used for that purpose,

Regulation
of sale and
use of rag
flock and
certain
articles
manu-
factured
therefrom.

unless the flock conforms to such standard of cleanliness as may be prescribed by regulations made by the Minister.

All regulations made by the Minister under this subsection shall be laid before Parliament as soon as may be after they are made.

PART III.
—cont.

(2) If any person sells or uses or has in his possession rag flock in contravention of this section, he shall be liable to a fine not exceeding, in the case of a first offence, ten pounds or, in the case of a second or subsequent offence, fifty pounds.

(3) Where, in any proceedings against a person charged with an offence under this section, it is proved that such an offence has been committed, but that the person charged with the offence—

(a) purchased the rag flock in respect of which the offence was committed from a person resident within the United Kingdom who sold the flock under a warranty that it complied with the standard of cleanliness so prescribed as aforesaid; and

(b) took reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained in the warranty,

the person so charged shall be entitled, upon an information duly laid by him, to have the person who gave the warranty brought before the court, and that person may be summarily convicted of the offence, and the person originally charged shall not be liable to any fine, and the person so convicted shall, in the discretion of the court, also be liable to pay any costs incidental to the proceedings.

(4) Where a person is charged with having rag flock in his possession in contravention of this section, any rag flock proved in the proceedings to have been found in his possession shall, until the contrary is proved, be deemed to be intended for sale or for use in the manufacture of such articles as are mentioned in paragraph (c) of subsection (1) of this section.

(5) It shall be the duty of a sanitary authority to enforce the provisions of this section within their district, and for that purpose any district medical officer of health or sanitary inspector, or any other officer of the sanitary authority authorised by them in that behalf, may—

(a) institute and carry on any proceedings which the sanitary authority are authorised to institute and carry on under this section;

- (b) enter at all reasonable times any premises in which he has reasonable cause to believe that an offence under this section is being committed; and

PART III.
—cont.

- (c) examine and take samples for the purposes of analysis of any rag flock found therein :

Provided that, where a sample is so taken, the occupier of the premises may require the officer taking the sample to divide it into two parts and to mark and seal one part and deliver it to the occupier.

(6) In this section the expression "rag flock" means flock which has been produced wholly or partly by tearing up woven or knitted or felted materials, whether old or new, but does not include flock obtained wholly in the process of scouring and finishing newly woven or newly knitted or newly felted fabrics.

PART IV.

OFFENSIVE TRADES.

137.—(1) Where any premises used for any trade, business, process or manufacture causing effluvia, are certified to a sanitary authority by a district medical officer of health, or by any two legally qualified medical practitioners, or by any ten inhabitants of the district of the authority, to be a nuisance or injurious or dangerous to the health of any of the inhabitants of the district (whether the premises are situate in or outside the district or the county), the authority shall make a complaint to a petty sessional court within whose jurisdiction the premises are situate; and if it appears to the court that the trade, business, process or manufacture carried on by the respondent is a nuisance, or causes effluvia which are a nuisance or injurious or dangerous to the health of any of the inhabitants of the district, then, unless it is shown that the respondent has used the best practicable means for abating the nuisance or preventing or counteracting the effluvia, the person so offending shall, if he is the owner or occupier of the premises or a foreman or other person employed by the owner or occupier, be liable to a fine not exceeding fifty pounds :

Nuisance arising from offensive trade.

PART IV.
—cont.

Provided that the court may suspend its final determination on condition that the respondent undertakes to adopt, within a reasonable time, such means as the court may deem practicable, and order to be carried into effect, for abating the nuisance or mitigating or preventing the injurious effects of the effluvia.

(2) The sanitary authority may, on receiving such a certificate as is mentioned in subsection (1) of this section, cause proceedings to be taken in the High Court against any person in respect of the matters alleged in the certificate.

(3) For the purposes of proceedings which may be taken under this section by a sanitary authority in respect of any premises situate outside the county, the expression "nuisance" in this section shall be taken to include a nuisance within the meaning of the Public Health Act, 1875.

Nuisance
created by
sanitary
authority in
dealing with
refuse:

138.—(1) The removal of house refuse and street refuse by a sanitary authority shall, if the refuse is collected or deposited by that authority, be deemed to be a business carried on by that authority within the meaning of the last preceding section, and a complaint or proceedings under that section in relation to any such business may be made or taken by the county council in like manner as if the council were a sanitary authority.

(2) Any premises used by a sanitary authority for the treatment or disposal of street refuse or house refuse, as distinct from the removal thereof, which are a nuisance or injurious or dangerous to health, shall be a nuisance which may be dealt with summarily under this Act, and for the purpose of the application thereto of the provisions of this Act relating to such nuisances, the county council shall be deemed to be a sanitary authority.

Byelaws as
to pre-
vention of
nuisances
from
factories,
&c.

139.—(1) Every sanitary authority shall make byelaws for the prevention of nuisances arising from any offensive matter running out of any manufactory, brewery, slaughter-house, knacker's yard, butcher's or fishmonger's shop or dunghill into any uncovered place, whether or not surrounded by a wall or fence.

(2) It shall be the duty of every sanitary authority to enforce the byelaws made under this section.

PART IV.
—cont.

(3) Except as otherwise provided by byelaws made under this section, a constable may arrest without warrant, and take before a justice, any person whom he finds committing an offence under the byelaws and who refuses to give his name and address.

140.—(1) No person shall—

- (a) establish the business of blood boiler, bone boiler, manure manufacturer, soap boiler, tallow melter or knacker; or
- (b) establish, without the consent of the sanitary authority, the business of fellmonger, tripe boiler or slaughterer, or any other business which the county council or, as respects the city, the common council may, by order confirmed by the Minister and published in the London Gazette, declare to be an offensive business;

Restrictions
on carrying
on of
offensive
businesses.

and every person by whom a business is established in contravention of this subsection shall be liable to a fine not exceeding fifty pounds in respect of the establishment thereof, and every person who carries on a business established in contravention of the foregoing provisions of this subsection, or of the corresponding provisions of any enactment repealed by this Act, shall be liable to a fine not exceeding fifty pounds for every day during which he carries on the business :

Provided that this subsection shall not render any person liable to a fine for establishing, with the consent of the sanitary authority, or carrying on, the business of soap boiler, if and so long as that business is a business in which tallow or any animal fat or oil other than olein is not used by admixture with alkali for the production of soap.

(2) Every consent given for the purposes of the foregoing subsection shall be given by order of the sanitary authority, and any order under this subsection is hereafter in this Part of this Act referred to as an "establishment order".

PART IV.
—cont.

(3) At least fourteen days before making an establishment order with respect to any business, the authority proposing to make the order shall—

(a) advertise a notice of the application for the order, and of the time and place at which the authority will be willing to hear persons objecting to the making of the order; and

(b) cause a copy of the notice to be posted on a conspicuous part of the premises in which the business is proposed to be established,

and shall consider any objection made at that time and place, and grant or withhold their consent as they think expedient.

(4) There shall be charged for every establishment order such fee not exceeding forty shillings as the authority making the order may fix.

(5) For the purposes of this section, a business shall be deemed to be established not only if it is established newly, but also if it is removed from one set of premises to any other premises, or if it is re-established on the same set of premises after having been discontinued for a period of nine months or more, or if any premises on which it is for the time being carried on are enlarged without the consent of the sanitary authority, but a business shall not be taken to be established on any premises by reason only that the ownership of the premises is wholly or partly changed, or that the building in which it is established, having been wholly or partly pulled down or burnt down, has been reconstructed without any extension of its area.

(6) Any consent given for the purposes of this section may be given subject to such conditions as the authority giving the consent think fit to impose.

(7) This section shall, in relation to the Inner Temple and the Middle Temple, have effect as if for any reference therein to the consent of the sanitary authority there were substituted a reference to the consent of the county council; but, at least fourteen days before any establishment order is made in respect of the establishment of a business in the Inner Temple or in the Middle Temple, the county council shall cause notice of the application for the order to be served on the overseers thereof.

(8) If, by virtue of an order made under Part XIV of this Act, the function of making establishment orders is transferred from borough councils to the county council, then, so long as the order is in force—

- (a) this section shall, except in relation to the city, have effect as if for any reference in this section to the consent of the sanitary authority there were substituted a reference to the consent of the county council; and
- (b) the operation of the last foregoing subsection shall be suspended;

but the county council shall, at least fourteen days before making, in the discharge of the functions so transferred, any establishment order in respect of the establishment of a business, cause notice of the application for the order to be served on the sanitary authority for the district in which the business is proposed to be established.

(9) Nothing in this section shall require any consent to the slaughter of cattle at the Metropolitan Cattle Market.

141.—(1) An establishment order with respect to the establishment of any business may authorise the carrying on of the business for such period as may be specified in the order and for such further period, if any, as the authority making the order may allow; and any person who carries on the business after the expiration of the period so specified or, if that period has been duly extended, the expiration of the extended period, as the case may be, shall be guilty of an offence and liable to a fine not exceeding fifty pounds and to a further fine not exceeding fifty pounds for every day on which the offence continues after conviction.

Incidental provisions relating to the sanctioning of offensive businesses.

(2) An extension of time granted by virtue of this section may be granted subject to such conditions as the authority making the order think fit to impose.

(3) Where, after the making of an establishment order, or the granting of any extension of time, for the purposes of the last foregoing section, any alteration occurs in the circumstances affecting the business to which the order or extension relates, the sanitary authority or, as respects the Inner Temple or Middle Temple, the

PART IV.
—cont.

county council may, at any time after the occurrence of the alteration, either by a fresh order or by endorsement on the original order or on any document evidencing the grant of the extension, do all or any of the following things, that is to say :—

- (a) if the original order was made, or the extension was granted, unconditionally, they may attach thereto such conditions as they think fit;
- (b) they may modify or waive any conditions previously imposed;
- (c) they may impose additional or substituted conditions:

Provided that—

- (i) this subsection shall not apply as respects an establishment order made before the first day of August, nineteen hundred and thirty; and
- (ii) at least fourteen days before exercising any of their powers under this subsection with respect to any business, the sanitary authority or the county council, as the case may be, may publish their intention so to do in the manner prescribed by subsection (3) of the last foregoing section in relation to an application for an order under that section, and unless an application for such an order or endorsement has been made by the person carrying on the business, shall give that person notice of their intention.

(4) If any condition imposed or modified as aforesaid is contravened in the case of any business, the person for the time being carrying on the business shall be guilty of an offence and liable to a fine not exceeding fifty pounds and to a further fine not exceeding fifty pounds for every day on which the offence continues after conviction.

(5) There shall be charged for every order or endorsement under this section such fee, not exceeding forty shillings, as the authority making the order or endorsement may fix.

(6) If, by virtue of an order made under Part XIV of this Act, the function of making establishment orders is transferred from borough councils to the county council, then, so long as the order is in force, this section shall,

except in relation to the city, have effect as if for any reference in this section to the sanitary authority there were substituted a reference to the county council.

PART IV.
—cont.

(7) Notwithstanding anything in this or any other Act, the whole of every fine recovered by virtue of this section shall be payable to the authority by whom the proceedings leading to the recovery of the fine are taken.

142.—(1) The county council may make byelaws for regulating the conduct of any such business specified in the last but one foregoing section as is for the time being lawfully carried on in the county, and the structure of the premises on which any such business is being carried on, and the mode in which application is to be made for an establishment order.

Byelaws as
to offensive
businesses.

(2) Byelaws under this section may empower a petty sessional court by order to deprive any person, either temporarily or permanently, of the right of carrying on any business to which the byelaws relate, as a punishment for contravening the byelaws, and any person disobeying such an order shall be liable to a fine not exceeding fifty pounds for every day during which the disobedience continues.

(3) It shall be the duty of the council of a borough to enforce within the borough any byelaws made under this section, and for the purpose of the performance of their duty under this subsection the council of a borough may enter any premises in the borough at any hour by day, or at any hour when business is in progress, or is usually carried on, in the premises, for the purpose of ascertaining whether there is any contravention therein of any byelaw made under this section.

(4) Any sanitary authority or person aggrieved by any byelaws proposed to be made under this section, or by any proposed alteration or repeal of such a byelaw, may forward notice of their or his objection to the Minister, who shall consider it.

(5) This section shall, in its application to the city, have effect as if for the reference in this section to the county council there were substituted a reference to the common council.

(6) Nothing in this section shall authorise the making of byelaws affecting the Metropolitan Cattle

PART IV. Market or the slaughter-houses erected (whether before
—cont. or after the commencement of this Act) at that market.

Conveyance
of dead
horses
through
streets.

143.—(1) The county council may make byelaws with respect to the mode of conveying the carcasses of dead horses through public streets.

(2) It shall be the duty of every borough council to enforce the byelaws made under this section.

Licensing of
cow-houses
and
slaughter-
houses.

144.—(1) A person carrying on the business of a slaughterer, knacker or dairyman, shall not use any premises in a borough as a slaughter-house or knacker's yard, or as a cow-house or place for the keeping of cows, without a licence from the council of the borough, and if he does so he shall be liable to a fine not exceeding five pounds; and the fact that cattle have been taken into unlicensed premises shall be *prima facie* evidence that an offence under this section has been committed.

(2) A licence granted under this section shall expire on such day in every year as the council having power to grant the licence may fix, and, in the case of an original licence, shall expire on the day so fixed which secondly occurs after the grant of the licence, and a fee not exceeding five shillings may be charged for the licence.

(3) The council of a borough may enter any slaughter-house or knacker's yard in the borough at any hour by day, or at any hour when business is in progress, or is usually carried on, in the slaughter-house or knacker's yard, for the purpose of ascertaining whether there is any contravention therein of this Part of this Act or of any byelaw made thereunder.

(4) The foregoing provisions of this section shall have effect in relation to the Inner Temple or the Middle Temple as if it were a borough, and as if for the reference in subsection (1) to the council of the borough there were substituted a reference to the county council, and as if for the reference in subsection (3) to the council of a borough there were substituted a reference to the overseers.

(5) The following provisions shall have effect in relation to the Inner Temple and the Middle Temple and, if, by virtue of an order made under Part XIV of this Act, the function of granting licences under this

section is transferred from borough councils to the county council, in relation to every borough:—

PART IV.
—cont.

- (a) the county council shall, at least fourteen days before granting a licence under this section in respect of any premises, cause notice of the application for the licence to be served on the sanitary authority for the district in which the premises are situate, and that authority may object to the grant of the licence;
- (b) an objection to the granting as aforesaid by the county council of a licence in respect of any premises, in immediate succession to such a licence previously granted under this section in respect of those premises, shall not be entertained unless, at least seven days previously, notice of the objection has been served on the applicant for the licence, except that, on the making of any such objection of which notice has not been given as aforesaid, the county council may, if they think it just so to do, direct that notice of the objection be served on the applicant, and adjourn the hearing of the application to a future day, and require the attendance of the applicant on that day, and then hear the application and consider the objection as if notice of the objection had been duly given.

(6) Nothing in this section shall apply in relation to slaughter-houses erected, whether before or after the commencement of this Act, in the Metropolitan Cattle Market.

145.—(1) No person shall use any premises in a borough for receiving or keeping horses for slaughter or the carcasses of dead horses, unless he holds a licence granted by the council of the borough, authorising the use of the premises for that purpose.

Licensing of premises for receiving horses for slaughter or dead horses.

(2) A borough council may grant licences for the purpose of this section subject to such conditions as they think fit to impose, and every such licence shall be subject to the provisions of the last foregoing section with respect to licences for keeping or using premises as a slaughter-house or knacker's yard; but no licence granted under this section shall entitle the holder to carry on upon

PART IV. the premises in respect of which the licence was granted
—cont. the business of a slaughterer of horses or knacker.

(3) If any person contravenes the provisions of this section or any of the conditions subject to which a licence has been granted thereunder, he shall be guilty of an offence and liable on conviction on indictment to a fine not exceeding fifty pounds and to a further fine not exceeding fifty pounds for every day during which the offence continues after conviction.

Byelaws
with respect
to certain
businesses.

146.—(1) The county council may make, as respects the county exclusive of the city and of the port of London, byelaws for regulating the conduct of the business of a vendor of fried fish, a fish-curer or a rag and bone dealer, and with respect to the premises in or upon which any such business is carried on, and the apparatus, utensils and appliances used for the purposes of, or in connection with, any such business.

(2) Nothing in this section or in any byelaw made thereunder shall be construed as imposing upon any person any obligation to alter any premises which were, on the thirty-first day of July, nineteen hundred and eight, used for the business of a vendor of fried fish or of a fish-curer, or any fittings or apparatus in any such premises, or to place or provide in any such premises any new fittings or apparatus :

Provided that, if any alteration of any such premises or of any fittings or apparatus therein is effected, or if any new fittings or apparatus are placed or provided therein, the alteration shall be carried out, or, as the case may be, the new fittings and apparatus shall be placed and provided, in conformity with the requirements of any byelaws under this section which are for the time being in force.

(3) It shall be the duty of every sanitary authority to enforce within their district any byelaws made under this section by the county council.

(4) A sanitary authority may at all reasonable times enter any premises in the district of the authority for the purpose of ascertaining whether there is occurring in the premises any contravention of any byelaw made under this section.

(5) For the purpose of complying with the provisions of any byelaw made under this section, the owner of any

premises may, notwithstanding anything to the contrary in any lease, under-lease or agreement relating to the premises or any part thereof, enter the premises or any part thereof and do all such things as may be necessary for securing compliance with the said provisions.

PART IV.
—cont.

If the occupier of the premises or part suffers damage by reason of anything negligently or improperly done by the owner in pursuance of this subsection, the petty sessional court having jurisdiction in the area in which the premises are situate may, on the application of the occupier and after giving the owner an opportunity of being heard, make an order for the payment of such compensation by the owner to the occupier as the court thinks proper.

(6) As respects the city the common council may make byelaws for the purposes for which the county council are authorised to make byelaws under subsection (1) of this section.

(7) The Minister, on the application of the port health authority, may by order extend to so much of the port of London as is within the county, any byelaws made by the county council under this section.

PART V.

SMOKE CONSUMPTION.

147.—(1) Every furnace used in the working of engines by steam, and every furnace used in any public bath or washhouse, or in any mill, factory, printing house, dyehouse, iron foundry, glasshouse, distillery, brewhouse, sugar refinery, bakehouse, gasworks, waterworks or other building used for the purpose of trade or manufacture (although a steam engine is not used therein), shall be constructed so as to consume or burn as far as practicable the smoke arising from the furnace.

Furnaces and steam vessels to consume their own smoke.

(2) If any person, being the owner or occupier of the premises, or being a foreman or other person employed by the owner or occupier,—

- (a) uses any such furnace as aforesaid which is not constructed so as to consume or burn as far as practicable the smoke arising therefrom; or

PART V.
—cont.

- (b) so negligently uses any such furnace that the smoke arising therefrom is not effectively consumed or burnt; or
- (c) carries on any trade or business which occasions any noxious or offensive effluvia, or otherwise annoys the neighbourhood or inhabitants, without using the best practicable means for preventing or counteracting the effluvia or annoyance,

that person shall be liable to a fine not exceeding twenty-five pounds or, in the case of a second conviction, to a fine of fifty pounds or, in the case of a third or subsequent conviction, to a fine double the amount of the fine imposed on the last preceding conviction:

Provided that, in relation to a furnace on a ship habitually used as a sea-going ship, the foregoing provisions of this subsection shall have effect as if for the words "twenty-five" and "fifty" there were therein respectively substituted the words "five" and "ten."

(3) Every steam engine or furnace used in the working of any steam vessel on the River Thames, either above London Bridge, or plying to and fro between London Bridge and any place on the River Thames westward of the Nore light, shall be constructed so as to consume or burn as far as practicable the smoke arising from the engine or furnace; and if any such steam engine or furnace is not so constructed, or being so constructed is wilfully or negligently used so that the smoke arising therefrom is not effectively consumed or burnt as far as practicable, the owner or master of the vessel shall be guilty of an offence and liable to a fine not exceeding five pounds or, in the case of a second conviction, to a fine of ten pounds or, in the case of a third or subsequent conviction, to a fine double the amount of the fine imposed on the last preceding conviction.

(4) It shall be the duty of every sanitary authority to enforce within their district the provisions of this section and no proceedings shall be taken by virtue of this section except under the direction of a sanitary authority:

Provided that, if in any special case a sanitary authority request the county council so to do, the county

council may enforce the provisions of this section in lieu of the sanitary authority.

PART V.
—cont.

(5) It shall be the duty of every officer of a sanitary authority, and of every relieving officer, to inform the sanitary authority of the occurrence within their district of any offence under this section; and for the purpose of enforcing this section a sanitary authority may enter any premises at any hour by day, or at any hour when business is being, or is usually, carried on in the premises.

(6) In this section (except in its application to a ship habitually used as a sea-going ship) the expression "smoke" includes soot, ash, grit and gritty particles.

(7) This section, except the proviso to subsection (5), shall extend to the port of London and, as respects the port, shall be enforced by the port health authority.

(8) Nothing in this section shall affect any of the provisions of the City of London Sewers Act, 1851.

14 & 15 Vict.
c. xci.

148.—(1) The following matters, that is to say:—

Smoke
nuisances.

- (a) any fireplace or furnace which does not, as far as practicable, consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse or gaswork, or in any manufacturing or trade process whatsoever;
- (b) any chimney (not being the chimney of a private dwelling-house or the chimney of a ship habitually used as a sea-going ship) sending forth smoke in such quantity as to be a nuisance; and
- (c) any chimney of a ship habitually used as a sea-going ship sending forth black smoke in such a quantity as to be a nuisance,

shall be nuisances which may be dealt with summarily under this Act, and are in this Act referred to as "smoke nuisances":

Provided that—

- (i) the court hearing a complaint against a person in respect of a nuisance arising from

PART V.
—cont.

a fireplace or furnace which does not consume the smoke arising from the combustible used in the fireplace or furnace, shall hold that no nuisance is created, and dismiss the complaint, if satisfied that the fireplace or furnace is constructed in such manner as to consume as far as practicable, having regard to the nature of the manufacture or trade, all smoke arising therefrom, and that the fireplace or furnace has been carefully attended to by the person having the charge thereof; and

- (ii) in any proceedings for sending forth smoke, other than black smoke, from a chimney in such a quantity as to be a nuisance, it shall be a defence for the person charged to show that he has used the best practicable means for preventing the nuisance, having regard to the cost and to local conditions and circumstances; and for the purposes of this proviso, the expression "best practicable means" shall be construed as referring not only to the provision and efficient maintenance of adequate and proper plant for preventing the creation and emission of smoke, but also to the manner in which such plant is used.

(2) If in any special case a sanitary authority request the county council so to do, the county council may enforce the provisions of this section in lieu of the sanitary authority.

(3) In this section (except in its application to a ship habitually used as a sea-going ship) the expression "chimney" includes every structure or opening of any kind whatsoever capable of emitting smoke, and the expression "smoke" includes soot, ash, grit and gritty particles.

County council's powers as respects sanitary authority's premises.

149. The county council may enforce the provisions of the last two foregoing sections in relation to any such premises (not being premises within the port of London) as belong to, or are used by, a sanitary authority, and for the purpose of exercising their powers under this section, may act as if they were a sanitary authority and the county were their district.

150. Where, in the opinion of any officer duly authorised by a sanitary authority to act in that behalf, a smoke nuisance exists, he shall, as soon as practicable after he has become aware thereof, notify the occupier of the premises on which the nuisance exists, and, if that notification was not in writing, shall, within twenty-four hours after he has become aware of the nuisance, confirm the notification in writing :

PART V.

—cont.

Notice of
nuisance to
be given to
occupier of
premises.

Provided that the foregoing provisions of this section shall not apply in relation to a ship habitually used as a sea-going ship.

151.—(1) The county council may, and if so required by the Minister shall, make byelaws regulating the emission of smoke of such colour, density or content as may be prescribed by the byelaws, and where such byelaws are in force, the emission of smoke of the character so prescribed for such period as may be prescribed in the byelaws, either from buildings generally to which the provisions of this Part of this Act apply or from such classes of those buildings as may be so prescribed, shall, until the contrary is proved, be deemed to be a nuisance :

Byelaws as
to smoke.

Provided that byelaws made under this section shall not apply in relation to any ship habitually used as a sea-going ship.

(2) The foregoing subsection shall, in its application to the city and to the port of London, have effect as if for the reference therein to the county council there were respectively substituted references to the common council and to the port health authority.

(3) It shall be the duty of a sanitary authority to enforce any byelaws made by the county council under subsection (1) of this section.

(4) The power of the county council under section four of the London Building Act (Amendment) Act, 1935, shall include power to make byelaws requiring the provision in new buildings (other than private dwelling-houses) of such arrangements for heating or cooking as are calculated to prevent or reduce the emission of smoke.

25 & 26
Geo. 5.
c. xcii.

PART V.
—cont.
Duty of
local
authorities
to furnish
information.

Research by
local autho-
rities.

152. The county council and every sanitary authority shall, on being required to do so by the Minister, furnish to him such information as he may from time to time require as to their proceedings with regard to the abatement of smoke nuisances.

153.—(1) A sanitary authority may undertake, or may combine with other sanitary authorities in undertaking, investigations and researches into problems relating to atmospheric pollution and the abatement of smoke nuisances, and may contribute towards the cost of similar investigations and researches undertaken by other persons.

The Minister may make rules prescribing restrictions or conditions subject to which the powers conferred by this subsection may be exercised.

(2) The county council may expend such moneys as they think fit, not exceeding in any one financial year the sum of five hundred pounds, in making experiments and investigations with respect to smoke consumption and the abatement of nuisance arising from smoke.

Application
to Crown.

154. If it appears to a sanitary authority that a smoke nuisance exists on any premises within their district occupied for the public service of the Crown, they shall report the circumstances to the appropriate government department, and, if the Minister responsible for that department is satisfied after due inquiry that such a nuisance exists, he shall cause such steps to be taken as may be necessary to abate the nuisance and to prevent a recurrence thereof.

PART VI.

TENEMENTS AND LODGING-HOUSES.

General provisions.

Byelaws as
to lodging-
houses and
tenement
houses in
general.

155.—(1) Subject as hereinafter provided, a borough council may, and any other sanitary authority shall, make such byelaws as are requisite for the following matters, that is to say:—

- (a) for fixing the number of persons who may occupy a house, or part of a house, which is let in lodgings or occupied by members of

more than one family, and for the separation of the sexes therein;

- (b) for the registration and inspection of houses so let or occupied;
- (c) for securing the drainage of such houses, and for promoting cleanliness and ventilation therein;
- (d) for the cleansing and limewashing of such houses at such times as may be specified in the byelaws;
- (e) for the taking of precautions in such houses in case of infectious disease :

Provided that byelaws under this section shall not apply to any house or part of a house to which byelaws made, or deemed by virtue of subsection (2) of section sixty-eight of the Housing Act, 1935, to have been made, under section six of the Housing Act, 1925, apply.

(2) It shall be the duty of every sanitary authority to enforce the byelaws made by them under this section.

(3) Nothing in this section shall authorise the making of byelaws with respect to a common lodging-house.

PART VI.
—cont.

25 & 26
Geo. 5. c. 40.
15 & 16
Geo. 5. c. 14.

Common lodging-houses.

156. No person shall keep any premises in a borough as a common lodging-house unless there is in force a licence (hereinafter referred to as "a lodging-house licence") granted to him in respect of those premises by the council of the borough :

Prohibition of keeping common lodging-house without licence.

Provided that, when the holder of a valid lodging-house licence in respect of any premises dies, his widow or any member of his family may, if notice of his death is given to the borough council forthwith after the occurrence thereof, keep the premises as a common lodging-house for not more than four weeks after his death without being the holder of such a licence as aforesaid.

157.—(1) Every application for the grant of a lodging-house licence shall be made in writing to the council of the borough in which the premises concerned are situate, and shall specify those premises and the number of lodgers proposed to be received therein.

Applications for lodging-house licences.

(2) The borough council shall, as soon as practicable after any such application as aforesaid has been duly

PART VI.
—cont.

made to them, cause to be made all necessary and proper inquiries and inspections for the purpose of ascertaining—

- (a) whether the applicant is a fit and proper person to have the control and management of a common lodging-house; and
- (b) whether the premises in respect of which the application is made are structurally and otherwise suitable for occupation and use as a common lodging-house, having regard to the number, health, safety and convenience of persons occupying or intended to occupy the premises.

Grant,
duration,
form and
renewal of
lodging-
house
licences.

158.—(1) A borough council, upon application being duly made to them for the grant of a lodging-house licence, shall grant such a licence to the applicant in respect of the premises specified in the application, unless the council are of opinion—

- (a) that the applicant is not a fit and proper person to hold such a licence; or
- (b) that the premises are not suitable, or suitably equipped, for the purposes of a common lodging-house;

but if the council are of that opinion, they shall not grant the licence.

(2) Subject to the provisions of this Part of this Act, every lodging-house licence shall be valid until the expiration date next following the date on which the licence is granted, and shall then expire unless renewed in accordance with this section:

Provided that, upon the first grant of any such licence, the borough council may direct that the licence shall be valid for such period, being less than two years and ending not later than the expiration date next but one after the date on which the licence is granted, as the council may determine when granting the licence.

(3) Every lodging-house licence shall specify—

- (a) the holder of the licence;
- (b) the premises in respect of which the licence is granted; and
- (c) the maximum number of persons who may at any one time occupy the premises.

(4) Upon application for the renewal of a lodging-house licence made by the holder thereof not later than the end of the period for which the licence is valid, the borough council shall, subject to the provisions of the next following section, renew the licence in respect of the same premises until the expiration date next following the date on which the licence would otherwise expire, unless the council are of opinion that grounds exist upon which they might, under subsection (1) of this section, have refused the application if it had been for the grant of the licence; but, if the council are of that opinion, they shall not renew the licence.

Whenever a lodging-house licence is renewed as aforesaid, it shall be valid until the end of the period for which it is renewed.

(5) Where a borough council refuse an application for the grant of a lodging-house licence, they shall, if requested by the applicant so to do, deliver to him a written statement of the ground of their refusal.

(6) In this section the expression "expiration date" means such day in each year as the borough council may fix for the expiration of lodging-house licences.

159.—(1) Any person aggrieved by the refusal of a borough council to grant or renew a lodging-house licence may, within fourteen days from the date of the refusal and on giving the council at least twenty-four hours' notice of his intention so to do, appeal against the refusal to a metropolitan police court magistrate.

Appeal
against
refusal to
grant or
renew
lodging-
house
licence.

(2) On any such appeal, the magistrate may, if the ground, or one of the grounds, of the refusal appealed against is that the premises are not suitable, or suitably equipped, for the purposes of a common lodging-house, appoint a properly qualified surveyor or architect to examine and report to him upon the condition of the premises and their suitability for the purposes of a common lodging-house.

(3) The costs of any such appeal (including the expenses of any such examination and report as aforesaid) shall be paid in such manner, and by such party to the appeal, as the magistrate hearing it may direct.

PART VI.

—cont.

Register of
common
lodging-
house
keepers.

160.—(1) The council of a borough shall keep a register (in this section referred to as “a register of common lodging-house keepers”), in which shall be entered the names and residences of the keepers of all common lodging-houses in the borough, the situation of every such house and the number of lodgers authorised under this Part of this Act to be received therein.

(2) The person having the custody of a register of common lodging-house keepers shall, upon application made at any reasonable time for a certified copy of any entry in the register, supply the applicant with such a copy of that entry, free of charge.

(3) A copy of any entry made in a register of common lodging-house keepers, certified by the person having the custody of the register to be a true copy, shall be evidence of the matters stated in that entry.

Superin-
tendence of
common
lodging-
houses.

161.—(1) The keeper of a common lodging-house, or some proper and responsible substitute or deputy nominated by him and approved in writing by the borough council, shall reside constantly in the common lodging-house, and shall be present therein from nine p.m. on each day until six a.m. on the next day.

(2) If the provisions of the foregoing subsection are not complied with in the case of a common lodging-house, the keeper thereof shall be guilty of an offence and liable to a fine not exceeding five pounds, and to a further fine not exceeding twenty shillings for every day on which the offence continues after conviction.

(3) If the keeper of a common lodging-house is convicted of an offence under this section, the borough council may revoke, or suspend for such period as they think fit, or refuse to renew, any lodging-house licence granted to him.

Byelaws as
to common
lodging-
houses.

162. The county council may make byelaws—

- (a) for fixing and from time to time varying the number of lodgers who may be received into a common lodging-house, and for the separation of the sexes therein;
- (b) for promoting cleanliness and ventilation in common lodging-houses;

- (c) for the giving of notices, and the taking of precautions, in the case of any infectious disease occurring in a common lodging-house;
- (d) generally for the well-ordering of common lodging-houses.

PART VI.
—cont.

163. The keeper of a common lodging-house, and every other person having, or taking part in, the care or management thereof, shall, whenever required by an officer of the metropolitan police force or of the council of the borough in which the lodging-house is situate so to do, give that officer free access to the house or any part thereof.

Inspection of common lodging-houses.

164.—(1) When any person in a common lodging-house in a borough is suffering from fever or any infectious or contagious disease, the council of the borough—

Infectious or contagious diseases in common lodging-houses.

- (a) may, on the certificate of a district medical officer of health that the disease is infectious or contagious and that the patient may be safely removed, cause him to be removed to a hospital with the consent of the authorities thereof; and
- (b) may, so far as the council think necessary for preventing the spread of disease, cause any clothes or bedding used by the patient to be disinfected or destroyed; and
- (c) may award to the owner of any clothes or bedding so disinfected or destroyed reasonable compensation for any injury thereto or for the destruction thereof, as the case may be.

(2) Any compensation awarded to any person under the foregoing subsection shall be paid to that person by the borough council :

Provided that no such compensation shall be paid in respect of any articles until the appropriate officer of the borough council has certified the amount of the compensation in writing upon a list of those articles.

165.—(1) The keeper, or other person having the management, of a common lodging-house in a borough in which beggars or vagrants are received as lodgers shall, whenever required so to do by an order of the council of the borough served upon him, send to the

Reports to be made by common lodging-house keepers.

PART VI.
—cont.

council, or to such person as the council may direct, a report of every person who resorted to the house during the preceding day or night.

(2) Every such report as aforesaid shall be made on, and in accordance with, forms which shall be supplied for the purpose by the borough council to the person from whom the report is required.

Penalties
and legal
proceedings.

166.—(1) If any person contravenes or fails to comply with any of the provisions of this Part of this Act relating to common lodging-houses or any byelaw made under the said provisions, that person shall be guilty of an offence and, unless some special penalty in respect of the offence is prescribed by this Part of this Act, shall be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for every day during which the offence continues.

(2) In any proceedings for such an offence as aforesaid the inmates of a house or part of a house shall, until the contrary is proved, be presumed not to be members of the same family.

PART VII.

PUBLIC BATHS AND WASH-HOUSES.

*Provision of public baths and wash-houses.*Provision
of baths
and wash-
houses.

167.—(1) The council of a borough may provide, purchase or take on lease, and may maintain, public baths and wash-houses in the borough or in the immediate neighbourhood thereof (whether within or without the county), and may equip with all requisite furniture, fittings and conveniences the baths and wash-houses maintained by the council.

(2) Without prejudice to the generality of the foregoing subsection a borough council may provide, maintain and operate, in, or in connection with, any baths or wash-houses maintained by the council, mechanical washers, mechanical wringers, box mangles and other mechanical and time-saving appliances for the use, convenience or assistance of persons resorting to the baths or wash-houses :

Provided that nothing in this subsection shall authorise a borough council to carry on the business of a launderer, or to permit any person to use any such

appliance as aforesaid for the purpose of a laundry, dyeing or cleaning business. PART VII.
—cont.

(3) For the purpose of the exercise of their powers under the foregoing provisions of this section, the council of a borough—

- (a) may, with the approval of the Minister, appropriate any land vested in the council or in any trustees or other persons for the general benefit of the inhabitants of the borough; and
- (b) may, subject to the following provisions of this section, contract with any person for the supply of water, light, materials or equipment or for the execution of any work.

(4) The following provisions shall have effect in relation to contracts which may be entered into by a borough council in pursuance of paragraph (b) of the foregoing subsection :—

- (a) the contract shall specify the work to be executed, or the thing to be supplied, under the contract, the price to be paid, the time within which the contract is to be performed, and the pecuniary penalty to be paid to the council in the event of non-performance of the contract;
- (b) the council shall not enter into any contract of a value or amount exceeding one hundred pounds, unless, at least fourteen days previously, there has been advertised in at least one newspaper published in the county a notice intimating the intention of the council to enter into such a contract, and inviting persons willing to undertake the contract to submit tenders to the council at a time and place specified in the notice, so however that nothing in this paragraph shall oblige the council to contract with the person by whom the lowest price is offered.

168.—(1) A borough council may acquire land by agreement for the purposes of this Part of this Act, and for that purpose the Lands Clauses Acts, except the provisions thereof relating to the acquisition of land Acquisition
of land.

PART VII. otherwise than by agreement, shall be incorporated with
—cont. this Act.

(2) A borough council may be authorised to acquire land compulsorily for the purposes of this Part of this Act by means of an order made and submitted to the Minister by the council and confirmed by him in accordance with the provisions of the Third Schedule to this Act :

Provided that nothing in this section shall authorise the compulsory acquisition of land which—

- (a) is the property of a local authority, or
- (b) has been acquired by any body corporate for the purposes of a railway, dock, canal, water or other public undertaking, or
- (c) at the date of the order, forms part of any park, garden or pleasure ground or is otherwise required for the amenity or convenience of a dwelling-house.

Transfer of
privately
owned baths
and wash-
houses to
borough
councils.

169.—(1) The trustees of any public baths or wash-houses which have been provided by private subscription or otherwise and are situate in, or in the immediate neighbourhood (whether within or without the county) of, a borough, may, with the consent of the majority of the persons by whom the trustees were appointed, sell or lease the said baths or wash-houses to the council of the borough, or transfer the management thereof to the council.

(2) All baths and wash-houses which are sold or leased under this section to a borough council, or the management of which is transferred under this section to such a council, shall vest in the council and be deemed to have been provided by the council under this Part of this Act.

Supply of
water and
gas to baths
and wash-
houses on
special
terms.

170. Any undertakers or other persons having the management of gas works, waterworks, canals, reservoirs, wells or streams of water may furnish supplies of gas or water to baths and wash-houses maintained by a borough council, either free of charge or on such other favourable terms as the undertakers or other persons think fit.

*Management and use of public baths and wash-houses.*PART VII.
—cont.

171.—(1) A borough council may make byelaws with respect to the management, regulation and use of the baths and wash-houses maintained by the council, and with respect to the regulation thereof of persons resorting thereto, and may prescribe, in respect of any offence under the byelaws, a penalty of such amount, not exceeding five pounds, as the council think fit.

General provisions as to management and regulation of baths and wash-houses.

(2) A printed copy or sufficient abstract of any byelaws under this section relating to the use of public baths shall be posted in every bathroom or bathing place to which the byelaws relate, and a printed copy or sufficient abstract of any such byelaws relating to the use of public wash-houses shall be posted in some convenient place near every washing tub or trough, or pair of washing tubs or troughs, in every public wash-house to which the byelaws relate.

(3) A borough council or any officer of such a council may remove from any bath or wash-house maintained by the council any person committing an offence under any of the byelaws made by the council under this Part of this Act.

(4) A borough council or any officer of such a council may refuse to admit to any of the baths or wash-houses maintained by the council any person who has been convicted of—

- (a) an offence under any byelaw made by the council under this Part of this Act, or
- (b) an offence against public decency in any of the baths or wash-houses maintained by the council.

(5) Every bath or wash-house maintained by a borough council shall be deemed to be a public and open place for the purpose of any offence against decency committed therein.

PART VII.
—*cont.*
Use of
public
swimming
baths when
closed.

172.—(1) A borough council may, during any period between the first day of October in any year and the last day of April in the next following year, close any swimming bath maintained by the council, and, subject as hereinafter provided, may, at any time while the swimming bath is closed, use it for such purposes, or allow it to be used or let it for such purposes, and upon such terms and conditions, as the council in their discretion think proper :

Provided that the following restrictions shall have effect with respect to any concert or other entertainment provided by the council by virtue of this subsection, that is to say :—

- (a) no stage play shall be performed ;
- (b) the concert or other entertainment shall not include any performance in the nature of a variety entertainment ;
- (c) no cinematograph film, other than a film illustrative of questions relating to health or disease, shall be shown ; and
- (d) no scenery, theatrical costumes or scenic or theatrical accessories shall be used.

(2) The power of a borough council to make byelaws under this Part of this Act shall include power to make byelaws for the regulation, management and use of a swimming bath when used for any of the purposes authorised by this section.

(3) Nothing in this section shall authorise the use of a swimming bath for the public performance of stage plays, for public music, for public music and dancing, for any other public entertainment of the like kind, for cinematograph exhibitions or for public boxing, without such a licence as is required by law for the use of a place for any such purpose, or without the giving of such notice as is required by subsection (2) of section seven of the Cinematograph Act, 1909, as the case may be ; and any conditions attached to the grant of such a licence in respect of a swimming bath, and any regulations or conditions made or imposed under the said subsection (2)

with respect to a swimming bath, shall have effect notwithstanding anything in any byelaw made by virtue of this section.

PART VII.
—cont.

(4) Where any swimming bath maintained by a borough council is used for any of the purposes mentioned in the last preceding subsection under such a licence as is therein referred to, the borough council shall be responsible for any breach of any condition attached to the licence which may occur whilst the swimming bath is being so used with their permission.

173.—(1) A borough council may make, in respect of the use of any bath or wash-house maintained by them, charges at such rates as may be fixed by a scale authorised by a resolution of the council.

Charges for
use of baths
and wash-
houses.

(2) A borough council shall, at least one month before proceeding to consider a resolution authorising a scale of charges for the purpose of the foregoing subsection, cause the proposed scale to be published in at least one newspaper circulating in the borough and in such other manner as the council think necessary for informing persons interested.

(3) Where, at the commencement of this Act, a borough council have not authorised a scale of charges in pursuance of section eighty-five of the Public Health Act, 1925, then, until such a scale is authorised by the council under the foregoing provisions of this section, the charges for the use of baths and wash-houses maintained by the council shall, subject as hereinafter provided, be such as they may determine :

Provided that the charges made under this subsection for the use of baths or wash-houses of any such class as is specified in the Fourth Schedule to this Act shall be such as are set out in that Schedule in relation to baths or wash-houses of that class, and the provisions of that Schedule shall have effect in relation to any such charges.

(4) A borough council may make such charges as they may determine in respect of the use of any mechanical washers, mechanical wringers, box mangles or other mechanical or time-saving appliances provided by the council under this Part of this Act, or under the corresponding provision of any enactment repealed by this

PART VII. Act, in, or in connection with, any bath or wash-house
—*cont.* maintained by the council, and subsections (1) to (3) of
this section shall not apply with respect to such
charges.

(5) If any person refuses to pay a charge which is payable by him in respect of the use of any wash-house maintained by a borough council, the council may seize any property of that person which is deposited at the wash-house and may detain it until payment of the charge is made; and if the charge is not paid within seven days from the date of the seizure of any such property, may sell the whole or part of the property detained and retain the proceeds of the sale up to an amount not exceeding the aggregate of the sum payable in respect of the charge and of the expenses of the detention and sale; but any of the property which is unsold, and the amount (if any) by which the proceeds of the sale exceed the sum which the council are authorised as aforesaid to retain, shall be returned to the said person on demand made by him at any time after the council have received the proceeds of the sale.

Miscellaneous and supplementary provisions.

Borrowing
powers of
borough
councils.

174. A borough council may, with the consent of the Minister, borrow for the purpose of defraying any expenditure incurred or to be incurred by the council in pursuance of this Part of this Act.

Penalty for
taking fees
or being
interested
in contracts.

175. If any person, being a member of a borough council or being employed by such a council for the purposes of this Part of this Act,—

- (a) exacts or accepts, in respect of any act or omission pursuant to this Part of this Act, any fee or reward other than the remuneration (if any) fixed in his case by the council, or
- (b) is in any way interested in any contract entered into by the council for the purposes of this Part of this Act,

that person shall be liable to a fine of fifty pounds and shall be for ever disqualified for employment under a

borough council for the purposes of this Part of this Act or under any authority for the purposes of the Baths and Washhouses Act, 1846.

PART VII.
—*cont.*
9 & 10 Vict.
c. 74.

176. For the purposes of this Part of this Act, the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the accountability of the officers of a company shall, so far as those provisions are applicable to the said purposes, and subject to the provisions of this Part of this Act, be incorporated with this Act, so, however, that references in the said provisions of the Companies Clauses Consolidation Act, 1845, to the company and to the directors shall be construed as references to the borough council.

Accountability of officers.
8 & 9 Vict.
c. 16.

177. Any officer of the borough council, and any person called by such an officer to his assistance, may, without any other authority than this section, seize and detain any person who has committed an offence under this Part of this Act or under any byelaw made thereunder, and whose name and residence are unknown to the officer, and convey the offender as soon as may be before a justice; and the justice shall thereupon proceed as soon as may be to hear and determine the complaint against the offender.

Detention of offenders.

178.—(1) The court by which any fine is imposed in respect of an offence under this Part of this Act or under any byelaw made thereunder may award one-half of the fine to the informer; and such part of any fine recovered by virtue of this Part of this Act as is not awarded to the informer shall be paid to the borough council concerned.

Application of penalties and legal proceedings.

(2) No proceedings taken by virtue of this Part of this Act shall be removed by certiorari or otherwise into the High Court.

179. Any person who considers himself aggrieved by any byelaw made, or direction given, by a borough council under this Part of this Act may appeal therefrom to quarter sessions in like manner as if the appeal were an appeal against a determination of a court of summary jurisdiction under the Summary Jurisdiction Acts.

Appeals to quarter sessions.

PART VIII.

FOOD.

General Provisions.

Inspection
and destruction
of un-
sound meat,
&c.

180.—(1) A district medical officer of health or sanitary inspector may at all reasonable times enter any premises and inspect and examine—

- (a) any animal intended for food which is exposed for sale or deposited for the purpose of sale or of preparation for sale; and
- (b) any article, whether solid or liquid, intended for food, and sold or exposed for sale or deposited for the purpose of sale or of preparation for sale;

and if any such animal or article appears to the medical officer or inspector to be diseased or unsound or unwholesome or unfit for food, he may seize and carry away the animal or article himself or by an assistant, in order to have it dealt with by a justice.

(2) If it appears to a justice that any animal or article which has been seized, or is liable to be seized, under this section is diseased or unsound or unwholesome or unfit for food, he shall condemn the animal or article, and order it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for food; and the person to whom the animal or article belongs, or did belong at the time of sale or exposure for sale, or deposit for the purpose of sale or of preparation for sale, or in whose possession or on whose premises it was found, shall, in respect of each animal or article or, if the article consists of fruit, vegetables, corn, bread or flour, in respect of each parcel thereof, so condemned or liable to be condemned, be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months.

(3) Where it is shown that any article liable to be seized under this section, and found in the possession of any person, was purchased by him from another person for food, and when so purchased was in such a condition as to be liable to be seized and condemned under this section, the person who so sold the article shall be

guilty of an offence and liable to the punishment above mentioned, unless he proves that at the time he sold the said article he did not know, and had no reason to believe, that it was in such a condition as aforesaid. PART VIII.
—cont.

(4) Where a person convicted of an offence under the foregoing provisions of this section has, within twelve months previously, been convicted of such an offence, the court may, if it thinks fit and finds that he knowingly and wilfully committed both such offences, order that a notice of the facts be affixed, in such form and manner, and for such period not exceeding twenty-one days, as the court may order, to any premises occupied by that person, and that he pay the costs of affixing the notice; and if any person obstructs the affixing of the notice, or during the said period removes, defaces or conceals the notice while affixed, he shall be liable to a fine not exceeding five pounds.

(5) If the occupier of a licensed slaughter-house is convicted of an offence under subsection (2) or subsection (3) of this section, the court convicting him may cancel the licence for the slaughter-house.

(6) If any person obstructs an officer in the performance of his duty under a warrant for entry into any premises granted by a justice for the purposes of this section, he shall, if the court is satisfied that he obstructed with intent to prevent the discovery of an offence under this section, or has within twelve months previously been convicted of such obstruction, be liable to imprisonment for any term not exceeding one month in lieu of any fine authorised by this Act for such obstruction.

(7) A justice may act in adjudicating on an offender under this section, whether the justice has or has not acted in ordering the animal or article to be destroyed or disposed of.

(8) Where a person has in his possession any article which is unsound or unwholesome or unfit for food, he may, by written notice to the sanitary authority, specifying the article and containing a sufficient identification of it, request its removal, and the sanitary authority shall cause it to be removed as if it were trade refuse.

PART VIII.
—cont.

(9) For the purposes of this section, any animal or article capable of being used for food shall, until the contrary is proved, be presumed to be exposed for sale or deposited for the purpose of sale or of preparation for sale or intended for food, as the case may be.

(10) Every animal or article (whether solid or liquid) which is intended for food and which—

- (a) is offered as a prize or reward in connection with any entertainment at any gathering or assembly or in any premises to which the public are admitted, whether on payment of money or for other consideration or not; or
- (b) is offered as a prize or reward or is given away for the purpose of advertisement or in furtherance of any trade or business; or
- (c) is exposed or deposited in any premises for the purpose of being so offered or given away as aforesaid,

shall be deemed, for the purposes of this section, to be sold or exposed for sale or deposited for the purpose of sale or of preparation for sale, as the case may be.

(11) In this section the expression “food” means food for human consumption, and the expression “entertainment” includes any exhibition, performance, amusement, game, sport or trial of skill.

Sanitary provisions as to premises used for sale, &c. of food for human consumption.

181.—(1) The following provisions shall have effect in relation to every room, shop or other part of a building in which any article (whether solid or liquid) intended or adapted for food for human consumption is sold or exposed for sale, or deposited for the purpose of sale or of preparation for sale or with a view to sale:—

- (a) no sanitary convenience or ashpit shall be within the room, shop or part of a building, or communicate therewith except through the open air or through an intervening ventilated space;
- (b) a cistern used for supplying water to the room, shop or part of a building shall not be in direct communication with, or directly discharge into, any sanitary convenience or ashpit;

- (c) no drain or pipe for carrying off faecal or sewage matter shall have any inlet or opening within the room, shop or part of a building;
- (d) the room, shop or part of a building shall not be used as a sleeping place, and so far as may be reasonably necessary to prevent risk of the infection or contamination of any such article as aforesaid, no sleeping place adjoining the room, shop or part of a building shall communicate therewith except through the open air or through an intervening ventilated space;
- (e) no refuse or filth (whether solid or liquid) shall be deposited, or be allowed to accumulate, in the room, shop or part of a building, except so far as may be reasonably necessary for the proper carrying on of trade or business;
- (f) due cleanliness shall be observed in regard to the room, shop or part of a building and all articles, apparatus and utensils therein, and by persons engaged therein.

(2) If any person occupies or lets, or knowingly suffers to be occupied, any room, shop or other part of a building in respect of which any of the provisions of this section are contravened, or does, or knowingly permits, any act or thing therein in contravention of this section, he shall be guilty of an offence and liable to a fine not exceeding, in the case of a first offence, twenty shillings or, in the case of a second or subsequent offence, five pounds, and in either case to a further fine not exceeding twenty shillings for every day on which the offence continues after conviction.

(3) It shall be the duty of every sanitary authority to enforce in their district the provisions of this section.

(4) A sanitary authority may, at all reasonable times, enter any premises in their district for the purpose of ascertaining whether there is any contravention of this section.

(5) For the purpose of complying with this section, the owner of any premises may, notwithstanding anything to the contrary in any lease, under-lease or agreement relating to the premises or any part thereof, enter the premises or any part thereof and do all such things as may be necessary for securing compliance with this

PART VIII. section; but if the occupier of the premises or part
 —cont. suffers damage by reason of anything negligently or
 improperly done by the owner in pursuance of this
 subsection, the petty sessional court having jurisdiction
 in the area in which the premises are situate may,
 on the application of the occupier and after giving
 the owner an opportunity of being heard, make an
 order for the payment of such compensation by the owner
 to the occupier as the court thinks proper.

(6) For the purposes of this section, the port health
 authority shall be deemed to be the sanitary authority
 as respects so much of the port of London as is within
 the county.

Notification
 of food
 poisoning.

182.—(1) If a legally qualified medical practitioner
 becomes aware or suspects that a person attended by
 him (in this section referred to as "the patient")
 is suffering from food poisoning, the practitioner
 shall forthwith send to the district medical officer of
 health or, if there are two or more district medical officers
 of health, to such one of those officers as is in charge
 of the area in which the patient is, or to such other of
 those officers as the sanitary authority may direct, a
 certificate stating—

- (a) the full name and the age and sex of the patient;
- (b) the address of the premises where the patient
 is; and
- (c) particulars of the food poisoning from which the
 patient is, or is suspected to be, suffering,

and also stating whether the case occurs in the private
 practice of the medical practitioner or in his practice as
 the medical officer of a public body or institution.

(2) A certificate required by this section to be sent
 to a medical officer of health may be sent to him at his
 office or residence.

(3) If a medical practitioner fails to comply with
 the provisions of subsection (1) of this section, he shall
 be liable to a fine not exceeding forty shillings.

(4) It shall be the duty of every sanitary authority
 to enforce in their district the provisions of this section.

(5) Notwithstanding anything in this or any other
 Act, the whole of every fine recovered in proceedings

taken by a sanitary authority in pursuance of this section shall be paid to that authority. PART VIII.
—cont.

(6) A sanitary authority shall pay to every legally qualified medical practitioner, in respect of each certificate sent by him in accordance with this section, a fee of two shillings and sixpence, if the case occurs in his private practice, or of one shilling, if the case occurs in his practice as a medical officer of any public body or institution.

A medical practitioner who is also a district medical officer of health shall be entitled under this subsection to the same fee as if he were not such an officer.

(7) The acceptance by a medical practitioner of any payment made under this section by a sanitary authority shall not disqualify him for being a member of the sanitary authority or for holding any other public office.

183.—(1) The county council or, as respects the city, the common council may make byelaws (in this Act referred to as “food byelaws”) for promoting sanitary and cleanly conditions in the manufacture, preparation, storage, transport or exposure for sale of any article intended to be sold for food for human consumption. Food bye-
laws.

(2) Any food byelaws made by the county council may be made to apply generally or to any particular district or part of a district of a sanitary authority, and any food byelaws may provide that the byelaws shall have effect subject to such modifications, limitations or exceptions as may be specified in the byelaws.

(3) It shall be the duty of every sanitary authority to enforce in their district the provisions of any food byelaws.

(4) Notwithstanding anything in this or any other Act, the whole of every fine recovered in proceedings taken by a sanitary authority in pursuance of this section shall be paid to that authority.

(5) A sanitary authority may enter any premises or place in their district to which they have reasonable cause to suppose that any food byelaws apply, for the purpose of ascertaining whether there is occurring therein any contravention of the provisions of the food byelaws :

PART VIII.

—cont.

Provided that, in exercising the powers conferred on them by this section at any premises owned or used by a railway company, the sanitary authority shall comply with such reasonable requirements of the company as are necessary to prevent obstruction to, or interference with, the working of the traffic of the railway thereat, and the railway company shall not be liable for any accident or injury happening to any officer, servant or agent of a sanitary authority upon any lines of rails belonging to the company or upon any land immediately adjoining any such lines of rails.

Accom-
modation
for storage
and cooking
of food in
tenement
houses.

184.—(1) If at any time it appears to a sanitary authority that, in any tenement house within their district, sufficient and suitable accommodation for the storage or cooking of food is not provided for the use of each family occupying the house, on the storey, or one of the storeys, in which are situate the rooms or lodgings in the separate occupation of that family, the sanitary authority may, if the provision of such accommodation is practicable, serve on the owner of the house a notice requiring him to provide, within such reasonable time as may be specified in the notice, sufficient and suitable accommodation for the storage or cooking of food, as the case may be; and if the owner fails to comply with the requirements of the notice, he shall be guilty of an offence and liable to a fine not exceeding forty shillings, and to a further fine not exceeding twenty shillings for every day on which the offence continues after conviction:

Provided that this subsection shall not apply—

- (a) as respects accommodation for the cooking of food, to any tenement house used or occupied as such before the beginning of August, nineteen hundred and eight, or
- (b) as respects accommodation for the storage of food, to any tenement house used or occupied as such before the sixteenth day of August, nineteen hundred and nine.

(2) A sanitary authority may, at all reasonable times, enter any tenement house in the district of the authority for the purpose of ascertaining the accommodation (if any) provided for the storage of food in the house, or of ascertaining whether

there is any contravention of the provisions of this section or any non-compliance with the requirements of any notice given thereunder. PART VIII.
—cont.

(3) For the purpose of complying with the provisions of this section or with the requirements of any notice given thereunder, the owner of a tenement house may, notwithstanding anything to the contrary in any lease, underlease or agreement relating to the house or any part thereof, enter the house or any part thereof and do all such things as may be necessary for securing compliance with the said provisions or requirements, as the case may be; but if the occupier of the house or part suffers damage by reason of anything negligently or improperly done by the owner in pursuance of this subsection, the petty sessional court having jurisdiction in the area in which the house is situate may, on the application of the occupier and after giving the owner an opportunity of being heard, make an order for the payment of such compensation by the owner to the occupier as the court thinks proper.

(4) It shall be the duty of every sanitary authority to enforce in their district the provisions of this section.

(5) For the purposes of this section, so far as it relates to accommodation for the cooking of food, the port health authority shall be deemed to be the sanitary authority as respects so much of the port of London as is within the county.

Milk.

185.—(1) A sanitary authority may remove from the register kept by them under the Milk and Dairies (Consolidation) Act, 1915, of persons carrying on in the district of the authority the trade of dairyman, or may refuse to enter in that register, the name of any person carrying on, or proposing to carry on, the trade of dairyman upon premises which are, in the opinion of the sanitary authority, for any reason unsuitable for the sale of milk therein : Power of
sanitary
authorities
to refuse to
register
names of
dairymen.
5 & 6 Geo. 5.
c. 66.

Provided that, for the purposes of this subsection, premises shall not be treated as unsuitable for the sale of milk therein on any ground inconsistent with any order or regulation made under any enactment for the time being in force and applicable to the premises.

PART VIII.
—cont.

(2) Any person who thinks himself aggrieved by a decision of a sanitary authority under the provisions of this section may, at any time within twenty-one days from the date of the decision, appeal against it to a court of summary jurisdiction, and if on any such appeal it appears to the court that the premises of the appellant are in all respects suitable for the sale of milk therein, the court may make an order requiring the sanitary authority to enter or restore the name of the appellant in the register.

*Horse-flesh.*Regulation
of sale of
horse-flesh.

186.—(1) No person shall sell any horse-flesh as food for human consumption, or offer, expose or keep any horse-flesh for sale as such food, elsewhere than in a shop, stall or place on or over which there is placed in a conspicuous position, so as to be visible so long as horse-flesh is being offered or exposed for sale in the shop, stall or place, as the case may be, a notice indicating, in legible characters of not less than four inches in length, that horse-flesh is sold therein.

(2) No person shall supply horse-flesh as food for human consumption to any purchaser who has asked to be supplied with some meat other than horse-flesh or with some compound article of food which is not ordinarily made with horse-flesh.

(3) Any district medical officer of health, sanitary inspector or other officer of a local authority authorised by them for the purposes of this section may, at all reasonable times, examine any meat found by him within the district of the local authority which he has reason to believe to be horse-flesh and which is—

- (a) exposed for sale, or deposited for the purpose of sale or of preparation for sale, elsewhere than in such a shop, stall or place as is described in subsection (1) of this section, and
- (b) intended to be sold as food for human consumption;

and if upon examination the meat appears to him to be horse-flesh, he may remove it, or cause it to be removed, in order that it may be dealt with by a justice in accordance with this section.

(4) On complaint made on oath by a district medical officer of health, sanitary inspector or other officer of a local authority, any justice may issue a warrant authorising the complainant—

PART VIII.
—cont.

- (a) to enter any building or part of a building in the district of the local authority, other than such a shop, stall or place as is described in subsection (1) of this section, being a building in which the complainant has reason to believe that there is being kept any horse-flesh intended for sale, or for preparation for sale, as food for human consumption in contravention of the provisions of this section; and
- (b) to search for such horse-flesh as aforesaid, and to remove or cause to be removed from the building any meat found by him therein which appears to him to be such horse-flesh as aforesaid, in order that it may be dealt with by a justice in accordance with this section.

(5) If it appears to any justice that any meat removed under the foregoing provisions of this section is horse-flesh intended for sale, or for preparation for sale, as food for human consumption in contravention of this section, he may make such order with regard to the disposal of the meat as he thinks desirable, and the person in whose possession or on whose premises the meat was found shall, unless he proves that the meat was not intended to be sold in contravention of this section as food for human consumption, be guilty of an offence.

(6) Every person who obstructs an officer of a local authority in the discharge of his functions under this section shall be guilty of an offence.

(7) If any person contravenes any of the provisions of this section or is otherwise guilty of an offence under this section, he shall be liable to a fine not exceeding twenty pounds; and for the purpose of any proceedings taken by virtue of this section, any horse-flesh which is proved to have been exposed for sale to the public in any shop, stall or eating-house, other than such a shop, stall or place as is described in subsection (1) of this section, without anything to show that it was not intended for sale as food for human consumption, shall be presumed, until the contrary is proved, to have been so intended.

PART VIII.
—cont.

(8) In this section—

- (a) the expression “ horse-flesh ” includes the flesh of asses and mules, and means horse-flesh, whether cooked or uncooked, and whether alone or accompanied by, or mixed with, some other substance;
- (b) the expression “ local authority ” means, as respects the city and the liberties thereof, the common council or, as respects a borough, the council of the borough.

Ice cream and preserved food.

Registration of premises used in connection with sale of ice cream or preserved food.

187.—(1) No premises shall be used for any of the following purposes, that is to say—

- (a) the sale, or the manufacture for purposes of sale, of any commodity consisting of ice cream or any substance similar thereto, or the storage of any such commodity intended for sale; or
- (b) the preparation or manufacture of sausages or potted, pressed, pickled or preserved meat, fish or other food intended for sale,

unless the premises are registered under this section for that purpose by the sanitary authority :

Provided that any premises which were, immediately before the twelfth day of July, nineteen hundred and thirty-two, registered under section twenty-nine of the London County Council (General Powers) Act, 1928, for any of the purposes mentioned in that section, shall, if the premises are required to be registered under this section for that purpose, be deemed to have been so registered.

18 & 19
Geo. 5.
c. lxxvii.

(2) If any person uses any premises in contravention of this section, he shall be guilty of an offence and liable to a fine not exceeding forty shillings, and to a further fine not exceeding twenty shillings for every day on which the offence continues after conviction.

(3) Every application for the registration of premises under this section shall be made by the owner or occupier of the premises or by the person intending to occupy them.

(4) If a sanitary authority are satisfied that any premises are unsuitable for use for any purpose for which they have been registered under this section by the authority, or for which application for registration has been made under this section to the authority, the authority may serve upon—

(a) the occupier for the time being of the premises or the person on whose application they were registered, or

(b) the person applying for registration,

as the case may be, a notice requiring him to appear before the authority on such day, not being earlier than seven days after the date of the notice, as may be specified therein, in order to show cause why the authority should not, for the reasons specified in the notice, cancel the registration of the premises for the said purpose or refuse the application, and if that person fails to show cause to the satisfaction of the authority why they should not do so, the sanitary authority may cancel the registration of the premises for that purpose or refuse the application.

(5) Any person aggrieved by the decision of a sanitary authority under the last foregoing subsection may, within fourteen days after the date of the decision, appeal to a court of summary jurisdiction after causing written notice of the appeal and of the grounds thereof to be given to the sanitary authority, and on any such appeal the court may by order either confirm the decision of the sanitary authority or require them to keep in force the registration of the premises or to register the premises, as the case may require, and may direct that the costs of the appeal shall be paid in such manner, and by such parties thereto, as the court thinks fit.

(6) Any party to an appeal under the last foregoing subsection who is aggrieved by the decision of the court of summary jurisdiction thereon may appeal from that decision to a court of quarter sessions.

(7) Where, under subsection (4) of this section, a sanitary authority decide to cancel the registration of any premises for any purpose or to refuse an application for the registration of any premises for any

PART VIII. purpose, the premises shall nevertheless be deemed to
—cont. be registered under this section for that purpose—

- (a) until the expiration of the period within which an appeal against the decision may be brought under this section to a court of summary jurisdiction; or
- (b) where an appeal is so brought, until the appeal is determined or abandoned; or
- (c) where notice of appeal to quarter sessions from the decision of the court of summary jurisdiction under this section is duly given in accordance with the Summary Jurisdiction Acts, until that appeal is determined or abandoned.

(8) It shall be the duty of every sanitary authority to enforce in their district the provisions of this section.

(9) A sanitary authority may enter any premises in their district to which they have reasonable cause to believe that the provisions of this section apply, for the purpose of ascertaining—

- (a) whether there is occurring therein any contravention of the said provisions; or
- (b) in the case of premises which have been registered by the authority under this section for any of the purposes specified in subsection (1) thereof or in respect of which application for such registration for any of those purposes has been made to them, whether the premises are suitable for that purpose or any of the purposes specified in subsection (1) of this section:

Provided that, in exercising the powers conferred on them by this section at any premises owned or used by a railway company, the sanitary authority shall conform to such reasonable requirements of the company as are necessary to prevent obstruction to, or interference with, the working of the traffic of the railway thereat, and the railway company shall not be liable for any accident or injury happening to any officer, servant or agent of a sanitary authority upon any lines of rails belonging to the company or upon any land immediately adjoining any such lines of rails.

(10) Notwithstanding anything in this or any other Act, the whole of every fine recovered in proceedings

taken by a sanitary authority in pursuance of this section shall be paid to that authority. PART VIII.
—cont.

(11) For the purposes of this section, the preparation of meat or fish by any process of cooking shall be deemed to be the preservation thereof.

(12) In relation to any premises used as a theatre, music hall or cinema, and in relation to the premises known at the commencement of this Act as the Royal Albert Hall, this section shall have effect as if in paragraph (a) of subsection (1) of this section the words "the sale or" and the words "or the storage of any such commodity intended for sale" were omitted therefrom.

(13) This section shall not apply in relation to any premises used as a club, hotel or restaurant.

188. If any manufacturer of, or dealer in, any commodity consisting of ice cream or of any substance similar thereto— Regulation of manu-
facture and
sale of ice
cream, &c.

- (1) causes or permits the commodity to be manufactured, sold or stored in any cellar, shed or room in which there is an inlet or opening to a drain or which is used as a living room or sleeping room; or
- (2) in the manufacture, sale or storage of the commodity does anything likely to expose the commodity to infection or contamination, or fails to take proper precaution for the due protection of the commodity from infection or contamination; or
- (3) on the outbreak of any infectious disease amongst the persons employed in his business, or living or working in or about the premises in which the commodity is manufactured, sold or stored, fails to give notice of the fact forthwith to the district medical officer of health for the district in which the business is carried on or the premises are situate,

he shall be liable to a fine not exceeding forty shillings.

189.—(1) No itinerant vendor of any commodity consisting of ice cream or of any substance similar thereto shall offer the commodity for sale unless— Notice to
be exhibited
by itinerant
vendors of
ice cream,
&c.

- (a) in a case where he is the manufacturer of the commodity, he keeps exhibited in a legible

PART VIII.
—cont.

form on a conspicuous part of his barrow a notice stating his name and address; or

- (b) in any other case, he keeps so exhibited a notice stating the name and address of the person from whom he obtains the commodity.

(2) Every person who contravenes the provisions of this section shall be liable to a fine not exceeding forty shillings.

Legal proceedings.

190. Proceedings in respect of an offence under either of the last two foregoing sections shall be taken—

- (a) in the case of an offence which consists of the failure to give a notice in accordance with paragraph (3) of the last but one foregoing section, by the sanitary authority for the district to the district medical officer of health for which the notice is required by that paragraph to be given; or
- (b) in the case of any other offence, by the sanitary authority for the district in which the offence was committed.

Shell-fish.

Provision of means for cleansing shell-fish.

191.—(1) The county council or a sanitary authority may provide tanks or other apparatus for cleansing shell-fish (together with all works and appliances necessary for the proper use thereof) and make, in respect of the use of any tank or other apparatus so provided, such reasonable charges as the council or authority may determine.

(2) The county council or a sanitary authority may contribute, on such terms as may be agreed, towards—

- (a) the expenses incurred in pursuance of this section by any other authority upon whom powers are conferred by the foregoing subsection;
- (b) the expenses incurred in pursuance of the Public Health (Cleansing of Shell-Fish) Act, 1932, by any of the authorities upon whom powers are conferred by that Act;
- (c) the expenses incurred in pursuance of this section or of that Act by a joint committee of

any of the authorities mentioned in paragraphs (a) and (b) of this subsection; PART VIII.
—cont.

- (d) the expenses incurred by any other person in providing, and making available to the public, means for cleansing shell-fish.

(3) Section one of the Public Health (Cleansing of Shell-Fish) Act, 1932, shall have effect as if the reference in subsection (2) of that section to the expenses incurred in pursuance of that Act included a reference to expenses incurred in pursuance of this section.

(4) Any expenses incurred by the county council in pursuance of this section shall be defrayed as expenses for general county purposes or, if the Minister so directs, as expenses for special county purposes, chargeable upon such part of the county as he may determine.

(5) Without prejudice to the power of the county council to borrow, a sanitary authority may, with the consent of the Minister, borrow for the purposes of this section.

(6) Nothing in this section shall authorise the establishment of any tank or other apparatus, or the execution of any other work, on, over or under tidal lands below high-water mark of ordinary spring tides, except in accordance with such plans and sections, and subject to such restrictions and conditions, as may be approved in writing by the Board of Trade before the work is commenced.

For the purpose of this subsection, the approval of the Board of Trade may be signified under the hand of one of the secretaries or assistant secretaries of the Board.

(7) In this section the expression "cleansing shell-fish" includes the subjection of shell-fish to any germicidal treatment.

PART IX.

PREVENTION AND TREATMENT OF DISEASE.

Notification of diseases.

192.—(1) Where an inmate of a house is suffering from a notifiable infectious disease the following provisions shall have effect, that is to say :— Notification of infectious disease.

- (a) the head of the family to which the inmate (in this section referred to as "the patient")

PART IX.
—*cont.*

belongs or, in his default, the nearest relative of the patient present in the house or in attendance on the patient or, in default of such relative, the person in charge of, or in attendance on, the patient, or, in default of any such person, the master of the house, shall, as soon as he becomes aware that the patient is suffering from a notifiable infectious disease, send notice thereof to the district medical officer of health for the district in which the house is situate ;

- (b) every medical practitioner attending on, or called in to visit, the patient shall forthwith, on becoming aware that the patient is suffering from a notifiable infectious disease, send to the district medical officer of health a certificate stating the full name and the age and sex of the patient, the full address of the house, and the infectious disease from which, in the opinion of the medical practitioner, the patient is suffering, and stating also whether the case occurs in the private practice of the practitioner or in his practice as a medical officer of a public body or institution ; and where the certificate refers to the inmate of a hospital, it shall specify the place from which, and the date on which, the patient was brought to the hospital, and shall be sent to the district medical officer of health for the district in which the said place is situate :

Provided that, where a person suffering from a notifiable infectious disease is admitted as a patient into a hospital belonging to the county council, this section shall not require any notice or certificate that he is suffering from that disease to be given in respect of him by reason of his being in the hospital if, at the time of his admission, a copy of a certificate under this subsection to that effect has been sent by a district medical officer of health to the county council as hereinafter provided.

(2) Where a district medical officer of health receives a certificate under this section, he shall, within twelve hours after receipt of the certificate, send a copy thereof

to the county council, to the head teacher of the school attended by the patient (if a child) and to the head teacher of any school attended by any child who is an inmate of the same house as the patient.

PART IX.
—cont.

(3) Where there are two or more district medical officers of health for the district of the sanitary authority concerned, a certificate under this section shall be sent to such one of those officers as has charge of the area in which is the patient referred to in the certificate, or to such other of those officers as the sanitary authority may direct.

(4) A notice or certificate required to be sent to a district medical officer of health in pursuance of this section may be sent to him at his office or residence.

(5) The Minister may prescribe forms of certificates to be used for the purposes of this section, and any forms prescribed under this subsection shall be used in all cases to which they apply.

(6) Every person required by this section to send a notice or certificate, who fails forthwith to send it, shall be liable to a fine not exceeding forty shillings :

Provided that, if a person is not required to send notice in the first instance, but only in default of some other person, he shall not be liable to a fine if he satisfies the court that he had reasonable cause to believe that the notice had been duly sent.

(7) Every sanitary authority shall gratuitously supply forms of certificates for the purposes of this section to any medical practitioner residing or practising in their district who applies therefor, and shall pay to a medical practitioner for each certificate sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice, or of one shilling if the case occurs in his practice as medical officer of a public body or institution.

A medical practitioner who is also a district medical officer of health shall be entitled under this subsection to the same fee as if he were not such an officer.

(8) The county council shall repay to every sanitary authority the fees paid by that authority in respect of

PART IX. the certificates whereof copies have been sent under this section to the council.
—cont.

(9) This section shall apply in relation to every building, vessel, tent, van, shed or similar structure used for human habitation, in like manner as nearly as may be as if it were a house; but, subject to the provisions of the next following section, nothing in this section shall apply in relation to any house, building, vessel, tent, van, shed or similar structure belonging to His Majesty, or to any inmate thereof, or to any vessel belonging to any foreign government.

(10) The acceptance of any payment under this section by a medical practitioner shall not disqualify him for being a member of the county council or of a sanitary authority or for holding any other public office.

Notification of diseases occurring on certain Crown property.

193. Every case of disease occurring in any building, tent, van, shed or similar structure in the occupation of any of His Majesty's forces or of any person employed by or under the Admiralty, the Army Council or the Air Council, shall be notified by the medical attendant to the district medical officer of health for the district in which the case occurs, if it would have been his duty, under this or any other Act or under any order of the Minister, to notify the case had it occurred elsewhere; and unless the medical attendant is a medical officer who holds a commission in His Majesty's forces, the sanitary authority shall pay him a fee of one shilling in respect of the notification, whether the case occurs in his private practice or otherwise.

Prevention of infectious diseases.

Provision of means for disinfection of articles.

194.—(1) Every sanitary authority shall provide, either within or without their district, proper premises, with all necessary apparatus and attendance, for the destruction and for the disinfection, and carriages or vessels for the removal, of articles which have become infected by any dangerous infectious disease, and may make the like provision for the destruction, disinfection and removal of articles which have become infected by any other disease.

(2) The sanitary authority shall cause any such articles brought for destruction or disinfection, whether alleged to be infected by any dangerous infectious disease or by any other disease, to be destroyed or to be disinfected and returned, and may remove, and may destroy, or disinfect and return, such articles free of charge.

PART IX.
—cont.

(3) Any sanitary authorities may discharge their functions under this section by combining for the purposes thereof, or by contracting for the use by one of the contracting authorities of any premises provided for the purpose of this section by another of the contracting authorities, and may so combine or contract upon such terms as may be agreed upon.

(4) A sanitary authority may, with the consent of the Minister, borrow for the purpose of the provision under this section of premises, apparatus, carriages and vessels for the disinfection, removal or destruction of infected articles.

195.—(1) Where a district medical officer of health or any other legally qualified medical practitioner certifies to the sanitary authority that the cleansing and disinfection of any house or part of a house, and of any articles therein likely to retain infection, or the destruction of the articles, would tend to prevent or check any dangerous infectious disease, the sanitary authority shall serve a notice on the master, or, where the house or part is unoccupied, on the owner, of the house or part, stating that the house or part and the said articles therein will be cleansed and disinfected or (as regards the articles) destroyed by the sanitary authority, unless he informs the sanitary authority, within twenty-four hours after the receipt of the notice, that he will cleanse and disinfect the house or part and the articles, or destroy the articles, to the satisfaction of the district medical officer of health, or of some other legally qualified medical practitioner, within a time fixed in the notice.

Cleansing
and disin-
fection of
premises,
&c.

(2) If—

(a) the person on whom a notice is duly served under the foregoing subsection—

(i) does not, within twenty-four hours after the receipt of the notice, give to the sanitary authority such information as is mentioned in that subsection; or

PART IX.
—cont.

(ii) having so given that information to the sanitary authority, fails to have the house or part of a house and articles to which the notice relates cleansed and disinfected, or the articles destroyed, as aforesaid within the time fixed in the notice; or

(b) the master or owner of the house or part of a house to which such a certificate as is mentioned in subsection (1) of this section relates, gives his consent thereto,

the house or part of a house and articles in question shall be cleansed and disinfected, or the articles destroyed, by the officers and at the expense of the sanitary authority under the superintendence of the district medical officer of health.

(3) For the purpose of carrying into effect this section, the sanitary authority may enter by day on any premises.

(4) The sanitary authority shall provide, free of charge, temporary shelter or house accommodation with any necessary attendants for the members of any family in which any dangerous infectious disease has appeared, who have been compelled to leave their dwellings for the purpose of enabling the dwellings to be disinfected by the sanitary authority.

(5) When a sanitary authority have disinfected any house, part of a house or article under the provisions of this section, they shall compensate the master or owner of the house or part of a house, or the owner of the article, for any unnecessary damage thereby caused to the house, part of a house or article; and when a sanitary authority destroy any article under this section, they shall compensate the owner thereof.

The amount of any compensation payable under this subsection shall be recoverable in a summary manner.

(6) A borough council may, with the consent of the Minister, borrow for the purpose of the provision of shelter or house accommodation for persons removed under this section from their dwellings.

Disinfection
of bedding,
&c.

196.—(1) A sanitary authority may serve a notice on the owner of any bedding, clothing or other article which has been exposed to the infection of any dangerous

infectious disease, requiring the delivery of the article to an officer of the sanitary authority for removal for the purpose of destruction or disinfection; and if any person on whom a notice is served under this subsection fails to comply with the notice, he shall, on the information of the sanitary authority, be liable to a fine not exceeding ten pounds.

PART IX.
—cont.

(2) All bedding, clothing and other articles disinfected by the sanitary authority under this section shall, after being so disinfected, be brought back and delivered to the owner free of charge, and if any such article suffers any unnecessary damage, the authority shall compensate the owner therefor, and the authority shall also compensate the owner for any article destroyed.

The amount of any compensation payable under this subsection shall be recoverable in a summary manner.

197.—(1) If any person knowingly throws, or causes or permits to be thrown, into an ash-pit any rubbish infected by a dangerous infectious disease without previous disinfection, he shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding forty shillings for every day during which the rubbish remains in the ash-pit after a notice relating thereto has been duly served under the following subsection.

Disinfection
of rubbish
thrown into
ash-pits, &c.

(2) The sanitary authority shall serve notice of the provisions of this section on the master of any house or part of a house in which they are aware that there is a person suffering from a dangerous infectious disease, and, on the request of the master, shall provide for the removal and disinfection or destruction of the rubbish in question.

198.—(1) Any person who knowingly lets for hire a house, or part of a house, in which any person has been suffering from a dangerous infectious disease, without having that house or part, and all articles therein liable to retain infection, disinfected to the satisfaction of a legally qualified medical practitioner, as testified by a certificate signed by him, or (as regards the articles) destroyed, shall be liable to a fine not exceeding twenty pounds.

Letting of
house in
which in-
fected per-
sons have
been
lodging.

(2) Where, for the purposes of this section, it is material to determine whether a part of a house being

PART IX. an inn has been let for hire, that part shall be deemed to
—*cont.* be so let to any person admitted as a guest thereto.

False
statements
as to
infectious
disease.

199. Any person letting for hire, or showing for the purpose of letting for hire, any house or part of a house, who, on being questioned by any person negotiating for the hire, as to the fact of there being, or having within six weeks previously been, therein any person suffering from a dangerous infectious disease, knowingly makes a false answer to such question, shall be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding one month.

Disinfection
of houses,
&c.

200.—(1) A person who, on ceasing to occupy a house or part of a house in which any person has, within six weeks previously, been suffering from a dangerous infectious disease, either—

- (a) fails to have that house or part, and all articles therein liable to retain infection, disinfected to the satisfaction of a legally qualified medical practitioner, as testified by a certificate signed by him, or the articles destroyed, or
- (b) fails to give to the owner or master of that house or part notice of the previous existence of the disease, or
- (c) on being questioned by the owner or master of, or by any person negotiating for the hire of, that house or part, as to the fact of there having, within six weeks previously, been therein any person suffering from a dangerous infectious disease, knowingly makes a false answer to the question,

shall be liable to a fine not exceeding ten pounds.

(2) The sanitary authority shall serve notice of the provisions of this section on the master of any house or part of a house in which they are aware that there is a person suffering from a dangerous infectious disease.

Removal to
hospital of
infected per-
sons without
proper
lodging.

201.—(1) A person suffering from a dangerous infectious disease, who is without proper lodging or accommodation or is lodged in a tent or van or is on board a vessel, may, on a certificate signed by a legally

qualified medical practitioner, and with the consent of the superintending body of the hospital to which he is to be removed, be removed by order of a justice, at the expense of the sanitary authority for the district in which the said person is found, to any hospital in, or within a convenient distance of, the county.

PART IX.
—cont.

(2) An order of a justice under the foregoing subsection may be addressed to such constable, or to such officer of the sanitary authority, as the justice thinks expedient; and if any person wilfully disobeys, or obstructs the execution of, the order, he shall be liable to a fine not exceeding ten pounds.

(3) A sanitary authority may make byelaws as to removing to any hospital to which the authority are entitled to remove patients, and for keeping in that hospital so long as may be necessary, any persons brought within their district by any vessel who are infected with a dangerous infectious disease.

202.—(1) A justice, on being satisfied that a person suffering from a dangerous infectious disease is in a hospital, and would not, on leaving the hospital, be provided with lodging or accommodation in which proper precautions could be taken to prevent the spreading of the disease by that person, may direct that he be detained in the hospital, at the expense of the county council, during the time limited by the justice.

Detention of infected person without proper lodging in hospital.

Any justice may extend the time limited as aforesaid as often as appears to him necessary for preventing the spread of the disease.

(2) A direction under the foregoing subsection may be carried into execution by any officer of a sanitary authority or of the county council, by any inspector of police or by any officer of the hospital.

203. If any person—

(1) while suffering from a dangerous infectious disease, wilfully exposes himself in any street, public place, shop or inn, without proper precautions against spreading the disease; or

Exposure of infected persons and things.

(2) being in charge of any person so suffering, so exposes the sufferer; or

PART IX.
—cont.

(3) gives, lends, sells, transmits, removes or exposes, without previous disinfection, any bedding, clothing or other article which has been exposed to infection from such a disease,

he shall be liable to a fine not exceeding five pounds :

Provided that proceedings shall not by virtue of this section lie against any person transmitting, with proper precautions, any bedding, clothing or other article for the purpose of having it disinfected.

Infected person carrying on business.

204. A person who 'knows himself to be suffering from a dangerous infectious disease shall not milk any animal or pick fruit, and shall not engage in any occupation connected with food, or carry on any trade or business, in such a manner as to be likely to spread the disease, and if he does so, he shall be liable to a fine not exceeding ten pounds.

Conveyance of infected person in public vehicles.

205.—(1) It shall not be lawful for the owner or driver of a public conveyance knowingly to convey, or for any other person knowingly to place, in a public conveyance a person suffering from a dangerous infectious disease, or for a person suffering from such a disease to enter a public conveyance, and every person who contravenes this subsection shall be liable to a fine not exceeding ten pounds.

(2) If any person suffering from a dangerous infectious disease is conveyed in a public conveyance, the owner or driver thereof, as soon as it comes to his knowledge, shall give notice to the sanitary authority and shall cause the conveyance to be disinfected, and every person who fails to comply with this subsection, shall be liable to a fine not exceeding five pounds.

The owner or driver of a public conveyance shall be entitled to recover in a summary manner from the person so conveyed by him, or from the person causing that person to be so conveyed, a sum sufficient to cover any loss and expense incurred by him in connection with the disinfection of the conveyance as required by this subsection.

(3) It shall be the duty of the sanitary authority, when requested by the owner or driver of a public conveyance so to do, to provide for the disinfection thereof, and they may do so free of charge.

206.—(1) If a district medical officer of health has evidence that any person in the district of the sanitary authority is suffering from a dangerous infectious disease attributable to milk supplied within the district from any dairy situate within or without the district, or that the consumption of milk from such a dairy is likely to cause such a disease to any person residing in the district, the medical officer of health, if authorised by an order of a justice having jurisdiction in the place where the dairy is situate, may inspect the dairy and, if accompanied by a veterinary inspector or some other properly qualified veterinary surgeon, may inspect the animals therein.

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—*cont.*
Inspection
of dairies,
and prohi-
bition of in-
fected milk
supply.

(2) If, on such an inspection as aforesaid, the district medical officer of health is of opinion that a dangerous infectious disease is caused by consumption of the milk supplied from the dairy, he shall report thereon to the sanitary authority, and his report shall be accompanied by any report furnished to him by the veterinary inspector or veterinary surgeon, if any, present at the inspection, and the sanitary authority may thereupon serve on the dairyman notice to appear before them within such time, not being less than twenty-four hours, as may be specified in the notice, to show cause why an order should not be made requiring him not to supply milk therefrom within the district until the order has been withdrawn by the sanitary authority.

(3) The sanitary authority, if in their opinion the dairyman fails to show cause why the proposed order should not be made, may make the said order, and shall forthwith serve notice of the facts on the council of the county in which the dairy is situate, and on the Minister, and, if the dairy is situate within the district of another sanitary authority, on that authority.

(4) An order under this section shall be forthwith revoked by the sanitary authority, if the sanitary authority are, or the district medical officer of health, on their behalf, is, satisfied that the milk supply in question has been changed, or that the cause of the infection has been removed.

(5) If any person—

(a) refuses to permit a district medical officer of health, on the production of a justice's order under this section, to inspect any dairy, or to

PART IX.
—cont.

inspect, while accompanied by a veterinary inspector or some other qualified veterinary surgeon, the animals kept in the dairy; or

- (b) after any such order has been made, supplies milk within the district of the sanitary authority in contravention of the order or sells it for consumption therein,

he shall be guilty of an offence and shall, on the information of the sanitary authority, be liable to a fine not exceeding five pounds, and to a further fine not exceeding forty shillings for every day during which the offence continues.

(6) Proceedings in respect of an offence under this section shall be taken before a court having jurisdiction in the place where the dairy in question is situate.

(7) Where proceedings are taken by virtue of this section in respect of a dairy situate outside the county, notice of the facts shall be served on the council of the county borough or county district in which the dairy is situate, as if they were a sanitary authority.

(8) A dairyman shall not be liable to an action in respect of any breach of contract which is due to an order under this section.

Ascertainment of sources of supply of infected milk.

207.—(1) Where a district medical officer of health certifies to the sanitary authority that a person in their district is suffering from a notifiable infectious disease which the medical officer has reason to suspect is attributable to milk supplied within the district, the authority may request the dairyman supplying the milk to furnish to the district medical officer of health within such reasonable period as may be specified by the authority, a list of all the dairies from which the dairyman's supply of milk is derived or has been derived during the six weeks immediately preceding the date of the request, and if the supply or any part thereof is obtained through any other dairyman in their district, may make the like request to that dairyman.

(2) A sanitary authority shall pay to a dairyman the sum of sixpence in respect of each list furnished by him in accordance with a request made under this section by the authority, and, if the list contains twenty-five or more names, a further sum of sixpence in respect of every twenty-five names contained in the list.

(3) If any dairyman fails to comply with a request made to him under this section by a sanitary authority, he shall be guilty of an offence and liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for every day during which the offence continues after conviction.

PART IX.
—cont.

208.—(1) Every person having the charge or control of premises in which is lying the body of a person who has died from a notifiable infectious disease shall take such steps as may be reasonably practicable to prevent persons coming into contact with the body unnecessarily, and if he fails to comply with this subsection, he shall be liable to a fine not exceeding five pounds.

Contact with body of person dying of notifiable infectious disease.

(2) Notwithstanding anything in this or any other Act, the whole of every fine recovered by virtue of this section shall be payable to the authority by whom the proceedings leading to the recovery of the fine are taken.

209.—(1) A person shall not, without the written consent of a district medical officer of health or a legally qualified medical practitioner, retain unburied for more than forty-eight hours, elsewhere than in a room not used at the time as a dwelling-place, sleeping-place, or work-room, the body of a person who has died of a dangerous infectious disease.

Retention of dead body of infectious person.

(2) If a person contravenes this section, he shall, on the information of the sanitary authority, be liable to a fine not exceeding five pounds.

210.—(1) If a person dies in a hospital from a dangerous infectious disease, and a district medical officer of health or legally qualified medical practitioner certifies that, in his opinion, it is desirable, in order to prevent the risk of communicating the disease, that the body should not be removed from the hospital except for the purpose of being forthwith buried, it shall not be lawful for any person to remove the body except for that purpose; and the body when taken out of the hospital shall be forthwith taken direct to the place of burial, and there buried.

Removal of dead body of infectious person.

If any person wilfully contravenes this subsection, he shall, on the information of the sanitary authority, be liable to a fine not exceeding ten pounds.

PART IX.
—cont.

(2) Nothing in this section shall prevent the removal of a dead body from a hospital to a mortuary, and the mortuary shall, for the purposes of this section, be deemed part of the hospital.

Disinfection
of public
conveyances
used for
carrying
corpses.

211. If—

- (a) a person hires or uses a public conveyance, other than a hearse, for conveying the body of a person who has died from a dangerous infectious disease, without previously notifying the owner or driver of the conveyance that the dead person died from an infectious disease, or
- (b) the owner or driver of a public conveyance does not, immediately after the conveyance has to his knowledge been used for conveying the body of a person who has so died as aforesaid, provide for the disinfection of the conveyance,

he shall be guilty of an offence and shall, on the information of the sanitary authority, be liable to a fine not exceeding five pounds, and to a further fine not exceeding forty shillings for every day during which the offence continues.

Medical in-
spection of
inmates of
common
lodging-
house.

212. A justice may, on complaint made on oath by a district medical officer of health, grant a warrant to him to enter any common lodging-house situate within the district of the sanitary authority in which he has reasonable cause to believe that there is a person who is suffering, or has recently suffered, from a notifiable infectious disease, and to examine any person found in that house with a view to ascertaining whether he is suffering or has recently suffered from such a disease.

Epidemic diseases.

Extension
to London
of certain
provisions
of Public
Health Acts.

213.—(1) Sections one hundred and thirty, one hundred and thirty-four, one hundred and thirty-five and one hundred and forty of the Public Health Act, 1875, (which empower the Minister to make regulations with respect to epidemic, endemic or infectious diseases) shall extend to the county, so however that in their application to the county the said sections shall have effect as if for references therein to a local authority there

were substituted references to a sanitary authority for the purposes of this Act.

PART IX.
—cont.

(2) Regulations made by virtue of this section under section one hundred and thirty-four of the Public Health Act, 1875, are in this Act referred to as “epidemic regulations.”

214.—(1) The Minister may declare that one of the authorities for the purpose of the enforcement within the county of regulations made under section one hundred and thirty of the Public Health Act, 1875, shall be the county council, and thereupon that section shall have effect as if the county council were an authority within the meaning of that section :

Enforce-
ment by
county
council of
regulations
under ss. 130
and 134 of
38 & 39 Vict.
c. 55.

Provided that, except in a case of emergency, the Minister shall not require the county council to enforce any such regulations without the consent of the council.

(2) The expenses incurred by the county council in the enforcement of such regulations as aforesaid shall be defrayed as expenses for general county purposes or, if the Minister by order so directs, as expenses for special county purposes chargeable on such part of the county as may be specified in the order.

(3) The county council shall have, for the purposes of any epidemic regulations, such functions (if any) as may be assigned to them by the Minister.

215. Subject to the provisions of the last foregoing section, it shall be the duty of every sanitary authority within whose district any epidemic regulations are in force, to enforce the regulations, and the sanitary authority—

Duty of
sanitary
authorities
to enforce
epidemic
regulations.

- (a) shall do all such things as may be necessary for enforcing the regulations or mitigating any disease to which the regulations relate;
- (b) may direct the taking of proceedings against any person who wilfully contravenes or fails to comply with the regulations; and
- (c) may enter on any premises or vessel for the purpose of enforcing the regulations.

216.—(1) Whenever, in compliance with epidemic regulations, a poor law medical officer performs any medical service on board a vessel, he shall be entitled

Poor law
medical
officers en-
titled to

PART IX.
—*cont.*
costs of
attendance
on board
vessels.

to make an extra charge for that service, at the usual rate of his allowance for services as such officer; and that charge shall be paid by the master of the vessel on behalf of the owners thereof, together with any reasonable expenses for the treatment of the sick on board the vessel.

(2) Where any such service is rendered by a medical practitioner who is not a poor law medical officer, he shall be entitled to make a charge for the service, with extra remuneration on account of distance, at the rate which he is in the habit of receiving from private patients of the class of those attended and treated on board the vessel, and that charge shall be paid as aforesaid.

(3) Any dispute in respect of a charge made under the last foregoing subsection may, where the charge does not exceed twenty pounds, be determined by a petty sessional court; and that court shall determine summarily the amount which is reasonable, according to the accustomed rate of charge at the place where the dispute arose, for attendance on patients of the same class as those in respect of whom the charge is made.

Combination
of sanitary
authorities
for enforce-
ment of
epidemic
regulations.

217. The Minister may by order authorise or require any two or more sanitary authorities to act together for the purposes of any epidemic regulations, and prescribe the mode of such joint action and of defraying the cost thereof, and generally may make any regulations necessary or proper for carrying the order into effect.

Expenses
and bor-
rowing
powers of
sanitary
authorities.

218.—(1) The amount expended in pursuance of any epidemic regulations by a sanitary authority in providing any building for the reception of patients or other persons shall, to such extent as may be determined by the Minister, together with two-thirds of the salaries or remuneration of any officers or servants employed in such a building under this Part of this Act, be repaid to the sanitary authority by the county council, after the production of such evidence in support of the expenditure as the Minister thinks satisfactory.

(2) A borough council may borrow for the purposes of any epidemic regulations.

*Treatment of tuberculosis.*PART IX.
—cont.

219. The county council and any sanitary authority may make such arrangements for the treatment of tuberculosis as may be approved by the Minister.

Arrangements
for treatment.

220.—(1) If the county council fail to make adequate arrangements for the treatment of tuberculosis at or in dispensaries, sanatoria and other institutions approved by the Minister, the Minister may, after giving the council an opportunity of being heard, make such arrangements as he thinks necessary for the purpose of such treatment as aforesaid.

Power of
Minister
as to
arrange-
ments for
treatment.

(2) Any expenses incurred by the Minister in the exercise of his powers under the foregoing subsection may be paid in the first instance by the Minister out of moneys provided by Parliament, and the amount of any expenses certified by the Minister to have been so incurred shall be paid to him by the county council on demand, and shall be recoverable as a debt due to the Crown.

(3) Any approval by the Minister of an institution for the treatment of tuberculosis may be given for such time, and subject to such conditions, as the Minister thinks fit, and the Minister may withdraw any such approval.

221. The county council may make such arrangements as they think desirable for the after-care of persons who have suffered from tuberculosis.

After-care of
tubercular
patients.

222. The county council may, with the approval of the Minister, enter into agreements with the council of any other county or of any county borough for the reception in hospitals or sanatoria belonging to the county council of persons suffering from tuberculosis.

Agreements
for recep-
tion of
tubercular
patients.

223. Any expenses incurred by the county council under the foregoing provisions of this Act relating to the treatment of tuberculosis shall be defrayed as expenses for general county purposes or, if the Minister by order so directs, as expenses for special county purposes chargeable on such part of the county as may be specified in the order.

Expenses of
county
council.

PART IX.
—cont.*Removal of diseased or infirm persons to hospitals or institutions.*

Removal of
diseased or
infirm
persons to
hospitals or
institutions.

224.—(1) If a district medical officer of health certifies in writing to the sanitary authority—

(a) that a person—

(i) is suffering from a grave chronic disease,
or

(ii) is aged, infirm or physically incapacitated, and resides in premises in the district of the sanitary authority which are insanitary owing to neglect on the part of the occupier of the premises, or resides under insanitary conditions, and

(b) that the said person is unable to devote to himself, or to receive from persons with whom he resides, proper care and attention, and

(c) that thorough inquiry and consideration have shown it to be necessary, in the interest of the health of that person and for preventing injury to the health of, or serious nuisance to, other persons, that he should be removed from the premises in which he is residing,

the district medical officer of health may make an application to a petty sessional court, and the court, upon oral proof of the allegations in the certificate, and subject to the examination of the person in question by a legally qualified medical practitioner to be nominated by the court, may make an order for the removal of that person to a suitable hospital or other institution or other suitable place in, or within a convenient distance of, the district of the sanitary authority, and for his detention and maintenance therein for such period, not exceeding three months, as may be determined by the order, and for such further period or periods, not exceeding three months in the case of any one period, as may be determined by a further order made under and in accordance with this section :

Provided that an application under this subsection for the removal of any person shall not be entertained by the court unless, at least three clear days before the making of the application, the district medical officer of health has given to the county council notice in writing

of his intention to make the application, and has also given to the said person, or to some person in charge of him, notice of the intention to make the application and of the time and place at which it will be made.

PART IX.
—cont.

(2) The expenses incurred in the removal of any person to a hospital, institution or place, and of his detention and maintenance therein, in pursuance of an order made under this section shall be borne by the sanitary authority on the application of whose district medical officer of health the order was made; and during any period for which a person is detained in pursuance of such an order, the sanitary authority may, and, if so required by the court, shall, make such contribution towards the maintenance of any dependants of that person as the sanitary authority think fit or as may be directed by the court, as the case may be.

(3) The county council shall be entitled to appear and be heard on any application for an order under this section, and in any proceedings relating thereto, and, notwithstanding anything in the last foregoing subsection, may, in the exercise of their powers under the Poor Law Act, 1930, assume such obligations with regard to the maintenance of the person and his dependants as may be agreed upon between the council and the sanitary authority.

20 & 21
Geo. 5. c. 17.

(4) An order under this section may be addressed to such officer of the sanitary authority, or to such constable, as the court making the order thinks expedient, and if any person wilfully disobeys, or obstructs the execution of, the order, he shall be liable to a fine not exceeding ten pounds.

Notwithstanding anything in this or any other Act, the whole of every fine recovered by virtue of this subsection shall be payable to the authority by whom the proceedings leading to the recovery of the fine are taken.

(5) The petty sessional court, on an application made at any time after the expiration of six clear weeks from the making of an order under subsection (1) of this section, by or on behalf of the person in respect of whom the order was made, may make an order revoking the first-mentioned order if, having regard to the circumstances of the case, the court is of opinion that it is proper that the revoking order should be made :

PART IX.
—cont.

Provided that an application under this subsection shall not be entertained by the court unless, at least three clear days before the making of the application, the applicant has given to the district medical officer of health notice of his intention to make the application and of the time and place at which the application will be made.

(6) Nothing in this section or in any order made thereunder shall authorise the removal of any person to, or the detention of any person in, any poor law institution, except with the written consent of the governing body of that institution, or shall affect the discharge by the county council of their functions as poor law authority.

(7) Notwithstanding anything in the foregoing provisions of this section, a district medical officer of health shall not exercise the powers conferred on him by this section unless he is generally or specially authorised so to do by a resolution of the sanitary authority.

Medical officers and health visitors.

Qualifica-
tions of
medical
officers and
health
visitors
appointed
for purposes
of Part IX.

225. Without prejudice to the provisions of Part I of this Act, the Minister may make regulations prescribing the qualifications of medical officers and health visitors appointed by the county council or a sanitary authority for the purpose of any regulations made under section one hundred and thirty of the Public Health Act, 1875 (as applied to the county by this Part of this Act) which relate to the treatment of venereal disease, or for the purposes of the provisions of this Part of this Act which relate to the treatment of tuberculosis; and persons shall not be appointed as such medical officers or health visitors whose qualifications are not in accordance with the regulations made under this section.

PART X.

HOSPITALS, MEDICAL SERVICE, AMBULANCES AND
MORTUARIES.*Provision of hospital accommodation and medical
assistance by local authorities.*

Provision of
hospital
accommoda-
tion.

226.—(1) The county council and any sanitary authority may provide hospital accommodation, temporary or permanent, for the use of the inhabitants of the

county or of the district of the authority, as the case may be, and for that purpose may—

PART X.
—cont.

- (a) build hospitals; or
- (b) contract for the use of a hospital or part of a hospital; or
- (c) enter into an agreement with the person having the management of a hospital, for the reception therein of the sick inhabitants of the county or of the district, as the case may be, on payment of such annual or other sum as may be agreed on.

The powers of the county council under this subsection include a power to provide accommodation for the reception of pregnant women.

(2) Two or more sanitary authorities may combine in providing a common hospital under this section, and the county council may so combine with the council of any county outside London.

(3) The county council may make reasonable subscriptions or donations to a voluntary hospital or institution, if the council are satisfied that by so doing they will maintain or extend the efficiency of the hospital accommodation for the sick inhabitants of the county :

Provided that the expenses of the county council under this subsection shall not exceed in any one year an amount equal to that which would be produced by a rate of one-and-a-third pence in the pound calculated on the total values on which the rate for general county purposes is assessed.

(4) The Minister may by order direct that for the reference in the last foregoing subsection to one-and-a-third pence there shall be substituted a reference to such greater amount as may be specified in the order.

(5) Without prejudice to the power of the county council to borrow, a borough council may borrow for the purpose of the provision of hospitals under this section.

(6) An order of the Minister under this section shall be laid before Parliament as soon as may be after it is made, and if either House of Parliament, within the next subsequent twenty-one days on which that House has sat

PART X.
—cont.

after such an order has been laid before it, presents an address to His Majesty praying that the order may be annulled, the order shall thenceforth be void, but without prejudice to the validity of anything done thereunder or to the making of a new order.

(7) Any such order as aforesaid may be varied or revoked by a subsequent order made by the Minister.

Temporary
supply of
medicine.

227. A sanitary authority may, with the consent of the Minister, provide, or contract with any person to provide, a temporary supply of medicine and medical assistance for the poorer inhabitants of the district of the sanitary authority.

Use of
premises by
county
council as
cholera
hospitals.

228. Any authority or person having the management and control of any hospital or workhouse may let it or any part thereof to the county council, and enter into, and carry into effect, contracts with the council for the reception, treatment and maintenance therein of persons suffering from cholera or choleraic diarrhoea within the county :

Provided that the power conferred by this section shall not be exercised with respect to any workhouse without the consent of the Minister.

Recovery of Hospital Expenses.

Duty of
local
authorities
to recover
hospital
expenses.

229.—(1) It shall be the duty of the county council and of every sanitary authority to recover from any person who has been maintained by them in any institution, other than a person who has become an inmate of the institution for the purpose of receiving treatment for infectious disease, or from any person legally liable to maintain that person, the whole of the expenses incurred by the council or authority in the maintenance of that person or, if the council or authority are satisfied that the persons from whom the expenses are recoverable cannot reasonably, having regard to their financial circumstances, be required to pay the whole of those expenses, such part, if any, of the expenses as they are, in the opinion of the council or authority, able to pay :

Provided that the county council or sanitary authority may, by agreement with the governing body of any association or fund established for the purpose

of providing benefits to members or other beneficiaries thereof, except from the association or fund, in respect of the expenses incurred by the council or authority in the maintenance of any member or beneficiary of the association or fund, payment of such sums as may be provided by the agreement, in lieu of recovering the whole or any part of the said expenses from the member or beneficiary, or from any person legally liable to maintain him.

PART X.
—cont.

(2) Any expenses recoverable under this section shall, without prejudice to any other remedy, be recoverable summarily as a civil debt.

(3) For the purposes of this section—

(a) the expression “institution” means any hospital, maternity home or other residential institution accommodation wherein is provided by the county council or a sanitary authority under the powers conferred by this Act, or any enactment repealed by this Act;

(b) the expenses incurred by the county council or a sanitary authority in providing for the maintenance of a person in an institution shall, in respect of each day of maintenance in the institution, be deemed to be a sum representing the average daily cost per patient of the maintenance of the institution and the staff thereof and the maintenance and treatment of the patients therein.

(4) This section shall have effect subject to the provisions of section fifty-eight of the London County Council (General Powers) Act, 1934.

Ambulance services.

230.—(1) The county council may establish and maintain, or contribute towards the cost of, or otherwise aid in, establishing or maintaining an ambulance service for dealing with cases of accidents or illness (other than infectious diseases) within the county, exclusive of the city, and for those purposes may—

County
council's
ambulance
service.

(a) appropriate any premises for the time being vested in them;

PART X.
—cont.

- (b) erect, maintain and manage buildings on any land appropriated or acquired by the council for those purposes;
- (c) adapt, furnish and equip any buildings appropriated, acquired or erected by the council for those purposes;
- (d) contract with the Postmaster-General for the establishment and maintenance of telegraphic, telephonic and other suitable means of communication;
- (e) provide and maintain ambulances and other vehicles and means of conveyance, to be drawn by electrical or other mechanical power, by horse or by hand:

Provided that any electrical power used for moving any such vehicle shall be entirely contained in, and carried along with, the vehicle.

(2) Expenses incurred under this section by the county council shall be defrayed as expenses for special county purposes.

Arrange-
ments
between
county
council and
other
authorities.
7 Edw. 7.
c. 53.

231.—(1) The county council may allow the ambulance service established under the last foregoing section, or under the corresponding provision of any enactment repealed by this Act, to be used, on such terms and conditions as may be agreed, by any local authority having powers under section fifty of the Public Health Acts Amendment Act, 1907.

(2) The county council, on the one hand, and the Port of London Authority or the council of a metropolitan borough or of a county or county borough adjoining the county of London, on the other hand, may enter into, and carry into effect, an agreement—

- (a) for the working and use by any party to the agreement, for the purposes of the ambulance service authorised by the last foregoing section, of ambulances, premises and appliances provided by any such party for purposes other than those of the last foregoing section;
- (b) for utilising, for the purpose of the ambulance service so authorised as aforesaid, the services of any person employed by any party to the agreement.

232. A sanitary authority may provide and maintain ambulances suitable for the conveyance of persons suffering from an infectious disease, and pay the expense of conveying therein any person so suffering to a hospital or other place of destination.

PART X.
—cont.
Conveyance
of infected
persons.

233.—(1) The county council may, if they think fit, maintain all or any of the wharves, landing-places and approaches thereto provided by the Managers of the Metropolitan Asylum District before the year eighteen hundred and ninety-two, whether in or outside the county, and may use any such wharves, landing-places and approaches for the embarkation and landing of persons removed to or from any hospital which belongs to the council, and for any other purpose in relation thereto.

Provision of
landing-
places,
vessels,
ambulances,
&c.

Nothing in this subsection shall be taken to affect the operation of section two hundred and twelve of the Port of London (Consolidation) Act, 1920.

10 & 11
Geo. 5.
c. clxxiii.

(2) The county council may provide and maintain vessels for use in connection with any such wharves or landing-places as aforesaid and with the hospitals belonging to the council, and also ambulances suitable for the conveyance of persons suffering from any dangerous infectious disease, and shall cause the vessels and ambulances to be properly cleansed and disinfected, and may provide and maintain such buildings and horses, and employ such persons, and do such other things, as are necessary or proper for the purposes of such conveyance.

(3) The county council may allow any of the said ambulances, with the necessary attendants, to be used for the conveyance of persons suffering from a dangerous infectious disease to and from hospitals and places other than hospitals belonging to the council, and may make a reasonable charge for that use.

Mortuaries, &c.

234.—(1) Every sanitary authority shall provide and fit up a proper place for the reception of dead bodies before interment (in this Act referred to as “a mortuary”), and may make byelaws with respect to the management and charges for the use of the same; and may also provide for the decent and economical interment,

Provision of
mortuaries
by sanitary
authorities.

PART X.
—cont.

at charges to be fixed by the byelaws, of any dead body received into a mortuary.

(2) A borough council may borrow for the purpose of the provision of a mortuary under this Part of this Act.

Justice's
order for
removal of
dead body
to mortuary.

235.—(1) Where—

- (a) the body of a person who has died of an infectious disease is retained in a room in which persons live or sleep; or
- (b) the body of a person who has died of a dangerous infectious disease is retained, without the consent of a district medical officer of health or legally qualified medical practitioner, for more than forty-eight hours, elsewhere than in a room not used at the time as a dwelling-place, sleeping-place or workroom; or
- (c) any dead body is retained in a house or room so as to endanger the health of the inmates thereof or of any adjoining or neighbouring building,

a justice may, on a certificate signed by a district medical officer of health or legally qualified medical practitioner, direct that the body be removed, at the cost of the sanitary authority, to any available mortuary, and be buried within the time limited by the justice; and the justice may, if it is the body of a person who has died of an infectious disease, or if he considers immediate burial necessary, direct that the body be buried immediately, without removal to the mortuary.

(2) Unless the friends or relatives of the deceased bury the body within the time so limited, it shall be the duty of the relieving officer for the district in which the body lies to bury the body, and any expense incurred by him in so doing shall be paid (in the first instance) by the county council, but may be recovered by them from any person legally liable to pay the expense of the burial.

Places for
post-
mortem
examina-
tions.

236.—(1) A sanitary authority may, and if required by the county council shall, provide and maintain a proper building (otherwise than at a workhouse) for the reception of dead bodies during the time required

to conduct any post-mortem examination ordered by a coroner or other constituted authority, and may make regulations with respect to the management of any building provided by them under this section or under any enactment repealed by this Act.

PART X.
—cont.

(2) Any such building may be provided in connection with a mortuary, but this subsection shall not authorise the conducting of a post-mortem examination in a mortuary.

(3) A sanitary authority may, with the consent of the Minister, borrow for the purpose of the provision under this section of such a building as aforesaid.

(4) Nothing in this section shall empower the county council to require the common council to provide or maintain any such building as aforesaid.

237. Any sanitary authorities may, with the approval of the county council, discharge their functions under this Part of this Act with respect to mortuaries and buildings for post-mortem examinations by combining for the purpose thereof, or by contracting for the use by one of the contracting authorities of any such mortuary or building provided by another of the contracting authorities, and may so combine or contract upon such terms as may be agreed upon.

Combina-
tion of
sanitary
authorities
for pro-
viding
mortuary.

238.—(1) The county council shall provide and maintain proper accommodation for the holding of inquests.

Provision of
accommo-
dation for
holding
inquests.

(2) Such accommodation as aforesaid may, by agreement between the county council and a sanitary authority, be provided and maintained—

- (a) by the county council in connection with a mortuary, or a building for post-mortem examinations, provided by the sanitary authority, or in connection with any building belonging to that authority; or
- (b) by the sanitary authority in connection with a mortuary or other building belonging to them.

(3) Without prejudice to any power of the county council to borrow, a sanitary authority may, with the

PART X.
—cont.

consent of the Minister, borrow for the purpose of the provision under this section of such accommodation as aforesaid.

County council's mortuaries for unidentified dead bodies.

239.—(1) The county council may provide and fit up in the county one or two suitable buildings for the reception of dead bodies found in the county and not identified.

(2) Subject to any regulations made by a Secretary of State under this section, any dead body found in the county and not identified (together with anything found on or with the body) may, on the written order of the coroner having jurisdiction to hold the inquest on the body, be removed to a building provided under this section or under any enactment repealed by this Act, and may be retained and preserved therein with a view to the identification of the body, and, subject as aforesaid, the inquest on the body shall be held as if the building were situate within the district of the said coroner.

(3) A Secretary of State may make regulations as to—

- (a) the manner in which, and the conditions subject to which, unidentified dead bodies are to be removed to any building provided as aforesaid, and the payments to be made at any such building to persons bringing any unidentified dead body for reception therein; and
- (b) the fees and charges to be paid upon the removal or interment of any dead body which has been identified after its reception in such a building as aforesaid, and the persons by whom the fees and charges are to be paid, and the mode of recovering them; and
- (c) the disposal and interment of any dead bodies found in the county and not identified.

(4) The county council may provide at any such building as aforesaid all such appliances as they think expedient for the reception and preservation of dead bodies, and may, subject to the foregoing provisions of this section, make regulations as to the management of

the said buildings and bodies therein, and as to the conduct of persons employed therein or resorting thereto for the purpose of identifying any body.

PART X.
—*cont.*

PART XI.

REGISTRATION OF NURSING HOMES.

240. Subject to the provisions of this Part of this Act which relate to the delegation of the powers of the county council to borough councils, the local supervising authorities for the purposes of this Part of this Act shall be—

Local
supervising
authorities.

- (1) as respects the city, the common council, and
- (2) as respects any other part of the county, the county council.

241.—(1) If any person carries on a nursing home without being registered in respect thereof under this Part of this Act, he shall be guilty of an offence.

Registra-
tion.

(2) Every application for registration under this Part of this Act shall be made to the local supervising authority in writing in the form prescribed by the Minister, shall specify the nursing home in respect of which the application is made, and shall be accompanied by a fee of five shillings.

(3) Subject as hereinafter provided, the local supervising authority shall, on the receipt of an application for registration in respect of a nursing home, register the applicant in respect of that nursing home and issue to him a certificate of registration in respect thereof:

Provided that the local supervising authority may refuse to register the applicant if they are satisfied—

- (a) that he or any person employed or proposed to be employed by him at the home is not a fit person, whether by reason of age or otherwise, to carry on, or to be employed at, a nursing home of such a description as the nursing home named in the application; or
- (b) that for reasons connected with situation, construction, accommodation, staffing or equipment, the home or any premises used or proposed

PART XI.
—cont.

to be used in connection therewith are not fit to be used for a nursing home of such a description as the nursing home named in the application, or that the home or premises are used or to be used for purposes which are in any way improper or undesirable in the case of such a nursing home; or

- (c) in the case of a nursing home other than a maternity home, that the home is not, or will not be, under the charge of a person who is either a legally qualified medical practitioner or a qualified nurse and who is or will be resident in the home, or that there is not a proper proportion of qualified nurses among the persons who have or will have the superintendence of, or who are or will be employed in, the nursing of the patients in the home; or
- (d) in the case of a maternity home, that the person who has or will have the superintendence of the nursing of the patients in the home is not either a qualified nurse or a certified midwife, or that any person employed or proposed to be employed in attending any woman in the home in childbirth or in nursing any patient in the home is not either a legally qualified medical practitioner, a certified midwife, a pupil midwife or a qualified nurse.

(4) The certificate of registration issued in respect of a nursing home shall be kept affixed in a conspicuous place in the home, and, if default is made in complying with the foregoing requirement, the person carrying on the home shall be guilty of an offence.

(5) In this section the expression “pupil midwife” means a person who is undergoing training for the purpose of becoming a certified midwife, and for that purpose is attending women in childbirth as a part of a course of practical instruction in midwifery recognised by the Central Midwives Board.

Cancellation of registration.

242. Subject to the provisions of this Part of this Act, the local supervising authority may at any time cancel the registration of a person in respect of a nursing home on any ground which would entitle the authority to refuse an application for the registration of

that person in respect of that home, or on the ground that that person has been convicted of an offence under this Part of this Act or under the Nursing Homes Registration Act, 1927, or that any other person has been convicted of such an offence in respect of that home :

PART XI.
—cont.
17 & 18
Geo. 5. c. 38.

Provided that the registration of a person who, before the commencement of this Act, has been registered under the Nursing Homes Registration Act, 1927, shall not be cancelled except upon a ground on which it might have been cancelled under that Act if this Act had not been passed.

243.—(1) If the local supervising authority decide to refuse an application for registration of a person in respect of a nursing home or to cancel any such registration, the authority shall, subject to the provisions of the next following subsection, make an order to that effect and shall send a copy of the order by registered post to the applicant or to the person registered, as the case may be.

Procedure
in connection
with
refusal or
cancellation
of registration.

(2) Before making an order under this section, the local supervising authority shall give to the applicant or to the person registered, as the case may be, not less than fourteen days' notice of their intention to make the order, and the notice shall state the grounds on which the authority intend to make the order and shall contain an intimation that if, within fourteen days after receiving the notice, the applicant or the person registered, as the case may be, informs the authority in writing that he desires to show cause why the order should not be made, the authority will, before making the order, give him an opportunity of showing cause as aforesaid, either in person or by a representative.

(3) Any person aggrieved by an order of the local supervising authority under this section may, within fourteen days after the date on which the copy of the order was sent to him, appeal against it to a court of summary jurisdiction, and the appellant or the authority, if aggrieved by the order made by a court of summary jurisdiction on any such appeal, may appeal against that order to a court of quarter sessions in the manner prescribed by the Summary Jurisdiction Acts.

PART XI.
—cont.

(4) An order made under this section shall not come into force until the expiration of fourteen days from the date on which it was made, or, where notice of appeal against the order is duly given, until the appeal has been determined or withdrawn.

Byelaws.

244.—(1) The local supervising authority may make byelaws—

(a) prescribing the records to be kept of the patients received into a nursing home, and, in the case of a maternity home, of any miscarriages occurring in the home, of the children born therein and of the children so born who are removed from the home otherwise than to the custody or care of any parent, guardian or relative;

(b) requiring notification to be given of any death occurring in a nursing home.

(2) If any person contravenes or fails to comply with any byelaw made under this section, he shall be guilty of an offence.

Inspection
of nursing
homes.

245.—(1) Subject to such regulations as may be made by the local supervising authority, a medical officer of health or a qualified nurse or other officer duly authorised by the authority may at all reasonable times enter and inspect any premises which are used, or which that officer has reasonable cause to believe to be used, for the purposes of a nursing home, and inspect any records required to be kept under this Part of this Act :

Provided that nothing in this subsection shall be deemed to authorise any such officer to inspect any medical record relating to a patient in a nursing home.

(2) Every person who refuses to allow such an officer to enter or inspect any such premises as aforesaid or to inspect any such records as aforesaid, or obstructs such an officer in the exercise of his powers under this section, shall be guilty of an offence.

Exemption
of certain
institutions.

246.—(1) The local supervising authority may grant exemption from the operation of this Part of this Act in respect of any hospital or institution not carried on for profit.

(2) Any exemption granted under this section in respect of a hospital or institution shall continue in force for one year only from the date on which it is granted, but without prejudice to the power of the local supervising authority to grant any further exemption in respect of that hospital or institution.

PART XI.
—*cont.*

(3) Any person aggrieved by a refusal of the local supervising authority to grant exemption under this section in respect of a hospital or institution, or by the withdrawal by such an authority of any such exemption, may appeal against the refusal or withdrawal to the Minister, and the Minister, after considering the matter, shall give such directions therein as he thinks proper, and the authority shall comply with any directions so given.

247.—(1) The Minister may grant exemption from the operation of this Part of this Act in respect of any nursing home as respects which he is satisfied that it is being, or will be, carried on in accordance with the practice and principles of the body known as the Church of Christ Scientist. Exemption of Christian Science nursing homes by Minister.

(2) It shall be a condition of any exemption granted under this section that the nursing home in respect of which the exemption is granted shall adopt and use the name of Christian Science house.

(3) An exemption granted under this section may at any time be withdrawn by the Minister if it appears to him that the nursing home in respect of which the exemption was granted is no longer being carried on in accordance with the said practice and principles.

248.—(1) Every person who carries on a nursing home without being registered in respect thereof under this Part of this Act, shall be liable to a fine not exceeding fifty pounds or, in the case of a second or subsequent offence, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and fine; and every person guilty of any other offence under this Part of this Act shall be liable to a fine not exceeding five pounds and, in the case of a continuing offence, to a further fine not exceeding two pounds in respect of each day during which the offence continues after conviction. Penalties and offences by companies.

PART XI.
—cont.

(2) Where a person convicted of an offence under this Part of this Act is a company, the chairman and every director of the company and every officer of the company concerned in the management thereof shall be guilty of the like offence, unless he proves that the offence occurred without his knowledge or consent.

Delegation
of powers
of county
council to
borough
councils.

249.—(1) The county council may delegate to the council of a borough all or any of the powers exercisable by the county council under this Part of this Act with respect to nursing homes in that borough, except the power to make byelaws.

(2) Any delegation under this section may be either absolute or subject to such terms and conditions as the county council think fit, including a term requiring the county council to repay to the borough council to whom the delegation is made the whole or part of the expenses incurred by that council in the exercise of the powers delegated to them.

PART XII.

MATERNITY AND CHILD WELFARE.

Welfare
authorities.

250. The welfare authorities for the purposes of this Part of this Act shall be—

- (1) as respects the city, the common council, and
- (2) as respects a borough, the council of the borough.

Arrange-
ments for
maternity
and child
welfare.

251.—(1) A welfare authority may make such arrangements as may be approved by the Minister for attending to the health of expectant or nursing mothers, and of children who have not attained the age of five years and are not being educated in schools recognised by the Board of Education :

Provided that nothing in this subsection shall authorise the establishment of a general domiciliary service by medical practitioners.

(2) A welfare authority may, with the consent of the Minister, borrow for the purposes of this section.

Maternity
and child
welfare
committees.

252.—(1) Every welfare authority shall appoint a maternity and child welfare committee, which may be a committee of the authority appointed for other

purposes, or a sub-committee of such a committee; and all matters relating to the exercise of the powers of the authority under this Part of this Act (except the power of raising a rate or of borrowing money) shall stand referred to the maternity and child welfare committee, and the authority, before exercising any such powers, shall, unless in their opinion the matter in question is urgent, receive and consider the report of the maternity and child welfare committee with respect to that matter.

PART XII.
—*cont.*

(2) A welfare authority may also delegate to the maternity and child welfare committee, with or without restrictions or conditions as they think fit, any of their powers under this Part of this Act except the power of raising a rate or of borrowing money.

(3) A welfare authority may appoint as members of their maternity and child welfare committee persons who are not members of the authority, but who are specially qualified by training or experience in subjects relating to health and maternity, so however that not less than two-thirds of the members of the committee shall be members of the authority, and at least two members of the committee shall be women :

Provided that, where the duties of the maternity and child welfare committee are discharged by a committee appointed for other purposes or by a sub-committee of such a committee, any members appointed under this subsection who are not members of the authority shall act only in connection with matters relating to maternity and child welfare.

(4) A maternity and child welfare committee may, subject to any directions of the welfare authority by whom they were appointed, appoint such and so many sub-committees, consisting either wholly or partly of members of the committee, as the committee think fit.

253. The county council may make arrangements with a welfare authority for the provision by that authority under the last but one foregoing section of any assistance which could be provided either by way of poor relief or by virtue of that section, upon such terms and conditions (including the use by the welfare authority of any premises or equipment belonging to the county council) as may be agreed; and any such arrangements may require the welfare authority to furnish the county

³
Power of
county
council as to
maternity
and child
welfare.

PART XII.
—cont.

council with particulars of any assistance given by the welfare authority under the last but one foregoing section, whether in pursuance of the arrangements or otherwise.

Qualifica-
tions of
medical
officers and
health
visitors
appointed
for pur-
poses of
Part XII.

254. Without prejudice to the provisions of Part I of this Act, the Minister may make regulations prescribing the qualifications of medical officers and health visitors appointed by a welfare authority for the purposes of this Part of this Act; and persons shall not be appointed as such medical officers or health visitors whose qualifications are not in accordance with the regulations made under this section.

Notification
of births.

255.—(1) Whenever a child is born in the district of a welfare authority, it shall be the duty of the father of the child (if, at the time when the birth occurs, he is actually residing in the house where it takes place) and of any person who, at the time of, or within six hours after, the birth, is in attendance upon the mother, to give notice of the birth, in accordance with this section, to a district medical officer of health for that district.

(2) Every notice of a birth required to be given under this section shall be in writing and shall contain the necessary information of the birth, and shall, within thirty-six hours after the occurrence of the birth, either be sent by post, in the form of a prepaid letter or postcard, addressed to the district medical officer of health at his office or residence, or be delivered thereat.

(3) Every welfare authority shall supply, free of charge, to a medical practitioner or midwife residing or practising in their district who applies therefor, addressed and stamped postcards containing a form of notice for the purposes of this section, and any notice duly given in such a form shall be deemed to comply with the requirements of this section.

(4) If any person fails to give notice of a birth in accordance with the requirements of this section, he shall be liable to a fine not exceeding twenty shillings :

Provided that it shall be a good defence, in any proceedings for a fine under this section, for the defendant to prove that he had reasonable grounds for believing that the notice in question had been duly given by some other person.

(5) Every district medical officer of health shall send in each week to the county council, in such form as may be prescribed by the Minister, a list of all notices of births received by that officer under this section during the last preceding week.

PART XII.
—cont.

(6) The provisions of this section shall be in addition to, and not in derogation of, the requirements of any Act relating to the registration of births; and every registrar of births and deaths shall, at all reasonable times, have access to the notices of births received under this section by a district medical officer of health, or to any book in which those notices are recorded, for the purpose of obtaining information concerning births which may have occurred in the registrar's sub-district.

(7) In this section the expression "child" means a child which has issued forth from its mother after the end of the twenty-eighth week of pregnancy, whether alive or dead.

PART XIII.

CHILD LIFE PROTECTION.

256. The local authorities for the purposes of this Part of this Act shall be—

Local
authorities
for pur-
poses of
Part XIII.

- (a) as respects the city, the common council,
- (b) as respects a borough, the council of the borough, and
- (c) as respects any other part of the county, the county council;

and the area as respects which any council are by this section constituted the local authority is in this Part of this Act referred to as "the district" of that authority.

257.—(1) A person who undertakes for reward the nursing and maintenance of a child under the age of nine years apart from his parents, or having no parents, shall give a written notice of the fact (in this Part of this

Notice of
reception of
children for
reward.

PART XIII. Act referred to as a "reception notice") to the local
—cont. authority—

- (a) in the case of a child not already in his care, being the first child under the age of nine years proposed to be received by him for reward in the premises occupied or proposed to be occupied for the purpose, not less than seven days before he receives the child;
- (b) in the case of any other child not already in his care, not less than forty-eight hours before he receives the child;
- (c) in the case of a child already in his care without reward, within forty-eight hours after entering into the undertaking.

For the purposes of this subsection, an undertaking shall be deemed to be an undertaking for reward if there is any payment or gift of money or money's worth, or any promise to pay or give money or money's worth, irrespective of whether there is any intention of making profit.

(2) Every reception notice shall state the name and sex of the child to whom the notice relates, the date and place of his birth, the name of the person undertaking his nursing and maintenance, the premises within which he is to be, or is being, kept, and the name of the person from whom he is to be, or was, received.

(3) If a person who is maintaining a foster child changes his residence, he shall, at least seven days before so doing, give to the local authority written notice of the proposed change, and where—

- (a) being resident in the county, he proposes to change his residence so as to reside in the district of another local authority for the purposes of this Part of this Act, or
- (b) being resident outside the county, he proposes to change his residence so as to reside within the county,

he shall, at least seven days before so changing his residence, give to the local authority for the district in which he proposes to reside the like notice, in respect of each foster child in his care, as he is by this section required to give on the first reception of a foster child :

Provided that, where an immediate change of residence is necessitated by any emergency, a notice under this subsection may be given at any time within forty-eight hours after the change of residence.

PART XIII.
—cont.

(4) If a foster child dies while in the care of the person who has undertaken his nursing and maintenance, or is removed from the care of the said person, that person shall, within twenty-four hours after the death or removal, as the case may be, give to the local authority and to the person from whom the child was received, written notice of the death or removal, and in a case of removal, the notice shall also state the name and address of the person into whose care the child has been transferred.

(5) If any person required by this Part of this Act to give any notice fails to give the notice before the latest time specified for giving it, he shall be guilty of an offence, and if the consideration for which the said person undertook the nursing and maintenance of the child in respect of whom the notice ought to have been given consisted, in whole or in part, of a lump sum, the person in default shall, in addition to any other penalty to which he is liable under this Part of this Act, be liable to forfeit that sum or such part thereof as the court having cognisance of the case thinks just :

Provided that, upon a charge in respect of a failure to give a reception notice, it shall be a good defence for the defendant to prove that the child in question was received by him upon an emergency, and that a notice containing the particulars required by subsection (2) of this section was given by him to the local authority within twelve hours after the reception of the child.

(6) For the purpose of any enactment by which the time for taking proceedings is limited, an offence under this section shall be deemed to continue so long as the child in respect of whom the requisite reception notice ought to have been given remains in the care of the offender without such a notice having been given.

(7) Any sum forfeited under this section in respect of a child shall be applied for the benefit of the child in such manner as the court may direct, and the order of the court directing the forfeiture may be enforced as if it were an order made on complaint.

PART XIII.

—cont.

Inspectors
and
visitors.

258.—(1) Every local authority shall from time to time make inquiries for the purpose of ascertaining whether there is residing within the district of the authority any person who undertakes the nursing and maintenance of foster children.

(2) If any person who undertakes the nursing and maintenance of foster children is found in the district of the local authority, the authority shall, subject to the provisions of the next following subsection, appoint one or more persons to be child protection visitors, whose duty it shall be from time to time to visit any foster children and the premises in which they are kept, in order to satisfy themselves as to the health and well-being of the children and to give any necessary advice or directions as to the care of their health or as to their maintenance.

(3) A local authority may, in addition to, or in lieu of, appointing child protection visitors, authorise in writing one or more suitable persons to exercise the powers of such visitors under this Part of this Act, and where any children have, by the direction of any philanthropic society, been placed out to nurse in the district of the local authority, the authority, if satisfied that the interests of the children are properly safeguarded, may so authorise the society to exercise the powers aforesaid as respects those children.

Any authority given under this subsection shall be subject to such conditions (if any) as may be stated therein, so, however, that any authority so given to a philanthropic society shall be subject to a condition requiring the society to furnish periodical reports to the local authority.

(4) Where a local authority, in the exercise of their powers under the last two foregoing subsections, appoint or authorise one person only, that person shall be a woman, and where the authority so appoint or authorise two or more persons, one at least of those persons shall be a woman.

(5) A local authority may exempt from visitation under this section any premises within their district which appear to them to be so conducted that it is

unnecessary that they should be visited, and any such exemption may be granted either absolutely or subject to such conditions as the local authority think fit. PART XIII.
—cont.

(6) If any person who undertakes the nursing and maintenance of a foster child refuses to allow a child protection visitor, or a person having the powers of such a visitor, to visit or examine the child or the premises in which the child is kept, he shall be guilty of an offence.

(7) If a child protection visitor or a person having the powers of such a visitor is refused admittance to any premises which he is entitled under this section to visit, or has reason to believe that a child under the age of nine years is being kept in any premises in contravention of this Part of this Act, he may apply to a justice, and if the justice is satisfied, upon written information given on oath, that there is reasonable ground for believing that an offence under this Part of this Act has been committed, he may grant a warrant authorising the applicant to enter the premises for the purpose of ascertaining whether any such offence has been committed; and if any person obstructs any person acting in pursuance of a warrant granted under this subsection, he shall be guilty of an offence.

259. A foster child shall not, without the written consent of the local authority, be kept—

- (a) by any person from whose care any child has been removed under this Part of this Act or under Part I of the Children Act, 1908, or under the Infant Life Protection Act, 1897, or
- (b) in any premises from which any child or infant has been removed under this Part of this Act or under Part I of the Children Act, 1908, by reason of the premises being dangerous or insanitary, or has been removed under the Infant Life Protection Act, 1897, by reason of the premises being so unfit as to endanger the health of the child or infant, or
- (c) by any person who has been convicted of any offence under Part I of the Children and

Restrictions
on receiving
children for
reward.

8 Edw. 7.
c. 67.
60 & 61 Vict.
c. 57.

23 & 24
Geo. 5. c. 12.

PART XIII.

—cont.

4 Edw. 7.

c. 15.

Young Persons Act, 1933, or Part II of the Children Act, 1908, or of any offence of cruelty under the Prevention of Cruelty to Children Act, 1904;

and every person who keeps a foster child in contravention of this section, or causes a foster child to be kept in contravention of this section, shall be guilty of an offence.

Prevention
of over-
crowding.

260. A local authority may fix the maximum number of children under the age of nine years who may be kept in any premises in the district of the authority in which a foster child is kept, and may also impose conditions to be complied with so long as the number of children kept in those premises exceeds a specified number; and if at any time the maximum number so fixed is exceeded, or any condition so imposed is not complied with, a person who keeps a foster child in those premises shall be guilty of an offence.

Removal of
children
kept in un-
suitable pre-
mises, or by
unsuitable
persons.

261.—(1) If a foster child is about to be received, or is being kept,—

- (a) in any premises which are overcrowded, insanitary or dangerous, or
- (b) by any person who, by reason of old age, infirmity, ill-health, ignorance, negligence, inebriety, immorality or criminal conduct, or for any other reason, is unfit to have care of the child, or
- (c) in any premises or by any person in contravention of this Part of this Act, or
- (d) in an environment which is detrimental to the child,

a court of summary jurisdiction may, on the complaint of the local authority, make an order directing the removal of the child to a place of safety until he can be restored to his relatives or until other arrangements can be made with respect to him; and, upon proof that there is imminent danger to the health or well-being of the child concerned, a single justice may exercise the like

power on the application of a child protection visitor or a person having the powers of such a visitor, and, if need be, may exercise that power *ex parte*.

PART XIII
—*cont.*

(2) An order made under the foregoing subsection may be enforced by a constable, or by a child protection visitor or a person having the powers of such a visitor; and any person who refuses to comply with such an order upon its being produced, or who obstructs any such constable, visitor or person as aforesaid in the enforcement of the order, shall be guilty of an offence.

262.—(1) No advertisement indicating that a person or society will undertake, or will arrange for, the nursing and maintenance of a child under the age of nine years shall be published unless the name and residence of the person or the name and office of the society, as the case may be, are stated in the advertisement.

Anonymous advertisements offering to undertake care of children.

(2) Every person who knowingly publishes any advertisement in contravention of this section shall be guilty of an offence.

263. A person who keeps a foster child shall be deemed, for the purposes of the Life Assurance Act, 1774, to have no interest in the life of the child, and if any such person directly or indirectly insures or attempts to insure the life of a foster child, he shall be guilty of an offence; and if any company, society or person knowingly issues, or procures or attempts to procure to be issued, to, or for the benefit of, such a person as aforesaid or to any person on his behalf a policy insuring the life of a foster child, the company, society or person shall be guilty of an offence.

Avoidance of insurances of lives of children kept for reward.
14 Geo. 3.
c. 48.

264.—(1) In the event of the death of a foster child, the person who had the care of the child shall, within twenty-four hours after the death, give written notice thereof to the coroner of the district within which the body of the child lies, and the coroner shall hold an inquest on the body unless—

Notice of death of foster child.

- (a) there is produced to him a certificate under the hand of a legally qualified medical practitioner, certifying that he has personally attended the

PART XIII.
—cont.

child during his last illness and specifying the cause of the death; and

(b) the coroner is satisfied that there is no ground for holding an inquest.

(2) If any person required to give a notice under this section fails to give the notice within the time specified for giving it, he shall be guilty of an offence.

Prosecution of offences and application of fines.

265.—(1) Every person guilty of an offence under this Part of this Act shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding twenty-five pounds, and the court by which he is convicted may order any child in respect of whom the offence was committed to be removed to a place of safety.

(2) All fines recovered by virtue of this Part of this Act shall, subject to the provisions of section five of the Criminal Justice Administration Act, 1914, be paid to the local authority.

Evidence of age.

266. Where, in proceedings for an offence under this Part of this Act, it is alleged that the person in respect of whom the alleged offence was committed was under, or had attained, any specified age, and it appears to the court that, at the date of the commission of the alleged offence, the said person was under, or had attained, the specified age, as the case may be, he shall, for the purposes of this Part of this Act, be deemed at that date to have been under, or to have attained, that age, as the case may be, unless the contrary is proved.

Provisions as to notices.

267.—(1) If any person required to give a notice under this Part of this Act knowingly makes, or causes or procures any other person to make, any false or misleading statement in the notice, he shall be guilty of an offence.

(2) Any notice to be given under this Part of this Act may be sent by post in a registered letter addressed—

(a) where the person to be notified is a local authority, to the authority or their clerk at their offices or to some other officer of the authority duly authorised in that behalf, or

(b) where the person to be notified is a coroner, to the coroner at his office or at his residence, or

- (c) in any other case, to the person to be notified, at his last known place of abode or permanent residence. PART XIII.
—cont.

268.—(1) It shall be the duty of every local authority to provide for the enforcement of this Part of this Act within their district, and, for the purpose of enforcing the provisions of this Part of this Act and of defraying the expenses of so doing, a local authority may combine with any other local authority for the purposes of this Part of this Act or with any local authority for the purposes of Part I of the Children Act, 1908, and in relation to any such combination which includes any such local authority as is last-mentioned, the second reference in this section to this Part of this Act shall be construed as including a reference to Part I of the Children Act, 1908. Enforce-
ment of
Part XIII.

(2) A local authority or the county council may institute proceedings for an offence under this Part of this Act.

269.—(1) Where, by virtue of an order of any court made under this Part of this Act, a child is removed from the care of any person, and that person is entitled under a trust to receive any sum of money in respect of the maintenance of the child, the court may order the whole or any part of that sum to be paid to the person to whose care the child is committed, to be applied by that person for the benefit of the child in such manner as the court, having regard to the terms of the trust, may direct. Variation
of trusts for
main-
tenance of
children.

(2) An appeal shall lie to quarter sessions from any order made under this section.

270. All orders which may be made under this Part of this Act by a court of summary jurisdiction (whether a petty sessional court or not) shall be made, and all proceedings in relation to such orders shall be taken, in manner provided by the Summary Jurisdiction Acts, and the power to make rules under section twenty-nine of the Summary Jurisdiction Act, 1879, shall extend to the making of rules for regulating the procedure of courts of summary jurisdiction under this Part of this Act, and matters incidental thereto. Application
of Summary
Jurisdiction
Acts.

PART XIII.
—*cont.*
Exemption
of certain
institutions.

271.—(1) The provisions of this Part of this Act shall not apply in relation to any hospital, convalescent home or institution—

- (a) which is maintained by a Government department or a local authority (whether or not a local authority for the purposes of this Part of this Act), or by any other authority or body constituted by special Act of Parliament or Royal Charter, or
- (b) of which particulars are required to be, and are, transmitted annually to the Secretary of State under the provisions of Part V of the Children and Young Persons Act, 1933, or
- (c) which is an institution, house or home certified or approved by the Board of Control under the Mental Deficiency Acts, 1913 to 1927, and in which no child or young person who is not a mental defective within the meaning of those Acts is received.

In this subsection the expression “child” means a person under the age of fourteen years, and the expression “young person” means a person who has attained the age of fourteen years and is under the age of seventeen years.

(2) A local authority may grant in respect of any hospital, convalescent home or institution within their district a certificate exempting it from the operation of the provisions of this Part of this Act, and thereupon the said provisions shall cease to extend thereto.

Interpre-
tation.

272.—(1) In this Part of this Act the expression “foster child” means a child under the age of nine years in respect of whom a notice has been, or ought to have been, given under this Part of this Act or under section one of the Children Act, 1908, and who is still living apart from his parents (if any) with the person by whom the notice was, or ought to have been, so given.

(2) A mental defective who is, with the consent of the Board of Control, under care elsewhere than in an institution, a certified house or an approved home, shall be deemed not to be a foster child.

(3) Nothing in this Part of this Act shall apply in relation to any undertaking to nurse and maintain a child, being an undertaking entered into—

PART XIII.
—cont.

(a) by any relative or legal guardian of the child; or

(b) in pursuance of any Act relating to the relief of the poor or any order made under such an Act;

and in this subsection, the expression "relative" means, in relation to a child, any person being a grandparent, brother, sister, uncle or aunt of the child by consanguinity or affinity, or, in the case of an illegitimate child, the persons who would be so related to the child if he were legitimate, and the expression "legal guardian" means, in relation to a child, a person duly appointed to be the guardian of the child, by deed or will or by order of a court of competent jurisdiction.

PART XIV.

MISCELLANEOUS AND GENERAL.

Incidental powers of sanitary authorities and port health authority.

273. A sanitary authority and the port health authority may, for the purpose of discharging their functions under this Act, acquire and hold land without licence in mortmain. Power to hold land.

274.—(1) Where a sanitary authority have by virtue of this Act power to examine or enter any premises (whether a building, vessel, tent, van, shed, structure or place open or enclosed), they may exercise the power by any member of the authority, or by any person authorised by them either generally or specially: Exercise of powers of entry.

Provided that the powers of entry conferred on a sanitary authority by the provisions of Part VIII of this Act relating to food byelaws or to the registration of premises used in connection with the sale of ice-cream or preserved food, may be exercised by any district medical officer of health or sanitary inspector notwithstanding that he is not so authorised as aforesaid by the sanitary authority.

(2) Where a sanitary authority or any of their officers, or any person acting under the direction of a

PART XIV.
—cont.

sanitary authority or of any of their officers, have by virtue of any provision of this Act a right to enter any premises (whether a building, vessel, tent, van, shed, structure or place open or enclosed), then, subject to anything contained in that provision, the following provisions shall apply, that is to say:—

(a) the person claiming the right to enter the premises shall, if required, produce some written document, properly authenticated on the part of the sanitary authority, showing his right to enter;

(b) any person refusing or failing to admit any person who is duly authorised and claims to enter the premises shall, if—

(i) the entry is for the purpose of carrying into effect an order of a court of summary jurisdiction, and either is stated in the said document to be for that purpose or is claimed by an officer of the sanitary authority, or

(ii) it is proved that the refusal or failure was with intent to prevent the discovery of some contravention of this Act or of a byelaw in force thereunder, or

(iii) by virtue of the terms of the provision conferring the right of entry, the refusal or failure renders the person refusing or failing liable to a fine,

be liable to a fine not exceeding five pounds.

(3) If a justice is satisfied by information on oath—

(a) that there is reasonable ground for entry into any such premises as aforesaid, and that there has been a refusal or failure to allow entry into the premises, and either that reasonable notice of the intention to apply to a justice for a warrant has been given, or that the giving of notice would defeat the object of the entry, or

(b) that there is reasonable cause to believe that there is on any such premises some contravention of this Act or of a byelaw in force thereunder, and that an application for admission, or notice of an application for the warrant, would defeat the object of the entry,

the justice may, by warrant under his hand, authorise the sanitary authority or any other person, as the case may require, to enter the premises, if need be by force, with such assistants as they or he may require, and there perform their or his duty under this Act. PART XIV.
—cont.

(4) Any person obstructing the execution of any such warrant, or of any warrant granted by a justice in pursuance of any other provision of this Act and authorising the sanitary authority or some other person to enter any premises, shall be liable to a fine not exceeding twenty pounds or, in a case where a greater punishment is imposed by this Act or any other enactment, either to that fine or to that greater punishment.

(5) Every warrant granted under this Act for entry into any premises shall continue in force until the purpose for which the entry is necessary has been satisfied.

(6) Where a house or part of a house is alleged to be overcrowded so as to be a nuisance which may be dealt with summarily under this Act, a warrant under this section may authorise an entry into the house or part at any hour of the day or night specified in the warrant.

(7) Nothing in this section shall apply in relation to the powers of entry conferred by any of the provisions of this Act specified in Part VI of the First Schedule to this Act.

275.—(1) If any person—

- (a) wilfully obstructs any member or officer of a sanitary authority or any person duly employed in the enforcement of any of the provisions of this Act other than those specified in Part VII of the First Schedule to this Act, or
- (b) destroys, pulls down, injures or defaces any byelaw, notice or other matter posted up by authority of the Minister or of the county council or of a sanitary authority, or any board or other thing upon which any such byelaw, notice or matter is placed or inscribed, or
- (c) wilfully damages any works or property belonging to a sanitary authority,

Penalty for
obstruction,
&c.

he shall, in any case in which no other penalty is provided by this Act, be liable to a fine not exceeding five pounds.

PART XIV.
—cont.

(2) Where the occupier of any premises prevents the owner thereof from complying with or carrying into effect any of the provisions of this Act other than those specified in Part VII of the First Schedule to this Act, a petty sessional court, on complaint, shall by order require the occupier to permit the execution of any works which appear to the court necessary for the purpose of complying with or carrying into effect that provision; and if, within twenty-four hours after service on him of the order, the occupier fails to comply therewith, he shall be guilty of an offence and liable to a fine not exceeding five pounds for every day during which the offence continues.

(3) If the occupier of any premises, when requested by or on behalf of the sanitary authority to state the name and address of the owner of the premises, refuses or wilfully omits to disclose, or wilfully misstates, that name and address, he shall (unless he shows cause, to the satisfaction of the court, for his refusal) be liable to a fine not exceeding five pounds.

Byelaws.

Confirma-
tion of bye-
laws.

276.—(1) The Minister shall be the confirming authority in respect of all byelaws made under this Act :

Provided that—

- (a) as respects byelaws made under this Act for regulating the business of a vendor of fried fish, of a fish curer or of a rag and bone dealer which affect any such business carried on in a factory or workshop to which the Factory and Workshop Act, 1901, applies, the confirming authority shall be the Secretary of State and the Minister acting jointly; and
- (b) before confirming any food byelaws relating to a business carried on in any such factory or workshop as aforesaid, the Minister shall consult the Secretary of State.

(2) At least one month before applying to the Minister for confirmation of any food byelaw applying to the transport by a railway company of any article intended to be sold for food for human consumption, the council by whom the byelaw was made shall give to the company notice of the council's intention to make

the application, accompanied by a copy of the byelaw which is to be the subject of the application, and the railway company shall be entitled to make representations with respect thereto to the Minister.

PART XIV.
—cont.

277. The following provisions shall have effect with respect to byelaws made under this Act by the common council, the overseers of the Inner Temple or Middle Temple, or the port health authority :—

Byelaws made by authorities in the city and the Temples.

- (1) all such byelaws shall be under the common seal of the authority making the byelaws, and shall not have effect until confirmed by the confirming authority under the last foregoing section ;
- (2) at least one month before application for the confirmation of the byelaws is made, notice of the intention to apply for confirmation shall be given in one or more newspapers circulating in the area to which the byelaws relate ;
- (3) for at least one month before application for confirmation is made, a copy of the byelaws shall be deposited at the offices of the authority by whom the byelaws are made and shall be open to inspection, during office hours, by any ratepayer of the area to which they relate, without payment ;
- (4) the clerk of the authority shall, on the application of any such ratepayer as aforesaid, furnish him with a copy of the byelaws, or of any part thereof, on payment of sixpence for every one hundred words contained in the copy ;
- (5) a copy of the byelaws, when confirmed, shall be printed and hung up in the offices of the authority by whom they were made, and a copy thereof shall, on demand, be delivered to any such ratepayer as aforesaid ;
- (6) a copy of the byelaws, signed and certified by the clerk of the authority by whom they were made to be a true copy of the byelaws as confirmed, shall, until the contrary is proved, be evidence of the due making and confirmation of those byelaws ; and
- (7) the byelaws may provide that offenders under the byelaws shall be liable to such reasonable

PART XIV.
—*cont.*

finer as may be specified therein, not exceeding, in respect of each offence, five pounds and, in the case of a continuing offence, forty shillings for each day during which the offence continues after written notice of the offence has been served by the authority on the offender :

Provided that, in the case of byelaws made by the common council for regulating the business of a vendor of fried fish, or of a fish curer, or of a rag and bone dealer, the council may charge a sum, not exceeding sixpence, for every copy of the byelaws so delivered.

Extent of
byelaws.

278.—(1) Save as otherwise expressly provided by this Act, no byelaws made under this Act by the county council shall extend to the city.

(2) Save in so far as they may be extended under this Act by the Minister to the port of London, no byelaws made under this Act otherwise than by the port health authority shall extend to the port :

Provided that this subsection shall not apply in relation to byelaws made under any of the provisions of this Act specified in Part VIII of the First Schedule to this Act.

*Legal Proceedings.*Mode of
recovering
fines, ex-
penses, &c.

279.—(1) All offences, fines, costs, damages and expenses under this Act or any byelaw made under this Act, the prosecution or recovery of which is not otherwise provided for, may be prosecuted and recovered in a summary manner.

(2) Proceedings for the recovery of a demand not exceeding fifty pounds, which a sanitary authority or any other person are or is empowered under this Act to recover in a summary manner, may, at the option of the authority or person, be taken in the county court as if the demand were a debt.

Restriction
on proceed-
ings against
sanitary
authority.

280.—(1) Proceedings in pursuance of this Act shall not be taken by the county council against a sanitary authority except with the consent of the Minister, unless the proceedings are for the recovery of expenses or of money due from the sanitary authority to the county council.

(2) This section shall not apply in relation to proceedings taken by virtue of Part II of this Act. PART XIV.
—cont.

281.—(1) Save as otherwise provided by this Act, all fines and other sums recovered by virtue of this Act shall, subject to the provisions of section five of the Criminal Justice Administration Act, 1914, be paid to the sanitary authority, except that any fine imposed on a sanitary authority shall be paid to the county council. Application
of fines and
disposal
of things
forfeited.

(2) All things forfeited under this Act may be sold or disposed of in such manner as the court ordering the forfeiture may direct.

(3) This section shall not apply in relation to fines or other sums recoverable, or things forfeited, by virtue of Part II, Part XI or Part XII of this Act.

282.—(1) Where any nuisance under this Act appears to be wholly or partly caused by the acts or defaults of two or more persons, the sanitary authority or other complainant may institute proceedings either against any one of those persons or against all or any two or more of them jointly; and any one or more of those persons may be ordered to abate the nuisance, so far as it appears to the court having cognisance of the case to be caused by his or their acts or defaults, or may be prohibited from continuing any acts or defaults which, in the opinion of the court, contribute to the nuisance, or may be fined or otherwise punished, notwithstanding that the acts or defaults of any one of those persons would not separately have caused a nuisance; and the costs may be distributed in such manner as the court thinks fair and reasonable. Provisions
as to
nuisances.

(2) Where by virtue of the foregoing subsection proceedings in respect of a nuisance are taken against two or more persons jointly, the proceedings shall not abate by reason of the death of any of those persons, but may be carried on as if the deceased person had not been originally proceeded against.

(3) Where one or some only of the persons by whose act or default any nuisance has been caused have been proceeded against under this Act, the person or persons proceeded against shall, without prejudice to any other remedy, be entitled to recover in a summary manner from the other persons a proportionate part of the costs

PART XIV. of the proceedings and of abating the nuisance, and of
 —cont. any fine and costs ordered to be paid by the court in the
 proceedings.

(4) Where, in any proceedings under the provisions of this Act relating to nuisances, it becomes necessary to mention or refer to the owner or occupier of any premises, he may be designated as "the owner" or "the occupier" of those premises, as the case may be, without name or further description.

(5) The provisions of the Fifth Schedule to this Act shall have effect for the purpose of preventing and abating any nuisance which by virtue of any of the provisions of this Act may be dealt with summarily under this Act.

Judge
 being
 member of
 sanitary
 authority,
 &c.

283.—(1) A judge or justice shall not be incapable of acting in cases arising under this Act by reason of his being a member of a sanitary authority, or by reason of his being, as one of several ratepayers or as one of any other class of persons, liable in common with the others to contribute to, or to be benefited by, any rate or fund out of which any expenses incurred by a sanitary authority are to be defrayed.

(2) This section shall not apply in relation to cases arising under any of the provisions of this Act specified in Part I of the First Schedule to this Act.

Appearance
 of county
 council or
 sanitary
 authority
 in legal
 proceedings.

284. The county council or a sanitary authority may appear before any court or in any legal proceeding by their clerk, or by any officer or member authorised generally or in respect of any special proceeding by resolution of the council or authority; and any clerk, officer or member so authorised by the county council or a sanitary authority may institute and carry on any proceedings which the council or authority are authorised to institute and carry on under any of the provisions of this Act other than those referred to in Part IX of the First Schedule to this Act.

Appeals.

Appeal from
 courts of
 summary
 jurisdiction
 to quarter
 sessions.

285. Without prejudice to the effect of any other Act, a person who considers himself aggrieved by any conviction or order made by a court of summary jurisdiction on determining any information or complaint

under any of the provisions of this Act other than those specified in Part X of the First Schedule to this Act, may, save as otherwise provided by this Act, appeal therefrom to a court of quarter sessions in manner provided by the Summary Jurisdiction Acts.

PART XIV.
—cont.

286.—(1) There shall be no appeal under this Act from the common council to the county council.

Appeals
from
sanitary
authorities
to county
council.

(2) An appeal to the county council under this Act shall be heard and determined by a committee appointed for the purposes of this section by the county council, which committee is in this section referred to as “the appeal committee”; and the form of, and the procedure on, any such appeal shall be regulated in accordance with byelaws made by the county council.

(3) Upon hearing any such appeal as aforesaid, the appeal committee—

- (a) may allow or dismiss the appeal, or quash, confirm or vary the order or resolution appealed against;
- (b) may order that the costs of the appeal be paid to or by the sanitary authority concerned by or to the appellant;
- (c) subject as hereinafter provided, may, in any case where they think fit so to do, award compensation in respect of any act done by the sanitary authority in relation to the matter of the appeal:

Provided that no compensation shall be awarded under this subsection in respect of any act done by a sanitary authority under this Act in default of compliance with an order made by the sanitary authority under this Act, unless the appeal has been brought within seven days after notice of the order was given to the occupier of the premises to which the order relates.

(4) The chairman of the county council shall be ex officio a member of the appeal committee and shall preside at all meetings of the committee at which he is present, but in his absence, or in the event of a vacancy in the office of chairman of the county council, such other member of the committee as they may choose shall preside.

PART XIV.
—*cont.*

(5) Any member of the appeal committee may at any time resign his office, and in the event of any vacancy occurring in the committee, the county council shall appoint a person to fill the vacancy.

(6) The quorum of the appeal committee shall be three.

*Financial Provisions.***Expenses
of local
authorities.**

287.—(1) The expenses incurred under this Act by the county council shall, save as otherwise provided by this Act, be defrayed as expenses for general county purposes.

(2) The expenses incurred under this Act by a borough council shall be defrayed out of the general rate authorised to be levied by the council.

(3) The expenses incurred under this Act by the common council shall be defrayed out of the general rate authorised to be levied by the council.

(4) The expenses incurred under this Act by the overseers of the Inner Temple or Middle Temple shall be defrayed out of a rate levied by the overseers in the nature of a general rate.

(5) The expenses incurred under this Act by the port health authority shall be defrayed out of the corporate funds of the authority or out of the general rate which the common council are authorised to levy.

**Receipts
of borough
councils.**

288. All sums received by virtue of this Act by a borough council shall be applied in aid of the general rate of the borough.

**Recovery of
expenses by
sanitary
authority
from occu-
pier of
premises.**

289.—(1) Subject as hereinafter provided, the amount of any costs or expenses which are recoverable under this Act by a sanitary authority from the owner of any premises may be recovered from the occupier for the time being of the premises :

Provided that the occupier shall not be liable under this section to pay to the sanitary authority any sum in excess of the amount of rent (if any) which either—

(a) is for the time being due from him in respect of the premises, or

- (b) becomes due from him in respect of the premises after the sanitary authority have demanded from him the costs or expenses, as the case may be, and have given him notice requiring him not to pay any rent without deducting the costs or expenses;

PART XIV.
—cont.

but the occupier shall not be entitled to the benefit of this proviso if he refuses, on the application of the sanitary authority, to disclose the amount of the rent and the name and address of the person to whom it is payable, and it shall lie on the occupier to prove that the sum demanded from him by the sanitary authority exceeds the amount of rent aforesaid.

(2) Where, in pursuance of the foregoing subsection, any sum is recovered from the occupier of any premises, then, if he is occupying the premises as a tenant, he may, subject to the terms of any contract between him and the landlord, deduct the amount of that sum from the rent from time to time becoming due from him in respect of the premises, as if that sum had been duly paid as part of the rent.

290.—(1) Money borrowed by a borough council for the purposes of this Act shall be borrowed in accordance with, and subject to the provisions of, the Metropolis Management Acts, 1855 to 1893.

Mode of
borrowing
by sanitary
authorities.

(2) Money borrowed for the purposes of this Act by the common council shall be borrowed in accordance with, and subject to, the City of London Sewers Act, 1848.

11 & 12 Vict.
c. clxviii.

(3) Where, under this Act, the consent of the Minister is required to any borrowing by a sanitary authority, the consent of any other authority to that borrowing shall not be required.

Remedies in case of default by sanitary authority.

291.—(1) The county council, on proof to their satisfaction that a sanitary authority other than the common council have made default in doing their duty under this Act with respect to the removal of any nuisance, the institution of any proceedings or the enforcement of any byelaw, may institute any proceedings and do any act which the authority might

Power of
county
council to
act on
default of
borough
councils, &c.

PART XIV. have instituted or done for that purpose, and may
 —cont. recover from the authority all such expenses as the
 county council incur in so doing and are not recovered
 from any other person, and have not been incurred in
 any unsuccessful proceeding.

(2) This section shall not apply in relation to any
 default in instituting proceedings, or in enforcing any
 byelaw, under any of the provisions of this Act specified
 in Part XI of the First Schedule to this Act.

Jurisdiction
 of Minister
 on default of
 borough
 councils, &c.

292.—(1) Where complaint is made by the county
 council to the Minister that a sanitary authority other
 than the common council have made default in en-
 forcing any provisions of this Act, or of any byelaw
 made in pursuance thereof, which it is their duty to
 enforce, the Minister, if satisfied after due inquiry
 that the authority have been guilty of the alleged
 default, and that the matter of the complaint cannot
 be remedied under other provisions of this Act, shall
 make an order directing the authority to perform their
 duty in the said matter within such period as may be
 specified in the order; and if that duty is not per-
 formed within the period so specified, the order may be
 enforced by writ of mandamus, or the Minister may
 appoint the county council to perform the duty.

(2) Where such an appointment is made, the county
 council shall, for the purpose of the performance of their
 duties under the appointment, have all the powers
 of the defaulting sanitary authority, and all expenses
 incurred by the county council in the performance of the
 said duties, together with the costs of the previous
 proceedings, so far as not recovered from any other
 person, shall be a debt due from the sanitary authority to
 the county council.

(3) For the purpose of recovering any debt due to
 them under the last foregoing subsection, the county
 council shall, without prejudice to any other remedy,
 have the same power of levying the amount by a rate,
 and of requiring officers of the defaulting authority to
 pay over money in their hands, as that authority would
 have in the case of expenses legally payable out of a
 rate raised by them.

(4) The county council shall pay any surplus of the rate so levied to, or to the order of, the defaulting authority. PART XIV.
—cont.

(5) If any loan is required to be raised for the purpose of the performance of their duties under any such appointment, the county council, with the consent of the Minister, may raise the loan, and may for that purpose borrow the required sum in the name of the defaulting authority for the same period, on the same security, and on the same terms, as that authority might have borrowed, and the principal and interest of the loan shall be a debt due from the defaulting authority, and shall be secured, and may be recovered, as if the loan had been borrowed by that authority.

(6) The surplus (if any) of any such loan not applied for the purpose for which it is raised shall, after payment of the expenses of raising it, be paid to, or to the order of, the defaulting authority, and be applied as if it were the surplus of a loan raised by that authority.

(7) This section shall not apply in relation to any default in enforcing any of the provisions of this Act specified in Part XII of the First Schedule to this Act.

293.—(1) If the Minister is of opinion that any sanitary authority other than the common council are making, or are likely to make, default in the performance of their duty to enforce any epidemic regulations, the Minister may by order assign to the county council, for such period as may be specified in the order, such functions of the sanitary authority under those regulations as he thinks fit. Assignment to county council of functions of defaulting sanitary authority under epidemic regulations.

(2) The expenses incurred by the county council in pursuance of an order made under this section shall be recoverable in manner provided by subsection (3) of the last foregoing section from the sanitary authority to whom the order relates.

294.—(1) Where it is proved to the satisfaction of the Minister that the common council have made default in doing their duty in relation to nuisances which may be dealt with summarily under this Act, the Minister may authorise any officer of police of the city to institute any proceedings which the common council might institute with regard to such nuisances, and that officer Power of city police to proceed in default of common council.

PART XIV. may recover from the common council in a summary manner or in the county court or High Court any expenses incurred by him under this section and not paid by the person proceeded against.
—cont.

(2) An officer of police shall not, for the purpose of this section, have power to enter any house or part of a house used as the dwelling of any person without either that person's consent or the warrant of a justice.

Jurisdiction
of Minister
on default of
common
council.

295.—(1) Where complaint is made to the Minister that the common council have made default in enforcing any provisions of this Act, the Minister, if satisfied, after due inquiry, that the council have been guilty of the alleged default, shall make an order directing them to perform their duty in the matter of the complaint within such period as may be specified in the order; and if the duty is not performed within the period so specified, the order may be enforced by writ of mandamus, or the Minister may appoint some person to perform the duty, and shall by order direct that the expenses of performing the duty, together with a reasonable remuneration to the person appointed for superintending the performance thereof, and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the council, and any order made for the payment of such expenses and costs may be removed into the High Court and enforced as an order of that court.

(2) The Minister may by order appoint any person in lieu of a person appointed under the foregoing subsection.

(3) Any person appointed under this section shall, in the performance and for the purposes of his duty under the appointment, have all the powers of the common council other than (save as hereinafter provided) the power of levying rates.

(4) Any sum specified in an order of the Minister under this section in respect of the expenses of performing the duty of the common council, together with the costs of the proceedings, shall be deemed to be expenses properly incurred by the council, and to be a debt due from them and payable out of any moneys in their hands or the hands of their officers, or out of any rate applicable to the payment of any expenses properly

incurred by the common council (which rate is hereinafter in this section referred to as the "local rate").

PART XIV,
—cont.

(5) If the common council refuse to pay any debt due from them under the last foregoing subsection for a period of fourteen days after demand, the Minister may by order empower any person to levy, by and out of the local rate, such sum (to be specified in the order) as may, in the opinion of the Minister, be sufficient to defray the debt and all expenses incurred in consequence of the non-payment thereof.

(6) Any person so empowered as aforesaid shall have the same powers of levying the local rate, and requiring all officers of the common council to pay over any money in their hands, as the council would have in the case of expenses legally payable out of a local rate to be raised by them; and the said person, after repaying all sums of money due in respect of the order, shall pay the surplus, if any, as ascertained by the Minister, to or to the order of the council.

(7) The Minister may certify the amount of the expenses incurred, or an estimate of the expenses about to be incurred, by any person appointed by the Minister under this section to perform the duty of the common council, and the amount of any loan required to meet any expenses or estimated expenses so certified; and the certificate of the Minister shall be conclusive as to all matters to which it relates.

(8) Whenever the Minister certifies a loan to be required to defray the expenses of a person appointed as aforesaid, the Minister or the person so appointed may, by any instrument duly executed, charge the local rate with the repayment of the principal and interest due in respect of the loan, and every such charge shall have effect as if the common council were empowered to raise the loan on the security of the local rate, and had duly executed an instrument charging it on that rate.

(9) Any principal money or interest for the time being due in respect of a loan under this section shall be a debt due from the common council, and, without prejudice to any other remedies, may be recovered in the manner in which a debt due from the council may be recovered in pursuance of this section.

PART XIV.
—cont.

(10) The surplus (if any) of any such loan, after payment of the expenses aforesaid, shall, on the amount of the surplus being certified by the Minister, be paid to or to the order of the common council.

(11) This section shall not apply in relation to any default in enforcing any of the provisions of this Act specified in Part XII of the First Schedule to this Act.

Miscellaneous provisions.

Regulations
as to
disposal of
dead bodies.

296. The Minister, with the concurrence of a Secretary of State, may make regulations imposing any conditions and restrictions with respect to means of disposal of dead bodies otherwise than by burial or cremation, as to the period for which a body may be retained after death on any premises, or with respect to embalming or preservation, which may appear to be desirable in the interests of public health or public safety.

Inquiries by
Minister.

297.—(1) The Minister may, in addition to the inquiries which he is required by this Act to make, cause to be made such inquiries as he thinks fit in relation to any matter concerning the public health in any place, or in relation to any matter with respect to which his approval or consent is required by this Act.

(2) The Minister may make orders as to the costs of inquiries directed by him under this Act, and as to the parties by whom, or the rates out of which, such costs are to be paid; and every such order may be made a rule of the High Court on the application of any person named in the order.

(3) All orders made by the Minister under the last foregoing subsection shall be binding and conclusive in respect of the matters to which they refer, and shall be published in such manner as the Minister may direct.

(4) An inspector shall, for the purposes of an inquiry directed under this Act by the Minister, have, in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters, similar powers to those which poor law inspectors have under the Poor Law Act, 1930.

298.—(1) The county council and, in the district of any sanitary authority, that authority may arrange for the publication of information on questions relating to health or disease, and for the delivery of lectures, and the display of pictures (including cinematograph displays), in which such questions are dealt with.

PART XIV.
—*cont.*
Publica-
tion of
information
as to health
or disease.

For the purposes of this subsection the overseers of the Inner Temple or Middle Temple shall be deemed not to be a sanitary authority.

(2) The county council may pay, or contribute towards the payment of, any expenses incurred in pursuance of this section by a borough council.

(3) The Minister may, for the purposes of this section, make rules prescribing restrictions or conditions subject to which the powers conferred by this section may be exercised.

299.—(1) No act or thing done by any member of the county council or of a sanitary authority, or by any officer of the county council or of a sanitary authority or other person acting under the direction of the county council or of a sanitary authority, shall, if the act or thing was done bona fide for the purpose of carrying this Act into effect, subject him personally to any liability, action, claim or demand whatsoever.

Protection
of authori-
ties and
their officers
and agents
from
personal
liability.

(2) Any expense incurred by any such member, officer or person as is mentioned in the last foregoing subsection for the purpose of carrying this Act into effect, shall be paid by the county council or the sanitary authority, as the case may be.

(3) Nothing in this section shall be construed to exempt any member of the county council or of a sanitary authority from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of the council or authority, and which that member authorised or joined in authorising.

(4) This section shall not apply to any act or thing done for the purposes of any of the provisions of this Act specified in Part XIII of the First Schedule to this Act.

300.—(1) Without prejudice to any special provisions of this Act, every notice and every document other than an order shall, when issued in pursuance of this Act by

Authentica-
tion of
documents.

PART XIV. the county council or a sanitary authority, be sufficiently authenticated if signed by their clerk or, if it is given or served by any of their officers, by that officer, or where so issued by the overseers of the Inner Temple or Middle Temple, be sufficiently authenticated if signed by the sub-treasurer of the Inner Temple or under-treasurer of the Middle Temple, as the case may be.

—cont.

(2) Every order of the county council or of a sanitary authority shall be under the seal of the council or authority duly authenticated.

Service of documents.

301.—(1) Without prejudice to any special provisions of this Act, any notice, order or other document required or authorised by this Act to be served on any person (not being such a notice as is referred to in the next following subsection) may be served—

(a) by addressing the notice, order or document or a copy thereof to the said person and by delivering it to him or at his usual or last known place of residence in England or, where that person is the owner or occupier of any premises,—

(i) delivering it to some person on the premises; or

(ii) if there is no person on the premises to whom it can be delivered, affixing it on some conspicuous part of the premises; or

(b) by sending the notice, order or document or a copy thereof by post addressed to the said person at his usual or last known residence in England or, if that person is the owner or occupier of any premises, at those premises.

(2) Any notice required or authorised to be served on any person under the provisions of this Act relating to the registration of premises used in connection with the sale of ice-cream or preserved food, or relating to the compulsory acquisition of land for the purposes of baths or wash-houses, may be served—

(a) by addressing the notice to that person and by delivering it to him or at his residence; or

(b) where that person is the owner or occupier of premises, by addressing the notice or a copy thereof to him and by delivering it to some

person on the premises or, if there is no person on the premises to whom it can be delivered, affixing it on some conspicuous part of the premises;

PART XIV.

—cont.

and any such notice as aforesaid may be served by post:

Provided that—

- (i) where the person to be served is a company the notice shall be delivered to, or sent by post addressed to, the secretary of the company at their registered office or at their principal office or place of business;
- (ii) where the person to be served is a firm, the notice may be addressed to the firm by their business name and delivered at, or sent by post to, their principal place of business, and shall, if so addressed and so delivered or sent, be deemed to have been duly served on each partner in the firm.

For the purposes of this subsection—

- (a) the expressions “business name,” “firm” and “partner” have respectively the same meanings as in the Registration of Business Names Act, 1916; and 6 & 7 Geo. 5.
c. 58.
- (b) service of a notice by post shall be deemed to be effected by properly addressing the notice and posting it.

(3) Without prejudice to any special provisions of this Act, any notice required or authorised by this Act to be served on the owner or occupier of any premises may be addressed “the owner” or “the occupier” of the premises (naming them), without further name or description.

(4) Save as otherwise expressly provided by this Act, any notice required or authorised to be served for the purposes of this Act on the county council or a sanitary authority shall be deemed to be duly served if it is in writing and is delivered at, or sent by post to, the office of the council or authority, addressed to the council or authority or to their clerk.

PART XIV.
—cont.
Forms.

302. For the purposes of this Act, the following documents, that is to say,—

- (1) notices requiring the abatement of nuisances;
- (2) summonses in summary proceedings in respect of nuisances;
- (3) nuisance orders;
- (4) warrants of justices for entry into premises,

shall, unless other forms are prescribed under the Summary Jurisdiction Acts, be in the forms respectively prescribed in the Sixth Schedule to this Act, or forms to the like effect, subject to such variations as circumstances may require.

Explanation
of s. 343 of
38 & 39 Vict.
c. 55.
35 & 36 Vict.
c. 79.

303. For the removal of doubts it is hereby declared that section three hundred and forty-three of the Public Health Act, 1875, in so far as it re-enacts sections thirty-four to thirty-six of the Public Health Act, 1872, extends to the county.

Supplementary Provisions.

Interpreta-
tion.

304.—(1) In this Act, unless the context otherwise requires or it is otherwise specially provided, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“ashpit” means any ashpit, dustbin, ashtub or other receptacle for the deposit of ash or refuse matter:

“bakehouse” means any place used for the baking of bread, biscuits or confectionery from the baking or selling of which a profit is derived:

“baths” includes open bathing places and covered swimming baths:

“building” includes, in relation to any building, the curtilage thereof:

“by day” means during the period, on any day, between six a.m. and nine p.m.:

“cattle” includes sheep, goats and swine:

“cistern” includes a water-butt:

“the city” means the City of London:

- “ closing order ” means a nuisance order prohibiting the use of a dwelling house for human habitation : PART XIV.
—cont.
- “ common lodging-house ” means, in relation to any house of which part only is used as a common lodging-house, the part of the house so used :
- “ the county ” means the administrative county of London :
- “ the county council ” means the London County Council :
- “ covered swimming baths ” means swimming baths protected from the weather by roofs or other coverings :
- “ dairy ” includes any farm, farmhouse, cow-shed, milk store, milk shop or other place from which milk is supplied or in which milk is kept for purposes of sale :
- “ dairyman ” includes any cow-keeper, purveyor of milk or occupier of a dairy :
- “ district medical officer of health ” means a medical officer of health for the district of a sanitary authority and, in relation to any sanitary authority or the district of a sanitary authority, means a medical officer of health for the district of that authority :
- “ functions ” means powers or duties :
- “ hospital ” means any premises or vessel for the reception of invalids, whether permanently or temporarily applied for that purpose ;
- “ house ” includes a school and also a factory or other building in which persons are employed and, in relation to a house as hereinbefore defined, includes the curtilage thereof :
- “ house refuse ” means ashes, cinders, breeze, rubbish, night-soil or filth, but does not include trade refuse :
- “ inspector ” means an inspector appointed by the Minister :
- “ justice ” means a justice of the peace :
- “ knacker ” means a person who carries on the business of killing horses, asses, mules or cattle

PART XIV.
—cont.

otherwise than for the purpose of the flesh thereof being used as butcher's meat, and "knacker's yard" means any building or place used for the purpose of such business :

"master" means—

(a) in relation to a building or part of a building, any person occupying, or having the charge, management or control of, the building or part;

(b) in relation to a vessel, the master or other person in charge of the vessel,

and includes, in relation to a house the whole of which is let in separate tenements or a lodging-house the whole of which is let to lodgers, the person entitled to receive the rents payable in respect thereof by the tenants or lodgers either for his own benefit or as agent for another person :

"maternity home" means any premises used or intended to be used for the reception of pregnant women or of women immediately after child-birth :

"the Minister" means the Minister of Health :

"notifiable infectious disease" and "dangerous infectious disease" respectively mean, subject to the provisions of any order in force under the next following section, any of the following diseases, that is to say, small-pox, cholera, diphtheria, membranous croup, erysipelas, the disease known as scarlatina or scarlet fever, and the fevers known by any of the following names, typhus, typhoid, enteric, relapsing, continued or puerperal :

"nursing home" means any premises used or intended to be used for the reception of, and the providing of nursing for, persons suffering from any sickness, injury or infirmity, and includes a maternity home, but does not include—

(i) any hospital or other premises maintained or controlled by a Government department or local authority or by any other body of persons constituted by special Act of Parliament or incorporated by Royal Charter, or

(ii) any institution for persons of unsound mind within the meaning of the Lunacy and Mental Treatment Acts, 1890 to 1930, or

PART XIV.
—cont.

(iii) any institution, house or home certified or approved by the Board of Control under the Mental Deficiency Act, 1913 :

3 & 4 Geo. 5.
c. 28.

“owner” means, in relation to any premises, the person who is for the time being entitled to receive the rack rent payable in respect of the premises, whether for his own benefit or as agent or trustee for another person, or who would be so entitled if the premises were let at a rack rent :

“place of safety” means any remand home, workhouse or police station, or any hospital, surgery, or any other suitable place, the occupier of which is willing temporarily to receive a child :

“port of London” means the port of London as established for the purposes of the law relating to the customs of the United Kingdom :

“premises” includes land, buildings and easements :

“qualified nurse” means—

(a) a person registered in the general part of the register of nurses required to be kept under the Nurses Registration Act, 1919; or

9 & 10
Geo. 5. c. 94.

(b) a person who had, before the end of June, nineteen hundred and twenty-eight, completed a three years' course of training in a hospital which was during the period of her training, or subsequently became, a training school approved for the purpose of admission to the general part of the said register by the General Nursing Council for England and Wales, the General Nursing Council for Scotland or the General Nursing Council for Northern Ireland;

and in relation to any premises used or intended to be used solely for the reception of, and the provision of nursing for, a class of patients in whose case the requisite nursing can be suitably and adequately provided by nurses of a class

PART XIV.

—cont.

whose names are contained in some part of the register of nurses required to be kept under the Nurses Registration Act, 1919, other than the general part of that register, references in paragraphs (a) and (b) of this definition to the general part of the said register shall be construed as including references to that other part of the register :

“ rack rent ” means, in relation to any premises, a rent not being less than two-thirds of the annual value of the premises, and for the purposes of this definition the annual value of any premises shall be taken to be the annual rent which a tenant might reasonably be expected (taking one year with another) to pay for the premises on the assumptions—

(a) that the tenant undertakes to pay all usual tenant's rates and taxes and any tithe commutation rentcharge payable in respect of the premises; and

(b) that the landlord undertakes to bear the cost of the repairs and insurance and any other expenses necessary to maintain the premises in such a state as to command such rent as is last mentioned :

“ rag and bone dealer ” means any person selling, or buying for the purpose of re-sale, or otherwise dealing in, rags (other than tailors' or dress-makers' cuttings), bones, rabbit-skins, fat or other like articles :

“ sanitary convenience ” includes a watercloset, urinal, earthcloset, privy and any similar convenience :

“ sanitary inspector ” means a sanitary inspector appointed under this Act and, in relation to a sanitary authority, means a sanitary inspector of that authority :

“ slaughterer ” means a person who carries on the business of killing cattle, horses, asses or mules for the purpose of the flesh thereof being used as butcher's meat, and “ slaughter-house ” means any building or place used for the purpose of such a business :

- PART XIV
---cont.
- “ source of water supply ” means any stream, reservoir, aqueduct, pond, well, tank, cistern, pump, fountain or other works for, or means of, supplying water, whether actually used or capable of being used for the supply of water or not :
- “ street ” includes a highway, a public bridge and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, and notwithstanding the absence of houses :
- “ street refuse ” means dust, dirt, rubbish, mud, road scrapings, ice, snow or filth :
- “ tenement house ” means a house occupied by any person of the working class which is wholly or partly let in lodgings or which is occupied by members of more than one family :
- “ trade refuse ” means the refuse of any trade, manufacture or business or of any building materials :
- “ vermin ” includes bugs, fleas, lice and itch mites and their eggs, larvæ and pupæ :
- “ vessel ” includes a boat and every description of vessel used in navigation :
- “ wash-houses ” includes open drying grounds :
- “ working class ” has the same meaning as in the Fifth Schedule to the Housing Act, 1925.

(2) References in this Act to any Act, or any provision of any Act, which has been amended by any subsequent Act passed before the commencement of this Act, shall be construed as references to that Act or provision as so amended.

(3) For the purposes of this Act the London Passenger Transport Board shall, as respects any of their railway undertakings, be deemed to be a railway company.

305.—(1) A sanitary authority may, by resolution passed at a meeting of the authority of which notice has been given in accordance with this section, order that—

- (a) the provisions of Part IX of this Act which relate to notifiable infectious diseases, or
- (b) all or any of the provisions of Part IX of this Act which relate to dangerous infectious diseases,

Additions to number of notifiable or dangerous infectious diseases.

PART XIV.
—cont.

shall apply, in the district of the authority, to any infectious disease which is not, as the case may be, a notifiable infectious disease or a dangerous infectious disease as defined in the last foregoing section; and any disease to which any provision of Part IX of this Act is applied by the order shall be deemed for the purposes of that provision to be a notifiable infectious disease or a dangerous infectious disease, as the case may be.

(2) An order made under this section may be permanent or temporary, and may be revoked or varied by the authority who made it :

Provided that a temporary order shall specify the period during which the order is to continue in force.

(3) The county council shall, as respects the county, have the same power of applying by order to any infectious disease the provisions referred to in subsection (1) of this section, and the same power of revoking or varying such an order, as a sanitary authority have under this section as respects their district; and any such provision, when so applied by an order of the county council, shall be construed as if it had been so applied by each sanitary authority as respects their district.

(4) Fourteen clear days at least before the meeting at which any resolution for the making of an order under this section is to be considered, special notice of the meeting, and of the intention to propose the making of the order, shall be given to every member of the authority concerned, and the notice shall be deemed to have been duly given to a member if it is given in the mode in which notices to attend meetings of the authority are usually given.

(5) An order made under this section, and the revocation and variation of any such order, shall not be of any effect until it has been approved by the Minister, and when it is so approved, the authority by whom the order was made shall give public notice thereof by advertisement in a local newspaper, and by hand-bills, and otherwise in such manner as the authority think sufficient for giving information to all persons interested.

(6) A copy of every order made under this section shall if the order is made by a sanitary authority, be sent by that authority, or, if the order is made by the county

council, be sent by every sanitary authority, to every legally qualified medical practitioner whom, after due inquiry, they ascertain to be residing or practising in their district. PART XIV.
—cont.

(7) Every order under this section which has been duly approved shall come into operation on such date, not being earlier than one week after the publication of the first advertisement of the order, as the authority by whom the order was made may fix.

(8) Notwithstanding anything in the foregoing provisions of this section, the following provisions shall have effect in relation to the making of an order under this section in a case of emergency :—

- (a) three clear days' notice of the meeting to consider the resolution for the order, and of the intention to propose the making thereof, shall be sufficient ;
- (b) the resolution shall declare the cause of the emergency and shall be for a temporary order ;
- (c) a copy of the order shall be forthwith sent to the Minister and advertised ;
- (d) the order shall come into operation at the expiration of one week from the date of the advertisement thereof, but, unless approved by the Minister, shall cease to be in force at the expiration of one month from the date on which the resolution was passed, or as from such earlier date as may be fixed by the Minister ;
- (e) the approval of the order by the Minister shall be conclusive evidence that the case was one of emergency.

306.—(1) Nothing in this Act shall authorise a Savings. sanitary authority—

- (a) to affect injuriously the navigation of any river or canal ; or
- (b) to divert or diminish any supply of water of right belonging to any river or canal ; or
- (c) to affect injuriously any reservoir, canal, river or stream or the feeders thereof, or the supply, quality or fall of water in any reservoir, canal, river or stream or in the feeders thereof, without first obtaining the written consent of every

PART XIV.
—cont.

person who would, if this Act had not been passed, have been entitled by law to prevent, or to be relieved in respect of, the injurious affection.

(2) Save as otherwise provided in this Act—

(a) nothing in this Act shall affect any of the powers of the Port of London Authority under the Port of London (Consolidation) Act, 1920,

(b) the powers, rights and remedies conferred and given by this Act shall be in addition to, and not in derogation of, any other powers, rights and remedies conferred and given by Act, law or custom.

62 & 63
Vict. c. 14.

(3) Nothing in this Act shall affect the operation of any scheme made under the London Government Act, 1899.

(4) The power to make orders conferred on the Minister by section sixty-four of the Local Government Act, 1929, shall be deemed to include a power, exercisable in the like manner and subject to the like restrictions, to make an order providing for the transfer to the county council of the functions of the common council under section one hundred and seventeen of this Act, or of all or any of the functions of borough councils under the following provisions of this Act, that is to say, sections one hundred and seventeen, one hundred and forty, one hundred and forty-one, one hundred and forty-four, and one hundred and forty-five, sections one hundred and fifty-six to one hundred and sixty-six, and Part XIII.

Transitional
provisions.

307.—(1) Any agreement, apportionment, byelaw, determination, order, regulation, representation or scheme made, any approval, consent, direction, exemption, notice or sanction given, any condition imposed, and any certificate or licence issued, under any enactment repealed by this Act shall have effect as if made, given, imposed or issued under the corresponding provisions of this Act.

(2) Every person who, at the commencement of this Act, holds an office by virtue of any enactment repealed by this Act shall be deemed to have been duly appointed to that office under this Act, and shall continue to hold office on the same terms and conditions as if this Act had not been passed.

(3) Any register kept under the provisions of any enactment repealed by this Act shall be deemed part of the register to be kept under the corresponding provisions of this Act, and any person who, by virtue of the provisions of any such enactment, is, at the commencement of this Act, registered or deemed to be registered under the provisions of that enactment, shall be deemed to be registered under the corresponding provisions of this Act.

PART XIV.
—cont.

(4) References in any document to the provisions of any enactment repealed by this Act shall be construed as references to the corresponding provisions of this Act.

(5) Where any offence, being an offence for the continuance of which a penalty was provided, has been committed under any enactment repealed by this Act, proceedings may be taken under this Act in respect of the continuance of the offence after the commencement of this Act, in the same manner as if the offence had been committed under the corresponding provisions of this Act.

(6) The mention of particular matters in this section shall not be taken to affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

52 & 53
Vict. c. 63.

308. The enactments mentioned in the Seventh Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Repeal of
enactments.

309.—(1) This Act may be cited as the Public Health (London) Act, 1936.

Short title,
commence-
ment and
extent.

(2) This Act shall come into operation on the first day of October, nineteen hundred and thirty-six.

(3) Save as otherwise expressly provided therein, this Act shall extend to the county and no further :

Provided that the provisions of this Act (other than those referred to in Part I of the First Schedule to this Act) shall extend to places outside the county so far as is necessary for giving effect to the said provisions of this Act in their application to the county and to any places to which those provisions are expressly applied.

SCHEDULES.**FIRST SCHEDULE.****EXCEPTED PROVISIONS.**

Sections 3, 4,
6, 9, 72, 73,
74, 274, 275,
278, 283, 284,
285, 291, 292,
295, 299, 309.

PART I.

PROVISIONS EXCEPTED FROM SECTIONS THREE, FOUR, NINE, TWO HUNDRED AND EIGHTY-THREE, AND THREE HUNDRED AND NINE OF THIS ACT.

Parts II, VII, XI, XII and XIII and Sections eighty-five, eighty-nine, ninety-six, one hundred and twelve, one hundred and sixteen, one hundred and twenty-one to one hundred and twenty-three, one hundred and twenty-six, one hundred and twenty-seven, one hundred and thirty-six, one hundred and forty-three, one hundred and forty-five, one hundred and forty-six, one hundred and fifty-six to one hundred and sixty-six, one hundred and eighty-one to one hundred and ninety, and two hundred and eight of this Act.

PART II.

PROVISIONS EXCEPTED FROM SECTION SIX OF THIS ACT.

Parts II, VII, XI, XII and XIII and Sections eighty-five, eighty-nine, ninety-six, one hundred and twenty-one, one hundred and twenty-six, one hundred and twenty-seven, one hundred and thirty-six, one hundred and forty-three, one hundred and forty-five, one hundred and fifty-six to one hundred and sixty-six, one hundred and eighty-five, one hundred and eighty-six, one hundred and eighty-eight to one hundred and ninety, and two hundred and eight of this Act.

PART III.

PROVISIONS EXCEPTED FROM SECTION SEVENTY-TWO OF THIS ACT.

Sections thirty-four, forty-five, fifty-six to fifty-nine, sixty-two, sixty-four, and sixty-eight of this Act.

PART IV.

PROVISIONS EXCEPTED FROM SECTION SEVENTY-THREE OF THIS ACT.

Sections fifty-six to fifty-nine and sixty-four of this Act.

PART V.

1st Sch.
—cont.PROVISIONS EXCEPTED FROM SECTION SEVENTY-FOUR
OF THIS ACT.

Sections thirty-two, fifty-eight, sixty, sixty-two, and sixty-four of this Act.

PART VI.

PROVISIONS EXCEPTED FROM SECTION TWO HUNDRED
AND SEVENTY-FOUR OF THIS ACT.

Part II and Sections eighty-five, one hundred and twenty-six, one hundred and thirty-six, one hundred and eighty-six, and two hundred and forty-five of this Act.

PART VII.

PROVISIONS EXCEPTED FROM PARAGRAPH (a) OF SUB-
SECTION (1), AND SUBSECTION (2), OF SECTION TWO
HUNDRED AND SEVENTY-FIVE OF THIS ACT.

Parts II, VII, XI, XII and XIII and Sections eighty-nine, ninety-six, one hundred and twenty-six, one hundred and forty-three, one hundred and forty-five, one hundred and fifty-six to one hundred and sixty-six, one hundred and eighty-six, and one hundred and eighty-eight to one hundred and ninety of this Act.

PART VIII.

PROVISIONS EXCEPTED FROM SUBSECTION (2) OF SECTION
TWO HUNDRED AND SEVENTY-EIGHT OF THIS ACT.

Sections thirty-four, eighty-five, one hundred and seventeen, one hundred and forty-three, one hundred and sixty-two, one hundred and seventy-one, and two hundred and forty-four of this Act.

PART IX.

PROVISIONS EXCEPTED FROM SECTION TWO HUNDRED
AND EIGHTY-FOUR OF THIS ACT.

Parts II, VII, XI, XII and XIII and Sections eighty-five, eighty-nine, ninety-six, one hundred and twelve, one hundred and sixteen, one hundred and twenty-two, one hundred and twenty-three, one hundred and twenty-six, one hundred and thirty-six, one hundred and forty-three, one hundred and forty-five, one hundred and forty-six, one hundred and fifty-six to one hundred and sixty-six, one hundred and eighty-one, one hundred and eighty-four, one hundred and eighty-six, and one hundred and eighty-eight to one hundred and ninety of this Act.

1st Sch.,
—cont.

PART X.

PROVISIONS EXCEPTED FROM SECTION TWO HUNDRED
AND EIGHTY-FIVE OF THIS ACT.

Parts VII, XI, XII and XIII and Sections eighty-five, eighty-nine, ninety-six, one hundred and twenty-six, one hundred and thirty-six, one hundred and forty-three, one hundred and forty-five, one hundred and eighty-six, and one hundred and eighty-eight to one hundred and ninety of this Act.

PART XI.

PROVISIONS EXCEPTED FROM SECTION TWO HUNDRED
AND NINETY-ONE OF THIS ACT.

Parts II, VII, XI, XII and XIII and Sections ninety-six, one hundred and twelve, one hundred and sixteen, one hundred and twenty-two, one hundred and twenty-three, one hundred and thirty-six, one hundred and forty-six, one hundred and eighty-one, and one hundred and eighty-four of this Act.

PART XII.

PROVISIONS EXCEPTED FROM SECTIONS TWO HUNDRED
AND NINETY-TWO AND TWO HUNDRED AND
NINETY-FIVE OF THIS ACT.

Parts II, VII, XI, XII and XIII and Section one hundred and thirty-six of this Act.

PART XIII.

PROVISIONS EXCEPTED FROM SECTION TWO HUNDRED
AND NINETY-NINE OF THIS ACT.

Parts II, XI, XII and XIII and Sections eighty-five, eighty-nine, ninety-six, one hundred and twenty-one, one hundred and twenty-six, one hundred and thirty-six, one hundred and forty-three, one hundred and forty-five, one hundred and fifty-six to one hundred and sixty-six, one hundred and eighty-six, and one hundred and eighty-eight to one hundred and ninety of this Act.

SECOND SCHEDULE.

Section 75.

PART I.**PROVISIONS OF METROPOLIS MANAGEMENT ACT, 1855,
AND METROPOLIS MANAGEMENT AMENDMENT
ACT, 1862, APPLIED FOR THE PURPOSES
OF PART II OF THIS ACT.****THE METROPOLIS MANAGEMENT ACT, 1855.**

Section sixty-two (which empowers borough councils to appoint officers).

Section one hundred and thirty-nine (which empowers the county council to appoint officers to act for two or more boroughs jointly).

Section one hundred and forty-nine (which empowers the county council and borough councils to enter into contracts for the purpose of carrying the Act into effect).

Section one hundred and fifty-four (which empowers the county council and borough councils to dispose of land) so far as it enables the county council to sell or dispose of land.

Section one hundred and fifty-six (which prescribes a penalty for withholding property transferred to the county council or to a borough council).

Section two hundred and eight (which prescribes a penalty for interrupting workmen, &c., in the execution of their duties).

Section two hundred and nine (which provides for the punishment of occupiers obstructing the execution of works, or not disclosing the owner's name).

Section two hundred and fifteen (which empowers borough councils to apportion charges between two or more persons).

Section two hundred and sixteen (which empowers borough councils to accept payment of charges by instalments).

Section two hundred and twenty-five (which provides for the ascertainment and recovery of compensation, damages and expenses).

Section two hundred and twenty-eight (which provides for damages being made good in addition to the imposition of a penalty).

2ND SOR.
—cont.

Section two hundred and twenty-nine (which relates to transient offenders).

Section two hundred and thirty (which restricts the removal of proceedings into the High Court).

Section two hundred and thirty-seven (which preserves the functions and property of certain statutory commissioners in relation to Ely Place and Ely Mews in the borough of Holborn).

Section two hundred and forty (which preserves the functions and property vested, under the Crown Estate Paving Act, 1851, and the Acts recited therein, in the Commissioners of Works and the commissioners for carrying the said Acts into effect).

Section two hundred and forty-eight (which provides for the removal of difficulties arising from any conflict between the provisions of the Act and the provisions of local Acts).

THE METROPOLIS MANAGEMENT AMENDMENT ACT, 1862.

Section twenty (which authorises the Public Works Loans Commissioners to make loans to borough councils).

Section ninety-seven (which enables the landlords of premises to make certain deductions from the rent (if any) payable by them).

Section one hundred and seven (which provides for penalties being proceeded for within six months).

Section 80.

PART II.

PROVISIONS OF LOCAL ACTS THE OPERATION OF WHICH IS UNAFFECTED BY PART II OF THIS ACT.

34 & 35 Vict.
c. cxxix.
35 & 36 Vict.
c. clxiii.
S.R. & O. 1901,
No. 536.
2 Edw. 7.
c. lxxxiv.
6 Edw. 7. c. cl.

The Hornsey Local Board Act, 1871, as amended by the Metropolitan Street Improvements Act, 1872, by the Hornsey Drainage Scheme, 1901, by the Hornsey Order, 1902 (confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act, 1902) and by Part III of the London County Council (General Powers) Act, 1906.

36 & 37 Vict.
c. ccxviii.
21 & 22 Geo. 5.
c. lix.

The Beckenham Sewerage Act, 1873, as amended by Part VI of the London County Council (General Powers) Act, 1931.

37 & 38 Vict.
c. xcvi.

Subsection (2) of section thirteen of the Metropolitan Board of Works Act, 1874.

54 & 55 Vict.
c. ccv.
8 Edw. 7. c. cvii.

The Tottenham and Wood Green Sewerage Act, 1891, as amended by Part VII of the London County Council (General Powers) Act, 1908.

56 & 57 Vict.
c. cclv.
11 & 12 Geo. 5.
c. l.

Part III of the West Ham Corporation Act, 1893, as amended by section thirty-four of the London County Council (General Powers) Act, 1921.

The Willesden Sewerage Act, 1896.	2ND SCH.
Part V of the London County Council (General Powers) Act, 1897.	—cont.
The London County Council (Acton Sewage) Act, 1898, as amended by the Acton Sewage Act, 1905.	59 & 60 Vict. c. cxxvii. 60 & 61 Vict. c. cclii. 61 & 62 Vict. c. cxliii. 5 Edw. 7. c. cciii.
The Penge Scheme, 1900, and the Penge and Beckenham Drainage Scheme, 1901.	S. R. & O. 1900, No. 780. S. R. & O. 1901, No. 664.
Part IX of the London County Council (General Powers) Act, 1903.	3 Edw. 7. c. clxxxvii. 6 Edw. 7. c. cxxv.
The London Government Act Adjustment Schemes Confirmation Act, 1906.	
Part VIII of the London County Council (General Powers) Act, 1908.	
Part II of the London County Council (General Powers) Act, 1924.	14 & 15 Geo. 5. c. lvii.
Part VI of the London County Council (General Powers) Act, 1925.	15 & 16 Geo. 5. c. cxix.
The London County Council (Ilford and Barking Drainage) Act, 1928.	18 & 19 Geo. 5. c. xcii.

THIRD SCHEDULE.

Section 168.

MAKING, SUBMISSION AND CONFIRMATION OF ORDERS AUTHORISING BOROUGH COUNCILS TO ACQUIRE LAND COMPULSORILY FOR THE PURPOSES OF PART VII OF THIS ACT.

1. An order authorising a borough council to acquire land compulsorily for the purposes of Part VII of this Act (in this Schedule referred to as "a compulsory purchase order") shall be in the prescribed form, shall specify the land to which it applies, and shall, for the purposes of the order, incorporate, subject as hereinafter provided and subject to any necessary adaptations, but without prejudice to the Acquisition of Land (Assessment of Compensation) Act, 1919,—

- (1) the Lands Clauses Acts (except sections one hundred and twenty-seven and one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845); and
- (2) sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845,

8 & 9 V.ct.
c. 20.

and shall also contain such provisions as may be prescribed for the purpose of carrying the order into effect and of protecting the

3RD SCH.
—cont.

council and the persons interested in the land to which the order applies :

Provided that for the purposes of this Schedule and of the order—

- (a) references in the enactments incorporated in the order to “ the special Act ” shall be construed as references to this Act and to the order, and references in the said enactments to “ the promoters of the undertaking ” shall be construed as references to the borough council; and
- (b) so much of section eighty-five of the Lands Clauses Consolidation Act, 1845, as relates to sureties shall not apply; and
- (c) where any land to which the order applies is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of that land, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or other injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale, under the Ecclesiastical Leasing Acts, of land belonging to a benefice.

2. The council by whom a compulsory purchase order is submitted to the Minister shall, in such manner as may be prescribed,—

- (a) publish the order; and
- (b) give notice of the submission of the order both in the locality in which the land to which the order applies is situated and to the owners, lessees and occupiers of that land.

3. Where a compulsory purchase order is submitted to the Minister, he may, after holding such inquiries (if any) as he thinks fit, confirm the order either without modification or subject to such modifications as he thinks fit :

Provided that if, within the prescribed period, a person interested in any land to which the order applies gives notice to the Minister objecting to the acquisition of that land and specifying the grounds of his objection, then, unless the objection is withdrawn, the Minister shall forthwith cause a public inquiry into the objection to be held in the locality in which the land in

question is situate, and before confirming the order, shall consider the report of the person by whom the inquiry is held.

3RD SCH.
—cont.

4. At any inquiry held under the proviso to the last foregoing paragraph in connection with a compulsory purchase order, the council by whom the order was submitted, and all persons interested in the land to which the order applies who have duly given notice of objection as aforesaid, shall be entitled to appear and be heard.

5. A compulsory purchase order shall come into operation if and when it is confirmed by the Minister, and such an order, when so confirmed, shall have effect as if enacted in this Act, and the confirmation by the Minister shall be conclusive evidence that the order has been duly made and is within the powers conferred by this Act.

6. In this Schedule the expression "prescribed" means prescribed by the Minister.

FOURTH SCHEDULE.

Section 173.

CHARGES FOR USE OF PUBLIC BATHS AND WASH-HOUSES.

1. Baths for the labouring classes (every bath to be supplied with clean water for every person bathing alone, or for several children bathing together, and in either case with one clean towel for every bather).

For one person who has attained the age of eight years—	
Cold bath, or cold shower bath, any sum not exceeding - - - - -	one penny.
Warm bath, or warm shower bath, or vapour bath, any sum not exceeding -	twopence.
For several children under the age of eight years, not exceeding four, bathing together—	
Cold bath, or cold shower bath, any sum not exceeding - - - - -	twopence.
Warm bath, or warm shower bath, or vapour bath, any sum not exceeding -	fourpence.

2. Baths of any higher class. Such charges as the council think fit, not exceeding in any case three times the charges above mentioned for the several kinds of baths for the labouring classes.

4TH SCH.
—cont.

3. Wash-houses for the labouring classes (every wash-house to be supplied with conveniences for washing and drying clothes and other articles).

For the use by one person of one washing tub or trough, and of a copper or boiler (if any), or, where one of the washing tubs or troughs is used as a copper or boiler, for the use of one pair of washing tubs or troughs, and for the use of the conveniences for drying—

For one hour only in any one day, any
sum not exceeding - - - - one penny.

For two hours together, in any one day,
any sum not exceeding - - - threepence.

Any time over the hour or two hours respectively, if not exceeding five minutes, not to be reckoned.

For two hours not together, or for more than two hours in any one day, such charge as the council think fit.

For the use of the washing conveniences alone, or of the drying conveniences alone, such charge as the council think fit, not exceeding in either case the charges for the use for the same time of both the washing and the drying conveniences.

4. Wash-houses of any higher class.

Such charges as the council think fit.

5. Open bathing places, where several persons bathe in the same water, for one person, one penny.

6. Covered swimming baths—

1st class - Any sum not exceeding eightpence for each person.

2nd class - Any sum not exceeding fourpence for each person.

3rd class - Any sum not exceeding twopence for each person.

FIFTH SCHEDULE.

Section 282.

**PROVISIONS FOR SECURING THE ABATEMENT OF NUISANCES
WHICH MAY BE DEALT WITH SUMMARILY.**

1. In this Schedule, unless the context otherwise requires, the expression "nuisance to which this Schedule applies" means any matter which, by virtue of any of the provisions of this Act, is a nuisance which may be dealt with summarily under this Act, and the expression "smoke nuisance" does not include a smoke nuisance arising on a ship habitually used as a sea-going ship.

2. It shall be the duty of every officer of a sanitary authority, and of every relieving officer, to give, in accordance with the regulations of the authority whose officer he is, information to the sanitary authority of the existence in their district of any nuisance to which this Schedule applies.

It shall be the duty of the county council and of every sanitary authority to make regulations for the purpose of this paragraph.

3. A written intimation of the existence in the district of a sanitary authority of a nuisance to which this Schedule applies shall be served by an officer of the authority on a person who may be required to abate the nuisance, and it shall be the duty of the sanitary authority to give such directions to their officers as will secure that the intimation required by this paragraph is given as soon as may be.

4. A sanitary authority, upon receiving any information as to the existence in their district of a nuisance to which this Schedule applies shall, if satisfied of the existence of the nuisance, serve on the person by reason of whose act, default or sufferance the nuisance arose or continues, or (if that person cannot be found) on the occupier or owner of the premises on which the nuisance exists, a notice requiring him to abate the nuisance within the period specified in the notice, and to do such things as may be necessary for that purpose; and the notice may, if the sanitary authority think fit, specify any works to be executed for the purpose aforesaid :

Provided that, where the nuisance arises from any want or defect of a structural character, or where the premises are unoccupied, the notice aforesaid shall be served on the owner of the premises.

The sanitary authority may also, by a notice under the foregoing provisions of this paragraph or by further notice, require the person on whom the notice is served to do what is necessary for preventing the recurrence of the

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nuisance to which the notice relates and, if they think it desirable, specify any works to be executed for that purpose, and a notice containing such a requirement may, notwithstanding that the nuisance to which it relates may for the time being have been abated, be served if the sanitary authority consider that the nuisance is likely to recur on the same premises.

A notice authorised to be served under this paragraph is in this Schedule referred to as “ a nuisance notice.”

5. Where the person causing a nuisance to which this Schedule applies cannot be found, and it is clear that the nuisance neither arose nor continues by reason of any act, default or sufferance on the part of the occupier or owner of the premises on which it exists, the sanitary authority may themselves abate the nuisance and may do what is necessary to prevent the recurrence thereof.

6. Where a nuisance notice is served on any person, then if either—

- (a) the nuisance to which the notice relates arose by reason of the wilful act or default of that person; or
- (b) that person fails to comply with any of the requirements of the notice within the period specified therein,

he shall (whether or not an order under the next following paragraph has been made in respect of him) be liable to a fine not exceeding, in a case where the notice relates to a smoke nuisance, fifty pounds or, in any other case, ten pounds.

7. Where a nuisance notice is served on any person, then if—

- (a) that person fails to comply with any of the requirements of the notice within the period specified therein; or
- (b) the nuisance to which the order relates, although abated since the service of the notice, is, in the opinion of the sanitary authority, likely to recur on the same premises,

the sanitary authority shall make a complaint to a petty sessional court, and the court hearing the complaint may make as respects the said person a summary order (in this Schedule referred to as “ a nuisance order ”).

8. A nuisance order may be an abatement order, a prohibition order or a closing order, or a combination of such orders.

An abatement order may require a person to comply with all or any of the requirements of the nuisance notice in connection with which the order is made, or otherwise to abate the nuisance within the period specified in the order.

A prohibition order may prohibit the recurrence of a nuisance.

A closing order may prohibit the use of a dwelling-house for human habitation, and shall be made if, but only if, it is proved to the satisfaction of the court that, by reason of a nuisance, the dwelling-house is unfit for human habitation; and the court making a closing order may impose a fine not exceeding twenty pounds on the person as respects whom the order is made.

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—*cont.*

9. An abatement order or prohibition order shall, if the person as respects whom the order is made so requires or the court considers it desirable, specify the works to be executed by the said person for the purpose of abating, or preventing a recurrence of, the nuisance to which the order relates.

A petty sessional court, if satisfied that a dwelling-house in respect of which a closing order is in force has been rendered fit for human habitation, may declare that it is so satisfied and revoke the closing order.

10. Where two convictions for offences relating to the overcrowding of a house or part of a house in the district of a sanitary authority have taken place within a period of three months (whether the persons convicted were or were not the same), a petty sessional court may, on the application of the sanitary authority, make an order directing that the house be closed for such period as the court thinks necessary.

11. Where a petty sessional court is satisfied that neither the person by reason of whose act, default or sufferance a nuisance to which this Schedule applies arose or continues, nor the owner nor the occupier of the premises on which such a nuisance exists, is known or can be found, any nuisance order made by the court with respect to that nuisance may be addressed to the sanitary authority, and, if so addressed, shall be executed by them.

12. If any person fails to comply with an abatement order, then, subject to the following provisions of this Schedule, he shall, unless he proves that he has used all due diligence to carry out the order, be guilty of an offence and liable to a fine not exceeding, in a case where the order relates to a smoke nuisance forty shillings, or in any other case twenty shillings, for every day on which the offence continues.

If any person knowingly and wilfully contravenes a prohibition order or a closing order, he shall, subject to the provisions of this Schedule relating to appeals, be guilty of an offence and liable to a fine not exceeding, in a case where the order relates to a smoke nuisance five pounds, or in any other case forty shillings, for every day on which the offence continues.

13. There shall be no appeal to quarter sessions against a nuisance order, unless it is or includes a prohibition order or a closing order or requires the execution of structural works.

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—cont.

14. In the event of an appeal to quarter sessions against a nuisance order, no person shall, by reason of any contravention of, or non-compliance with, the order, be liable to any fine until after the determination or abandonment of the appeal :

Provided that, if the appeal is dismissed or abandoned, the appellants shall be liable to a fine not exceeding, in a case where the order relates to a smoke nuisance forty shillings, or in any other case twenty shillings, for every day during which he has contravened or failed to comply with the order, unless he satisfies the court before which proceedings are taken for the recovery of the fine, that there was substantial ground for the appeal and that the appeal was not brought merely for the purpose of delay; and if the appeal is dismissed, the court of quarter sessions hearing the appeal may, on dismissing it, impose the fine as if it was a petty sessional court.

15. Where a person appeals to quarter sessions against a nuisance order, no work shall, save as hereinafter mentioned, be done under the order until after the determination or abandonment of the appeal :

Provided that, if the court by which the order was made is of opinion that the continuance of the nuisance to which it relates will be injurious or dangerous to health, and that the immediate abatement thereof will not cause any injury which cannot be compensated by damages, that court may, notwithstanding that the appeal is pending, authorise the sanitary authority immediately to abate the nuisance; so, however, that—

- (a) if the appeal is allowed, the sanitary authority shall pay to the person against whom the order was made the amount of any damage sustained by him by reason of the abatement of the nuisance by the authority; and
- (b) if the appeal is dismissed or abandoned, the sanitary authority may recover from the said person the expenses incurred by them in abating the nuisance.

16. The sanitary authority—

- (1) may, for the purpose of ascertaining whether any nuisance to which this Schedule applies exists on any premises, enter those premises at any hour by day or, in the case of a nuisance arising in respect of any business carried on in the premises, at any hour when that business is being, or is usually, carried on therein; and
- (2) where such a nuisance as aforesaid has been ascertained to exist on any premises, or a nuisance order has been made in respect of a nuisance existing on any premises, may enter the premises at any hour by day or, in the

case of a nuisance arising in respect of any business carried on in the premises, at any hour when that business is being, or is usually, carried on therein, until the nuisance is abated, or the works required by the order to be executed are completed, or (in the case of a closing order) the order is revoked, as the case may be; and

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—cont.

- (3) where a nuisance order in respect of any premises has been contravened or not complied with, may, for the purpose of executing the order, enter the premises at all reasonable hours, including hours during which business is being, or is usually, carried on in the premises.

The sanitary authority may enter the premises to which a nuisance order relates and may abate or remove the nuisance and do whatever is necessary in the execution of the order.

17. Any matter or thing removed by a sanitary authority in abating, or doing what is necessary to prevent the recurrence of, a nuisance to which this Schedule applies, may be sold by public auction, or, if the authority think the circumstances of the case require it, may be otherwise sold, or may be disposed of without sale.

The money arising from the sale of any matter or thing under this paragraph may be retained by the sanitary authority and applied in payment of the expenses incurred by them in connection with the nuisance, and the surplus (if any) shall be paid, on demand, to the owner of the matter or thing.

18. Where a nuisance order is made, the reasonable expenses incurred in obtaining or enforcing the order or making the complaint upon which, or serving the nuisance notice in connection with which, the order was made, shall be deemed to be money paid for the use, and at the request,—

- (a) of the person against whom the order was made, or
(b) if the order is addressed to the sanitary authority, of the person by whose act, default or sufferance the nuisance was caused.

Where, on any complaint under this Schedule, a nuisance order is not made, but the nuisance in respect of which the complaint is made is proved to have existed at the time when the nuisance notice relating thereto was served or the complaint was made, the reasonable expenses incurred in serving the notice or making the complaint shall be deemed to be money paid for the use, and at the request, of the person by whose act, default or sufferance the nuisance was caused.

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—cont.

Any sum recoverable by virtue of this paragraph from any person being the owner of any premises may be recovered from the owner for the time being of those premises.

19. Expenses recoverable by virtue of the last foregoing paragraph, and fines incurred by virtue of this Schedule in relation to a nuisance to which this Schedule applies, may be recovered either in a summary manner or in the High Court or county court; and where, in any proceedings against two or more persons in respect of such a nuisance, it is proved that the nuisance was caused by the acts, defaults or sufferance of more than one of those persons, the court before which the proceedings are taken may, in imposing any fine or making any order as to costs or expenses, apportion the amount of the fine or of the costs or expenses, in such proportions as the court thinks just, between the persons by whose acts, defaults or sufferance the nuisance was caused.

20. Complaint of the existence on any premises of a nuisance to which this Schedule applies may be made by any person to a petty sessional court, and thereupon the like proceedings shall be had, with the like incidence and consequence as to making of orders, fines for disobedience of orders, appeals and otherwise, as in the case of a like complaint by the sanitary authority :

Provided that the court, if it thinks fit—

- (a) may adjourn the hearing or further hearing of the complaint for the purpose of having an examination made of the premises where the nuisance is alleged to exist, and may authorise any constable or other person to enter the premises for that purpose; and
- (b) may authorise any constable or other person to do all necessary acts for enforcing any order made on the complaint, and to recover the expenses of so doing in a summary manner from the person as respects whom the order is made.

Any constable or other person authorised under this paragraph shall have the like powers and be subject to the like restrictions as if he were an officer of the sanitary authority authorised under the foregoing provisions of this Schedule to enter premises and do any acts thereon.

21. A sanitary authority may, if, in their opinion, summary proceedings would afford an inadequate remedy, cause proceedings to be taken against any person in the High Court for the abatement or prohibition of any nuisance to which this Schedule applies, or for the recovery of any fine from, or for the punishment of, any person offending under the provisions of this Schedule relating to such nuisances as aforesaid.

22. Where a nuisance to which this Schedule applies affecting the inhabitants of the district of a sanitary authority appears to be wholly or partly caused by some act, default or sufferance occurring outside their district (whether within or outside the county), the sanitary authority may take or cause to be taken against any person, in respect of that act, default or sufferance any proceedings in relation to nuisances authorised by this Schedule, as if the act, default or sufferance had occurred within their district; so, however, that summary proceedings shall in no case be taken otherwise than before a court having jurisdiction in the district within which the act or omission is alleged to have occurred.

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—cont.

For the purpose of proceedings which may be taken under this paragraph by a sanitary authority in respect of a nuisance wholly or partly caused by some act, default or sufferance occurring outside the county, the expression "nuisance to which this Schedule applies" in this paragraph shall be construed as including a nuisance within the meaning of the Public Health Act, 1875.

SIXTH SCHEDULE.

Section 302.

FORMS.

FORM A.

Form of Notice requiring Abatement of Nuisance.

To [person by reason of whose act, default or sufferance the nuisance arose or exists, or owner or occupier of the premises at which the nuisance exists, as the case may be].

Take notice that under the provisions of the Public Health (London) Act, 1936, the [describe the sanitary authority], being satisfied of the existence at [describe premises where the nuisance exists] of a nuisance, being [describe the nuisance, for instance, premises in such a state as to be a nuisance or injurious or dangerous to health, or for further instance, a ditch or drain so foul as to be a nuisance or injurious or dangerous to health], do hereby require you within [specify the time] from the service of this notice to abate the nuisance [and to execute such works and do such things as may be necessary for that purpose, or and for that purpose to specify any works to be executed], [and the said [authority] do hereby require you within the said period to do what is necessary for preventing the recurrence of the nuisance, and for that purpose to &c.]

Where the nuisance has been abated, but is likely to recur, say, being satisfied that at &c. there existed recently, to wit, on or about the day of the following nuisance, namely [describe nuisance], and that although the said nuisance has since the last-mentioned day been abated, the

6TH SCH.
—cont.

nuisance is likely to recur at the said premises, do hereby require you within [*specify time*], to do what is necessary for preventing the recurrence of the nuisance [and for that purpose to &c.].

If you make default in complying with the requirements of this notice [or if the said nuisance, though abated, is likely to recur], a summons will be issued requiring your attendance before a petty sessional court, to answer a complaint which will be made for the purpose of enforcing the abatement of the nuisance or prohibiting the recurrence thereof, or both, and for recovering the costs and penalties that may be incurred thereby.

Dated this day of 19

*Signature of officer }
of sanitary authority }*

FORM B.

*Form of Summons in respect of Nuisances.**Summons.*

To *A.B.* [*or to the owner or occupier of*
[*describe premises*] situated [*insert such description of the situation*
as may be sufficient to identify the premises],
County of, &c., } You are required to appear before [*describe the*
to wit. } *petty sessional court*], at the court [*or petty*
sessions] holden at on the
day of next at the hour of in
the noon, to answer the complaint this day made
to me by that at the premises above
mentioned [*or at certain premises situated at No.* in
street or insert any other such description or reference as
may be sufficient to identify the premises], in the district of [*describe*
the sanitary authority], the following nuisance exists [*describe the*
nuisance and add, where the person causing the nuisance is
summoned, and that the said nuisance is caused by the act,
default or sufferance of you, *A.B.*].

Where the nuisance is discontinued, but is likely to be repeated,
say, to answer the complaint, &c. that at &c. there existed
recently, to wit, on or about the
day of , *the following nuisance* [*describe the nuis-*
ance, and add, where the person causing the nuisance is summoned,
and that the said nuisance was caused, &c.], and although the
said nuisance has since the said last-mentioned day been abated
or discontinued, that the same or the like nuisance is likely to
recur at the said premises.

Given under my hand and seal this day of 19 .

J.S. (*L.S.*)

FORM C.

6TH SCH.
—cont.*Form of Nuisance Order.*

To A.B., of [or to the owner or occupier of]
[describe premises] situated [insert such description of the situation
as may be sufficient to identify the premises].

County of, &c., { WHEREAS the said A.B. [or the owner or occu-
to wit. } pier of the said premises within the meaning of
the Public Health (London) Act, 1936, has this day appeared
before me [or us, describing the court] to answer the matter of a
complaint made by &c. that at &c. [follow the words of complaint
in summons] [or in case the party charged do not appear, say,
Whereas it has been now proved to my (or our) satisfaction that
a summons has been duly served according to the Public Health
(London) Act, 1936, requiring the said A.B. [or the owner or
occupier of the said premises] to appear this day before me [or
us] to answer the matter of a complaint made by &c. that at
&c.]:

[Any of the following orders may be made or a combination of
any of them, as the case seems to require.]

Now on proof here had before me [or us] that the nuisance *Abatement*
so complained of does exist at the said premises [add, where the order *order.*
is made on the person causing the nuisance, and that the nuisance
is caused by the act, default or sufferance of A.B.], I [or we], in
pursuance of the Public Health (London) Act, 1936, do order the
said A.B. [or the said owner or occupier] within [specify the
time] from the service of this order according to the said Act
[here specify the nuisance to be abated, as, for instance, to prevent
the premises being a nuisance or injurious or dangerous to health,
or, for further instance, to prevent the ditch or drain being a
nuisance or injurious or dangerous to health] [and state any works
to be executed, as, for instance, to whitewash and disinfect the
premises, or, for further instance, to clean out the ditch].

And I [or we] being satisfied that, notwithstanding that the *Prohibition*
said nuisance may be temporarily abated under this order, the *order No. 1.*
nuisance is likely to recur, do therefore prohibit the said A.B.
[or the said owner or occupier] from allowing the recurrence of the
said or like nuisance [and for that purpose I or we direct the said
A.B. or the said owner or occupier, here specify any works to be
executed, as for instance, to fill up the ditch].

Now, on proof here had before me [or us] that at or recently *Prohibition*
before the time of making the said complaint, to wit, on *order No. 2,*
the nuisance so complained of did exist at the said
premises, but that the nuisance has since been abated [add where
the order is made on the person causing the nuisance, and
that the nuisance was caused by the act, default or sufferance of
A.B.], yet, notwithstanding the abatement, I [or we] being satisfied

there has been a refusal or failure to admit to the premises, and *either* that reasonable notice of the intention to apply to a justice for a warrant has been given, *or* that the giving of notice of the intention to apply to a justice for a warrant would defeat the object of the entry.

[*or* am satisfied by information on oath that there is reasonable cause to believe that there is on the said premises a contravention of the Public Health (London) Act, 1936, or of a byelaw made under that Act, and that an application for admission or notice of an application for a warrant would defeat the object of the entry.]

Now, therefore, I, the said *C.D.*, do hereby authorise the said *A.B.* to enter the said premises, and if need be by force, with such assistants as he may require, and there execute his duties under the said Act.

Given, &c. (*as in Form C*).

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—cont.

SEVENTH SCHEDULE.

Section 308.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
57 Geo. 3. c. xxix.	An Act for better paving, improving and regulating the streets of the Metropolis, and removing and preventing nuisances and obstructions therein.	Sections fifty-seven, sixty-two and seventy-seven.
2 & 3 Vict. c. 71.	The Metropolitan Police Courts Act, 1839.	Section forty-one.
9 & 10 Vict. c. 74.	The Baths and Wash-houses Act, 1846.	The whole Act except so far as it applies to the city.
10 & 11 Vict. c. 61.	The Baths and Wash-houses Act, 1847.	The whole Act except so far as it applies to the city.
14 & 15 Vict. c. 28.	The Common Lodging Houses Act, 1851.	The whole Act.
16 & 17 Vict. c. 41.	The Common Lodging Houses Act, 1853.	The whole Act.

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—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
18 & 19 Vict. c. 120.	The Metropolis Management Act, 1855.	Sections sixty-eight to seventy-six; sections seventy-eight to eighty; sections eighty-two to eighty-seven; section eighty-nine; in section ninety-two the words "watering, cleansing"; in section one hundred the words from "and lay" to "a drain, channel, or gutter," the words "and drain, channel, or gutter" and the words "or do not lay down therein such drain, channel, or gutter"; section one hundred and sixteen; section one hundred and thirty-five; sections one hundred and thirty-seven and one hundred and thirty-eight; in section one hundred and forty the words "watering and cleansing," the words "or for the purposes of sewerage and drainage" and the words from "and it shall also be lawful" to the end of the section; in section one hundred and fifty the words from "and also to contract for the purpose" to "obstruction of sewerage or drainage" and the words "of cleansing sewers and drains and the other purposes"; in section one hundred and fifty-two the words from "save for enabling" to the end of the section; section one hundred and fifty-three; in section two hundred and two the words from "and for regulating the dimensions" to "proceeding thereon"; sections two hundred and four and two hundred and five; sections

Session and Chapter.	Title or Short Title.	Extent of Repeal.
		two hundred and eleven and two hundred and twelve; in section two hundred and thirty-seven the words "to all the provisions of this Act relating to sewerage and house drainage and"; in section two hundred and forty the words "to all the provisions of this Act relating to sewerage and house drainage, and"; in section two hundred and fifty the words from "except for the purpose" to the word "compulsorily" and the words from "the word 'drain'" to the end of the section; and Schedule (D). The whole Act.
21 & 22 Vict. c. 104.	The Metropolis Management Amendment Act, 1858.	The whole Act.
25 & 26 Vict. c. 102.	The Metropolis Management Amendment Act, 1862.	Sections twenty-one and twenty-two; sections twenty-four and twenty-five; sections twenty-seven to twenty-nine; section thirty-two; sections forty-four to sixty-one; sections sixty-three and sixty-four; section sixty-six; sections sixty-eight and sixty-nine; in section eighty-one, the words "or draining"; section eighty-three; in section eighty-four the word "sewerage"; in section eighty-six the words "sewerage, drainage" and the words from "of constructing" to "therein or"; section eighty-eight; in section one hundred and twelve the words from "the word 'drain'" to the words "Commissioners of Sewers."
29 & 30 Vict. c. 90.	The Sanitary Act, 1866	Section forty-one.

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Session and Chapter.	Title or Short Title.	Extent of Repeal.
30 & 31 Vict. c. 134.	The Metropolitan Streets Act, 1867.	Section five.
34 & 35 Vict. c. 113.	The Metropolis Water Act, 1871.	Section thirty-three.
37 & 38 Vict. c. 89.	The Sanitary Law Amendment Act, 1874.	Sections forty-six and forty-nine.
38 & 39 Vict. c. 55.	The Public Health Act, 1875.	In section one hundred and eight the words from "any nuisance authority" to "or by"; in section one hundred and fifteen the words from "any nuisance authority" to "or by".
41 & 42 Vict. c. 14.	The Baths and Wash-houses Act, 1878.	The following provisions, except so far as they apply to the city, that is to say:— in section one, the words from "The words" to the end of the section; sections two to four; sections nine to eleven; sections thirteen and fourteen; and the Schedule.
42 & 43 Vict. c. cxcviii.	The Metropolis Management (Thames River Prevention of Floods) Amendment Act, 1879.	Section forty-three.
45 & 46 Vict. c. 30.	The Baths and Wash-houses Act, 1882.	The whole Act except so far as it applies to the city.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Sections seventeen and eighteen.
52 & 53 Vict. c. 11.	The Sale of Horseflesh, &c., Regulation Act, 1889.	The whole Act.
53 & 54 Vict. c. 66.	The Metropolis Management Amendment Act, 1890.	Sections four and five; and in section eight the words "Except so far as relates to any sewers vested in the Council."
53 & 54 Vict. c. ccxliii.	The London Council (General Powers) Act, 1890.	Section thirty-nine.
54 & 55 Vict. c. 76.	The Public Health (London) Act, 1891.	The whole Act.
56 & 57 Vict. c. 47.	The Public Health (London) Act, 1891, Amendment Act, 1893.	The whole Act.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
56 & 57 Vict. c. ccxxi.	The London County Council (General Powers) Act, 1893.	Sections thirteen, twenty-three and twenty-five.
57 & 58 Vict. c. cxxiv.	The Local Government Board's Provisional Orders Confirmation (No. 12) Act, 1894.	In the Schedule, the County of London (Common Lodging Houses) Order, 1894.
57 & 58 Vict. c. ccxii.	The London County Council (General Powers) Act, 1894.	In the preamble, the third recital; and Part IV.
59 & 60 Vict. c. 59.	The Baths and Wash-houses Act, 1896.	The whole Act except so far as it applies to the city.
59 & 60 Vict. c. clxxxviii.	The London County Council (General Powers) Act, 1896.	Section thirty-two.
60 & 61 Vict. c. 31.	The Cleansing of Persons Act, 1897.	The whole Act.
60 & 61 Vict. c. cclii.	The London County Council (General Powers) Act, 1897.	In the preamble, the seventh recital, and section fifty.
62 & 63 Vict. c. 14.	The London Government Act, 1899.	In section five, subsection (1); in section six, subsection (4); in section thirty-four the words "the Baths and Wash-houses Acts, 1846 to 1896"; in the Second Schedule, Part I.
62 & 63 Vict. c. 15.	The Metropolis Management Acts Amendment (Byelaws) Act, 1899.	Section two; in section three the words "of the byelaws under this Act, and"; and the Schedule except so far as it relates to byelaws under Section 202 of the Metropolis Management Act, 1855, for regulating the material of the pavement and roadway of new streets and roads.
1 Edw. 7. c. 22.	The Factory and Workshop Act, 1901.	In section one hundred and one, subsection (5).
2 Edw. 7. c. clxxiii.	The London County Council (General Powers) Act, 1902.	In the preamble the tenth and eleventh recitals; Parts VIII and IX; and the Schedule.
3 Edw. 7. c. clxxxvii.	The London County Council (General Powers) Act, 1903.	In the preamble, the seventh recital; and Part VIII.

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—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
4 Edw. 7. c. cexliv.	The London County Council (General Powers) Act, 1904.	In the preamble, the third, tenth and eleventh recitals; in section three the definition of the expression "the Corporation"; Part IV; sections forty-seven and forty-eight, and subsections (3) and (4) of section fifty-four.
7 Edw. 7. c. 40.	The Notification of Births Act, 1907.	In section one, subsection (6); in section two, in subsection (4) the words from "including the council" to "common council assembled," and subsection (5).
7 Edw. 7. c. clxxv.	The London County Council (General Powers) Act, 1907.	In section three, in subsection (2), the definitions of the expressions "tenement house" and "working class"; Part V; sections seventy-eight and seventy-nine.
8 Edw. 7. c. 67.	The Children Act, 1908.	The whole Act.
8 Edw. 7. c. cvii.	The London County Council (General Powers) Act, 1908.	In the preamble, the second recital; in section three the definitions of the expressions "the corporation", "sanitary authority", "daily penalty", "rag and bone dealer", "tenement house," and "working class"; Part II; section seventy-five; and subsections (3) and (4) of section seventy-nine.
9 Edw. 7. c. 17.	The Metropolitan Ambulances Act, 1909.	The whole Act.
9 Edw. 7. c. 44.	The Housing, Town Planning, &c. Act, 1909.	In section sixty-eight, subsection (4); and in section seventy the words "except subsection (4) of section sixty-eight" and the words from "and, in the application" to the end of the section.

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—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
9 Edw. 7. c. cxxx.	The London County Council (General Powers) Act, 1909.	In section three the definitions of the expressions "the corporation," "sanitary authority," "daily penalty," "tenement house," and "working class"; Part III; sections fifty-eight, fifty-nine and sixty-six; and subsections (3) and (4) of section seventy.
10 Edw. 7. & 1 Geo. 5. c. cxxix.	The London County Council (General Powers) Act, 1910.	In the preamble, the third recital; in section four, the definitions of the expressions "sanitary authority," and "the Act of 1891"; and Part IV.
1 & 2 Geo. 5. c. 52.	The Rag Flock Act, 1911.	In section one, subsections (1) to (5), in subsection (6) paragraphs (a) and (b) and in paragraph (c) the words "any other sanitary authority, namely," and subsection (7).
1 & 2 Geo. 5. c. 55.	The National Insurance Act, 1911.	Section sixty-four.
1 & 2 Geo. 5. c. lxiii.	The London County Council (General Powers) Act, 1911.	In the preamble, in the seventh recital the words "public lavatories, sanitary conveniences, and"; in section thirteen, in subsection (1) the words "lavatories, sanitary conveniences and" and the words from "and may make" to the end of the subsection, subsections (2) and (3), in subsection (4) the words "lavatories, sanitary conveniences, and", in subsection (5) the words "lavatories, sanitary conveniences and", and subsections (7) to (9); and section fifteen.
3 & 4 Geo. 5. c. 23.	The Public Health (Prevention and Treatment of Disease) Act, 1913.	Sections two to four.

7TH SCH.
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Session and Chapter.	Title or Short Title.	Extent of Repeal.
3 & 4 Geo. 5. c. ci.	The London County Council (General Powers) Act, 1913.	In the preamble, the third recital; and section fifteen.
5 & 6 Geo. 5. c. 64.	The Notification of Births (Extension) Act, 1915.	Section one.
5 & 6 Geo. 5. c. 66.	The Milk and Dairies (Consolidation) Act, 1915.	In section twenty, subsections (1) and (4); and in the Fifth Schedule the words "and the Public Health (London) Act, 1891" and the words "The Public Health (London) Act, 1891, sections sixty-nine and seventy-one."
5 & 6 Geo. 5. c. ciii.	The London County Council (General Powers) Act, 1915.	In section sixty-four, the word "sewering."
6 & 7 Geo. 5. c. 12.	The Local Government (Emergency Provisions) Act, 1916.	Section five.
8 & 9 Geo. 5. c. 29.	The Maternity and Child Welfare Act, 1918.	Sections one and two, and in section three the words from "and the purposes" to "1891."
9 & 10 Geo. 5. c. 21.	The Ministry of Health Act, 1919.	In section three, in subsection (1), paragraph (f).
10 & 11 Geo. 5. c. lxxxix.	The London County Council (General Powers) Act, 1920.	In the preamble, the first recital; and Part II.
11 & 12 Geo. 5. c. 12.	The Public Health (Tuberculosis) Act, 1921.	Sections one, two, three and six.
11 & 12 Geo. 5. c. 23.	The Public Health (Officers) Act, 1921.	In section seven, subsection (1), and in subsection (2) the words "Save as provided by this section"; and in section nine the words "except so far as it relates to the administrative county of London."
12 & 13 Geo. 5. c. lxii.	The London County Council (General Powers) Act, 1922.	In the preamble, the second and third recitals; in section four the definitions of "sanitary authority," "district," "house," "owner," "rack rent" and "vermin"; Part III; and subsection (2) of section nineteen.

7TH SCH.
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Session and Chapter.	Title or Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 14.	The Housing Act, 1925.	In section six, in subsection (2) the words from "and as soon as" to the end of the subsection.
15 & 16 Geo. 5. c. 71.	The Public Health Act, 1925.	In section two, in subsection (1) the words "save as expressly provided in this Act," and in subsection (4) the words "inclusive of the administrative county of London"; and in subsection (3) of section eighty-seven the words "proviso (a) or (c) to section two of the Baths and Washhouses Act, 1896, or".
15 & 16 Geo. 5. c. 76.	The Expiring Laws Act, 1925.	In Part I of the First Schedule, in column 3, the words "Section five, except paragraph (a)".
15 & 16 Geo. 5. c. cxix.	The London County Council (General Powers) Act, 1925.	In subsection (1) of section thirty-four the words from "the sewerage" to "at large or".
16 & 17 Geo. 5. c. 43.	The Public Health (Smoke Abatement) Act, 1926.	In section one, subsections (2), (3) and (4); in section two, subsections (1) and (2), and in subsection (3) the words "and of the Public Health (London) Act, 1891, as the case may be"; in section three the words "section twenty-four of the Public Health (London) Act, 1891"; in section five the words "and of the London County Council under section one hundred and sixty-four of the London Building Act, 1894"; sections eight, ten and eleven; in section twelve, in subsection (1) the words "except so far as it relates to London" and the words

7TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
		from "and the Public Health (London) Act, 1891" to the end of the subsection, and in subsection (2) the words "and the other provisions of this Act in their application to London shall be construed as one with the Public Health (London) Act, 1891" and the words from "Provided that" to the end of the subsection.
16 & 17 Geo. 5. c. 48.	The Births and Deaths Registration Act, 1926.	In section nine, paragraph (b).
16 & 17 Geo. 5. c. xiv.	The Hackney Borough Council Act, 1926.	In section fifty-two, in subsection (1), the words "or into any sewer or gully therein" and the words "or choke up such sewer or gully"; and section fifty-five.
16 & 17 Geo. 5. c. xxviii.	The London County Council (General Powers) Act, 1926.	Sections forty-two, forty-four and forty-five.
17 & 18 Geo. 5. c. 38.	The Nursing Homes Registration Act, 1927.	The whole Act.
17 & 18 Geo. 5. c. xxii.	The London County Council (General Powers) Act, 1927.	In section three the definition of the expression "the corporation"; sections fifty-two to fifty-five; section sixty-one; and subsection (2) of section sixty-seven.
18 & 19 Geo. 5. c. 39.	The Rag Flock Act (1911) Amendment Act, 1928.	The whole Act.
18 & 19 Geo. 5. c. lxxvii.	The London County Council (General Powers) Act, 1928.	In the preamble, the second recital; in section three the definitions of the expressions "the corporation" and

7TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
19 & 20 Geo. 5. c. 17.	The Local Government Act, 1929.	<p>“the overseers”, in the definition of the expression “the town clerk” the words “of the City of London or”, and the definitions of the expressions “sanitary authority”, “medical officer” and “the district”; Parts III and IV; section thirty-two; in subsection (1) of section thirty-eight the words “or into any sewer or gully therein” and the words “or choke up such sewer or gully”; in section sixty the words “the corporation or the overseers or” in each place where those words occur; in section sixty-one the words from “Medical” to “drains”; in subsection (1) of section sixty-three the words “the corporation or” where those words first occur, the words “of the corporation or”, and the words “as the case may be”; in section sixty-five the words “the corporation or the overseers or”, wherever those words occur, and the words “as the case may be”; in section sixty-six the words “the corporation or the overseers or” wherever those words occur; and subsections (2) and (4) of section seventy.</p> <p>Subsections (1) and (2) of section fourteen; section sixteen; in section eighteen, paragraph (d), in paragraph (e) the words “under the “Public Health (London) “Act, 1891”, and in paragraph (f) the words from “any expenses” to “Council and”; in section</p>

7TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
19 & 20 Geo. 5. c. lxxxvii.	The London County Council (General Powers) Act, 1929.	fifty-nine, in subsection (1), the words " and the Public Health (London) Act, 1891 " and subsection (2); in the Third Schedule, paragraph 3; and in the Tenth Schedule, in paragraph 26, sub-paragraph (a). Section sixty and the Third Schedule.
20 & 21 Geo. 5. c. clix.	The London County Council (General Powers) Act, 1930.	In subsection (2) of section seventeen the words from " The Baths and Wash-houses Act, 1896 " to " swimming baths "; and sections fifty-four and sixty-two.
22 & 23 Geo. 5. c. 28.	The Public Health (Cleansing of Shell-fish) Act, 1932.	Section one, so far as it confers powers on the county council or a sanitary authority; in section four, in subsection (2) the words from " and the Public Health (London) Acts " to the end of the subsection; and in subsection (3) the words from " and, in its application to London " to the end of the subsection.
22 & 23 Geo. 5. c. 46.	The Children and Young Persons Act, 1932.	Part V; sections seventy-seven and eighty-seven; and the Second Schedule.
22 & 23 Geo. 5. c. lxx.	The London County Council (General Powers) Act, 1932.	Part II; sections eighteen to twenty; and subsections (2) to (4) of section twenty-four.
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act, 1933.	In section ninety-eight, in subsection (1), the words " or under Part I of the Children Act, 1908. "
23 & 24 Geo. 5. c. xxviii.	The London County Council (General Powers) Act, 1933.	Section sixty-six.
24 & 25 Geo. 5. c. xl.	The London County Council (General Powers) Act, 1934.	In section twenty-seven, subsection (5).

Session and Chapter.	Title or Short Title.	Extent of Repeal.
25 & 26 Geo. 5. c. xxxiii.	The London County Council (General Powers) Act, 1935.	In section three, in subsection (1), the definition of "the common council"; section sixty-seven; and in section seventy, the words "or other sanitary authority"; and in section seventy-five, subsections (2) and (4).
26 Geo. 5. & 1 Edw. 8. c. lx.	The London County Council (General Powers) Act, 1936.	Section forty-three.

CHAPTER 51.

An Act to consolidate the Housing Acts, 1925 to 1935, and certain other enactments relating to housing. [31st July 1936.]

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.

LOCAL AUTHORITIES FOR PURPOSES OF THIS ACT.

1.—(1) Subject to the provisions of this Act, the local authority for the purposes of this Act as respects England and Wales other than the administrative county of London shall be the council of the borough, urban district or rural district. Local authorities for purposes of this Act.

(2) Subject to the provisions of this Act, the local authority for the purposes of this Act as respects the administrative county of London shall be,—

(a) as respects the City of London, the Common Council;

PART I.
—cont.

(b) as respects the administrative county of London other than the City of London, the metropolitan borough council or the London County Council as hereinafter provided.

PART II.

PROVISIONS FOR SECURING THE REPAIR, MAINTENANCE AND SANITARY CONDITION OF HOUSES.

Obligation of Lessors of Small Houses.

Conditions to be implied on the letting of small houses.

2.—(1) In any contract for letting for human habitation a house at a rent not exceeding—

(a) in the case of a house situate in the administrative county of London, forty pounds;

(b) in the case of a house situate elsewhere, twenty-six pounds;

there shall, notwithstanding any stipulation to the contrary, be implied a condition that the house is at the commencement of the tenancy, and an undertaking that the house will be kept by the landlord during the tenancy, in all respects reasonably fit for human habitation:

Provided that the condition and undertaking aforesaid shall not be implied when a house is let for a term of not less than three years upon the terms that it be put by the lessee into a condition reasonably fit for human habitation, and the lease is not determinable at the option of either party before the expiration of three years.

(2) The landlord, or any person authorised by him in writing, may at reasonable times of the day, on giving twenty-four hours' notice in writing to the tenant or occupier, enter any premises to which this section applies for the purpose of viewing the state and condition thereof.

(3) In this section the expression "landlord" means any person who lets for human habitation to a tenant any house under any contract referred to in this section, and includes his successors in title, and the expression "house" includes part of a house.

(4) This section applies to a contract made either before or after the commencement of this Act:

Provided that, in the case of a house let at a rent exceeding sixteen pounds and situate elsewhere than in the administrative county of London or a borough or an urban district, being a borough or district which at the date of the contract had according to the last published census a population of fifty thousand or upwards, this section shall not apply if the contract was made before the thirty-first day of July, nineteen hundred and twenty-three.

PART II.
—cont.

3.—(1) Notwithstanding any stipulation to the contrary, where under a contract of employment of a workman employed in agriculture the provision of a house or part of a house for his occupation forms part of his remuneration, and the provisions of the foregoing section are inapplicable by reason only of the house or part of the house not being let to him, there shall be implied as part of the contract of employment the like condition and undertaking as would be implied under those provisions if the house or part of the house were so let, and those provisions shall apply accordingly, with the substitution of "employer" for "landlord," and such other modifications as may be necessary :

Application of foregoing section to houses occupied by agricultural workers otherwise than as tenants.

Provided that this section shall not affect the obligation of any person other than the employer to repair a house to which this section applies, or any remedy for enforcing any such obligation.

(2) This section shall apply whether the contract of employment was entered into before or after the commencement of this Act.

4. In the case of any house which is occupied, or is of a type suitable for occupation, by persons of the working classes, the name and address of the medical officer of health for the district and of the landlord or other person who is directly responsible for keeping the house in all respects reasonably fit for human habitation shall be inscribed in the rent book, or, where a rent book is not used, shall be delivered in writing to the tenant at the commencement of the tenancy and before any rent is demanded or collected; and, where there has been any failure to comply with the provisions of this section in respect of any house, any person who while the default continues demands or collects any rent in respect of the house as aforesaid shall on summary conviction be liable to a fine not exceeding forty shillings.

Information to be given to tenants of working-class houses.

PART II. *Duty of Local Authority in regard to Inspection of Houses.*

—cont.
Duty of
local
authority
to inspect
their
district and
keep
records.

5. It shall be the duty of every local authority to cause an inspection of their district to be made from time to time with a view to ascertaining whether any house therein is unfit for human habitation, and for that purpose it shall be the duty of the authority, and of every officer of the authority, to comply with such regulations and to keep such records as the Minister may prescribe.

*Power of Local Authorities to make and enforce
Byelaws.*

Byelaws as
to working-
class houses.

6.—(1) The local authority may, and if required by the Minister shall, make and enforce byelaws with respect to houses which are occupied, or are of a type suitable for occupation, by persons of the working classes—

- (a) for fixing, and from time to time varying, the number of persons who may occupy such a house, and for the separation of the sexes therein;
- (b) for the registration and inspection of such houses;
- (c) for enforcing drainage and promoting cleanliness and ventilation of such houses;
- (d) for requiring provision adequate for the use of, and readily accessible to, each family, of—
 - (i) closet accommodation;
 - (ii) water supply and washing accommodation;
 - (iii) accommodation for the storage, preparation, and cooking of food;
 and, where necessary, for securing separate accommodation as aforesaid for every part of any such house which is occupied as a separate dwelling;
- (e) for the keeping in repair and adequate lighting of any common staircases in such houses;
- (f) for securing stability, and the prevention of and safety from fire;
- (g) for the cleansing and redecoration of the premises at stated times, and for the paving of the courts and courtyards;

- (h) for the provision of handrails, where necessary, for all staircases of such houses ;
- (i) for securing the adequate lighting of every room in such houses ;
- (j) for the prevention of nuisances arising from or in a part of a building or an underground room in respect of which a closing order under section twelve of this Act is in force ;
- (k) as respects houses situate in the administrative county of London, for the taking of precautions in the case of infectious disease ;

PART II.
—cont.

and any such byelaws, in addition to any other penalty, may prohibit the letting for occupation by members of more than one family of any such house unless the byelaws are complied with, subject, in the case of houses so let or occupied at the time when the byelaws come into force, to the allowance of a reasonable time for the execution of any works necessary for compliance with the byelaws.

(2) As from the appointed day within the meaning of Part IV of this Act, paragraph (a) of the last foregoing subsection, and any byelaws made under this section for the purposes specified in that paragraph, shall cease to have effect.

(3) The operation of any byelaws made under this section for any of the purposes specified therein may be limited to houses let in lodgings or occupied by members of more than one family.

(4) If a local authority, when required by the Minister to make byelaws under this section for any of the purposes specified therein, fail to make, within such period as he may specify, byelaws satisfactory to him for those purposes the Minister may himself make byelaws for those purposes, and any byelaws so made by him shall have effect, and shall be enforced, as if they had been made by the local authority and duly confirmed.

(5) The Minister shall be the confirming authority as respects byelaws made under this section.

7.—(1) Byelaws made under the last foregoing section may impose the duty of executing any works necessary for compliance with the byelaws upon the owner within the meaning of the Public Health Acts of the house, or upon any other person having an interest

Enforcement of execution of works to comply with byelaws.

PART II.
—*cont.*

in the premises, and may prescribe the circumstances and conditions in and subject to which any such duty is to be discharged.

(2) For the purpose of discharging any duty so imposed, the person upon whom it is imposed may at all reasonable times enter upon any part of the premises.

(3) Where any person has failed to execute any works which he has been required to execute under any such byelaws, the local authority by whom the byelaws are to be enforced may, after giving to him not less than twenty-one days' notice in writing, themselves execute the works and recover the expenses, and for that purpose the provisions of section ten of this Act with respect to the enforcement of notices requiring the execution of works, and the recovery of expenses, by local authorities shall apply with such modifications as may be necessary.

(4) Where the person on whom obligations are imposed by any such byelaws holds the premises under a lease or agreement and satisfies the local authority that compliance with the byelaws is contrary to the provisions of the lease or agreement, or that the whole or any part of the expenses of carrying out the obligations ought to be borne by his lessor or other superior landlord, the local authority may make application to the county court, and that court may, after giving the lessor or any other superior landlord an opportunity of being heard,—

(a) in the first case, order that the provisions of the lease or agreement be relaxed so far as they are inconsistent with the requirements of the byelaws;

(b) in the second case, grant to the person who carries out the works necessary for compliance with the byelaws, on proof to the satisfaction of the local authority that the works have been properly carried out, a charging order charging on the premises an annuity, of such amount and extending over such number of years as the court may determine, to repay the expenses properly incurred in carrying out the works, or such part of those expenses as, in the opinion of the court, ought to be so charged.

(5) Where a local authority have acquired a leasehold interest in any house under the powers conferred upon them by this Act, the Minister, on the application of the local authority, may make any such order with regard to the relaxation of the provisions of the lease and to charging an annuity on the premises as might, had the lessee not been the local authority, have been made on the application of the local authority by the county court, and in that case the decision of the Minister as to the amount and duration of any such annuity shall be final.

PART II.
—cont.

8.—(1) As respects the administrative county of London, the London County Council shall be the local authority for the purpose of making and enforcing byelaws under section six of this Act for the purposes specified in paragraph (f) of subsection (1) of that section, to the exclusion, as regards the City of London, of the Common Council.

Byelaws as to working-class houses (provisions as to London).

(2) As respects the administrative county of London other than the City of London, the London County Council shall be the local authority for the purpose of making byelaws under section six of this Act for the purposes specified in subsection (1) of that section other than the purposes specified in paragraph (f) thereof, and the metropolitan borough council shall be the local authority for the purpose of the enforcement of such byelaws.

(3) Byelaws made by the London County Council under section six of this Act may provide that the byelaws shall, either generally or as respects any particular metropolitan borough or any part thereof, have effect subject to such modifications, limitations or exceptions as may be specified in the byelaws.

(4) The provisions of section two hundred and seventy-seven of the Public Health (London) Act, 1936, shall apply in relation to any byelaws to be made or enforced under section six of this Act by the Common Council of the City of London.

26 Geo. 5. &
1 Edw. 8.
c. 50.

(5) At least two months before the London County Council apply to the Minister for the confirmation of any byelaws made by them under section six of this Act they shall send a copy of the proposed byelaws to every metropolitan borough council by whom the byelaws will

PART II.
—cont.

have to be enforced, and the county council shall consider any representations made to them thereon by any such metropolitan borough council.

Repair, Demolition and Closing of Insanitary Premises.

Power of local authority to require repair of insanitary house.

9.—(1) Where a local authority, upon consideration of an official representation, or a report from any of their officers, or other information in their possession, are satisfied that any house which is occupied, or is of a type suitable for occupation, by persons of the working classes is in any respect unfit for human habitation, they shall, unless they are satisfied that it is not capable at a reasonable expense of being rendered so fit, serve upon the person having control of the house a notice requiring him, within such reasonable time, not being less than twenty-one days, as may be specified in the notice, to execute the works specified in the notice and stating that, in the opinion of the authority, those works will render the house fit for human habitation.

(2) In addition to serving a notice under this section on the person having control of the house, the local authority may serve a copy of the notice on any other person having an interest in the house, whether as freeholder, mortgagee, lessee, or otherwise.

(3) In determining for the purposes of this Part of this Act whether a house can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the works necessary to render it so fit and the value which it is estimated that the house will have when the works are completed.

(4) For the purposes of this Part of this Act, the person who receives the rack-rent of a house, whether on his own account or as agent or trustee for any other person, or who would so receive it if the house were let at a rack-rent, shall be deemed to be the person having control of the house.

In this subsection the expression "rack-rent" means rent which is not less than two-thirds of the full net annual value of the house.

10.—(1) If a notice under the last foregoing section requiring the person having control of a house to execute works is not complied with, then, after the expiration of the time specified in the notice or, if an appeal has been made against the notice and upon that appeal the notice has been confirmed with or without variation, after the expiration of twenty-one days from the final determination of the appeal, or of such longer period as the court in determining the appeal may fix, the local authority may themselves do the work required to be done by the notice, or by the notice as varied by the court, as the case may be.

PART II.
—cont.
Enforcement of notice requiring execution of works.

(2) Where the local authority are about to enter upon a house under the provisions of the last foregoing subsection for the purpose of doing any work, they may give to the person having control of the house and, if they think fit, to any other person being an owner of the house, notice in writing of their intention so to do, and if at any time after the expiration of seven days from the service upon him of the notice and whilst any workman or contractor employed by the local authority is carrying out works in the house, any person upon whom the notice was served or any workman employed by him, or by any contractor employed by him, is in the house for the purpose of carrying out any works, the person upon whom the notice was served shall be deemed to be obstructing the local authority in the execution of this Act and liable on summary conviction to a fine not exceeding twenty pounds, unless he proves to the satisfaction of the court before which he is charged that there was urgent necessity to carry out the works in order to obviate danger to occupants of the house.

(3) Any expenses incurred by the local authority under this section, together with interest, at such rate as the Minister may with the approval of the Treasury from time to time by order fix, from the date when a demand for the expenses is served until payment, may, subject as hereinafter provided, be recovered by them, by action or summarily as a civil debt, from the person having control of the house or, if he receives the rent of the house as agent or trustee for some other person, then either from him or from that other person,

PART II. or in part from him and as to the remainder from that
—cont. other person :

Provided that, if the person having control of the house proves that he—

(a) is receiving the rent merely as agent or trustee for some other person ; and

(b) has not, and since the date of the service on him of the demand has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority ;

his liability shall be limited to the total amount of the money which he has, or has had, in his hands as aforesaid.

(4) In all summary proceedings by the local authority for the recovery of any such expenses, the time within which the proceedings may be taken shall be reckoned from the date of the service of the demand or, if an appeal is made against that demand, from the date on which the demand becomes operative.

(5) The local authority may by order declare any such expenses to be payable by weekly or other instalments within a period not exceeding thirty years with interest at such rate as the Minister may, with the approval of the Treasury, from time to time by order fix, from the date of the service of the demand until the whole amount is paid, and any such instalments and interest, or any part thereof, may be recovered summarily as a civil debt from any owner or occupier of the house, and, if recovered from an occupier, may be deducted by him from the rent of the house.

(6) The amount of any expenses and interest thereon due to a local authority under this section shall be a charge on the premises in respect of which the expenses were incurred, and the local authority shall for the purpose of enforcing that charge have all the same powers and remedies under the Law of Property Act, 1925, and otherwise as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

(7) No action taken under this, or the last preceding, section shall prejudice or affect any other powers of the local authority, or any remedy available to the tenant of a house against his landlord, either at common law or otherwise.

PART II.
—cont.

11.—(1) Where a local authority, upon consideration of an official representation, or a report from any of their officers, or other information in their possession, are satisfied that any house which is occupied, or is of a type suitable for occupation, by persons of the working classes, is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, they shall serve upon the person having control of the house, upon any other person who is an owner thereof, and, so far as it is reasonably practicable to ascertain such persons, upon every mortgagee thereof, notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the condition of the house and any offer with respect to the carrying out of works, or the future user of the house, which he may wish to submit will be considered by them, and every person upon whom such a notice is served shall be entitled to be heard when the matter is so taken into consideration.

Power of local authority to order demolition of insanitary house.

(2) A person upon whom notice is served under the foregoing subsection shall, if he intends to submit an offer with respect to the carrying out of works, within twenty-one days from the date of the service of the notice upon him, serve upon the authority notice in writing of his intention to make such an offer and shall, within such reasonable period as the authority may allow, submit to them a list of the works which he offers to carry out.

(3) The authority may if, after consultation with any owner or mortgagee, they think fit so to do, accept an undertaking from him, either that he will within a specified period carry out such works as will in the opinion of the authority render the house fit for human habitation, or that it shall not be used for human habitation until the authority, on being satisfied that it has been rendered fit for that purpose, cancel the undertaking.

(4) If no such undertaking as is mentioned in the last foregoing subsection is accepted by the authority, or

PART II.
—*cont.*

if, in a case where they have accepted such an undertaking, any work to which the undertaking relates is not carried out within the specified period, or the house is at any time used in contravention of the terms of the undertaking, the authority shall forthwith make a demolition order requiring that the house shall be vacated within a period to be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative, and that it shall be demolished within six weeks after the expiration of that period or, if the house is not vacated before the expiration of that period, within six weeks after the date on which it is vacated, or in either case within such longer period as in the circumstances the local authority deem it reasonable to specify, and shall serve a copy of the order upon every person upon whom they would be required by subsection (1) of this section to serve a notice issued by them under that subsection.

Power to
make a
closing
order as to
part of a
building.

12.—(1) A local authority may under this Part of this Act take the like proceedings in relation to any part of a building which is occupied, or is of a type suitable for occupation, by persons of the working classes, or in relation to any underground room which is for the purposes of this section to be deemed to be unfit for human habitation, as they are empowered to take in relation to a house, subject, however, to this qualification that, in circumstances in which, in the case of a house, they would have made a demolition order, they shall make a closing order prohibiting the use of the part of the building or of the room, as the case may be, for any purpose other than a purpose approved by the local authority, but—

- (a) the approval of the authority shall not be unreasonably withheld; and
- (b) the authority shall determine the closing order on being satisfied that the part of the building or the room to which it relates has been rendered fit for human habitation.

(2) A room the surface of the floor of which is more than three feet below the surface of the part of the street adjoining or nearest to the room, or more than three feet below the surface of any ground within

nine feet of the room, shall for the purposes of this section be deemed to be unfit for human habitation, if either—

PART II.
—cont.

- (a) the average height of the room from floor to ceiling is not at least seven feet; or
- (b) the room does not comply with such regulations as the local authority with the consent of the Minister may prescribe for securing the proper ventilation and lighting of such rooms, and the protection thereof against dampness, effluvia, or exhalation :

Provided that, if the local authority, after being required to do so by the Minister, fail to make regulations, or such regulations as the Minister approves, the Minister may himself make regulations which shall have effect as if they had been made by the local authority with the consent of the Minister.

13.—(1) When a demolition order under this Part of this Act has become operative, the owner or owners of the house to which it applies shall demolish that house within the time limited in that behalf by the order; and, if the house is not demolished within that time, the local authority shall enter and demolish the house and sell the materials thereof.

Procedure
where
demolition
order made.

(2) Any expenses incurred by an authority under the foregoing subsection, after giving credit for any amount realised by the sale of materials, may be recovered by them as a simple contract debt from the owner of the house or, if there is more than one owner, from the owners thereof in such shares as the judge may determine to be just and equitable; and any owner who pays to the authority the full amount of their claim may in the like manner recover from any other owner such contribution, if any, as the judge may determine to be just and equitable.

(3) Any surplus in the hands of the authority shall be paid by them to the owner of the house, or if there is more than one owner, shall be paid as those owners may agree. If there is more than one owner and the owners do not agree as to the division of the surplus,

PART II.
—cont.
15 & 16
Geo. 5. c. 19.

the authority shall be deemed by virtue of this subsection to be trustees of the surplus for the owners of the house, and section sixty-three of the Trustee Act, 1925 (which relates to payment into court by trustees) shall have effect accordingly.

(4) The county court within the jurisdiction of which the house is situate shall have jurisdiction to hear and determine any proceedings under subsection (2) of this section, and shall have jurisdiction under section sixty-three of the Trustee Act, 1925, in relation to any such surplus as is mentioned in subsection (3) of this section.

(5) A county court judge, in determining for the purposes of this section the shares in which any expenses shall be paid or contributed by, or any surplus shall be divided between, two or more owners of a house, shall have regard to their respective interests in the house, their respective obligations and liabilities in respect of maintenance and repair under any covenant or agreement, whether expressed or implied, and all the other circumstances of the case.

Penalty for using premises in contravention of closing order or of an undertaking.

14. Any person who, knowing that a closing order has become operative and applies to any premises, or that an undertaking has been given under this Part of this Act that any premises shall not be used for certain purposes specified in the undertaking, uses those premises in contravention of the order or undertaking, or permits them to be so used, shall on summary conviction be liable to a fine not exceeding twenty pounds and to a further fine of five pounds for every day, or part of a day, on which he so uses them, or permits them to be so used, after conviction.

Appeals.

15.—(1) Any person aggrieved by—

- (a) a notice under this Part of this Act requiring the execution of works;
- (b) a demand for the recovery of expenses incurred by a local authority in executing works specified in any such notice;
- (c) an order made by a local authority with respect to any such expenses;

- (*d*) a demolition order made under this Part of this Act;
- (*e*) a closing order, or a refusal to determine a closing order;
- (*f*) a withholding of approval in relation to the use for any purpose of premises in respect of which a closing order is in force;

PART II.
—cont.

may, within twenty-one days after the date of the service of the notice, demand or order, or after the refusal, as the case may be, appeal to the county court within the jurisdiction of which the premises to which the notice, demand, or order relates are situate, and no proceedings shall be taken by the local authority to enforce any notice, demand or order in relation to which an appeal is brought before the appeal has been finally determined :

Provided that—

- (i) on an appeal under paragraph (*b*) or paragraph (*c*) of this subsection no question shall be raised which might have been raised on an appeal against the original notice requiring the execution of the works; and
- (ii) no appeal shall lie under paragraph (*d*) or paragraph (*e*) of this subsection at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement of which the unexpired term does not exceed three years.
- (2) On an appeal to a county court under this section—
- (*a*) the judge may make such order either confirming or quashing or varying the notice, demand or order as he thinks fit, and he may, if he thinks fit, accept from an appellant any such undertaking as might have been accepted by the local authority, and any undertaking so accepted by the judge shall have the like effect as if it had been given to and accepted by the authority under this Part of this Act; and

PART II.
—cont.

(b) where the judge allows an appeal against a notice requiring the execution of works to a house, he shall, if requested by the authority so to do, include in his judgment a finding whether the house can or cannot be rendered fit for human habitation at a reasonable expense:

Provided that the judge shall not accept from an appellant upon whom such a notice as is mentioned in subsection (1) of section eleven of this Act was served an undertaking to carry out any works, unless the appellant complied with the requirements of subsection (2) of that section.

24 & 25
Geo. 5. c. 53. (3) The rules made under section ninety-nine of the County Courts Acts, 1934, for regulating the procedure and practice under this section shall make provision with respect to an inspection by the judge of the premises to which the appeal relates in any case in which he considers that inspection is desirable.

(4) No appeal shall lie from a decision of the Court of Appeal on an appeal from a county court in proceedings under this section.

(5) Any notice, demand or order against which an appeal might be brought to a county court under this section shall, if no such appeal is brought, become operative on the expiration of the period of twenty-one days mentioned in subsection (1) of this section, and shall be final and conclusive as to any matters which could have been raised on such an appeal, and any such notice, demand or order against which an appeal is brought shall, if and so far as it is confirmed by the county court judge, or the Court of Appeal, become operative as from the date of the final determination of the appeal.

For the purposes of this Part of this Act, the withdrawal of an appeal shall be deemed to be a final determination thereof, having the like effect as a decision confirming the notice, demand or order, or decision appealed against and, subject as aforesaid, an appeal shall be deemed to be finally determined on the date on which the decision of the Court of Appeal is given, or in a case where no appeal is brought to the Court of Appeal, upon the expiration of the period within which such an appeal might have been brought.

16.—(1) Where a person has appealed against a notice under this Part of this Act requiring the execution of works to a house, and the judge or court in allowing the appeal has found that the house cannot be rendered fit for human habitation at a reasonable expense, the local authority may purchase that house by agreement, or may be authorised to purchase it compulsorily in accordance with the provisions of this section, and, if they purchase the house compulsorily, they shall forthwith execute all such works as were specified in the notice against which the appeal was brought.

PART II.
—cont.
Power of local authority to acquire and repair certain houses.

(2) A local authority may for the purposes of this section be authorised to purchase a house by a compulsory purchase order made and submitted to the Minister within six months after the determination of the appeal and confirmed by him in accordance with the provisions of the First Schedule to this Act; but if any person being an owner or mortgagee of the house undertakes to carry out to the satisfaction of the Minister, and within such period as the Minister may fix, the works specified in the notice against which the appeal was brought, the Minister shall not confirm the compulsory purchase order unless that person has failed to fulfil his undertaking.

(3) The provisions of the Second Schedule to this Act shall have effect with respect to the validity and date of operation of a compulsory purchase order made under this section.

(4) The compensation to be paid for a house purchased compulsorily under this section shall be the value, at the time when the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building byelaws for the time being in force in the district and of any planning scheme in operation in the area, and subject as aforesaid, shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

9 & 10
Geo. 5. c. 57.

17.—(1) If it appears to the local authority that a house, to which a demolition order made under this Part of this Act applies, requires to be cleansed from vermin, the authority may, at any time between the date on which the order is made, and the date on which

Power of local authority to cleanse from vermin building to

PART II.
—*cont.*
which demolition order applies.

it becomes operative in relation to the house, serve notice in writing on the owner or owners of the house that the authority intend to cleanse it before it is demolished.

(2) A local authority who have served a notice under the foregoing subsection may, at any time after the order has become operative in relation to the house and it has been vacated; enter and carry out such work as they may think requisite for the purpose of destroying or removing vermin, and the demolition of the building shall not be begun or continued by any owner after service of the notice on him until the authority have served on him a further notice authorising him to proceed with the demolition :

Provided that an owner upon whom a notice has been served under the foregoing subsection may, at any time after the house has been vacated, serve notice in writing on the authority requiring them to carry out the work within fourteen days from receipt of the notice served by him, and at the expiration of that period shall be at liberty to proceed with the demolition of the building whether the work has then been completed or not.

(3) Where a local authority serve a notice under subsection (1) of this section, subsection (1) of section thirteen of this Act shall have effect in relation to the house to which the notice relates subject to the proviso that the local authority shall not be entitled to take action thereunder until the expiration of six weeks from the date on which the owner or owners become entitled by virtue of subsection (2) of this section to proceed with the demolition.

General.

Power of local authority to make allowances to certain persons displaced.

18. A local authority may pay to any person displaced from a house, to which a demolition order made under this Part of this Act, or a closing order, applies, such reasonable allowance as they think fit towards his expenses in removing, and to any person carrying on any trade or business in any such house they may pay also such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance of his trade or business consequent on his having to quit the house, and in estimating that

loss they shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

PART II.
—cont.

19.—(1) If an owner of any house, who is not the person in receipt of the rents and profits thereof, gives notice to the local authority of his interest in the house, the authority shall give to him notice of any proceedings taken by them in pursuance of this Part of this Act in relation to the house.

Provisions for protection of owners of houses.

(2) Nothing in this Part of this Act shall prejudice or interfere with the right or remedies of any owner for the breach, non-observance, or non-performance of any covenant or contract entered into by a tenant or lessee in reference to any house in respect of which an order is made, or a notice requiring the execution of works is served, by a local authority under this Part of this Act; and if any owner is obliged to take possession of a house in order to comply with any such order or notice, the taking possession shall not affect his right to avail himself of any such breach, non-observance, or non-performance which has occurred before he so took possession.

20.—(1) Where any owner has completed in respect of a house any works required to be executed by a notice of a local authority under this Part of this Act, he may apply to the local authority for a charging order.

Power of local authority to grant charging order to owner on completion of works.

(2) An applicant for a charging order under this section shall produce to the local authority the certificate of their surveyor or engineer that the works have been executed to his satisfaction, and accounts of and vouchers for the expenses of the works; and the local authority, when satisfied that the owner has duly executed the required works, and of the amount of the expenses, and of the costs properly incurred in obtaining the charging order, shall make an order accordingly charging on the house an annuity to repay the amount.

(3) The annuity charged shall be a sum of six pounds for every one hundred pounds of the said amount and so in proportion for any less sum, and shall commence from the date of the order, and be payable for a term

PART II. of thirty years to the owner named in the order, his
—cont. executors, administrators, or assigns.

(4) Copies of the charging order and of the certificate of the surveyor or engineer, and of the accounts as passed by the local authority, certified to be true copies by the clerk to the authority, shall within six months after the date of the order be deposited with the clerk of the peace of the county in which the house is situate, and be by him filed and recorded.

(5) Any person aggrieved by a charging order made by a local authority under this section may appeal to Quarter Sessions against the order by a notice of appeal given within one month after notice of the charging order has been served upon him, and where a notice of appeal is so given, no proceedings shall be taken under the order until the appeal is determined or ceases to be prosecuted.

42 & 43 Vict.
c. 49.

(6) Section thirty-one of the Summary Jurisdiction Act, 1879 (which relates to appeals from courts of summary jurisdiction to courts of quarter sessions) shall apply in relation to an appeal under this section with the necessary modifications as if the charging order were an order of a court of summary jurisdiction.

(7) A court of quarter sessions to which an appeal is brought under this section shall, at the request of either party to the appeal, state the facts in the form of a special case for the opinion of the High Court.

Provisions
as to form,
effect, &c.,
of charging
orders.

21.—(1) Every charge created by a charging order under this Part of this Act shall be in such form as the Minister may prescribe, and shall be a charge on the premises specified in the order having priority over all existing and future estates, interests and incumbrances, with the exception of—

- (a) tithe commutation rentcharge; and
- (b) until extinguished, quit rents and other charges having their origin in tenure; and
- (c) any charge on the premises created or arising under any provision of the Public Health Acts, or under any provision in any local Act authorising a charge for recovery of expenses incurred by a local authority; and
- (d) any charge created under any Act authorising advances of public money;

and where more charges than one are charged under this Part of this Act on any premises such charges shall, as between themselves, take order according to their respective dates.

PART II.
—cont.

(2) A charging order shall be conclusive evidence that all notices, acts, and proceedings by this Part of this Act directed with reference to, or consequent on, the obtaining of such an order or the making of such a charge, have been duly served, done, and taken, and that the charge has been duly created, and is a valid charge on the premises declared to be subject thereto.

(3) Every annuity charged by any such charging order may be recovered by the person for the time being entitled to it by the same means and in the like manner in all respects as if it were a rentcharge granted by deed out of the premises by the owner thereof.

(4) The benefit of any such charge may be from time to time transferred in like manner as a mortgage or rentcharge may be transferred; and any such transfer may be in such form as the Minister may prescribe.

(5) Any owner of, or other person interested in, premises on which an annuity has been charged by any such charging order shall at any time be at liberty to redeem the annuity on payment to the person entitled to the annuity of such sum as may be agreed upon, or in default of agreement determined by the Minister.

(6) Nothing in this section with respect to the priority or validity of charges thereunder shall be construed as affecting the application to any such charge of the provisions of the Land Charges Act, 1925, as amended by any subsequent enactment, or of the Yorkshire Registries Act, 1884, as so amended, and for the purposes of the last mentioned Act, every charging order under this Part of this Act which relates to a house in Yorkshire shall be registered in the manner in which a charge made by deed by the absolute owner of the premises would at the date of the order be required to be registered.

15 & 16
Geo. 5. c. 22.
47 & 48 Vict.
c. 54.

22.—(1) Notwithstanding anything in any local Act or byelaw in force in any borough or district, it shall not be lawful to erect any back-to-back houses intended to be used as dwellings for the working classes,

Prohibition
of back-to-
back
houses.

PART II. and any such house shall for the purposes of this Act
—*cont.* be deemed to be unfit for human habitation :

Provided that nothing in this section shall prevent the erection or use of a house containing several tenements in which the tenements are placed back to back, if the medical officer of health for the borough or district certifies that the several tenements are so constructed and arranged as to secure effective ventilation of all habitable rooms in every tenement.

(2) This section shall apply to any house commenced to be erected after the third day of December, nineteen hundred and nine, except that it shall not apply to houses abutting on any streets the plans whereof were approved by the local authority before the first day of May, nineteen hundred and nine, in any borough or district in which, on the third day of December, nineteen hundred and nine, any local Act or byelaws were in force permitting the erection of back-to-back houses.

Application of certain provisions of Part II to temporary shelters.

23. In sections nine to seventeen of this Act references to a house include a reference to a hut, tent, caravan or other temporary or movable form of shelter which is used for human habitation and has been in the same enclosure for a period of two years next before action is taken under those sections.

Local authority for Part II in London (other than the City).

24. As respects the administrative county of London other than the City of London the local authority for the purposes of this Part of this Act shall, subject to the provisions of section eight of this Act, be the council of the metropolitan borough.

PART III.

CLEARANCE AND RE-DEVELOPMENT.

Clearance Areas.

Power to declare an area to be a clearance area.

25.—(1) Where a local authority, upon consideration of an official representation or other information in their possession, are satisfied as respects any area in their district—

(a) that the houses in that area are by reason of disrepair or sanitary defects unfit for human habitation, or are by reason of their bad

arrangement, or the narrowness or bad arrangement of the streets, dangerous or injurious to the health of the inhabitants of the area, and that the other buildings, if any, in the area are for a like reason dangerous or injurious to the health of the said inhabitants; and

PART III.
—*cont.*

- (b) that the most satisfactory method of dealing with the conditions in the area is the demolition of all the buildings in the area;

the authority shall cause that area to be defined on a map in such manner as to exclude from the area any building which is not unfit for human habitation or dangerous or injurious to health and shall pass a resolution declaring the area so defined to be a clearance area, that is to say, an area to be cleared of all buildings in accordance with the subsequent provisions of this Part of this Act :

Provided that, before passing any such resolution, the authority shall satisfy themselves—

- (i) that, in so far as suitable accommodation available for the persons of the working classes who will be displaced by the clearance of the area does not already exist, the authority can provide, or secure the provision of, such accommodation in advance of the displacements which will from time to time become necessary as the demolition of buildings in the area, or in different parts thereof, proceeds; and
- (ii) that the resources of the authority are sufficient for the purpose of carrying the resolution into effect.

(2) A local authority shall forthwith transmit to the Minister a copy of any resolution passed by them under this section, together with a statement of the number of persons of the working classes who on a day specified in the statement were occupying the buildings comprised in the clearance area.

(3) So soon as may be after a local authority have declared any area to be a clearance area, they shall, in accordance with the appropriate provisions hereafter in this Act contained, proceed to secure the clearance of the area in one or other of the following ways, or

PART III. partly in one of those ways and partly in the other of
—*cont.* them, that is to say—

- (a) by ordering the demolition of the buildings in the area; or
- (b) by purchasing the land comprised in the area and themselves undertaking, or otherwise securing, the demolition of the buildings thereon.

Clearance
orders.

26.—(1) Where as respects any area declared by them to be a clearance area a local authority determine to order any buildings in the area to be demolished, they shall make and submit to the Minister, for confirmation by him, an order (in this Act referred to as a “clearance order”) ordering the demolition of each of those buildings.

(2) The provisions of the Third Schedule to this Act shall have effect with respect to the making, submission and confirmation of a clearance order, and the provisions of the Second Schedule to this Act shall have effect with respect to the validity and date of operation of such an order.

(3) When a clearance order has become operative, the owner or owners of any building to which the order applies shall demolish that building before the expiration of six weeks from the date on which the building is required by the order to be vacated or, if it is not vacated until after that date, before the expiration of six weeks from the date on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the local authority may deem reasonable; and, if the building is not demolished before the expiration of that period, the local authority shall enter and demolish the building and sell the materials thereof.

(4) The provisions of subsections (2) to (5) of section thirteen of this Act shall apply in relation to any expenses incurred by the authority under the last foregoing subsection and to any surplus remaining in the hands of the authority as they apply in relation to any expenses or surplus in a case where a house is demolished in pursuance of a demolition order made under Part II of this Act, with the substitution of references to the building demolished under this section for references to the house demolished under the said section thirteen.

(5) When a clearance order has become operative, no land to which the order applies shall be used for building purposes, or otherwise developed, except subject to such restrictions and conditions, if any, as the local authority may think fit to impose :

PART III.
—cont.

Provided that an owner who is aggrieved by a restriction or condition so imposed on the user of his land, or by a subsequent refusal of the authority to cancel or modify any such restriction or condition, may at any time appeal to the Minister, who shall make such order in the matter as he thinks proper, and the Minister's decision shall be final.

(6) A person who commences, or causes to be commenced, any work in contravention of a restriction or condition imposed under the last foregoing subsection shall, on summary conviction, be liable to a fine not exceeding forty shillings, and to a further fine not exceeding ten pounds in respect of each day during which the work exists in such a form and state as to contravene the restriction or condition.

(7) The provisions of section seventeen of this Act relating to the cleansing of houses from vermin shall have effect in relation to a house to which a clearance order applies as they have effect in relation to a building to which a demolition order made under Part II of this Act applies, with the substitution, for the reference to the date on which the demolition order is made, of a reference to the date on which the clearance order is confirmed, and, for the reference to subsection (1) of section thirteen of this Act, of a reference to subsection (3) of this section.

(8) In the provisions of this Part of this Act relating to buildings included in an area to which a clearance order applies, references to a building shall include references to a hut, tent, caravan or other temporary or movable form of shelter which is used for human habitation and has been in the same enclosure for a period of two years next before action is taken under those provisions, and the reference to development in subsection (5) of this section includes a reference to the erection or placing on land of a hut, tent, caravan or other temporary or movable form of shelter.

PART III.

—cont.

Purchase by local authority of land surrounded by, or adjoining, a clearance area.

27. Where as respects any area declared by them to be a clearance area a local authority determine to purchase any land comprised in the area, they may purchase also any land which is surrounded by the clearance area and the acquisition of which is reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions, and any adjoining land the acquisition of which is reasonably necessary for the satisfactory development or user of the cleared area.

Provisions with respect to property belonging to a local authority within, surrounded by or adjoining, a clearance area.

28. Subject to the provisions of this section, a local authority may include in a clearance area any land belonging to them which they might have included in such an area if it had not belonged to them, and where any land of the authority is included in a clearance area or, being land surrounded by or adjoining a clearance area, might have been purchased by the authority under the last foregoing section had it not previously been acquired by them, the provisions of this Act shall apply in relation to that land as if it had been purchased by the authority as being land comprised in the clearance area or, as the case may be, as being land surrounded by or adjoining the clearance area :

15 & 16
Geo. 5. c. 14.

Provided that the foregoing provisions of this section shall not apply in the case of any land belonging to the local authority being working-men's dwellings which were acquired by them under any such Act or Order as is mentioned in section one hundred and thirty-seven of this Act and in such circumstances that, in the case of land acquired before the commencement of this Act, the provisions of paragraph (1) of the Fifth Schedule to the Housing Act, 1925, or, in the case of land acquired after the commencement of this Act, the provisions of paragraph (1) of the Eleventh Schedule to this Act, took effect in relation thereto.

Purchase of land in a clearance area.

29.—(1) Where a local authority have determined to purchase under this Part of this Act land comprised in, or surrounded by or adjoining, a clearance area, they may purchase that land by agreement, or they may be authorised to purchase that land compulsorily by a compulsory purchase order made and submitted to the Minister and confirmed by him in accordance with the provisions of the First Schedule to this Act.

(2) An order authorising the compulsory purchase of land comprised in a clearance area shall be submitted

to the Minister within six months, and an order authorising the compulsory purchase of land surrounded by or adjoining a clearance area shall be submitted to the Minister within twelve months, after the date of the resolution declaring the area to be a clearance area, or within such longer period as the Minister may, in the circumstances of the particular case, allow.

PART III.
—cont.

(3) The provisions of the Second Schedule to this Act shall have effect with respect to the validity and date of operation of a compulsory purchase order made under this section.

30.—(1) A local authority who have under this Part of this Act purchased any land comprised in, or surrounded by, or adjoining, a clearance area shall, so soon as may be, cause every building thereon to be vacated and, subject to compliance with any provision contained in a compulsory purchase order with respect to the carrying out of re-housing operations, shall deal with that land in one or other of the following ways, or partly in one of these ways and partly in the other of them, that is to say—

Treatment
of a
clearance
area.

- (a) they shall demolish every building thereon before the expiration of six weeks from the date on which it is vacated, or before the expiration of such longer period as in the circumstances they deem reasonable, and thereafter may sell or let the land subject to such restrictions and conditions, if any, as they think fit, or may, subject to the approval of the Minister, and subject to the like restrictions as are contained in section one hundred and sixty-three of the Local Government Act, 1933, with respect to the appropriation of land by local authorities under that section, appropriate the land for any purpose for which they are authorised to acquire land; or
- (b) they shall, so soon as may be, sell or let the land subject to a condition that the buildings thereon shall be demolished forthwith and subject to such restrictions and other conditions, if any, as they think fit:

22 & 23
Geo. 5. c. 51.

Provided that, in lieu of selling the land, the authority may, where the owner of other land (being land which

PART III.
—cont.

the authority have power to acquire) is willing to take the land in exchange for that other land, exchange it for that other land either with or without paying or receiving money for equality of exchange, and in relation to any such exchange the like provisions shall have effect as respects the land to be given in exchange by the authority as have effect by virtue of the foregoing provisions of this section as respects land sold thereunder.

(2) Land sold, exchanged or leased under this section shall be sold, exchanged or leased at the best price, for the best consideration, or for the best rent, that can reasonably be obtained having regard to any restriction or condition imposed.

(3) For the purposes of this section "sale" includes sale in consideration of a chief rent, rentcharge or other similar periodical payment, and "sell" has a corresponding meaning.

Arrange-
ments where
acquisition
of land in
a clearance
area found
to be un-
necessary.

31. Where a local authority have submitted to the Minister an order for the compulsory purchase of land in a clearance area, and the Minister, on an application for an authorisation under this section being made to him by the owner or owners of the land and the authority, is satisfied that the owner or owners of the land, with the concurrence of any mortgagee thereof, agree to the demolition of the buildings thereon and that the authority can secure the proper clearance of the area without acquiring the land, the Minister may—

- (a) in a case where the order has not been confirmed, authorise the authority to submit, forthwith and without any previous publication or service, a clearance order with respect to the buildings, and upon their so doing may modify the compulsory purchase order by excluding the land therefrom and confirm the clearance order without causing an inquiry to be held; or
- (b) in a case where the compulsory purchase order has been confirmed but the land has not become vested in the authority, authorise them to discontinue proceedings for the purchase of the land on their being satisfied that such covenants

have been or will be entered into by all necessary parties as may be requisite for securing that the buildings shall be demolished in like manner, and the land become subject to the like restrictions and conditions, as if the authority had dealt with the land in accordance with the provisions of the last foregoing section.

PART III.
—cont.

32.—(1) Where land has been cleared of buildings in accordance with a clearance order, the local authority may, at any time after the expiration of eighteen months from the date on which the order became operative, by resolution determine to purchase any part of that land which at the date of the passing of their resolution has not been, or is not in process of being, used for building purposes or otherwise developed by the owner thereof in accordance with plans approved by the authority and any restrictions or conditions imposed under subsection (5) of section twenty-six of this Act.

Power of local authority to purchase cleared land which owners have failed to re-develop.

(2) Where a local authority have determined to purchase land under this section, they may purchase that land by agreement or they may be authorised to purchase that land compulsorily by a compulsory purchase order made and submitted to the Minister and confirmed by him in accordance with the provisions of the First Schedule to this Act.

(3) An order authorising the compulsory purchase of land for the purposes of this section shall be submitted to the Minister within three months after the date of the passing of the resolution to purchase.

(4) The provisions of the Second Schedule to this Act shall have effect with respect to the validity and date of operation, of a compulsory purchase order made under this section.

(5) A local authority shall deal with any land purchased by them under this section by sale, letting, or appropriation, in accordance with the provisions of section thirty of this Act.

33. Within a metropolitan borough both the London County Council and the council of the borough shall be local authorities for the purposes of the provisions of this Part of this Act relating to clearance areas :

Local authority for clearance areas in London

PART III.
—*cont.*
(other than
the City).

Provided that—

- (a) where the borough council are about to take into consideration a proposal that any area shall be declared by them to be a clearance area, they shall give to the county council notice in writing of their intention, and shall not declare that area to be a clearance area until two months have elapsed from the date of the service of that notice, or if before the expiration of that period the county council notify the borough council that they intend themselves to deal with that area either as a clearance area or as part of a clearance area; and if in any such case as aforesaid the county council do not give notice of their intention to deal with the area and the borough council proceed to declare the area to be a clearance area, the county council may, if they think fit, make a contribution towards any expenses incurred by the borough council in dealing with the area;
- (b) where an official representation relating to not more than ten houses is made to the county council, the county council shall, unless they consider that the area should be dealt with by them as a clearance area, forward the representation to the borough council concerned.

Re-development Areas.

Duty of
local
authority
to secure
re-develop-
ment.

34.—(1) If the local authority for any urban area (that is to say, the City of London, the rest of the administrative county of London, a county borough, a non-county borough, or an urban district) are satisfied, as a result of an inspection carried out under section fifty-seven of this Act or otherwise, that their district comprises any area in which the following conditions exist, that is to say—

- (a) that the area contains fifty or more working-class houses;
- (b) that at least one-third of the working-class houses in the area are overcrowded, or unfit for

human habitation and not capable at a reasonable expense of being rendered so fit, or so arranged as to be congested;

PART III.
—*cont.*

- (c) that the industrial and social conditions of their district are such that the area should be used to a substantial extent for housing the working classes; and
- (d) that it is expedient in connection with the provision of housing accommodation for the working classes that the area should be re-developed as a whole;

it shall be the duty of the local authority to cause the area to be defined on a map, and to pass a resolution declaring the area so defined to be a proposed re-development area.

(2) As soon as may be after a local authority have passed a resolution under the foregoing subsection, they shall send a copy of the resolution and of the map to the Minister, and shall publish in one or more local newspapers circulating in their district a notice stating that the resolution has been passed and naming a place within their district where a copy of the resolution and of the map may be inspected.

35.—(1) Within six months after a local authority have passed a resolution under the last foregoing section, or within such extended period as the Minister may allow, the authority shall prepare and submit to the Minister a re-development plan indicating the manner in which it is intended that the defined area should be laid out and the land therein used, whether for existing purposes or for purposes requiring the carrying out of re-development thereon, and in particular the land intended to be used for the provision of houses for the working classes, for streets and for open spaces.

Re-development plan.

(2) In the preparation of the plan the local authority shall have regard to the provisions of any planning scheme or proposed planning scheme relating to the defined area or land in the neighbourhood thereof.

(3) Before submitting the plan to the Minister the local authority shall—

- (a) publish in one or more local newspapers circulating in their district a notice stating

PART III.
—cont.

that the plan has been prepared and is about to be submitted to the Minister, naming a place within their district where the plan may be inspected, and specifying the time within which, and the manner in which, objections can be made; and

- (b) serve a notice to the like effect on every owner, lessee and occupier (except tenants for a month or any period less than a month) of land in the defined area and on all statutory undertakers owning apparatus in that area.

(4) If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Minister may, if he thinks fit, approve the plan, either without modification or with such modifications as he thinks fit (including, if he thinks fit, the alteration of the defined area so as to exclude land therefrom, but not so as to add land thereto), but in any other case he shall, before approving the plan, cause a public local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may thereafter approve the plan with or without any such modifications as aforesaid.

(5) On receipt of notice of the Minister's approval the local authority shall publish in one or more local newspapers circulating in their district a notice stating that the re-development plan has been approved and naming a place within their district where a copy thereof may be inspected, and shall serve a like notice on every person who, having given notice to the Minister of his objection to the plan, appeared at the public local inquiry in support of his objection.

(6) Where, after a re-development plan has been approved, it appears to the local authority that any land in the re-development area (that is to say the defined area or so much thereof as is comprised in the plan as approved) ought to be re-developed or used otherwise than as indicated in the plan, the authority shall prepare and submit to the Minister a new plan as respects that land, and the provisions of this section with respect to publication, service of notices and approval by the Minister shall have effect in relation to the new

plan, with the substitution of references to the new plan and to the land comprised therein, for references to the re-development plan and to the defined area.

PART III.
—cont.

(7) The provisions of the Second Schedule to this Act shall have effect with respect to the validity and date of operation of the Minister's approval of a re-development plan or of a new plan.

(8) In the following provisions of this Act references to re-development or use in accordance with a re-development plan shall be construed as references to re-development or use in accordance with a re-development plan approved under this section or, in the case of land comprised in a new plan approved under this section, in accordance with the new plan.

36.—(1) When the Minister's approval of a re-development plan has become operative, the local authority may with the approval of the Minister purchase by agreement, or may be authorised by means of an order made and submitted to the Minister and confirmed by him in accordance with the First Schedule to this Act to purchase compulsorily,—

Purchase of land for purposes of re-development.

- (a) land in the re-development area; and
- (b) any land outside that area which they may require for the purpose of providing accommodation for persons occupying premises within that area which they have purchased or agreed to purchase, or in respect of which they have submitted compulsory purchase orders.

(2) It shall be the duty of the local authority within the appropriate period specified in this subsection either to enter into agreements with the approval of the Minister for the purchase, or to make and submit to the Minister orders for the compulsory purchase, of all land in the re-development area other than land in respect of which the local authority have within that period made arrangements with other persons for the carrying out of re-development, or for securing the use of the land, in accordance with the re-development plan.

The appropriate period for the purposes of this subsection shall be—

- (a) in the case of land shown in the re-development plan as intended for the provision of houses for

PART III.
—cont.

the working classes, six months from the date when the Minister's approval of the re-development plan becomes operative;

- (b) in the case of other land in the re-development area, two years from that date;

or, in either case, such extended period as the Minister may, on the application of the local authority, allow in respect of any land.

(3) Where a local authority submit to the Minister an order for the compulsory purchase under this section of land which comprises or consists of a house which in their opinion is unfit for human habitation and not capable at reasonable expense of being rendered so fit, the order as submitted shall be in a form prescribed for the purpose of indicating that the house is in that condition, and, if the Minister is of opinion that the house is properly so indicated, the order as confirmed may authorise the authority to purchase the house as being in that condition.

(4) The provisions of the Second Schedule to this Act shall have effect with respect to the validity and date of operation of a compulsory purchase order made under this section.

(5) Nothing in this section shall authorise the compulsory acquisition of any land which is the property of a local authority or is the property of statutory undertakers, having been acquired by them for the purposes of their undertaking, and the obligations imposed on the local authority by subsection (2) of this section shall not apply with respect to any such land.

(6) Land purchased by a local authority under this section for the provision of houses for the working classes shall be deemed to have been acquired by them under Part V of this Act.

(7) Land purchased by a local authority under this section otherwise than for the provision of houses for the working classes may, with the consent of the Minister, be sold or leased to any person, or exchanged for other land which the local authority have power to acquire either with or without paying or receiving money for equality of exchange, subject, in the case of land in the re-development area, to conditions for securing

that it shall be re-developed or used in accordance with the re-development plan.

PART III.
—cont.

(8) When the Minister's approval of a re-development plan has become operative and the plan comprises any land of the local authority, the provisions of this Act shall apply in relation to that land as if it had been land in the re-development area purchased by the authority under this section.

37. As respects the administrative county of London other than the City of London the London County Council shall be the local authority for the purposes of the provisions of this Part of this Act relating to re-development areas :

Local authority for re-development areas in London (other than the City).

Provided that where a metropolitan borough council give notice in writing to the London County Council that in their opinion their district comprises an area (the limits of which shall be specified) which ought to be defined as a proposed re-development area, and that they intend to pass such a resolution as is mentioned in subsection (1) of section thirty-four of this Act, the metropolitan borough council shall, as respects that area and subject as hereinafter provided, be the local authority for the purposes of the provisions of this Part of this Act relating to re-development areas—

- (a) if the London County Council within two months after the date of the receipt by them of such notice do not notify the metropolitan borough council that they intend themselves to deal with the area as a re-development area or as part of a re-development area, or as a clearance area or part of a clearance area, or that they propose to acquire the area or any part thereof as a site for the erection of houses for the working classes; or
- (b) if the London County Council notify the metropolitan borough council that they do not so intend to deal with the area or any part thereof;

so, however, that—

- (i) if a metropolitan borough council who become, in pursuance of this proviso, the local authority as respects that area do not submit to the

PART III.
—cont.

Minister a re-development plan relating to that area within a period of two years after the date on which the metropolitan borough council so became the local authority, or such further period as may be approved by the Minister; or

- (ii) if the Minister decides that the area is not a suitable one to be dealt with by the metropolitan borough council;

the metropolitan borough council shall cease to be, and the London County Council shall be, the local authority as aforesaid as respects that area without prejudice to the rights of the metropolitan borough council to give a further notice under this proviso to the London County Council.

Improvement Areas.

Improve-
ment areas.
20 & 21
Geo. 5. c. 39.

38.—(1) A local authority who have passed a resolution under section seven of the Housing Act, 1930, declaring an area to be an improvement area, shall as soon as may be—

- (a) in the case of houses which are unfit for human habitation, serve notices under Part II of this Act requiring the execution of all necessary works thereon, or the demolition thereof, and enforce compliance with those notices; and
- (b) in so far as the improvement of the area involves the purchase of land for opening out the area, proceed to purchase that land unless the authority are satisfied that the opening out of the area will be adequately carried out by the owner or owners of the land.

(2) Where a local authority have determined to purchase land under this section, they may purchase that land by agreement, or they may be authorised to purchase that land compulsorily by means of a compulsory purchase order made and submitted to the Minister and confirmed by him in accordance with the provisions of the First Schedule to this Act.

(3) An order authorising the compulsory purchase of land for the purposes of this section shall be submitted to the Minister within twelve months after the date of the

resolution declaring the area to be an improvement area, or within such longer period as the Minister may, in the circumstances of the particular case, allow.

PART III.
—cont.

(4) The provisions of the Second Schedule to this Act shall have effect with respect to the validity and date of operation of a compulsory purchase order made under this section.

(5) An authority who have purchased any land under this section shall carry out, or secure the carrying out of, such demolitions as may be necessary for opening out the area, and, subject thereto, shall deal with that land by sale, letting or appropriation in accordance with the provisions of section thirty of this Act.

(6) Where any action taken by a local authority under this section with respect to a house in an improvement area results in the tenant of that house, or of any part thereof, removing therefrom, then, notwithstanding anything in section two of the Rent and Mortgage Interest Restrictions Act, 1923, the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, if applicable to that house or part, shall not cease to apply thereto by reason only of the fact that upon the removal the landlord comes into possession of the house or part of a house.

13 & 14
Geo. 5. c. 32.

(7) The declaration of any area to be an improvement area shall not preclude any local authority from exercising any powers which in the absence of such a declaration would have been exercisable by them within that area.

39.—(1) As respects the administrative county of London other than the City of London, the London County Council shall, subject to the provisions of the next succeeding subsection, be the authority to determine what steps shall be taken for the improvement of an improvement area, to purchase any land which they deem it expedient to acquire for opening out the area, and to carry out such demolition of buildings and such street works on that land as they deem necessary, but the council of the metropolitan borough in which the area is situate on being informed by the county council as to the steps which the county council have determined to be necessary for the improvement of the area, shall, subject as aforesaid, take those steps and shall thereafter serve and

Local
authority
for improve-
ment areas
in London
(other than
the City).

PART III.
—cont.

enforce any necessary notices requiring the execution of works to houses in the area, or the demolition of houses, or the closing of parts of buildings therein :

Provided that, if it is represented to the Minister by the county council that a borough council have made default in exercising or performing any powers or duties under this subsection, the Minister may by order transfer those powers and duties to the county council and any expenses incurred by the county council in exercising or performing any powers or duties so transferred shall be a debt due from the borough council to the county council.

(2) Without prejudice to the powers of the London County Council under the last foregoing subsection, the council of a metropolitan borough shall, as regards any area within that borough which does not contain more than ten houses, be a local authority for the purposes of the provisions of this Part of this Act relating to improvement areas.

General provisions as to clearance, re-development and improvement.

Com-
pensation in
respect of
land
purchased
compul-
sorily under
Part III.

40.—(1) Where land is purchased compulsorily by a local authority under this Part of this Act, the compensation payable in respect thereof shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, subject to the following provisions of this section.

(2) The compensation to be paid for land, including any buildings thereon, purchased as being land comprised in a clearance area shall be the value at the time the valuation is made of the land as a site cleared of buildings and available for development in accordance with the requirements of the building byelaws for the time being in force in the district :

Provided that this subsection shall not have effect in the case of the site of a house or other building properly included in a clearance area only on the ground that by reason of its bad arrangement in relation to other buildings or the narrowness or bad arrangement of the streets, it is dangerous or injurious to the health of the inhabitants of the area, unless it is a building constructed

or adapted as, or for the purposes of, a dwelling; or partly for those purposes and partly for other purposes, and part thereof (not being a part used for other purposes) is by reason of disrepair or sanitary defects unfit for human habitation.

PART III.
—*cont.*

(3) The compensation to be paid for a house which the local authority are authorised to purchase under section thirty-six of this Act as being unfit for human habitation and not capable at reasonable expense of being rendered so fit shall be assessed in like manner as if it had been land purchased, as being comprised in a clearance area.

(4) In the case of land other than land in respect of which the provisions of subsection (2) or (3) of this section have effect, the rules specified in the Fourth Schedule to this Act shall be observed.

41.—(1) Where a person upon whom notice of a clearance order or of a compulsory purchase order made under this Part of this Act is required to be served has duly made objection thereto on the ground that a building included therein is not unfit for human habitation, and the objection has not been withdrawn, the Minister shall not cause the public local inquiry with respect thereto to be held earlier than the expiration of fourteen days after it has been shown to his satisfaction that the local authority have served upon the objector a notice in writing stating what facts they allege as their principal grounds for being satisfied that the building is so unfit.

Obligation of local authority and of the Minister to state reasons for deciding that a building is unfit.

(2) Any person who objects to a clearance order on the ground that a building included therein, being a building in which he is interested, is not unfit for human habitation, or who objects on the like ground to a compulsory purchase order made under this Part of this Act, and who appears at the public local inquiry in support of his objection, shall, if the building is included in the order as confirmed as being unfit for human habitation, be entitled, on making a request in writing, to be furnished by the Minister with a statement in writing of his reasons for deciding that the building is so unfit.

42.—(1) Where, as respects a house which is made the subject of a compulsory purchase order under this Part of this Act as being unfit for human

Payments in respect of well-maintained houses.

PART III.
—*cont.*

habitation, or which is made the subject of a clearance order (being in either case an order made on or after the twentieth day of December, nineteen hundred and thirty-four), the Minister is satisfied, after causing the house to be inspected by an officer of the Ministry of Health, that, notwithstanding its sanitary defects, it has been well maintained, the Minister may give directions for the making by the local authority of a payment under this section in respect of the house.

(2) A payment under this section shall be of an amount equal either—

- (a) to the amount by which the aggregate expenditure which is shown to the satisfaction of the local authority to have been incurred in maintaining the house during the five years immediately before the date on which the order was made exceeds an amount equal to one and one-quarter times the rateable value of the house; or
- (b) to one and a half times, or, if at that date the house is occupied by an owner thereof and has been owned and occupied by him or by a member of his family continuously during the three years immediately before that date, three times, the rateable value of the house;

whichever is the greater :

Provided that a payment under this section shall not in any case exceed the difference between the full value of the house (that is to say the amount which would have been payable as compensation if it had been purchased compulsorily but not as being unfit for human habitation) and the site value thereof (that is to say the amount which is payable as compensation by virtue of its being purchased compulsorily as being unfit for human habitation, or which would have been so payable if it had been so purchased), and any question as to such value shall be determined, in default of agreement, as if it had been a question of disputed compensation arising on such a purchase.

(3) A payment under this section shall be made—

- (a) if the house is occupied by an owner thereof, to him ; or

- (b) if the house is not so occupied, to the person or persons liable under any enactment, covenant or agreement to maintain and repair the house, and if more than one person is so liable, in such shares as the authority think equitable in the circumstances :

PART III.
—cont.

Provided that, if any other person satisfies the local authority that the good maintenance of the house is attributable to a material extent to work carried out by him or at his expense, the local authority may, if it appears to them to be equitable in the circumstances, make the payment, in whole or in part, to him.

(4) In this section the expression "rateable value" means in relation to a house the value which, in the valuation list in force at the date on which the order is made, is shown on that date as the rateable value of the house, or, where the net annual value differs from the rateable value, as the net annual value.

43.—(1) The Minister may make such order as he thinks fit in favour of any owner of any lands included in a clearance order, or in a compulsory purchase order made under this Part of this Act, or in a re-development plan or a new plan, for the allowance of reasonable expenses properly incurred by the owner in opposing the order or the approval of the plan.

Provisions
as to costs
of persons
opposing
orders
and as to
costs of
Minister.

(2) All expenses incurred by the Minister in relation to any such order or approval as aforesaid, to such amount as the Minister thinks proper to direct, and all expenses of any person to such amount as may be allowed to him by the Minister in pursuance of the aforesaid power, shall be deemed to be expenses incurred by the local authority under this Part of this Act, and shall be paid to the Minister and to that person respectively in such manner and at such times, and either in one sum or by instalments, as the Minister may order; and the Minister may order interest to be paid at such rate not exceeding five pounds per cent. per annum as he thinks fit upon any sum for the time being due in respect of such expenses as aforesaid.

(3) Any order made by the Minister in pursuance of this section may be made a rule of the High Court, and be enforced accordingly.

PART III.
—*cont.*
Power of
local
authority
to make
allowances
to certain
persons
displaced.

44.—(1) A local authority may pay to any person displaced from a house or other building to which a clearance order applies, or which has been purchased by them either under the provisions of this Part of this Act relating to clearance areas or to improvement areas, or as being unfit for human habitation and not capable at reasonable expense of being rendered so fit, such reasonable allowance as they think fit towards his expenses in removing, and to any person carrying on any trade or business in any such house or other building, they may pay also such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance of his trade or business consequent on his having to quit the house or building, and in estimating that loss they shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

(2) Where, as a result of action taken by a local authority under the provisions of this Part of this Act relating to clearance areas or to improvement areas, the population of the locality is materially decreased, they may pay to any person carrying on a retail shop in the locality such reasonable allowance as they think fit towards any loss involving personal hardship which, in their opinion he will thereby sustain, but in estimating any such loss they shall have regard to the probable future development of the locality.

Obligations
of local
authority
with respect
to re-
housing.

45.—(1) A local authority who have passed a resolution declaring any area to be a clearance area or an improvement area shall, before taking any action under that resolution which will necessitate the displacement of any persons of the working classes, undertake to carry out or to secure the carrying out of such re-housing operations, if any, within such period as the Minister may consider to be reasonably necessary.

(2) In so far as suitable accommodation is not available for persons who will be displaced from working-class houses in the carrying out of re-development in accordance with a re-development plan, it shall be the duty of the local authority to provide, or to secure the provision of, such accommodation in advance of the

displacements from time to time becoming necessary as the re-development proceeds.

PART III.
—cont.

46.—(1) A local authority may, with the approval of the Minister, by order extinguish any public right of way over any land purchased by them under this Part of this Act, but an order made by an authority under this subsection shall be published in the prescribed manner, and if any objection thereto is made to the Minister before the expiration of six weeks from the publication thereof, the Minister shall not approve the order until he has caused a public local inquiry to be held into the matter.

Extinguish-
ment of
ways,
easements,
&c., over
land
purchased
under
Part III.

(2) Where a local authority have resolved to purchase under this Part of this Act land over which a public right of way exists, it shall be lawful under the foregoing subsection for the authority to make and the Minister to approve, in advance of the purchase, an order extinguishing that right as from the date on which the buildings on the land are vacated, or at the expiration of such period after that date as may be specified in the order, or as the Minister in approving the order may direct.

(3) Upon the completion by a local authority of the purchase by them of any land under this Part of this Act, all private rights of way and all rights of laying down, erecting, continuing, or maintaining any apparatus on, under or over that land and all other rights or easements in or relating to that land shall be extinguished and any such apparatus shall vest in the local authority, and any person who suffers loss by the extinguishment or vesting of any such right or apparatus as aforesaid shall be entitled to be paid by the local authority compensation to be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919:

Provided that this subsection shall not apply to any right vested in statutory undertakers of laying down, erecting, continuing or maintaining any apparatus, or to any apparatus belonging to statutory undertakers, and shall have effect as respects other matters subject to any agreement which may be made between the local authority and the person in or to whom the right or apparatus in question is vested or belongs.

PART III.

—cont.

Provisions
as to
licensed
premises
purchased
under
Part III.
10 Edw. 7.
& 1 Geo. 5.
c. 24.

47. Where land purchased by a local authority under this Part of this Act comprises premises in respect of which an old on-licence is in force, the following provisions shall have effect—

(a) the authority, before purchasing the premises, may undertake that in the event of the renewal of the licence being refused, they will pay to the compensation authority towards the compensation payable on such refusal under the Licensing (Consolidation) Act, 1910, such contribution as may be specified in the undertaking, and any sum payable by the authority in pursuance of such undertaking shall be treated as part of their expenses in purchasing the land;

(b) if, after purchasing or contracting to purchase the premises, the authority intimate to the licensing justices that they are willing to surrender the licence, the licensing justices may refer the matter to the compensation authority, and that authority, on being satisfied that the licence, if not surrendered, might properly have been dealt with as a redundant licence, shall contribute out of the compensation fund towards the compensation paid by the local authority in respect of the purchase of the premises a sum not exceeding the compensation which would have been payable under the Licensing (Consolidation) Act, 1910, on the refusal of the renewal of the licence.

Clearance
and im-
provement
areas
in London
(power to
construct
streets).

48. The London County Council may, on any land purchased by them in connection with a clearance area or improvement area, lay out and construct and sewer such new streets and such widenings and improvements of existing streets as they think fit, and all new streets and new parts of streets so constructed by them shall, when completed, become repairable by the council of the metropolitan borough.

Provisions
as to
apparatus
of statutory
undertakers
in land

49.—(1) Where the removal or alteration of apparatus belonging to statutory undertakers on, under, or over land purchased by a local authority under this Part of this Act, or on, under, or over a street running over, or through, or adjoining any such land, is

reasonably necessary for the purpose of enabling the authority to exercise any of the powers conferred upon them by the foregoing provisions of this Part of this Act, the local authority shall have power to execute works for the removal or alteration of the apparatus subject to and in accordance with the provisions of this section.

PART III.
—cont.
dealt with
by local
authority
under the
Housing
Acts.

(2) A local authority who intend to remove or alter any apparatus under the powers conferred by the foregoing subsection shall serve on the undertakers notice in writing of their intention with particulars of the proposed works and of the manner in which they are to be executed, and plans and sections thereof, and shall not commence any works until the expiration of a period of twenty-eight days from the date of service of the notice, and the undertakers may within that period by notice in writing served on the authority—

- (a) object to the execution of the works or any of them on the ground that they are not necessary for the purpose aforesaid; or
- (b) state requirements to which, in their opinion, effect ought to be given as to the manner of, or the observance of conditions in, the execution of the works, as to the execution of other works for the protection of other apparatus belonging to the undertakers or as to the execution of other works for the provision of substituted apparatus whether permanent or temporary;

and—

- (i) if objection is so made to any works and not withdrawn, the local authority shall not execute the works unless they are determined by arbitration to be so necessary;
 - (ii) if any such requirement as aforesaid is so made and not withdrawn, the local authority shall give effect thereto unless it is determined by arbitration to be unreasonable.
- (3) A local authority shall make to statutory undertakers reasonable compensation for any damage which

PART III.
—*cont.*

is sustained by them by reason of the execution by the authority of any works under subsection (1) of this section and which is not made good by the provision of substituted apparatus. Any question as to the right of undertakers to recover compensation under this subsection or as to the amount thereof shall be determined by arbitration.

(4) Where the removal or alteration of apparatus belonging to statutory undertakers, or the execution of works for the provision of substituted apparatus, whether permanent or temporary, is reasonably necessary for the purposes of their undertaking by reason of the stopping up, diversion, or alteration of the level or width of a street by a local authority under powers exercisable by virtue of this Act, they may, by notice in writing served on the authority, require them at the expense of the authority to remove or alter the apparatus or to execute the works, and where any such requirement is so made and not withdrawn, the local authority shall give effect thereto unless they serve notice in writing on the undertakers of their objection to the requirement within twenty-eight days from the date of service of the notice upon them and the requirement is determined by arbitration to be unreasonable.

(5) At least seven days before commencing any works which they are authorised or required under the foregoing provisions of this section to execute, the local authority shall, except in case of emergency, serve on the undertakers notice in writing of their intention so to do, and the works shall be executed by the authority under the superintendence (at the expense of the authority) and to the reasonable satisfaction of the undertakers :

Provided that, if within seven days from the date of service on them of notice under this subsection the undertakers so elect, they shall themselves execute the works in accordance with the reasonable directions and to the reasonable satisfaction of the authority, and the reasonable costs thereof shall be repaid to the undertakers by the authority.

(6) Any difference arising between statutory undertakers and a local authority under the last foregoing subsection and any matter which is by virtue of the

foregoing provisions of this section to be determined by arbitration shall—

PART III.
—cont.

- (a) in the case of a question arising under subsection (3) of this section, unless the authority and the undertakers otherwise agree, be referred to and determined by an official arbitrator appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, who shall have the like powers in respect of procedure, costs, and the statement of special cases as he has under that Act;
- (b) in any other case, be referred to and determined by an arbitrator to be appointed, in default of agreement, by the Minister.

(7) In this section references to the alteration of apparatus include references to diversion and to alterations of position or level.

Re-development and Re-conditioning by Owners.

50.—(1) Any persons proposing to undertake the re-development of land may submit particulars of their proposals to the local authority, who shall consider the proposals and, if they appear to the authority to be satisfactory, shall give to the persons by whom they were submitted notice to that effect, specifying times within which the several parts of the re-development are to be carried out, and if and so long as the re-development is being proceeded with in accordance with the proposals and within the specified time limits, subject to any variation or extension approved by the authority, no action shall be taken in relation to the land under any of the powers conferred by Part II, or the foregoing provisions of this Part, of this Act.

Re-develop-
ment by
owners.

(2) Where the local authority are satisfied that, for the purpose of enabling re-development to be carried out in accordance with proposals which have been submitted as aforesaid and in respect of which the authority have given notice of their satisfaction, it is necessary that any dwelling-house to which the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, apply, should be vacated, and that suitable alternative accommodation within the meaning of Part IV of this Act is available for the tenant or will be available for him at a future date, the authority may issue to the landlord a certificate

PART III.—*cont.*23 & 24
Geo. 5. c. 32.

that such suitable alternative accommodation is available for the tenant or will be available for him by that future date, and a certificate so issued shall, for the purposes of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, have the like effect as if it had been such a certificate as is mentioned in subsection (2) of section three of that Act with respect to accommodation to be provided forthwith or on that future date, as the case may be.

Certificates
as to the
condition
of houses.

51.—(1) Any owner of a house, which is occupied, or of a type suitable for occupation, by persons of the working classes and in respect of which works of improvement (otherwise than by way of decoration or repair) or structural alteration are proposed to be executed, may submit a list of the proposed works to the local authority with a request in writing that the authority shall inform him whether in their opinion the house would, after the execution of those works, or of those works together with any additional works, be in all respects fit for human habitation and would, with reasonable care and maintenance, remain so fit for a period of at least five years.

(2) As soon as may be after receipt of such a list and request as aforesaid the local authority shall take the list into consideration and shall inform the owner whether they are of opinion as aforesaid or not, and in a case where they are of that opinion, shall furnish him with a list of the additional works (if any) appearing to them to be required.

(3) Where the local authority have stated that they are of opinion as aforesaid and the works specified in the list submitted to them, together with any additional works specified in a list furnished by them, have been executed to their satisfaction, they shall, on the application of any owner of the house, and upon payment by him of a fee of one shilling, issue to him a certificate that the house is fit for human habitation and will with reasonable care and maintenance remain so fit for a period (being a period of not less than five nor more than ten years) to be specified in the certificate.

(4) During the period specified in a certificate given under this section, no action shall be taken under the provisions of this Part of this Act relating to clearance

areas or to improvement areas with a view to the demolition of the house as being unfit for human habitation, or under section eleven or twelve of this Act.

PART III.
—cont.

(5) In this section the expression "improvement" includes the provision of additional or improved fixtures or fittings.

52.—(1) The provisions of the two last foregoing sections shall not have effect in the case of premises comprised in a clearance order confirmed by the Minister or in a compulsory purchase order so confirmed under the provisions of this Part of this Act relating to clearance areas or to improvement areas, or in the case of premises comprised in a demolition order made under Part II of this Act which has become operative, or in the case of premises comprised in a re-development plan approved by him.

Exclusion from ss. 50 & 51 of premises comprised in certain orders, &c.

(2) Where proposals are submitted to a local authority under either of the two last foregoing sections in relation to premises not comprised in a clearance or compulsory purchase order or re-development plan so confirmed or approved as aforesaid but comprised in an area which has been defined as a clearance area or as a proposed re-development area, the authority may, in lieu of proceeding as mentioned in that section, transmit the proposals to the Minister and the Minister shall deal with the proposals in connection with the consideration by him of the clearance order or compulsory purchase order, or of the re-development plan, as the case may be, as if the proposals had been objections to the order or plan made on the date on which the proposals were submitted to the authority, and if, in confirming the order or plan, the Minister excludes the premises from the clearance area or the re-development area, the authority shall thereupon proceed in relation to the proposals as mentioned in the said section and the provisions thereof shall have effect accordingly.

53.—(1) As respect the administrative county of London other than the City of London the metropolitan borough council shall be the local authority for the purposes of the three last foregoing sections.

Local authority for re-development, &c., by owners in London (other than the City).

(2) Before deciding to treat as satisfactory any proposals submitted to them for such re-development as is mentioned in section fifty of this Act, a metropolitan

PART III.
—cont.

borough council shall consult the London County Council and shall obtain their approval to the proposals :

Provided that if, within a period of two months from the date on which the metropolitan borough council first inform the London County Council in writing of any such proposals, the latter council fail to give notice to the metropolitan borough council of their approval of, or their refusal to approve the proposals, the London County Council shall be deemed to have given their approval thereto for the purposes of this section.

Demolition of obstructive buildings.

Power of
local
authority
to order
demolition
of
obstructive
building.

54.—(1) The local authority may serve upon the owner or owners of a building which appears to the authority to be an obstructive building notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the question of ordering the building to be demolished will be considered by the authority, and the owner or owners shall be entitled to be heard when the matter is so taken into consideration.

(2) If, after so taking the matter into consideration, the authority are satisfied that the building is an obstructive building and that the building or any part thereof ought to be demolished, they may make a demolition order requiring that the building or that part thereof shall be demolished, and that the building, or such part thereof as is required to be vacated for the purposes of the demolition, shall be vacated within two months from the date on which the order becomes operative, and if they do so, shall serve a copy of the order upon the owner or owners of the building.

(3) In this section the expression “obstructive building” means a building which, by reason only of its contact with, or proximity to, other buildings, is dangerous or injurious to health.

(4) This section shall not apply to a building which is the property of statutory undertakers, unless it is used for the purposes of a dwelling, showroom, or office, or which is the property of a local authority.

Effect of
order for
demolition
of obstructive
building.

55.—(1) If, before the expiration of the period within which a building in respect of which an order is made under the last foregoing section is thereby required to be vacated, any owner or owners, whose estate or

interest, or whose combined estates or interests, in the building and the site thereof is or are such that the acquisition thereof by the local authority would enable the local authority to carry out the demolition provided for by the order, make to the local authority an offer for the sale of that interest, or of those interests, to the local authority at a price to be assessed, as if it were compensation for a compulsory purchase, by arbitration in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, subject to observance of the rules specified in the Fourth Schedule to this Act, the authority shall accept the offer and shall, as soon as possible after obtaining possession, carry out the demolition.

PART III.
—cont.

(2) If no such offer as is mentioned in the last foregoing subsection is made before the expiration of the said period, the owner or owners of the building shall carry out the demolition provided for by the order before the expiration of six weeks from the last day of that period, or, if the building, or such part thereof as is required to be vacated, is not vacated until after that day, before the expiration of six weeks from the day on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the local authority deem reasonable, and if the demolition is not so carried out the local authority shall enter and carry out the demolition and sell the materials rendered available thereby.

(3) The provisions of subsections (2) to (5) of section thirteen of this Act shall apply in relation to any expenses incurred by a local authority under the last foregoing subsection and to any surplus remaining in the hands of the authority, as they apply in relation to any expenses or surplus in a case where a house is demolished in pursuance of a demolition order made under Part II of this Act, with the substitution of references to the building demolished under this section for references to the house demolished under the said section thirteen.

(4) Where the demolition of a building is carried out under subsection (2) of this section, either by the owner or owners thereof or by the local authority, compensation shall be paid by the authority to the owner or owners in respect of loss arising from the demolition, and that compensation shall, notwithstanding that no land is acquired compulsorily by the local authority, be assessed

PART III. in accordance with the Acquisition of Land (Assessment
—cont. of Compensation) Act, 1919, subject to observance of
the rules specified in the Fourth Schedule to this Act,
except that paragraphs (2) to (6) of section two of
that Act shall not apply and that paragraph (1) of
the said section two shall have effect with the sub-
stitution of a reference to demolition for the reference
to acquisition.

(5) Sections fifteen and nineteen of this Act shall have effect in relation to a demolition order made under the last foregoing section and to a building or part of a building to which such an order applies, as they have effect in relation to a demolition order made under Part II of this Act and to a house to which such an order applies, as if references therein to a demolition order included references to a demolition order under the last foregoing section and the references therein to Part II of this Act included references to the last foregoing section and this section.

Local authority
for demolition of
obstructive
buildings in
London (other
than the City).

56. As respects the administrative county of London other than the City of London the metropolitan borough council shall be the local authority for the purposes of the two last foregoing sections.

PART IV.

ABATEMENT OF OVERCROWDING.

Duty of
local
authority
to inspect
and to make
reports and
proposals
as to over-
crowding.

57.—(1) It shall be the duty of every local authority before such dates as may be fixed by the Minister as respects their district, to cause an inspection thereof to be made with a view to ascertaining what dwelling-houses therein are overcrowded, and to prepare and submit to the Minister a report showing the result of the inspection and the number of new houses required in order to abate overcrowding in their district, and, unless they are satisfied that the required number of new houses will be otherwise provided, to prepare and submit to the Minister proposals for the provision thereof.

(2) If at any time or times after effect has been given by a local authority to the provisions of the foregoing subsection it appears to them that occasion has arisen therefor, or the Minister so directs, it shall be the duty of the authority to cause a further inspection to be made and to prepare and submit a report and proposals as aforesaid as respects their district or any part thereof, and, where the Minister gives a direction under this

subsection, he may, after consultation with the local authority, fix dates before which the performance of the said duties is to be completed.

PART IV.
—cont.

58.—(1) A dwelling-house shall be deemed for the purposes of this Act to be overcrowded at any time when the number of persons sleeping in the house either—

Definition of overcrowding.

- (a) is such that any two of those persons, being persons ten years old or more of opposite sexes and not being persons living together as husband and wife, must sleep in the same room; or
- (b) is, in relation to the number and floor area of the rooms of which the house consists, in excess of the permitted number of persons as defined in the Fifth Schedule to this Act.

(2) In determining for the purposes of this section the number of persons sleeping in a house, no account shall be taken of a child under one year old, and a child who has attained one year and is under ten years old shall be reckoned as one-half of a unit.

59.—(1) Subject to the provisions of this Part of this Act, if after the appointed day the occupier or the landlord of a dwelling-house causes or permits it to be overcrowded, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds and to a further fine not exceeding two pounds in respect of every day subsequent to the day on which he is convicted on which the offence continues.

Offences in relation to overcrowding.

(2) The occupier of a dwelling-house which is occupied on the appointed day shall not be guilty of an offence under this section in respect of the overcrowding thereof so long as all the persons sleeping in the house are persons who were living there on the appointed day and thereafter continuously live there, or children born after that day of any of those persons, unless—

- (a) suitable alternative accommodation is offered to the occupier after the appointed day and he fails to accept it; or
- (b) suitable alternative accommodation is so offered to some person living in the house who is not a member of the occupier's family and whose removal is reasonably practicable in all the circumstances, and the occupier fails to require his removal.

PART IV.
—cont.

(3) Where after the appointed day a dwelling-house which would not otherwise be overcrowded becomes overcrowded by reason of a child attaining one of the ages referred to in the last foregoing section, then, if the occupier applies to the local authority for suitable alternative accommodation or has so applied before the date when the child attains that age, he shall not be guilty of an offence under this section in respect of the overcrowding of the house after the date of his application, so long as all the persons sleeping in the house are persons who were living there on the date when the child attained that age and thereafter continuously live there, or children born after that date of any of those persons, unless—

- (a) suitable alternative accommodation is offered to the occupier on or after the date when the child attains that age, or, if he has applied before that date, is offered at any time after the application, and he fails to accept it; or
- (b) the removal from the house of some person not a member of the occupier's family is on that date or thereafter becomes reasonably practicable having regard to all the circumstances (including the availability of suitable alternative accommodation for that person), and the occupier fails to require his removal.

(4) Where the persons sleeping in an overcrowded house include a member of the occupier's family who does not live there but is sleeping there temporarily, the occupier shall not be guilty of an offence under this section in respect of the overcrowding of the house unless the circumstances are such that he would be so guilty if that member of his family were not sleeping in the house.

(5) The landlord of an overcrowded house shall be deemed to cause or permit it to be overcrowded—

- (a) if, after notice in writing that it is overcrowded in such circumstances as to render the occupier thereof guilty of an offence has been served upon the landlord or his agent by the local authority, the landlord fails to take such steps as it is reasonably open to him to take for securing the abatement of the overcrowding,

including if necessary legal proceedings for possession of the house; or

PART IV.
—cont.

- (b) if, when letting the house after the appointed day, the landlord, or any person effecting the letting on the landlord's behalf, had reasonable cause to believe that it would become overcrowded in such circumstances as to render the proposed occupier thereof guilty of an offence, or failed to make inquiries of the proposed occupier as to the number, age and sex of persons who would be allowed to sleep in the house;

and not otherwise.

60.—(1) Where, on the representation of the local authority and after consultation with the Central Housing Advisory Committee constituted under section one hundred and thirty-five of this Act, the Minister is satisfied that dwelling-houses consisting of few rooms, or comprising rooms of exceptional floor area, constitute so large a proportion of the housing accommodation in the district of the authority, or in any part thereof, that the application of the provisions of the Fifth Schedule to this Act throughout the district, or that part thereof, immediately after the appointed day would be impracticable, he may by order direct that, in relation to those houses or to such of them as are of a specified type, the said provisions shall, during such period, not exceeding three years from the coming into operation of the order, as may be specified therein and any extension of that period which the Minister may allow, have effect subject to such modifications for increasing the permitted number of persons as may be specified therein, and the order may specify different modifications in relation to different types of houses.

Power of Minister to increase the permitted number temporarily to meet exceptional conditions.

(2) After consultation with the said Committee and the local authority, the Minister may by order revoke any such order as aforesaid, or vary the provisions of any such order either as respects the modifications specified therein or as respects the houses to which the modifications apply or as respects both.

61.—(1) Where it appears to the local authority, having regard to the existence of exceptional circumstances, to be expedient so to do, they may, on the application of the occupier or intending occupier of a

Power of local authority to authorise

PART IV.
—*cont.*
the tempo-
rary use of
a house by
persons in
excess of
the per-
mitted
number.

dwelling-house in their district, grant him a licence authorising him to permit such number of persons in excess of the permitted number as may be specified in the licence to sleep in the house.

(2) A licence granted under this section shall be in the prescribed form and may be granted either unconditionally or subject to any conditions specified therein.

(3) A licence granted under this section shall, unless previously revoked, continue in force for such period (not exceeding twelve months) as may be specified therein, but may be revoked by the local authority at their discretion by means of a notice in writing served upon the occupier and specifying a period (not being less than one month from the date of the service of the notice) at the expiration of which the licence is to cease to be in force.

(4) A copy of any licence granted under this section, and of any notice served thereunder, shall be served by the local authority on the landlord, if any, of the dwelling-house to which it relates within seven days after the issue of the licence or the service of the notice on the occupier, as the case may be.

(5) The occupier of a dwelling-house shall not be guilty of an offence under section fifty-nine of this Act by reason of anything done by him under the authority of, and in accordance with any conditions specified in, a licence in force under this section.

(6) A local authority may take into consideration a seasonal increase of population in their district as an exceptional circumstance to which regard is to be had for the purposes of this section.

Entries in
rent books,
information
and certifi-
cates with
respect to
the per-
mitted
number.

62.—(1) As from the expiration of six months from the appointed day, every rent book or similar document used in relation to a dwelling-house by or on behalf of the landlord thereof shall contain a summary in the prescribed form of the provisions of sections fifty-eight, fifty-nine and sixty-one of this Act and a statement of the permitted number of persons in relation to the house, and if any such book or document not containing such summary and statement as aforesaid is used by or on behalf of the landlord he shall be liable on summary conviction to a

fine not exceeding ten pounds. An occupier of a dwelling-house who is required by an officer of the local authority duly authorised in that behalf to produce for inspection by the authority any rent book or similar document which is being used in relation to the house and is in the custody of the occupier or under his control shall, on being so required as aforesaid or within seven days thereafter, produce any such book or document to the officer or at the offices of the authority, and if he fails so to do he shall be liable on summary conviction to a fine not exceeding two pounds.

PART IV.
—cont.

(2) It shall be the duty of the local authority, upon the application of the landlord, or of the occupier, of a dwelling-house, to inform the applicant in writing of the number of persons constituting the permitted number in relation to the house, and a statement inserted in a rent book or similar document under the foregoing subsection shall be deemed to be a sufficient and correct statement if it agrees with information given under this subsection.

(3) The Minister may prescribe the manner in which the floor area of a room is to be ascertained for the purposes of the Fifth Schedule to this Act, and the regulations may provide for the exclusion from computation, or for the bringing into computation at a reduced figure, of floor space in any part of a room which is of less than a specified height not exceeding eight feet.

(4) A certificate of the local authority stating the number and floor areas of the rooms in a dwelling-house, and that the floor areas thereof have been ascertained in the prescribed manner, shall, for the purposes of any legal proceedings, be prima facie evidence of the facts stated therein.

63. The local authority shall have power to publish information for the assistance of landlords and occupiers of dwelling-houses as to their rights and duties under the provisions of this Part of this Act relating to overcrowding and as to the enforcement thereof.

Information as to rights and duties as respects overcrowding.

64. Where after the appointed day it comes to the knowledge of the landlord of a dwelling-house or of his agent that it is overcrowded then, unless notice thereof has already been given to the local authority, the landlord or his agent, as the case may be, shall within seven days

Duty of landlord to inform local authority of overcrowding.

PART IV.
—*cont.*

after that fact first comes to his knowledge give notice thereof to them, and if he fails so to do he shall be liable on summary conviction to a fine not exceeding two pounds :

Provided that this section shall not apply to overcrowding which existed on the appointed day, or has been notified to the landlord or to his agent by the local authority, or is constituted by the use of the house for sleeping by such number of persons as the occupier is authorised to permit to sleep there by a licence in force under this Part of this Act.

Right of
landlord to
obtain
possession
of over-
crowded
house.

65.—(1) Where a dwelling-house is overcrowded in such circumstances as to render the occupier thereof guilty of an offence, nothing in the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, shall prevent the landlord from obtaining possession of the house.

(2) Where a landlord comes into possession of a house by virtue only of the provisions of the foregoing subsection then, notwithstanding anything in section two of the Rent and Mortgage Interest Restrictions Act, 1923, the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, if applicable to the house, shall not cease to apply thereto by reason only of the fact that the landlord comes into possession of the house.

Enforce-
ment of
Part IV.

66.—(1) It shall be the duty of the local authority to enforce the foregoing provisions of this Part of this Act as respects dwelling-houses in their district, and a prosecution for an offence against the said provisions shall not be instituted otherwise than by the local authority :

Provided that such a prosecution may be instituted against the local authority themselves by another person with the consent of the Attorney-General.

(2) The local authority may serve upon the occupier of a dwelling-house which is overcrowded in such circumstances as to render him guilty of an offence notice in writing requiring him to abate the overcrowding before the expiration of fourteen days from the date of the service of the notice, and, if at any time within three months from the expiration of that period the house is in the occupation of the person upon whom the notice was served or of a member of his family and is overcrowded in such circumstances as to render the occupier

guilty of an offence, the local authority may make complaint to a court of summary jurisdiction and thereupon the court shall, by its warrant in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect, order vacant possession of the dwelling-house to be given to the landlord within such period, not being less than fourteen nor more than twenty-eight days, as they may determine.

PART IV.
—cont.

1 & 2 Vict.
c. 74.

Any expenses incurred by the local authority under this subsection in securing the giving of possession of a dwelling-house to the landlord may be recovered by them from him summarily as a civil debt.

(3) For the purpose of enabling them to discharge their duties under the foregoing provisions of this Part of this Act, the local authority may serve notice on the occupier of a dwelling-house requiring him to furnish them within fourteen days with a statement in writing of the number, ages and sexes of the persons sleeping in the house, and, if the occupier makes default in complying with the requirement or furnishes a statement which to his knowledge is false in any material particular, he shall be liable on summary conviction to a fine not exceeding two pounds.

67. Regulations prescribing the duties to be performed by medical officers of health of boroughs and urban and rural districts, and by medical officers of health in London, made by the Minister under section one hundred and eight of the Local Government Act, 1933, and subsection (2) of section eleven of the Public Health (London) Act, 1936, respectively, shall include provisions for imposing on those officers a duty to furnish annually to the Minister particulars with respect to conditions in relation to overcrowding, and in particular to furnish to him particulars of any cases in which dwelling-houses in respect of which the local authority have taken steps for the abatement of overcrowding have again become overcrowded.

Duty of medical officers to furnish particulars of overcrowding.
26 Geo. 5. & 1 Edw. 8. c. 50.

68. In this Part of this Act, and in the Fifth Schedule to this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively:—

Definitions for purposes of Part IV.

“The appointed day” means, in relation to any matter in relation to which the Minister has

PART IV.
—*cont.*
25 & 26
Geo. 5. c. 40.

appointed a day under section ninety-seven of the Housing Act, 1935, that day, and, in relation to any other matter, such day as the Minister may appoint under this provision, and the Minister may fix different days for different purposes and different provisions of this Part of this Act and of subsection (2) of section six of this Act and for different localities;

“ Dwelling-house ” means any premises used as a separate dwelling by members of the working classes or of a type suitable for such use;

“ Landlord ” means the immediate landlord of an occupier and includes, in relation to an occupier of a dwelling-house who holds under a contract of employment under which the provision of the house for his occupation forms part of his remuneration, his employer, and “ agent ” means, in relation to the landlord of a dwelling-house, a person who collects rent in respect thereof on behalf of the landlord or is authorised by him so to do, or, in the case of a dwelling-house occupied by a person who holds as aforesaid, a person who pays remuneration to the occupier on behalf of the employer or is authorised by him so to do;

“ Room ” does not include any room of a type not normally used in the locality either as a living room or as a bedroom;

“ Suitable alternative accommodation ” means, in relation to the occupier of a dwelling-house, a dwelling-house as to which the following conditions are satisfied, that is to say—

(a) the house must be a house in which the occupier and his family can live without causing it to be overcrowded;

(b) the local authority must certify the house to be suitable to the needs of the occupier and his family as respects security of tenure and proximity to place of work and otherwise and to be suitable in relation to his means; and

(c) if the house belongs to the local authority, they must certify it to be suitable to the needs of the occupier and his family as respects extent of accommodation having regard to the standard specified in paragraph (b) of section one hundred and thirty-six of this Act.

PART IV.
—cont.

69.—(1) As respects the administrative county of London other than the City of London, the metropolitan borough council shall be the local authority for the purposes of the provisions of this Part, of this Act other than the provisions of section fifty-seven of this Act relating to the submission of proposals for the provision of new houses required in order to abate overcrowding :

Local authority for overcrowding in London (other than the City).

Provided that—

- (a) the metropolitan borough council shall, instead of submitting their report under section fifty-seven of this Act to the Minister, submit the report to the London County Council;
- (b) the London County Council shall take into consideration the statements in the report as to the number of new houses required in order to abate overcrowding in the borough and shall, in the event of their not agreeing with the conclusions arrived at, consult with the metropolitan borough council thereon with a view to the amendment of the statements by agreement between the two councils;
- (c) the London County Council shall transmit to the Minister the report of the metropolitan borough council or such report revised as hereinbefore provided as the case may require.

(2) As respects the administrative county of London other than the City of London, the London County Council shall be the local authority for the purposes of the provisions of section fifty-seven of this Act relating to the submission of proposals for the provision of new houses required in order to abate overcrowding :

Provided that—

- (a) if a metropolitan borough council propose to provide houses themselves for the purpose of abating overcrowding, they shall, when

PART IV.
—cont.

submitting to the London County Council their report under section fifty-seven of this Act, or as soon as may be thereafter, submit to the county council proposals for the provision of such houses;

- (b) if the London County Council are of opinion that, having regard to the amount of suitable land available in the borough for the purpose of the provision of such houses, to the financial and other resources of the metropolitan borough council for such provision, or to any other relevant consideration to be stated by the county council in writing at the time, the metropolitan borough council will not be in a position to provide within a reasonable time or at a reasonable cost the number of new houses proposed by them, the county council shall consult with the metropolitan borough council with a view to the revision of the proposals by agreement between the two councils;
- (c) the London County Council, when submitting their proposals under section fifty-seven of this Act for the county, shall transmit to the Minister copies of any proposals made by a metropolitan borough council, or such proposals as revised as hereinbefore provided, as the case may be.

(3) If any difference arises between the London County Council and a metropolitan borough council as to the number of houses to be stated in the report as required in order to abate overcrowding within the borough, or as to the provision of such houses by the metropolitan borough council, the difference shall be referred to the Minister, whose decision shall be final.

Contributions by London County Council to expenses in relation to overcrowding.

70. The London County Council shall, as respects the period from the sixteenth day of May, nineteen hundred and thirty-four, to the thirty-first day of March, nineteen hundred and forty-one, and may, as respects any period subsequent to the last-mentioned date, pay to a metropolitan borough council a sum equal to one-half of the expenses incurred by the last-mentioned

council in the remuneration of any person specifically employed by that council for the purpose of rendering clerical or other assistance to a sanitary inspector in connection with—

PART IV.
—*cont.*

- (a) any inspection of the borough made by the metropolitan borough council with a view to ascertaining what dwelling-houses therein are overcrowded, and the preparation of the report thereon; and
- (b) the enforcement of the provisions of this Part of this Act :

Provided that the London County Council shall not be required to pay any sum to a metropolitan borough council under this subsection unless the following conditions are satisfied in relation to that council, that is to say—

- (i) as respects any period before the second day of August, nineteen hundred and thirty-five, the amount of the expenses so incurred must be approved by the London County Council;
- (ii) as respects any period after the second day of August, nineteen hundred and thirty-five, the metropolitan borough council must obtain the prior approval of the London County Council to the number of persons to be so employed and their rate of remuneration;
- (iii) the metropolitan borough council must comply with such reasonable conditions as the London County Council may think fit to impose as to the rate of progress to be made with respect to the inspection of the borough, and as to the arrangements to be made for the carrying out by the metropolitan borough council of their duties in relation to overcrowding; and
- (iv) the metropolitan borough council must submit to the London County Council at the end of each year information as to the steps taken in connection with, and as to the result of, the enforcement of the provisions relating to overcrowding in the borough, together with a copy of any particulars furnished to the Minister in pursuance of section sixty-seven of this Act.

PART V.

PROVISION OF HOUSING ACCOMMODATION FOR THE
WORKING CLASSES.*General Powers and Duties of Local Authorities.*

Duty of local authorities periodically to review housing conditions in their areas and to frame proposals.

71. It shall be the duty of every local authority to consider the housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation for the working classes and for that purpose to review the information which has been brought to their notice, either as a result of inspections and surveys carried out under section five of this Act or otherwise, and as often as occasion arises, or within three months after notice has been given to them by the Minister, to prepare and submit to the Minister proposals for the provision of new houses for the working classes, distinguishing those houses which the authority propose to provide for the purpose of rendering accommodation available for persons to be displaced by, or in consequence of, action taken by the authority under this Act.

Mode of provision of accommodation.

72.—(1) A local authority may provide housing accommodation for the working classes—

- (a) by the erection of houses on any land acquired or appropriated by them;
- (b) by the conversion of any buildings into houses for the working classes;
- (c) by acquiring houses suitable for the purpose;
- (d) by altering, enlarging, repairing or improving any houses or buildings which have, or an estate or interest in which has, been acquired by the local authority.

Any such powers as aforesaid may, for supplying the needs of the district, be exercised outside the district of the local authority.

(2) The local authority may alter, enlarge, repair or improve any house so erected, converted, or acquired, and may fit out, furnish and supply any such house with all requisite furniture, fittings, and conveniences.

(3) It shall be the duty of a local authority for the purposes of this Part of this Act by whom any house is erected under the enactments relating to the housing of the working classes after the second day of August, nineteen hundred and thirty-five, whether with or without financial assistance from the Government, to secure—

PART V.
—cont.

- (a) that a fair wages clause complying with the requirements of any resolution of the Commons House of Parliament for the time being in force with respect to contracts of government departments, is inserted in all contracts for the erection of the house; and
- (b) except in so far as the Minister may, in any particular case, dispense with the observance of this paragraph, that the house is provided with a fixed bath in a bathroom.

(4) For the purpose of this Part of this Act, “provision of housing accommodation” includes the provision of lodging-houses, and separate houses or cottages containing one or several tenements, and, in the case of a cottage, a cottage with a garden of not more than one acre.

73. A local authority shall have power under this Part of this Act—

- (a) to acquire any land, including any houses or other buildings thereon, as a site for the erection of houses for the working classes;
- (b) to acquire any houses or other buildings which are, or may be made, suitable as houses for the working classes, together with any lands occupied with such houses or other buildings, or any estate or interest in such houses or other buildings and lands;
- (c) to acquire land for the purpose of—

Power of local authority to acquire land for provision of accommodation.

(i) the lease or sale of the land, under the powers conferred by this Act, with a view to the erection thereon of houses for the working classes by persons other than the local authority;

PART V.
—cont.

(ii) the lease or sale under the powers conferred by this Act of any part of the land acquired with a view to the use thereof for purposes which in the opinion of the local authority are necessary or desirable for, or incidental to, the development of the land as a building estate, including the provision, maintenance, and improvement of houses and gardens, factories, workshops, places of worship, places of recreation, and other works or buildings for, or for the convenience of, persons belonging to the working classes and other persons.

Mode of
acquisition
of land for
provision of
accommo-
dation.

74.—(1) Land for the purposes of this Part of this Act may be acquired by a local authority by agreement, or they may be authorised to purchase land compulsorily for those purposes by means of a compulsory purchase order made and submitted to the Minister and confirmed by him in accordance with the provisions of the First Schedule to this Act.

(2) A local authority may, with the consent of and subject to any conditions imposed by the Minister, acquire land for the purposes of this Part of this Act, notwithstanding that the land is not immediately required for those purposes :

Provided that a local authority shall not be authorised to purchase any land compulsorily for those purposes unless it appears to the Minister that it is likely to be required for those purposes within ten years from the date on which he confirms the compulsory purchase order.

(3) Where land is purchased compulsorily by a local authority under this section, the compensation payable in respect thereof shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, subject to observance of the rules specified in the Fourth Schedule to this Act.

(4) The provisions of the Second Schedule to this Act shall have effect with respect to the validity and date of operation of a compulsory purchase order made under this section.

75. Nothing in this Act shall authorise the compulsory acquisition for the purposes of this Part of this Act of any land which is the property of any local authority, or which is the property of statutory undertakers, having been acquired by them for the purposes of their undertaking, or which at the date of the compulsory purchase order forms part of any park, garden or pleasure ground, or is otherwise required for the amenity or convenience of any house.

PART V.
—*cont.*
Restrictions as to compulsory acquisition of land for purposes of Part V.

76. A local authority may, with the consent of the Minister, appropriate, for the purposes of this Part of this Act, any houses or land which may be for the time being vested in them, or at their disposal, subject as respects land vested in them for educational purposes to the provisions of section one hundred and fourteen of the Education Act, 1921.

Appropriation of land for provision of accommodation.

77. The provision of houses under this Part of this Act shall be deemed to be a local sanitary requirement for the purpose of the New Forest (Sale of Lands for Public Purposes) Act, 1902 :

11 & 12
Geo. 5. c. 51.

Provided that the total area of land being part of the New Forest which may be sold or let for the provision of houses shall not exceed thirty acres.

Sale or lease of land in New Forest for provision of accommodation.
2 Edw. 7.
c. cxviii.

78.—(1) A local authority or a county council may, notwithstanding anything in section three hundred and twenty-seven or section three hundred and thirty-two of the Public Health Act, 1875, but subject to the provisions of section fifty-two of that Act, be authorised to abstract water from any river, stream or lake, or the feeders thereof, whether within or without the district of the local authority or the county, for the purpose of affording a water supply for houses provided under this Part of this Act, and to do all such acts as may be necessary for affording a water supply to such houses, subject to a prior obligation of affording a sufficient supply of water to any houses or agricultural holdings or other premises that may be deprived thereof by reason of such abstraction, in like manner and subject to the like restrictions as they may be authorised to acquire land for the purposes of this Part of this Act :

Power to acquire water rights for houses provided.
38 & 39 Vict.
c. 55.

Provided that no local authority or county council shall be authorised under this section to abstract any

PART V.
—*cont.*

water which any local authority, corporation, company, or person are empowered by Act of Parliament to impound, take, or use for the purpose of supply within any area, or any water the abstraction of which would, in the opinion of the Minister, injuriously affect the working or management of any canal or inland navigation.

(2) Any expenses incurred by a local authority under this section in connection with any houses provided or to be provided shall be treated as part of the expenses of providing those houses.

Powers of dealing with land acquired or appropriated for provision of accommodation.

79.—(1) Where a local authority have acquired or appropriated any land for the purposes of this Part of this Act, then, without prejudice to any of their other powers under this Act, the authority may—

- (a) lay out and construct public streets or roads and open spaces on the land ;
- (b) with the consent of the Minister, sell or lease the land or part thereof to any person for the purpose and under the condition that that person will erect and maintain thereon such number of houses suitable for the working classes as may be fixed by the authority in accordance with plans approved by them and, when necessary, will lay out and construct public streets or roads and open spaces on the land, or will use the land for purposes which, in the opinion of the authority, are necessary or desirable for, or incidental to, the development of the land as a building estate in accordance with plans approved by the authority, including the provision, maintenance, and improvement of houses and gardens, factories, workshops, places of worship, places of recreation and other works or buildings for, or for the convenience of, persons belonging to the working classes and other persons ;
- (c) with the consent of the Minister, sell the land or part thereof, or exchange the land or part thereof for land better adapted for those purposes, either with or without paying or receiving any money for equality of exchange ;

- (d) with the consent of the Minister, sell or lease any houses on the land or erected by them on the land, subject to such covenants and conditions as they may think fit to impose either in regard to the maintenance of the houses as houses for the working classes or otherwise in regard to the use of the houses, and upon any such sale they may, if they think fit, agree to the price being paid by instalments or to a payment of part thereof being secured by a mortgage of the premises.

PART V.
—cont.

(2) Where a local authority under this section sell or lease land, they may contribute towards the expenses of the development of the land and the laying out and construction of streets thereon, subject to the condition that the streets are dedicated to the public.

(3) Land and houses sold or leased under the provisions of this section shall be sold or leased at the best price or for the best rent that can reasonably be obtained, having regard to any condition imposed.

(4) Where a local authority acquire a house or other building which can be made suitable as a house for the working classes, or an estate or interest in such a house or other building, they shall forthwith proceed to secure the alteration, enlargement, repair or improvement of the house or building, either by themselves executing any necessary works, or by leasing or selling it to some person subject to conditions for securing that he will alter, enlarge, repair or improve it.

(5) The provisions of sections one hundred and twenty-eight to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845 (which relate to the sale of superfluous land) shall not apply with respect to the sale by a local authority, under the powers conferred by this section, of any land acquired by the authority for the purposes of this Part of this Act.

8 & 9 Vict.
c. 18.

(6) For the purposes of this section, "sale" includes sale in consideration of a chief rent, rentcharge or other similar periodical payment, and "sell" has a corresponding meaning.

80.—(1) The powers of a local authority under this Part of this Act to provide housing accommodation, shall include a power to provide and maintain with the

Supplemen-
tary powers
in connec-
tion with

PART V.
—*cont.*
provision
of accom-
modation.

consent of the Minister and, if desired, jointly with any other person, in connection with any such housing accommodation, any building adapted for use as a shop, any recreation grounds, or other buildings or land which in the opinion of the Minister will serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided.

(2) The Minister, in giving his consent to the provision of any land or building under the foregoing provisions of this section, may by order apply, with any necessary modifications, to that land or building any statutory provisions which would have been applicable thereto if it had been provided under any enactment giving any local authority powers for the purpose.

(3) The powers of the London County Council and of a metropolitan borough council under this Part of this Act to provide housing accommodation shall include also a power to provide and maintain with the consent of the Minister in connection with any such housing accommodation any building or part of a building adapted for use for any commercial purpose:

Provided that the powers conferred by this subsection shall not be exercised outside the administrative county of London except with the consent of the council of the borough or district concerned.

Execution
of works
in connec-
tion with
housing
operations
by local
authority
outside its
own area.

81.—(1) Where any housing operations under this Part of this Act are being carried out by a local authority outside their own area, that authority shall, subject to the approval of the Minister, have power to execute any works which are necessary for the purposes, or are incidental to the carrying out, of the operations, subject to entering into agreements with the council of the county, borough or district in which the operations are being carried out as to the terms and conditions on which any such works are to be executed.

(2) Where housing operations under this Act have been carried out by a local authority outside their own area, and for the purposes of the operations public streets or roads have been constructed and completed by that local authority, the liability to maintain the streets or roads shall vest in the council of the borough or district in which the operations were

carried out, unless that council are, or on appeal the Minister is, satisfied that the streets or roads have not been properly constructed in accordance with the plans and specifications approved by the Minister.

PART V.
—cont.

(3) Where housing operations under this Act have been carried out by a local authority outside their own area, and a habitation certificate from the council of the borough or district in which the houses are situate is in that borough or district required under any local Act or byelaw, such a certificate shall not be necessary in respect of any of the houses which were constructed in accordance with plans and specifications approved by the Minister.

(4) Where housing operations under this Act have been carried out by the London County Council within the area of a metropolitan borough, the liability to maintain the streets or roads shall vest in the council of that metropolitan borough, unless that council are, or on appeal the Minister is, satisfied that the streets or roads have not been properly constructed in accordance with plans and specifications approved by the Minister.

82. Where the Minister approves the proposals of a local authority in relation to the provision of houses, whether under this Act or any other Act, in the area of another local authority, any difference arising between those authorities with respect to the carrying out of the proposals may be referred by either authority to the Minister, and the Minister's decision shall be final and binding upon the authorities.

Adjustment
of differ-
ences
between
local autho-
rities as to
carrying out
proposals.

Management, &c., of Local Authority's Houses.

83.—(1) The general management, regulation, and control of houses provided by a local authority under this Part of this Act shall be vested in and exercised by the authority, and the authority may make such reasonable charges for the tenancy or occupation of the houses as they may determine.

Manage-
ment and
inspection
of local
authority's
houses.

(2) Without prejudice to the provisions of the foregoing subsection, any such house shall be at all times open to inspection by the local authority of the district in which it is situate, or by any officer duly authorised by them.

PART V.
—cont.
Byelaws for
regulation
of local
authority's
houses.

84.—(1) A local authority may make byelaws for the management, use, and regulation of houses provided by them.

(2) A local authority shall as respects lodging-houses provided by them (that is to say, houses not occupied as separate dwellings) by byelaws make sufficient provision for the following purposes:—

- (a) for securing that the lodging-houses shall be under the management and control of the officers, servants, or others appointed or employed in that behalf by the local authority;
- (b) for securing the due separation at night of men and boys above eight years old from women and girls;
- (c) for preventing damage, disturbance, interruption, and indecent and offensive language and behaviour and nuisances;
- (d) for determining the duties of the officers, servants and others appointed by the local authority;

and a printed copy or sufficient abstract of the byelaws relating to lodging-houses shall be put up and at all times kept in every room therein.

(3) Any fine for the breach of any such byelaw shall be recoverable summarily and shall (subject to the provisions of section five of the Criminal Justice Administration Act, 1914) be paid to the credit of the fund or rate out of which the expenses of this Part of this Act are defrayed.

4 & 5 Geo. 5.
c. 58.

(4) The Minister shall be the confirming authority as respects byelaws made under this section.

(5) The provisions of section two hundred and seventy-seven of the Public Health (London) Act, 1936, shall apply to byelaws under this section as respects the City of London.

24 & 25
Geo. 5. c. xl.

(6) The proviso to subsection (1) of section thirty-nine of the London County Council (General Powers) Act, 1934, shall have effect where the London County Council make byelaws under this section as it has effect in relation to the byelaws referred to in that proviso.

85.—(1) A local authority shall, in relation to all houses and dwellings in respect of which they are required by section one hundred and twenty-eight of this Act to keep a Housing Revenue Account, observe the requirements specified in the following provisions of this section.

PART V.
—cont.
Conditions to be observed in management of local authority's houses.

(2) The authority shall secure that in the selection of their tenants a reasonable preference is given to persons who are occupying insanitary or overcrowded houses, have large families or are living under unsatisfactory housing conditions.

(3) The authority shall secure that a number of houses or dwellings equal to the number of those in respect of which—

(a) the authority have received assistance under section one of the Housing (Rural Workers) Act, 1926; or

16 & 17
Geo. 5. c. 56.

(b) the Minister has undertaken to pay a contribution to the authority under subsection (2A) of section four of the Housing (Rural Workers) Act, 1926;

are reserved for such persons as are mentioned in paragraph (a) of subsection (1) of section three of that Act, except in so far as the demand for housing accommodation in the district of the authority on the part of such persons can be satisfied without such reservation.

(4) The authority shall secure that a number of houses equal to the number of those in respect of which the county council have undertaken to make a contribution to the authority under subsection (2) of section one hundred and fifteen of this Act, or are required by subsection (3) of that section to make a contribution to the authority, are reserved for members of the agricultural population, except in so far as the demand for housing accommodation in the district of the authority on the part of members of the agricultural population can be satisfied without such reservation.

(5) In fixing rents the authority shall take into consideration the rents ordinarily payable by persons of the working classes in the locality, but may grant to any tenant such rebates from rent, subject to such terms and conditions, as they may think fit.

PART V.
—*cont.*

(6) The authority shall from time to time review rents and make such changes, either of rents generally or of particular rents, and rebates (if any) as circumstances may require.

(7) The authority shall make it a term of every letting that the tenant shall not assign, sub-let or otherwise part with the possession of the premises, or any part thereof, except with the consent in writing of the authority, and shall not give such consent unless it is shown to their satisfaction that no payment other than a rent which is in their opinion a reasonable rent has been, or is to be, received by the tenant in consideration of the assignment, sub-letting or other transaction.

(8) The conditions contained in section three of the Housing (Rural Workers) Act, 1926, shall not have effect in relation to dwellings to which the requirements of this section apply.

Conditions
on sale of
local autho-
rity's
houses.

86. If any house, building, land or dwelling in respect of which a local authority are required by section one hundred and twenty-eight of this Act to keep a Housing Revenue Account is sold by the authority with the consent of the Minister, he may in giving consent impose such conditions, and may reduce the amount of any Exchequer contribution payable to the authority, or of any of the contributions referred to in the Eighth Schedule to this Act payable by the authority, as he thinks just.

Power to
establish
Housing
Manage-
ment Com-
missions.

87.—(1) Where it appears to a local authority to be expedient that a Housing Management Commission should be established with a view to the transfer to and the performance by the Commission of all or any of the functions of the authority under the enactments relating to housing with respect to the management, regulation and control, and the repair and maintenance, of working-class houses and other buildings or land provided in connection with such houses, the authority shall prepare and submit to the Minister a scheme making provision for the establishment of the Commission, and for the incorporation thereof, under the name of the Housing Management Commission with the addition of the name of the district of the local authority, with perpetual succession and a common seal, and power to hold land for the purposes of their constitution without licence in mortmain.

(2) A scheme submitted as aforesaid may make provision with respect to the constitution, procedure and functions of the Commission and in particular, but without prejudice to the generality of the foregoing words, may make provision—

PART V.
—cont.

- (a) as to the mode of appointment and term of office of the members of the Commission;
 - (b) as to the payment of remuneration out of funds under the control of the Commission to the chairman of the Commission, where he is not a member of the local authority or of any committee or sub-committee of the local authority or a representative of the local authority on a joint committee appointed by agreement between them and another body;
 - (c) as to the employment by the Commission of officers and staff and the remuneration out of funds under the control of the Commission and the superannuation of persons so employed;
 - (d) as to the financial relations between the local authority and the Commission;
 - (e) for conferring on the local authority power to defray temporarily on behalf of the Commission any of their expenses;
 - (f) for making the accounts of the Commission subject to audit by a district auditor or otherwise;
 - (g) for determining what property is to be vested in the Commission, and for what estate or interest, and whether by way of transfer of the estate or interest of the local authority or of the creation of a lesser estate or interest or otherwise, and the manner in which that vesting is to be effected, and as to the re-vesting of property in the local authority in the event of the dissolution of the Commission or in other circumstances; and
 - (h) for imposing on the Commission the duty to consult the Central Housing Advisory Committee as respects any matter specified in the scheme.
- (3) The provisions of section one hundred and fifty of, and the Fourth Schedule to, the Local Government

PART V. Act, 1933 (which relate to the transfer and compensation
—cont. of officers of a local authority affected by a scheme or
order under Part VI of that Act), shall have effect in
relation to a scheme submitted under this section as they
have effect in relation to a scheme or order under the
said Part VI, and as if references therein to a local
authority included references to the Commission.

(4) A scheme submitted under this section may provide for the application with necessary modifications of the enactments (including schemes) governing the superannuation of persons employed by the local authority for the purposes of the superannuation of persons employed by the Commission as if they had been persons employed by the local authority and as if employment by the Commission had been employment by the local authority.

(5) The Minister may approve a scheme submitted to him under this section with or without modifications, and any such scheme when approved by the Minister shall have effect as from such date as may be specified therein and may be amended by a further scheme submitted by the local authority and approved by the Minister.

(6) Unless the scheme makes provision for making the accounts of the Commission subject to audit by a district auditor, no person shall be qualified to be appointed as auditor of those accounts unless he is a member of one or more of the following bodies, namely:—

The Institute of Chartered Accountants in England and Wales;

The Society of Incorporated Accountants and Auditors;

The Society of Accountants in Edinburgh;

The Institute of Accountants and Actuaries in Glasgow;

The Society of Accountants in Aberdeen;

The London Association of Certified Accountants, Limited;

The Corporation of Accountants, Limited.

*Special Provisions as to Rural Districts.*PART V.
—cont.

88.—(1) It shall be the duty of the council of every county, as respects each rural district within the county, to have constant regard to the housing conditions of persons of the working classes, the extent to which overcrowding or other unsatisfactory housing conditions exist and the sufficiency of the steps which the council of the district have taken, or are proposing to take, to remedy those conditions and to provide further housing accommodation.

Duty of county council in respect of housing conditions in rural districts.

(2) The council of every rural district shall at such intervals, not being in any case less than one year, as the county council may direct, furnish to that council such information with regard to the matters mentioned in the foregoing subsection as the county council may reasonably require for the purpose of enabling them to carry out their duties thereunder.

89.—(1) The council of any county may, for the purpose of assisting the council of any rural district within the county in the performance of their duties under this Part of this Act, agree with the district council for the exercise by the county council of all or any of the powers of the district council under this Part.

Agreements by county council for assisting rural district councils in provision of accommodation.

(2) An agreement made under this section may contain such provisions with regard to the expenses to be incurred by the county council, including the raising of loans to meet those expenses, and with regard to the vesting in the district council of any houses built by the county council under the agreement and such other incidental or consequential provisions as the councils think proper; and, for the purposes of any such agreement and so far as it extends, the county council shall be deemed to be a local authority for the purposes of this Part and section one hundred and five of this Act and of section twenty-seven of the Housing Act, 1930.

(3) Subject to the provisions of any such agreement as aforesaid, Government contributions shall be payable under section one hundred and five of this Act to that one of the councils by which re-housing accommodation available for displaced persons is provided,

PART V. notwithstanding that the operations in consequence
—cont. of which those persons were displaced were initiated or
carried out by the other council.

*Power of certain authorities to assist financially the erection
of houses, improvement of housing accommodation, &c.*

Loans by
local
authorities
for the
improvement of
housing
accommodation.

90.—(1) If the owner of a house or building applies to the local authority of the district in which the house or building is situated for assistance for the purpose of carrying out works for the reconstruction, enlargement, or improvement thereof, and the local authority are of opinion that after the works are carried out the house or building would be in all respects fit for habitation as a house or as houses for the working classes, and that the circumstances of the district in regard to housing accommodation are such as to make it desirable that the works should be carried out, the local authority may lend to the owner the whole or any part of such sum as may be necessary to defray the cost of the works, and any expenses incidental thereto :

Provided that the loan shall not exceed one-half of the estimated value of the property mortgaged, unless some additional or collateral security is given sufficient to secure the excess.

(2) Before the works are commenced, full particulars of the works and, where required by the local authority, plans and specifications thereof shall be submitted to the local authority for their approval, and before any loan is made the authority shall satisfy themselves that the works in respect of which the loan is to be made have been carried out in a satisfactory and efficient manner.

(3) For the purpose of this section, “owner” means any person whose interest, or any number of persons whose combined interests, constitutes or constitute either an estate of fee simple in possession, or a leasehold interest in possession for a term of years absolute whereof a period of not less than ten years in excess of the period fixed for the repayment of the loan remains unexpired at the date of the loan.

91.—(1) A local authority for the purposes of this Part of this Act, or a county council, may, subject to such conditions as may be approved by the Minister—

(a) advance money, subject to the provisions herein-after contained, to persons or bodies of persons—

(i) constructing or altering or undertaking to construct or alter houses; or

(ii) carrying out or undertaking to carry out repairs to any house in any case where the authority or council consider that having regard to the cost of those repairs, or the financial position of the applicant, it is reasonable to give to him such assistance; or

(iii) acquiring or undertaking to acquire houses the construction of which was begun after the twenty-fifth day of April, nineteen hundred and twenty-three;

whether such houses are within or without the district of the authority or council;

(b) undertake to guarantee the repayment to a society incorporated under the Building Societies Acts, 1874 to 1894, or the Industrial and Provident Societies Acts, 1893 to 1928, of any advances, with interest thereon, made by the society to any of its members for the purpose of enabling them to build houses or acquire houses, whether within or without the district of the authority or council, being houses the construction of which was commenced after the twenty-fifth day of April, nineteen hundred and twenty-three or, in the case of an undertaking to be given by the London County Council, after the thirty-first day of July, nineteen hundred and nineteen;

(c) in the case of the conversion of a house into two or more separate and self-contained flats, undertake that, if the aggregate rateable value of the flats exceeds the rateable value of the house before conversion, they will, during such period not exceeding twenty years as is specified in the undertaking, refund to the person by whom the rates on any such flat are

PART V.
—*cont.*
Power of local authorities to make advances, &c., for the purposes of increasing housing accommodation.

PART V.
—cont.

payable the whole or any part of the difference between the rates paid by him and the rates which would be payable if the rateable value of the flat were reduced by such an amount that the reduced value would bear to the rateable value the same proportion as the rateable value of the house before conversion bears to the aggregate rateable value of the flats.

(2) The local authority or county council before granting any such assistance shall satisfy themselves that the houses or flats in respect of which assistance is to be given, will, when the building, alteration, repair or conversion has been completed, be in all respects fit for human habitation, and in particular that the superficial area of any such house or flat will not be less than—

(a) in the case of a two-storied house, six hundred and twenty superficial feet; or

(b) in the case of a structurally separate and self-contained flat or a one-storied house, five hundred and fifty superficial feet;

those measurements being calculated in accordance with the rules made by the Minister :

Provided that, if the authority or council in any particular case satisfy the Minister that, having regard to special circumstances existing in their area, there is a need for houses of smaller dimensions, the minimum measurement may be reduced, as respects such limited number of houses for that area and subject to such conditions as the Minister may determine, in the case of a two-storied house, to five hundred and seventy and, in the case of a flat or a one-storied house, to five hundred, superficial feet.

(3) Any such advance as aforesaid shall be subject to the following conditions :—

(a) the advance with interest thereon shall be secured by mortgage, and the advance shall not exceed ninety per cent. of the value of the interest of the mortgagor in the property, and the mortgage deed may provide for repayment being made either by instalments of principal or by an annuity of principal and interest combined, so, however, that, in the event of any of

the conditions subject to which the advance is made not being complied with, the balance for the time being unpaid shall become repayable on demand by the local authority or council; and

- (b) the advance may be made by instalments from time to time as the building, alteration or repair of the house progresses, so, however, that the total of the advance does not at any time before the completion of the house exceed fifty per cent. of the value of the work done up to that time on the construction, or on works incidental to the construction, of the house, including the value of the interest of the mortgagor in the site thereof; and
- (c) the advance shall not be made except after a valuation duly made on behalf of the authority or council; and
- (d) where the interest upon which the advance is to be made is a leasehold interest, no advance shall be made unless that interest is a term of years absolute whereof a period of not less than ten years in excess of the period fixed for the repayment of the advance remains unexpired at the date of the advance.

In this subsection the expression "the value of the interest of the mortgagor" means, in relation to an advance secured by a mortgage created by a person who acts in that behalf in a fiduciary capacity and who has also a beneficial interest in the property, the value of the interest which that person has power to mortgage by virtue of his fiduciary capacity.

(4) An advance or guarantee under this section shall not be made or given if the estimated value of the fee simple in possession free from incumbrances of the house in respect of which the advance or guarantee is to be made or given exceeds eight hundred pounds, but such an advance or guarantee may be made or given in addition to assistance given by the local authority under any other Act in respect of the same house.

In the case of an advance or guarantee for the construction of one or more structurally separate and self-contained flats, the estimated value for the purposes

PART V.
—cont.

of the foregoing limitation shall as respects any flat be the estimated value of the flat.

(5) An advance made under this section shall, for the purposes of this section, be deemed to be made on the date on which the mortgage securing the advance is executed.

(6) Any expenses incurred by a county council under this section shall be defrayed as expenses for general county purposes.

Loans by
Public
Works
Loan Com-
missioners
to com-
panies, &c.

92.—(1) The Public Works Loan Commissioners may, subject to the provisions of this section, lend money to any such person as is hereafter mentioned for the purpose of constructing or improving, or facilitating or encouraging the construction or improvement of, houses for the working classes, and, in the case of a housing association, for the purchase of houses which may be made suitable as houses for the working classes and for the purchase and development of land, and any such person may borrow from the Public Works Loan Commissioners such money as may be required for the purposes aforesaid.

(2) The persons to whom money may be so lent and who may so borrow are—

(a) any railway company or dock or harbour company, or any housing association or any other company, society, or association established for the purpose of constructing or improving, or of facilitating or encouraging the construction or improvement of, houses for the working classes, or for trading or manufacturing purposes, in the course of whose business, or in the discharge of whose duties, persons of the working classes are employed; and

(b) any person entitled to any land for an estate in fee simple absolute in possession, or for any term of years absolute whereof not less than fifty years for the time being remain unexpired.

(3) A loan for any of the purposes specified in subsection (1) of this section shall be secured with interest thereon by mortgage of the land and houses in respect of which that purpose is to be carried out, and of such other lands and houses (being houses which have been constructed or made suitable for the working classes

by the company, association, society, or person receiving the loan), if any, as may be offered as security for the loan.

PART V.
—cont.

(4) Any such loan may be made whether the borrower has or has not power to borrow independently of this Act; but nothing in this Act shall affect any regulation, statutory or otherwise, whereby any company may be restricted from borrowing until a definite portion of capital is subscribed for, taken, or paid up.

(5) The following conditions shall apply in the case of any such loan :—

- (a) the period for repayment shall not exceed forty years :
- (b) no money shall be lent on mortgage of any land or houses, unless the estate therein proposed to be mortgaged is either an estate in fee simple absolute in possession or an estate for a term of years absolute whereof not less than fifty years are unexpired at the date of the loan :
- (c) the money lent shall not exceed such proportion as is hereinafter authorised of the value, to be ascertained to the satisfaction of the Public Works Loan Commissioners, of the estate or interest in the land or houses proposed to be mortgaged in pursuance of subsection (3) of this section, but loans may be made by instalments from time to time as the building of houses or other work on land so mortgaged progresses, so, however, that the total amount lent does not at any time exceed the amount aforesaid; and a mortgage may be accordingly made to secure such loans so to be made from time to time :

Provided that, where a loan is made under this section to a housing association for the purpose of carrying out a scheme for the provision of houses for the working classes approved by the Minister,—

- (i) the maximum period for the repayment of the loan shall be fifty instead of forty years :
- (ii) money may be lent on the mortgage of an estate for a term of years absolute whereof a period

PART V.
—*cont.*

not less than ten years in excess of the period fixed for the repayment of the sums advanced remains unexpired at the date of the loan.

(6) The proportion of such value as aforesaid authorised for the purpose of the loan shall be three-fourths :

Provided that—

(a) if the loan is to be made to a housing association and payment of the principal of and interest on the loan is guaranteed by a local authority for the purposes of this Part of this Act, or by a county council, the said proportion shall be nine-tenths ;

(b) in any other case, if the loan exceeds two-thirds of such value as aforesaid, the Public Works Loan Commissioners shall require, in addition to such a mortgage as is mentioned in subsection (3) of this section, such further security as they may think fit.

(7) Any loan made by the Public Works Loan Commissioners in pursuance of this section, or to borrowers other than local authorities for the provision of labourers' dwellings under the Public Works Loans Act, 1875, or any Act amending that Act, shall bear interest at such rate not less than three pounds two shillings and sixpence per cent. per annum as the Treasury may from time to time authorise as being in their opinion sufficient to enable the loan to be made without loss to the Exchequer.

38 & 39
Vict. c. 89.

(8) For the purpose of constructing or improving, or facilitating or encouraging the construction or improvement of, houses for the working classes, every such company, association or society as aforesaid is hereby authorised to purchase, take, and hold land, and if not already a body corporate shall, for the purpose of holding land acquired under this section and of suing and being sued in respect thereof, be nevertheless deemed a body corporate with perpetual succession.

(9) A housing association shall have power, notwithstanding anything in its rules or constitution prohibiting the payment of any interest on loan capital at a rate exceeding six per cent. per annum, to raise

money on loan at a rate of interest not exceeding the rate of interest for the time being prescribed by the Treasury for the purposes of this Act with respect to housing associations.

PART V.
—cont.

Housing Associations, &c.

93.—(1) A local authority, for the purposes of this Part of this Act, or a county council, may promote the formation or extension of, or, subject to the provisions of this Act, assist, a housing association.

Power of local authorities and county councils to promote and assist housing associations.

(2) Where a housing association is desirous of erecting houses for the working classes, which in the opinion of the Minister are required, and the local authority of the area in which the houses are proposed to be built are unwilling to acquire land with a view to selling or leasing it to the association, the county council, on the application of the association, may for this purpose acquire land and exercise all the powers of a local authority under this Part of this Act in regard to the acquisition and disposal of land, and the provisions of this Part of this Act as to the acquisition of land by local authorities shall apply accordingly.

(3) Any such local authority or county council with the consent of, and subject to any regulations or conditions which may be made or imposed by, the Minister, may, for the assistance of a housing association—

- (a) make grants or loans to the association;
- (b) subscribe for any share or loan capital of the association;
- (c) guarantee or join in guaranteeing the payment of the principal of and interest on any money borrowed by the association (including money borrowed by an issue of loan capital) or of interest on any share capital issued by the association;

on such terms and conditions as to rate of interest and repayment or otherwise and on such security as the local authority or council think fit, and notwithstanding the provisions of section four of the Industrial and Provident Societies Act, 1893, where a local authority or

56 & 57 Vict.
c. 39.

PART V. county council assist an association under this sub-
—cont. section, the local authority or council shall not be prevented from having or claiming an interest in the shares of the association exceeding two hundred pounds.

(4) Any expenses incurred by a county council under this section shall be defrayed as expenses for general county purposes.

Power of local authorities to make arrangements with housing associations.

94.—(1) A local authority may with the approval of the Minister make arrangements with a housing association for the purpose of enabling the association to—

- (a) provide housing accommodation for persons of the working classes displaced by action taken by the local authority under Part II or Part III of this Act for the demolition of insanitary houses or for the closing of parts of buildings or for dealing with clearance areas;
- (b) provide housing accommodation rendered necessary by displacements occasioned by action taken by the local authority under the provisions of Part III of this Act relating to re-development areas or under Part IV of this Act;
- (c) provide housing accommodation for persons of the working classes for the purpose of the abatement of overcrowding;
- (d) alter, enlarge, repair or improve houses or buildings which, or an estate or interest in which, the local authority have acquired with a view to the provision or improvement of housing accommodation for persons of the working classes.

(2) Arrangements made under this section shall include such terms with regard to such matters, including the types of houses to be provided, and the rents at which the houses provided are to be let, as may appear to the local authority to be expedient in view of the needs of their district in relation to the housing of the working classes and may be approved by the Minister.

(3) The like contribution, if any, shall be payable out of moneys provided by Parliament in respect of a house provided by a housing association under arrangements made under this section as would be payable if the house had been provided by the local authority, and shall be

paid by the Minister to the authority, who shall pay to the association by way of annual grant an amount not less than the contribution :

PART V.
—cont.

Provided that, if the Minister is satisfied that the association have made default in giving effect to the terms of any arrangements made between them and the local authority under this section, he may reduce the amount of any contribution payable to the authority under this subsection in respect of houses provided by the association, or suspend or discontinue the payment of any such contribution, as he thinks just.

(4) If the Minister reduces, or suspends, or discontinues the payment of, a contribution payable by him under the last foregoing subsection, the local authority may reduce to a proportionate or any less extent the annual grant payable by them to the association, or may suspend the payment thereof for a corresponding period, or may discontinue the payment thereof, as the case may be.

(5) For the purposes of section eighty of this Act, the housing accommodation in connection with which buildings or land may be provided under the said section shall include housing accommodation provided by a housing association under arrangements made with the local authority under this section or under section twenty-nine of the Housing Act, 1930.

(6) If a housing association represent to the Minister that they have submitted to the local authority proposals for arrangements under this section and that the local authority have unreasonably refused to make arrangements in accordance with the proposals, the Minister may require the authority to furnish him with a report as to the matter stating the reasons for their refusal.

95. Where the Minister has undertaken to make in respect of any houses under the management of a housing association contributions under more than one enactment and the association are required to observe in the management of the houses varying special conditions or terms imposed by those enactments, the Minister may, on the application of the association and

Unification
of conditions
affecting
housing
associations'
houses.

PART V.
—cont.

after consultation with any local authority who are under obligation to make grants or contributions in respect of any of the houses, make a scheme specifying, as conditions to be observed in the management of all the houses in substitution for the conditions or terms imposed as aforesaid, such conditions as he thinks fit, and in specifying the conditions to be so observed the Minister shall have regard to the provisions of this Part of this Act with respect to the conditions which a local authority are required to observe in relation to their houses.*

Power of
Minister to
recognise
central
housing
association.

96.—(1) If a central association or other body has at the date of the commencement of this Act been established, or is thereafter established, for the purpose of promoting the formation and extension of housing associations and of giving them advice and assistance, the Minister may, if he thinks fit, recognise such association or body for the purpose of this section.

(2) The Minister may, in any of the five years next following the date on which he recognises the said central association or body, make out of moneys provided by Parliament a grant in aid of the expenses thereof of such amount as he may with the approval of the Treasury determine.

Miscellaneous.

Power of
county
councils and
mental
hospitals
boards to pro-
vide houses
for their
employees.

97. A county council or mental hospitals board shall have power to provide houses for persons employed or paid by, or by a statutory committee of, the council or board, and for that purpose may be authorised to acquire or appropriate land in like manner as a local authority may be authorised to acquire or appropriate land for the purposes of this Part of this Act.

Power of
companies,
&c., to
provide
houses for
working
classes.

98. Any railway company, or dock or harbour company, or any other company, society, or association established for trading or manufacturing purposes in the course of whose business, or in the discharge of whose duties, persons of the working class are employed, may (notwithstanding any Act of Parliament, or charter, or any rule of law or equity to the contrary) at any time

erect, either on their own land or on any other land (which they are hereby authorised to purchase and hold for the purpose and to pay for out of any funds at their disposal), houses for the accommodation of all or any of the persons of the working class employed by them.

PART V.
—*cont.*

99.—(1) The trustees of any houses for the working classes for the time being provided in any district by private subscriptions or otherwise, may, with the consent of a majority of the committee or other persons by whom they were appointed trustees, sell or lease the houses to the local authority of the district, or make over to them the management thereof.

Trusts for provision of houses for working classes.

(2) If in any case it appears to the Minister that the institution of legal proceedings is requisite or desirable with respect to any property required to be applied under any trusts for the provision of houses available for the working classes, or that the expediting of any such legal proceedings is requisite or desirable, the Minister may certify the case to the Attorney-General, and the Attorney-General may institute any legal proceedings, or intervene in any legal proceedings already instituted, in such manner as he thinks proper in the circumstances.

(3) Before preparing any scheme with reference to property required to be applied under any trusts for the provision of houses available for the working classes, the court or body which is responsible for making the scheme shall communicate with the Minister and consider any recommendations made by him with reference to the proposed scheme.

100. Any body corporate holding land may sell, exchange, or lease the land for the purpose of the erection of houses for the working classes at such price, or for such consideration, or for such rent, as having regard to the said purpose and to all the circumstances of the case is the best that can reasonably be obtained, notwithstanding that a higher price, consideration, or rent might have been obtained if the land were sold, exchanged, or leased for another purpose.

Power of corporate bodies to sell or let land for housing purposes.

PART V.
—*cont.*
Power of
water and
gas com-
panies to
supply on
favourable
terms.

101. Any commissioners or trustees of waterworks, water companies, gas companies, and other corporations, bodies and persons having the management of any waterworks, reservoirs, wells, springs, or streams of water, and gasworks respectively, may, in their discretion, grant and furnish supplies of water or gas for houses provided under this Part of this Act, either without charge or on such other favourable terms as they think fit.

Exercise of
Public Health
Acts powers
for purposes
of Part V.

102. The local authority may, for the purposes of this Part of this Act, exercise the same powers as in the execution of their duties under the Public Health Acts.

Provisions as to London.

Local
authority
for Part V
in London
(other than
the City).

103.—(1) As respects the administrative county of London other than the City of London, the question whether in any case the London County Council or the metropolitan borough council are to be the local authority for the purposes of this Part of this Act shall be determined in accordance with the succeeding provisions of this section.

(2) The London County Council shall be the local authority for the purposes of this Part of this Act so far as regards the provision of any houses outside the administrative county of London and for the purposes of section ninety-one of this Act.

(3) The London County Council shall carry out such reviews of housing conditions and submit to the Minister such proposals for the provision of new houses as are required by this Part of this Act, but, before preparing any such proposals, the county council shall consult with the councils of the several metropolitan boroughs, and the council of every metropolitan borough shall furnish such information as may reasonably be required by the London County Council for the purpose of preparing any such proposals.

(4) Subject as hereinafter provided, a metropolitan borough council shall be the local authority for the metropolitan borough so far as regards the provision of houses within the metropolitan borough :

Provided that—

PART V.
—cont.

- (a) nothing in this section shall prejudice or affect the rights, powers and privileges of the London County Council in regard to any lands, buildings or works acquired, provided or carried out by the county council before the thirty-first day of July, nineteen hundred and nineteen;
- (b) without prejudice to the powers conferred on a metropolitan borough council by this Act with respect to the provision of housing accommodation within their borough, the London County Council shall be a local authority for the purposes of this Part of this Act as respects any part of the administrative county of London, other than the City of London, for the purpose of providing housing accommodation for persons of the working classes being either—
- (i) accommodation rendered necessary by displacements occasioned by action taken by the county council or by a metropolitan borough council under this Act for the demolition of insanitary houses or for dealing with a clearance area; or
 - (ii) accommodation required for the purpose of the abatement of overcrowding; or
 - (iii) accommodation rendered necessary by displacements occasioned by action taken by the county council or by a metropolitan borough council under the provisions of Part III of this Act relating to re-development areas or under Part IV of this Act;
- (c) without prejudice to the powers conferred on a metropolitan borough council by this Act with respect to the provision of housing accommodation within their borough, the London County Council shall be a local authority as respects any part of the administrative county of London, other than the

PART V.
—cont.

City of London, for the following purposes, that is to say, for the purposes of—

(i) paragraphs (b), (c) and (d) of subsection (1) of section seventy-two of this Act;

(ii) subsection (2) of section seventy-two of this Act, so far as that subsection relates to houses converted or acquired by a local authority;

(iii) paragraphs (b) and (c) of subsection (1) of section seventy-three of this Act;

(d) where the London County Council are satisfied that there is in a metropolitan borough land, whether with or without buildings thereon, which is suitable for development for housing, the county council may submit for the approval of the Minister a scheme for the development of that land to meet the needs of districts situate outside that borough or, with the consent of the council of that borough, to meet the needs thereof, and the county council may carry into effect any scheme which is so approved.

(5) The Minister may by order direct that any of the powers or duties of a metropolitan borough council under this Part of this Act, other than their powers under section ninety, shall be transferred to the London County Council, or that any of the powers or duties of the London County Council under this Part of this Act, other than their duties under subsection (3) of this section or their powers under section ninety-one, shall be transferred to a metropolitan borough council.

Exercise by local authorities in London of certain powers for purposes of Part V.
38 & 39 Vict. c. 55.

104.—(1) So much of subsection (1) of section seventy-four of this Act as provides that a local authority may acquire land for the purposes of this Part of this Act by agreement shall have effect so as to authorise a local authority in the administrative county of London to acquire land for those purposes by agreement in like manner as if those purposes were purposes of the Public Health Act, 1875, and sections one hundred and seventy-five to one hundred and seventy-eight of that Act so far

as they relate to the purchase of land by agreement shall apply accordingly and shall for the purposes of this Part of this Act extend to London in like manner as if the Common Council of the City of London, the London County Council and a metropolitan borough council, respectively, were a local authority in the said sections mentioned.

PART V.
—cont.

(2) The powers which a local authority are authorised by section one hundred and two of this Act to exercise for the purposes of this Part of this Act shall, in the case of a local authority in the administrative county of London, include powers of contract, and for the reference in the said section to duties under the Public Health Acts there shall be substituted, in relation to the London County Council, a reference to duties under the Metropolis Management Acts, 1855 to 1893, and, in relation to the Common Council of the City of London, a reference to duties under the City of London (Sewers) Acts, 1848 to 1897.

PART VI.

FINANCIAL PROVISIONS.

Government Contributions.

105.—(1) The Minister shall, subject to the provisions of this Part of this Act, make or undertake to make contributions out of moneys provided by Parliament towards any expenses incurred by a local authority in connection with any action taken by them under this Act for the demolition of insanitary houses, or for dealing with clearance or improvement areas, or for the closing of parts of buildings, and in connection with the provision and maintenance of the housing accommodation rendered necessary by any action so taken or by displacements, occurring in the carrying out of re-development in accordance with a re-development plan, from houses which are unfit for human habitation and not capable at reasonable expense of being rendered so fit.

Government
contribu-
tions
towards
provision
of accom-
modation
for persons
displaced
from unfit
houses, &c.

(2) A contribution under this section shall be payable annually for a period of forty years, and shall be the appropriate sum (as hereinafter defined) multiplied by the number of persons of the working classes whose

PART VI.
—cont.

displacement is shown to the satisfaction of the Minister to have been rendered necessary by such action of the local authority as is mentioned in the last foregoing subsection :

Provided that the number of persons to be taken into account in calculating the contribution shall not exceed the number of persons of the working classes for whom suitable accommodation has, with the approval of the Minister, been rendered available by the authority in new houses.

(3) For the purposes of the last foregoing subsection the expression "appropriate sum" means—

(a) in the case of persons displaced from houses in an agricultural parish, the sum of two pounds ten shillings; and

(b) in the case of persons displaced from houses in other parishes, the sum of two pounds five shillings :

Provided that, if in any case the Minister certifies that it is necessary to provide on a site in a clearance area re-housing accommodation in buildings of more than three storeys, or to provide such accommodation on any other site which has been, or is to be, acquired or appropriated for the purpose with the consent of the Minister and of which the cost or, in the case of a site not purchased for the purpose, the value, as certified by the Minister, exceeds three thousand pounds per acre, the appropriate sum as respects persons for whom such accommodation is made available shall be three pounds ten shillings.

(4) For the purposes of the proviso to the last foregoing subsection, a group of buildings erected with the approval of the Minister within the same curtilage shall be deemed to form one building, and a building or such a group of buildings as aforesaid, though not in all parts exceeding three storeys in height, shall be deemed to be a building of more than three storeys, if the Minister is satisfied that the total accommodation provided therein could not have been provided on the same site in a building containing in all parts the same number of storeys unless that number exceeded three.

(5) Contributions under this section shall not be payable if contributions are payable in respect of the

houses either under the Act of 1923 or under the Act of 1924. PART VI.
—cont.

(6) No contribution shall be made under any of the three next succeeding sections towards any expenses in respect of which the Minister is required to make contributions under this section.

(7) For the purposes of this section, a house shall be deemed to be situated in an agricultural parish if—

- (a) the net annual value of the agricultural land in the parish in which the house is situated as appearing in the valuation list in force on the first day of April, nineteen hundred and twenty-nine, exceeded twenty-five per cent. of the total net annual value of that parish as appearing in the said list; and
- (b) the population of the parish, according to the last published census before the beginning of the financial year in which persons are displaced from the house, is less than fifty persons per hundred acres.

(8) For the purposes of this section, the expression “agricultural land” has the same meaning as in the Rating and Valuation Acts, 1925 to 1932, and, in the case of any hereditament occupied by or on behalf of the Crown for public purposes, the value directed by sub-section (3) of section sixty-four of the Rating and Valuation Act, 1925, to be entered in the valuation list as representing the rateable value of that hereditament shall be taken as being in the case of agricultural land fifty per cent. of the net annual value of the hereditament and in any other case the net annual value thereof. 15 & 16
Geo. 5. c. 90.

(9) Any question whether a parish is or is not an agricultural parish within the meaning of this section shall be determined by the Minister, whose decision shall be final.

(10) As respects the administrative county of London other than the City of London, both the London County Council and the council of a metropolitan borough shall be local authorities for the purposes of this section, and contributions thereunder shall be payable to that one of those authorities by whom re-housing accommodation in new houses available for displaced persons is provided,

PART VI. notwithstanding that the operations in consequence of
 —cont. which those persons were displaced were initiated or
 carried out by the other of them.

Government
 contribu-
 tions
 towards
 provision of
 flats on sites
 of high
 value.

106.—(1) The Minister shall, subject to the provisions of this Part of this Act, undertake to make, and make, contributions out of moneys provided by Parliament towards any expenses incurred by a local authority in providing for the working classes housing accommodation which is either—

- (a) required for the purpose of the abatement of overcrowding, or
- (b) rendered necessary by displacements occurring in the carrying out of re-development in accordance with a re-development plan,

in so far as such accommodation is provided with the approval of the Minister in blocks of flats on sites the cost of which as developed (ascertained in accordance with the provisions of the Sixth Schedule to this Act) exceeds one thousand five hundred pounds per acre, being blocks of flats the erection of which has been, or is, begun on or after the first day of February, nineteen hundred and thirty-five.

(2) A contribution under this section shall be the appropriate sum as defined in the Sixth Schedule to this Act, payable annually for a period of forty years, in respect of each flat which is with the approval of the Minister provided for the purposes of such accommodation as aforesaid in such a block as aforesaid.

Government
 contribu-
 tions
 towards
 provision of
 accommoda-
 tion
 otherwise
 than in flats
 on sites of
 high value.

107.—(1) Where a local authority propose to provide the whole or part of such housing accommodation as is mentioned in the last foregoing section in new houses, or in new flats not being such as to render a contribution payable under the last foregoing section, then, if the Minister is satisfied that, having regard to the amount of the expenditure already incurred or to be incurred by the authority under the enactments relating to housing in relation to the financial resources of the district, the provision of such accommodation would impose an undue burden on the district, by reason either—

- (a) of the amount of the rents which it will be practicable for the authority to charge for

the accommodation having regard to the conditions which the authority are required by Part V of this Act to observe; or

PART VI.
—*cont.*

- (b) of the necessity for providing an unusually high proportion of accommodation for large families;

he may, with the approval of the Treasury and subject to the provisions of this Part of this Act, undertake to make, and make, contributions out of moneys provided by Parliament towards any expenses incurred by the local authority in providing such accommodation with his approval in new houses or flats.

(2) A contribution under this section shall be of such amount, not exceeding five pounds, payable annually for such period, not exceeding twenty years, as the Minister considers necessary, in respect of each such house or flat provided with his approval.

108.—(1) The Minister may, subject to the provisions of this Part of this Act and on the recommendation of a committee (hereinafter referred to as the Rural Housing Committee) appointed by him with the approval of the Treasury for the purposes of this section, undertake to make, and make, contributions out of moneys provided by Parliament towards any expenses incurred by a rural district council in providing with the approval of the Minister new housing accommodation required for members of the agricultural population for the purpose of the abatement of overcrowding in the rural district.

Government
contribu-
tions
towards
expenses of
housing
members of
the agri-
cultural
population.

(2) A contribution under this section shall be of such amount, not being less than two pounds nor more than eight pounds, as the Minister may determine, payable annually for a period of forty years, in respect of each new house provided with his approval.

(3) In considering applications the Rural Housing Committee shall be guided by any general directions which may be given to them by the Minister, with the approval of the Treasury, for the purposes of this section.

109.—(1) In the year nineteen hundred and thirty-seven, after the first day of October in that year, and in each third succeeding year, after the first day of October in that year, the Minister shall take into consideration, in connection with contributions which he is required or

Review of
certain
Government
contribu-
tions in
case of new

PART VI.
—cont.
houses
provided at
future
times.

authorised to make under each of the four last foregoing sections, the amount of expenses, towards which contributions would be payable by him under that section, likely to be incurred in the period of three years from the first day of April then the next following, and the amount of such expenses incurred in connection with operations already carried out.

(2) As soon as may be after considering the matters aforesaid in any year, the Minister shall prepare with the approval of the Treasury, and lay before the Commons House of Parliament, a draft of an order providing, in relation to contributions under each of the said sections, either—

- (a) for the cesser of his obligation or power to undertake to make, or to make, contributions under that section, in the case of new houses which have not been rendered available until after a date to be specified in the order; or
- (b) for the continuance thereof without alteration; or
- (c) for the alteration of the amount of the contributions in the case aforesaid, or of the period for which they are to be payable, or of both;

and if a resolution approving the draft is passed by that House within one month from the date on which the draft is laid, the Minister shall make an order in the terms of the draft, but in any other event he shall, as soon as may be after the expiration of that period, prepare and lay a new draft, and the foregoing provisions of this subsection shall have effect in relation to any new draft as they have effect in relation to an original draft.

(3) The date to be specified in an order made under this section shall—

- (a) in the case of an order made in consequence of the consideration of the matters aforesaid in the year nineteen hundred and thirty-seven, be the thirty-first day of March nineteen hundred and thirty-eight; and
- (b) in the case of an order made in consequence of the consideration of the matters aforesaid in any subsequent year, not be earlier than the expiration of six months from the date on which the draft of the order is laid before the Commons House.

(4) An order made under this section shall not provide for the alteration of the amount of any contributions, or of the period for which any contributions are to be payable, so as to be in excess of the amount or period fixed by the section under which they are required or authorised to be made.

(5) When taking into consideration the matters aforesaid, the Minister shall consult with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable.

(6) An order under this section may make such consequential provision for the cesser of the obligation of a local authority to make contributions, or such consequential alterations of the amount or duration of contributions to be made by a local authority, as appear to the Minister to be necessary for the purpose of adjusting them to the cesser of the Minister's contributions or to alterations of the amount or duration of the Minister's contributions.

110. Where a local authority or a county council submit to the Minister proposals for guaranteeing, in exercise of their powers under paragraph (b) of subsection (1) of section ninety-one of this Act, the repayment to a society of advances made by the society to any of its members for the purpose of enabling them to build or acquire houses intended to be let to persons of the working classes, if the Minister is satisfied that the guarantee extends only to the principal of, and interest on, the amount by which the sum to be advanced by the society exceeds the sum which would normally be advanced by it without any such guarantee, and that the liability of the local authority or county council under the guarantee cannot be greater than two-thirds of that principal and interest, the Minister, if he approves the proposals, may, with the consent of the Treasury, undertake to reimburse to the local authority or county council out of moneys provided by Parliament not more than one-half of any loss sustained by them under the terms of the guarantee :

Provided that any proposals made to the Minister under this section shall—

(a) include such particulars as he may direct as to the number and type of the houses intended to

PART VI.
—cont.

Government contributions towards losses sustained under guarantees to building and other societies.

PART VI.
—*cont.*

be built or acquired and the approximate size of them measured in superficial feet; and

- (b) make provision for securing, except in so far as the Minister may in any particular case dispense with either or both of the requirements of this paragraph, that the number of such houses in relation to the area occupied or intended to be occupied by and in connection with them will not exceed the rate of twelve to the acre and that each of them will be provided with a fixed bath.

Modification of Acts of 1919 and 1923 as to certain Government contributions.

111. The provisions of the Seventh Schedule to this Act shall have effect for the purpose of the determination of the amount of the following contributions which the Minister is required or authorised to make to a local authority, that is to say,—

- (a) contributions payable under section seven of the Act of 1919, other than contributions in respect of schemes for the provision of houses for persons in the employment of, or paid by, a county council, or a statutory committee thereof; and
- (b) contributions payable under subsection (3) of section one of the Act of 1923.

Time and manner of payment of Government contributions.

112. Contributions to be made by the Minister to a local authority under any enactment in the Housing Acts shall be payable at such times and in such manner as the Treasury may direct and subject to such conditions as to records, certificates, audit or otherwise as the Minister may, with the approval of the Treasury, impose.

Power to withhold certain Government contributions in event of default.

113. If at any time the Minister is satisfied that a local authority have either—

- (a) failed to discharge any of the duties imposed on them by virtue of the Housing Acts; or
- (b) failed to observe any condition subject to which they are entitled to receive an Exchequer contribution;

the Minister may reduce the amount of any Exchequer contribution payable to the authority, or suspend or discontinue the payment of any such contribution, as he thinks just.

Contributions out of rates.

PART VI.

—cont.

114. A local authority to whom the Minister has undertaken to make a contribution under section one hundred and six, one hundred and seven or one hundred and eight of this Act in respect of any house shall make out of the general rate fund in respect thereof the contributions specified in relation thereto in the Eighth Schedule to this Act; and it shall be a condition of the right of a local authority to receive any Exchequer contribution that the authority shall make out of the general rate fund the contributions specified in that Schedule.

Local authorities' contributions.

115.—(1) When the council of a rural district have adopted proposals for the provision of houses, they may transmit to the county council a statement of their proposals and, where such a statement is so transmitted, the provisions of the next succeeding subsection shall have effect with respect to the making of contributions by the county council to the council of the rural district.

Contributions by county council towards housing expenses in rural districts.

(2) If the council of the rural district claim that any of the houses which they propose to provide are required for the accommodation of the agricultural population of the district, the county council, or, in the event of any dispute between the county council and the district council, the Minister, shall determine for the purposes of this subsection how many of the houses are so required, and thereupon the county council shall undertake to make to the district council in respect of each of the forty years next following the completion of the houses a contribution at the rate of one pound per house:

Provided that no such contribution shall be payable in respect of a number of houses greater than the number of houses so determined as aforesaid to be required for the accommodation of the agricultural population of the district.

For the purposes of this subsection, the expression "agricultural population" means persons whose employment or latest employment is or was employment in agriculture or in an industry mainly dependent upon agriculture, and includes also the dependants of such persons as aforesaid; the expression "agriculture"

PART VI.
—cont.

includes dairy-farming and poultry-farming and the use of land as grazing, meadow, or pasture land, or orchard or osier land, or woodland, or for market gardens or nursery grounds; the expression "year" means a period of twelve months commencing on the first day of April; and, in the event of any dispute, such date as the Minister may determine shall be taken to be the date of the completion of the houses.

(3) The county council shall, in respect of each house towards the cost of which the Minister has undertaken to make a contribution under section one hundred and eight of this Act, make to the district council by whom the house is provided, during the period of forty years next following the completion of the house, an annual contribution of one pound.

(4) Without prejudice to the provisions of the foregoing subsections, the county council may, in the case of any house provided with the approval of the Minister, undertake to make to the district council an annual contribution of such amount and payable during such period as may be specified in the undertaking.

(5) If the Minister reduces, or suspends or discontinues the payment of, any Exchequer contribution on the ground that the local authority have failed to discharge a duty imposed upon them by Part V of this Act to reserve accommodation for members of the agricultural population or other persons, the county council shall not be under any liability to make any contribution under the foregoing provisions of this section in respect of any year in respect of which the Exchequer contribution is not paid in full.

Expenses of Local Authorities.

Expenses
of rural
district
councils and
county
councils.

116.—(1) Subject to the provisions of this Act, any expenses incurred by a rural district council under Part II of this Act, or under the provisions of Part III of this Act relating to clearance areas or to improvement areas, shall be charged as special expenses on the contributory place in respect of which they are incurred.

(2) Subject to the provisions of this Act, any expenses incurred in the execution of this Act by a county council, other than the London County Council,

shall be defrayed as expenses for general county purposes, or as expenses for special county purposes, as the case may require.

PART VI.
—*cont.*

117.—(1) All expenses incurred in the execution of this Act by the Common Council of the City of London, or by the council of a metropolitan borough, shall be defrayed as part of their general expenses.

Expenses of
local
authorities
in London.

(2) Subject to the provisions of this subsection, all expenses incurred in the execution of this Act by the London County Council in their capacity of local authority shall be defrayed as expenses for special county purposes, and all expenses so incurred by them in any other capacity shall be defrayed as expenses for general county purposes, or as expenses for special county purposes, as the case may require :

Provided that there shall be defrayed as expenses for general county purposes any expenses incurred by the council—

- (a) in connection with any action taken by them under this Act for dealing with clearance or improvement areas, or under the provisions of Part III of this Act relating to re-development areas, or under Part IV of this Act ;
- (b) in connection with the provision and maintenance of housing accommodation rendered necessary by action taken by them under this Act for dealing with clearance or improvement areas or of housing accommodation required for the purpose of the abatement of overcrowding or rendered necessary by displacements occurring in the carrying out of re-development in accordance with a re-development plan ;
- (c) in making contributions towards any expenses incurred by the Common Council of the City of London, or the council of a metropolitan borough, in dealing with a clearance area or improvement area or in connection with any action taken by that council under the provisions of Part III of this Act relating to re-development areas or under Part IV of this Act or taken by that council in connection with the provision and maintenance of housing accommodation

PART VI.
cont.

required for the purpose of the abatement of overcrowding or rendered necessary by displacements occurring in the carrying out of re-development in accordance with a re-development plan;

- (d) under section ninety-one or ninety-three of this Act; or
- (e) in making any additional contribution out of the county fund under paragraph 8 of the Eighth Schedule to this Act.

Borrowing.

Power of local authorities to borrow for purposes of Act.

118. Subject to the provisions of this Act, a local authority may borrow—

- (a) for the purposes of Part II of this Act, so far as it relates to the execution of repairs and works by local authorities;
- (b) for the purposes of Part III (except sections fifty-four to fifty-six) and Part IV of this Act;
- (c) for the purposes of Part V of this Act, except section eighty-seven, paragraph (c) of subsection (1) of section ninety-one, and section ninety-four.

Borrowing by local authorities in London.

119. Money borrowed under this Act by a local authority in the administrative county of London may be borrowed—

- (a) in the case of the London County Council, in manner provided by the London County Council (Finance Consolidation) Act, 1912;
- (b) in the case of the Common Council of the City of London, under the City of London (Sewers) Acts, 1848 to 1897;
- (c) in the case of a metropolitan borough council, in like manner and subject to the like conditions as for the purposes of the Metropolis Management Acts, 1855 to 1893 :

Provided that—

- (i) the maximum period which may be sanctioned as the period for which money may be borrowed by such a local authority for the

purposes of this Act shall, notwithstanding the provisions of any Act of Parliament, be eighty years; and

PART VI.
—cont.

- (ii) section one hundred and ninety of the Metropolitan Management Act, 1855 (which relates to the amount of annual contributions to be made to a sinking fund), shall have effect as if for the reference therein to a sum being not less than two pounds per cent. on the amount of the money borrowed there were substituted a reference to such sum as will be sufficient with compound interest to repay the money borrowed within the period sanctioned in respect of the loan.

18 & 19 Vict.
c. 120.

120.—(1) A county council (other than the London County Council) may borrow for the purposes of this Act (other than the purposes of paragraph (c) of subsection (1) of section ninety-one of this Act).

Power of
county
councils and
mental
hospital
boards to
borrow.

(2) A mental hospital board may borrow, under and in accordance with Part IX of the Local Government Act, 1933, for the purposes of this Act so far as it relates to the provision of houses for persons in the employment of, or paid by, the board:

Provided that, where the money is borrowed for the purposes of the provision of houses or of acquiring land for houses, the maximum period for repayment shall be eighty years, and as respects money so borrowed eighty years shall in the provisions fixing the period within which the board is required to repay loans be substituted for the period therein mentioned.

121.—(1) Where housing operations under Part V of this Act are being carried out by a local authority outside their own area, that authority shall, subject to the approval of the Minister, have power to borrow money for the purpose of defraying any expenses (including, if the Treasury so approve, interest payable in respect of any period before the completion of the operations, or a period of five years from the date of the borrowing, whichever period is the shorter, on money borrowed under this section) incurred by the local authority in connection

Borrowing
in connec-
tion with
operations
carried out
by local
authority
outside its
own area.

PART VI.
—cont.

with any works necessary for the purposes of the operations, or incidental to the carrying out thereof, which under this Act they are authorised to execute :

Provided that any order of the Minister, in so far as it relates to the sanction of a loan under the foregoing provisions for the purpose of the payment of interest payable in respect of money borrowed, shall be provisional only and shall be of no effect until confirmed by Parliament.

(2) The council of any county, borough or district in which operations are being carried out as aforesaid shall have power, with the approval of the Minister, to borrow money for the purposes of any agreement entered into by the council with the local authority under Part V of this Act.

Power to
issue local
housing
bonds.

122.—(1) Without prejudice to any other powers of borrowing, a local authority (other than a metropolitan borough council) or a county council may, with the consent of the Minister, borrow any sums which they have power to borrow for the purposes of this Act, by the issue of bonds (in this Act referred to as “local bonds”) in accordance with the provisions of this Act.

(2) The provisions set out in the Ninth Schedule to this Act shall have effect with respect to local bonds.

(3) Where on an application made by two or more local authorities or county councils the Minister is satisfied that it is expedient that those authorities or councils should have power to make a joint issue of local bonds, the Minister may by order make such provision as appears to him necessary for the purpose, and any such order shall provide for the securing of the bonds issued upon the joint rates, property and revenues of the authorities or councils.

The provisions of any such order shall have effect as if they were contained in a Provisional Order made under section two hundred and seventy-nine of the Public Health Act, 1875, and confirmed by Parliament.

(4) A local authority or county council by whom any local bonds have been issued may, without the consent of the Minister, borrow for the purpose of redeeming those bonds.

123.—(1) The Public Works Loan Commissioners may lend to any local authority or county council any money which that authority or council have power to borrow for the purpose of making advances or fulfilling guarantees under section ninety-one of this Act.

PART VI.
—cont.
Loans by
Public
Works
Loan Com-
missioners
to local
authorities.

(2) Where a loan is made by the Public Works Loan Commissioners to a local authority for the purposes of this Act or to a county council or a mental hospital board for the purpose of the provision of houses for employees or for the purposes of section ninety-one of this Act—

- (a) the loan shall be made at the minimum rate allowed for the time being for loans out of the Local Loans Fund; and
- (b) the period for which the loan is made may exceed the period allowed under any enactment limiting the period for which loans may be made by the Commissioners, but shall not exceed eighty years; and
- (c) as between loans for different periods, the longer duration of the loan shall not be taken as a reason for fixing a higher rate of interest.

124. A county council may lend to any local authority within their area any money which that authority have power to borrow for the purposes of this Act, subject to any conditions (including conditions with respect to the borrowing by a local authority from the county council of the money so raised) which the Minister may by general or special order impose.

Power of
county
councils to
lend to local
authorities.

125. Where housing operations under Part V of this Act are being carried out by a local authority outside their own area, that authority shall, subject to the approval of the Minister, have power to advance to the council of any county, borough or district in which the operations are being carried out such sums as may, by reason of any agreement made with that council under that Part, be required by that council in connection with the construction by them of any works which are necessary for the purposes, or incidental to the carrying out, of the operations.

Power of
local
authority
carrying out
operations
outside its
own area
to lend
to other
authority
concerned.

PART VI.

—cont.

*Subscriptions to Local Savings Committees.*Subscriptions
by local
authorities to
local savings
committees.

126. A local authority for the purposes of Part V of this Act may, subject to the approval of the Minister, contribute to the expenses of any local savings committee established for their district or any part thereof.

*Capital Moneys.*Application
of purchase
money, &c.

127. The proceeds of the sale of any land acquired by a local authority for any of the purposes of this Act, and any other capital moneys received by a local authority in respect of any transaction under section thirty, section thirty-two, section thirty-eight, or section seventy-nine of this Act shall be applied, with the sanction of the Minister, either in the repayment of debt or for any other purpose for which capital money may properly be applied :

Provided that capital moneys received in respect of any transaction under the last mentioned section may be applied by the authority in or towards the purchase of other land for the purposes of Part V of this Act.

*Accounts.*Obligation
to keep
Housing
Revenue
Account.

128. Subject to the provisions of this section, every local authority for the purposes of Part V of this Act shall keep an account (to be called the Housing Revenue Account) of the income and expenditure of the authority in respect of—

- (a) all houses and other buildings which at any time after the sixth day of February, nineteen hundred and nineteen, have been provided by a local authority under Part V of this Act;
- (b) all land which at any time after the said date a local authority have acquired or appropriated for the purposes of Part V of this Act, or are deemed to have acquired under Part V of this Act by virtue of subsection (6) of section thirty-six of this Act;
- (c) all dwellings in respect of which either—
 - (i) the authority have received assistance under section one of the Housing (Rural Workers) Act, 1926; or

- (ii) the Minister has undertaken to pay a contribution to the authority under subsection (2A) of section four of that Act; and
- (d) such other working-class houses as the authority with the consent of the Minister may from time to time determine.

PART VI.
—cont.

129.—(1) In each financial year a local authority who are required to keep a Housing Revenue Account shall carry to the credit of the account amounts equal to—

Credits and
debits in
Housing
Revenue
Account.

- (a) the income of the authority for that year from rents (exclusive of any amounts included therein in respect of rates or water charges) in respect of such houses, buildings, land and dwellings as are mentioned in the last foregoing section;
- (b) the Exchequer contributions, if any, payable to the authority for that year;
- (c) the contributions, if any, payable to the authority by the county council under section one hundred and fifteen of this Act, for that year;
- (d) the sums, if any, payable to the authority for that year by way of assistance under section one of the Housing (Rural Workers) Act, 1926; and
- (e) the authority's contributions out of the general rate fund referred to in the Eighth Schedule to this Act for that year;

and shall debit to the account amounts equal to—

- (i) the loan charges which the local authority are liable to pay for that year in respect of moneys borrowed by a local authority for the purpose of the provision by them after the sixth day of February, nineteen hundred and nineteen, of housing accommodation for the working classes under Part V of this Act, or for the purpose of the execution of works in respect of which the Minister has undertaken to make a contribution under subsection (2A) of section four of the Housing (Rural Workers) Act, 1926, or in respect of which the local authority for the purposes of that Act have given assistance thereunder;

PART VI.
—cont.

- (ii) rents, taxes and other charges (except rates and water charges) which the authority are liable to pay for that year in respect of such houses, buildings, land and dwellings as are mentioned in the last foregoing section;
- (iii) the expenditure of the authority for that year in respect of the supervision and management of such houses, buildings, land and dwellings as are mentioned in the last foregoing section;
- (iv) the contribution, if any, required to be made by the authority for that year to a Housing Repairs Account kept in accordance with the subsequent provisions of this Part of this Act; and
- (v) the contribution, if any, required to be made by the authority for that year to a Housing Equalisation Account kept in accordance with the subsequent provisions of this Part of this Act.

(2) Where any functions of the authority in respect of any such houses, buildings, land or dwellings as are mentioned in the last foregoing section are being exercised for the time being by a Housing Management Commission, the provisions of the foregoing subsection shall have effect in relation thereto subject to such modifications as the Minister may direct.

(3) Where any such house, building, land or dwelling as is mentioned in the last foregoing section has been sold or otherwise disposed of, whether before or after the commencement of this Act, an amount equal to any income of the authority arising from the investment or other use of capital money received by the authority in respect of the transaction shall, unless the Minister otherwise directs as respects the whole or any part of such income, be carried to the credit of the Housing Revenue Account in like manner as if it had been income from rents.

(4) An amount equal to any income of the authority arising from an investment or other use of borrowed moneys in respect of which the authority are required to debit loan charges to the Housing Revenue Account shall be carried to the credit of that Account in like manner as if it had been income from rents, and where

a local authority for the purposes of Part V of this Act, not being an authority who are required by virtue of the last foregoing section to keep a Housing Revenue Account, are entitled to any such income, they shall by virtue of this subsection be required to keep such an account.

PART VI.
—cont.

(5) Where it appears to the Minister that amounts in respect of any incomings or outgoings other than as aforesaid ought properly to be credited or debited to a Housing Revenue Account, or that amounts in respect of any of the incomings and outgoings aforesaid which ought properly to have been credited or debited thereto have not been so credited or debited, or that any amounts have been improperly credited or debited to that account, he may give directions for the appropriate credits or debits to be made, or for the rectification of the account, as the case may require.

130.—(1) Subject to the provisions of subsection (2) of this section, at the end of each financial year any surplus shown in a Housing Revenue Account shall, subject to application, if the local authority so determine, in making good to the general rate fund account any additional contributions under paragraph 8 of the Eighth Schedule to this Act credited to the Housing Revenue Account in any of the four last preceding financial years, be carried forward in the Account to the next financial year.

Disposal of
balances in
Housing
Revenue
Account.

(2) Any surplus shown on the thirty-first day of March in the year nineteen hundred and forty, or any fifth succeeding year, and not required for application as aforesaid, may, as the local authority with the consent of the Minister may determine, be applied, in whole or in part, in either of the following ways or partly in one of those ways and partly in the other, that is to say,—

(a) by transferring it to the Housing Repairs Account; or

(b) by carrying it forward in the Housing Revenue Account to the next financial year;

and, in so far as not so applied, shall be divided into two parts, in proportion to the amount credited to the Housing Revenue Account under the last foregoing section, during the period of five years ending on the date on which the surplus is shown, in respect of Exchequer contributions on the one hand, and the amount so

PART VI.
—cont.

credited in respect of the contributions referred to in the Eighth Schedule to this Act, less any amounts made good to the general rate fund account under subsection (1) of this section, on the other hand, and an amount equal to the first of those parts shall be paid to the Minister and an amount equal to the other part shall be credited to the general rate fund account.

Housing
Repairs
Account.

131.—(1) Subject to the provisions of this section, every local authority who are required to keep a Housing Revenue Account shall, for the purpose of equalising so far as practicable the annual charge to their revenue in respect of the repair and maintenance of houses, buildings and dwellings in respect of which that account is to be kept, keep an account (to be called “the Housing Repairs Account”) and shall in each financial year carry to the credit of that account from the Housing Revenue Account in respect of each house, building and dwelling such amount as they may think proper, not being less than an amount equal to fifteen per cent. of the annual rent (exclusive of any amount included therein in respect of rates or water charges), and such amount, if any, as may be necessary to make good any deficit shown in the Housing Repairs Account at the end of the last preceding financial year.

(2) Subject to the provisions of this Part of this Act, moneys standing to the credit of the Housing Repairs Account shall be applied only in meeting expenses incurred in respect of the repair and maintenance of the houses, buildings and dwellings in respect of which the Housing Revenue Account is to be kept.

(3) If at any time it appears to the Minister, after consultation with the local authority, that the moneys standing to the credit of a Housing Repairs Account are more than sufficient for the purposes for which the account is to be kept, or that it is no longer necessary for the account to be kept, he may give such directions as he thinks proper for the reduction of the amounts to be credited to the account or the suspension of the carrying of credits thereto, or for the closing of the account and the application of any moneys standing to the credit thereof, as the case may be.

132.—(1) Subject to the provisions of this section, every local authority who are required to keep a Housing Revenue Account shall, for the purpose of equalising the income of the Housing Revenue Account derived from Exchequer contributions and contributions from other local authorities over any period during which loan charges required to be debited to that account will be payable, keep an account (to be called the "Housing Equalisation Account") and shall carry to the credit of that account from the Housing Revenue Account such sums, and shall apply an amount equal to the sums so credited in such manner, as may be prescribed.

PART VI.
—cont.
Housing
Equalisation
Account.

(2) If the local authority satisfy the Minister that it is not necessary for them to open a Housing Equalisation Account or, after they have opened such an account, that it is no longer necessary for the account to be kept open, he may give such directions as he thinks proper for relieving the authority from the duty to keep such an account, or for the closing of the account and for the application of any moneys standing to the credit thereof, as the case may be.

133.—(1) An amount equal to any moneys standing to the credit of the Housing Repairs Account or the Housing Equalisation Account of a local authority, and not for the time being required for the purposes for which they will ultimately be applicable, may be used by the authority for the purpose of any statutory borrowing power possessed by them subject to the conditions specified in subsection (2) of this section, and so far as not so used shall be invested temporarily in statutory securities (other than securities created by the authority), and an amount equal to any income arising from such investment shall be credited to the account.

Temporary
application
of moneys
in housing
accounts.

(2) The conditions subject to which moneys may be used as mentioned in subsection (1) of this section shall be the following, that is to say,—

- (a) the moneys so used shall be repaid to the account out of the general rate fund within the period, and by the methods, within and by which a loan raised under the statutory borrowing power would be repayable :

Provided that the authority shall repay to the account the moneys so used or the balance

PART VI,
—cont.

thereof for the time being outstanding, as the case may be, as and when required for the purposes of the account, and may make such repayment at any time within the period aforesaid, and in either case the repayment shall be made out of the general rate fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power;

- (b) in the accounts of the general rate fund an amount equal to interest (calculated at such rate as may be determined by the authority to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power) on any moneys so used and for the time being not repaid shall be credited to the account and debited to the undertaking or purpose with reference to which the moneys are so used;
- (c) 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 the re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Modifications as to London.

Modifica-
tion as to
London of
financial
provisions.

134. This Part of this Act and the Seventh and Eighth Schedules to this Act shall, in the application thereof to the administrative county of London, have effect subject to the modifications specified in the Tenth Schedule to this Act, and the provisions in that behalf contained in the said Tenth Schedule shall have effect with respect to the determination of the amount of Exchequer contributions payable to the London County Council in respect of schemes to which section seven of the Act of 1919 applies (other than schemes for the provision of houses for persons in the employment of, or paid by, a county council or a statutory committee thereof) and to payments to metropolitan borough councils in relation to such schemes.

PART VII.

GENERAL.

Central Housing Advisory Committee.

135.—(1) The Minister shall appoint a committee, to be called the Central Housing Advisory Committee, for the purpose of—

Central
Housing
Advisory
Committee.

- (a) advising the Minister on any matter, relating to a temporary increase of the permitted number of persons in relation to overcrowding, as respects which he is required by section sixty of this Act to consult the Committee;
- (b) advising Housing Management Commissions constituted under section eighty-seven of this Act on any matter as respects which such Commissions are required to consult the Committee;
- (c) advising the Minister on any question which may be referred by him to the Committee with respect to any other matter arising in connection with the execution of the enactments relating to housing;
- (d) considering the operation of the enactments relating to housing and making to the Minister such representations with respect to matters of general concern arising in connection with the execution of those enactments as the Committee think desirable.

(2) The Minister may by order make provision with respect to the constitution and procedure of the Committee, and any such order may be varied by a subsequent order.

(3) The Minister may, out of moneys provided by Parliament, pay such expenses of the Committee as he may, with the approval of the Treasury, determine.

Re-housing.

136. For the purposes of the provisions of this Act which relate to the obligations of a local authority with respect to re-housing, or which relate to Government contributions to the expenses of local authorities in providing accommodation available for displaced persons, the Minister, unless he is satisfied that owing to special

Standard of
re-housing
accommo-
dation.

PART VII. circumstances some other standard of size or accommodation should be adopted—
—cont.

(a) shall not approve the provision of any house which is not either—

(i) a two-storied house with a minimum of six hundred and twenty and a maximum of nine hundred and fifty superficial feet; or

(ii) a structurally separate and self-contained flat or a one-storied house with a minimum of five hundred and fifty and a maximum of eight hundred and eighty superficial feet;

such measurements being calculated in accordance with rules made by the Minister; and

(b) shall treat a house containing two bedrooms as providing accommodation for four persons, a house containing three bedrooms as providing accommodation for five persons, and a house containing four bedrooms as providing accommodation for seven persons.

Re-housing obligations of undertakers.

137. Where under the powers given by any local Act, or Provisional Order or Order having the effect of an Act (not being an order made under this Act), any land is acquired, whether compulsorily or by agreement, by any authority, company or person, or where any land is so acquired compulsorily under any general Act other than this Act, the provisions set out in the Eleventh Schedule to this Act shall apply with respect to the provision of housing accommodation for persons of the working classes.

Provisions as to Building Byelaws, &c.

Relaxation of building byelaws.

138.—(1) Where in connection with housing operations to which this section applies new buildings are constructed, or public streets and roads are laid out and constructed, in accordance with plans and specifications approved by the Minister, the provisions of any building byelaws shall not, so far as they are inconsistent with the plans and specifications so approved, apply to those buildings and streets, and, notwithstanding the provisions of any other Act, any public street or road laid out and

constructed in accordance with those plans and specifications may be taken over and thereafter maintained by the local authority.

PART VII.
—cont.

(2) Where the Minister has approved plans and specifications which in certain respects are inconsistent with the provisions of any building byelaws in force in the district in which the works are to be executed, any proposals for the erection therein of houses and the laying out and construction of new streets which do not form part of housing operations to which this section applies may, notwithstanding those provisions, be carried out if the local authority are, or, on appeal the Minister is, satisfied that they will involve departures from such provisions only to the like extent as in the case of the plans and specifications so approved, and that, where such plans and specifications have been approved subject to any conditions, the like conditions will be complied with in the case of proposals to which this subsection applies.

(3) As respects the administrative county of London, the Minister shall not approve for the purposes of subsection (1) of this section any plans and specifications inconsistent with the provisions of any building byelaws in force in the county except after consultation with the London County Council on the general question of the relaxation of such provisions in connection with housing operations.

(4) In the application of subsection (2) of this section to the administrative county of London, references to the local authority shall be construed, in relation to matters within the jurisdiction of the London County Council, as references to them, and, in relation to other matters, as references to the Common Council of the City of London or the council of a metropolitan borough as the case may be.

(5) The housing operations to which this section applies are housing operations carried out under this Act by a local authority or county council, or by a housing association or housing trust.

139. Subject to any conditions which may be prescribed by the Minister, the provisions of any building byelaws shall not apply to any new buildings and new streets constructed and laid out by a local authority or county council in accordance with plans and specifications

Building byelaws not to apply to certain buildings.

PART VII. approved by the Minister of Agriculture and Fisheries
—*cont.* under the Small Holdings and Allotments Acts, 1908
to 1926, or any Act amending those Acts.

Provisions
as to bye-
laws
relating to
new streets.

140.—(1) For the purpose of facilitating the erection of houses, the Minister may prescribe a code of building byelaws relating to the level, width, and construction of new streets, but no such code shall have effect unless and until adopted by resolution of a local authority; and where such code or any part thereof is so adopted it shall not be necessary for the local authority to comply with the requirements of subsections (3), (4) and (5) of section two hundred and fifty of the Local Government Act, 1933, or, if the byelaws are made under a local Act, the corresponding provisions of that Act, and the code or such part thereof shall have full force and effect as part of the byelaws of the local authority in substitution for such of the existing byelaws of the authority as may be specified in the resolution.

(2) Where a local authority have approved any plans and sections for a new street, subject to any conditions imposed or authorised by any byelaws in force in the area of that authority, those conditions may be enforced at any time by the authority against the owner for the time being of the land to which the conditions relate.

(3) Where, as respects the district of any local authority, matters relating to the level, width and construction of new streets are regulated by a local Act and not by byelaws, and the local authority pass a resolution adopting the said code or any part thereof, the code or such part as aforesaid shall have full force and effect as if it formed part of the local Act in substitution for such provisions of the local Act as may be specified in the resolution.

(4) Before a resolution is passed under this section, notice of the proposed resolution shall be published in one or more newspapers circulating in the district, and when such a resolution has been passed the local authority shall, within seven days thereafter, send a copy thereof to the Minister.

(5) For the purpose of facilitating the erection of houses within the administrative county of London, the

London County Council may, with the consent of the Minister, suspend, alter, or relax the provisions of any enactment or byelaw relating to the formation or laying out of new streets, or the construction of sewers or of buildings intended for human habitation; but save as provided in this subsection this section shall not apply to the administrative county of London.

PART VII.
—*cont.*

141.—(1) If the Minister is satisfied, by a local inquiry or otherwise, that the erection of any buildings within any borough or urban or rural district is, or is likely to be, unreasonably impeded in consequence of any byelaws with respect to new streets or buildings in force therein, the Minister may require the local authority to revoke those byelaws or to make such new byelaws as he may consider necessary for the removal of the impediment.

Power to
Minister
to revoke
unreason-
able
byelaws.

(2) If the local authority do not within three months after the requisition comply therewith, the Minister may himself revoke the byelaws, and make such new byelaws as he considers necessary for the removal of the impediment, and those new byelaws shall have effect as if they had been duly made by the local authority and confirmed by the Minister.

Provisions as to Acquisition, &c. of Land.

142.—(1) A local authority in preparing any proposals for the provision of houses, or in taking any action under this Act, shall have regard to the beauty of the landscape or countryside and the other amenities of the locality, and the desirability of preserving existing works of architectural, historic or artistic interest, and shall comply with such directions, if any, in that behalf as may be given to them by the Minister.

Protection
for ameni-
ties of
locality, &c.

(2) Nothing in this Act shall authorise the acquisition for the purposes of this Act of any land which is the site of an ancient monument or other object of archaeological interest.

143.—(1) Where any order under this Act authorises the acquisition or appropriation to any other purpose of any land forming part of any common, open space, or allotment, the order, so far as it relates to the acquisition or appropriation of such land, shall be provisional only, and shall not have effect unless and until

Provisions
as to
commons
and open
spaces.

PART VII.
—cont.

it is confirmed by Parliament, except where it provides for giving in exchange for such land other land, not being less in area, certified by the Minister after consultation with the Minister of Agriculture and Fisheries to be equally advantageous to the persons, if any, entitled to commonable or other rights and to the public.

(2) Before giving any such certificate, the Minister shall give public notice of the proposed exchange, and shall afford opportunities to all persons interested to make representations and objections in relation thereto, and shall, if necessary, hold a local inquiry on the subject.

(3) An order which authorises such an exchange shall provide for vesting the land given in exchange in the persons in whom the common, open space, or allotment was vested, subject to the same rights, trusts, and incidents as attached to the common or open space or allotment, and for discharging the part of the common, open space, or allotment acquired or appropriated from all rights, trusts, and incidents to which it was previously subject.

(4) For the purposes of this Act, the expression "common" includes any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green; the expression "open space" means any land laid out as a public garden or used for the purposes of public recreation, and any disused burial ground; and the expression "allotment" means any allotment set out as a fuel allotment or a field garden allotment under an Inclosure Act.

Provisions
as to land
in neigh-
bourhood of
royal
palaces or
parks.

144.—(1) Where any land proposed to be acquired or appropriated under this Act is situate within the prescribed distance from any of the royal palaces or parks, the local authority shall communicate with the Commissioners of Works, and the Minister shall, before authorising the acquisition or appropriation of the land or the raising of any loan for the purpose, take into consideration any recommendations which the local authority may have received from the Commissioners of Works with reference to the proposal.

(2) For the purposes of this section, "prescribed" means prescribed by regulations made by the Minister after consultation with the Commissioners of Works.

145.—(1) Where by an order made and confirmed under Part III or Part V of this Act a local authority are authorised to purchase land compulsorily, then, at any time after serving notice to treat and after giving to the owner and occupier of the land such notice as is hereinafter mentioned, they may enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845, but subject to the payment of the like compensation for the land of which possession is taken, and interest on the compensation awarded, as would have been payable if those provisions had been complied with.

PART VII.
—*cont.*
Power of
entry on
land
acquired.

(2) Where a local authority have agreed to purchase land for the purposes of the provisions of Part III of this Act relating to clearance areas or improvement areas or of Part V of this Act, or have determined to appropriate land for any of those purposes, or have agreed to purchase land under the provisions of Part III of this Act relating to re-development areas, subject to the interest of the person in possession thereof, and that interest is not greater than that of a tenant for a year or from year to year, then, at any time after the agreement has been made, or the appropriation has been approved by the Minister, the local authority may, after giving to the person so in possession such notice as is hereinafter mentioned, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent, but subject to the payment to the person so in possession of the like compensation, with such interest thereon as aforesaid, as if the local authority had been authorised to purchase the land compulsorily and that person had in pursuance of their powers in that behalf been required to quit possession before the expiration of his term or interest in the land, but without any necessity for compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845.

(3) The length of notice required to be given under the foregoing provisions of this section shall be—

- (a) in the case of land purchased or appropriated for the purposes of Part III of this Act, not less than twenty-eight days; and

PART VII.
—cont.

(b) in the case of land purchased or appropriated for the purposes of Part V of this Act, not less than fourteen days.

Payment of purchase or compensation money by one local authority to another.

146.—(1) Any purchase money or compensation payable in pursuance of this Act by a local authority in respect of any lands, estate, or interest of another local authority which would, but for this section, be paid into court in manner provided by the Lands Clauses Acts may, if the Minister consents, instead of being paid into court, be paid and applied as the Minister may determine.

(2) A decision of the Minister under this section shall be final and conclusive.

Exemption from s. 133 of 8 & 9 Vict. c. 18.

147. Section one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845 (which, as amended by section two of the Rating and Valuation Act, 1925, relates to promoters making good deficiencies in land tax and general rates) shall not apply in the case of any lands of which a local authority become possessed under this Act.

Power of local authorities to enforce covenants against owner for the time being of land.

148. Where—

(a) a local authority have sold or exchanged land acquired by them under this Act and the purchaser of the land or the person taking the land in exchange has entered into a covenant with the local authority concerning the land; or

(b) an owner of any land has entered into a covenant with the local authority concerning the land for the purposes of any of the provisions of this Act;

the authority shall have power to enforce the covenant against the persons deriving title under the covenantor, notwithstanding that the authority are not in possession of or interested in any land for the benefit of which the covenant was entered into, in like manner and to the like extent as if they had been possessed of or interested in such land.

Compensation in certain cases of subsidence. 54 & 55 Vict. c. 40.

149. Notwithstanding anything in section fifty of the Brine Pumping (Compensation for Subsidence) Act, 1891, a local authority or county council shall be entitled to compensation in accordance with the provisions of that Act in respect of any injury or damage to any

houses belonging to them which were provided under a housing scheme towards the losses on which the Minister is liable to contribute under the Act of 1919. PART VII.
—cont.

150. A local authority may accept a donation of land, money or other property for any of the purposes of this Act, and it shall not be necessary to enrol any assurance with respect to any such property under the Mortmain and Charitable Uses Act, 1888. Donations
for housing
purposes.

51 & 52
Vict. c. 42.

Procedure of Local Authorities : Official Representations.

151. Where, upon an application made by one of the local authorities concerned, the Minister is satisfied that it is expedient that any local authorities should act jointly for any purposes of this Act, either generally or in any special case, the Minister may by order make provision for the purpose, and any provisions so made shall have the same effect as if they were contained in a Provisional Order made under section two hundred and seventy-nine of the Public Health Act, 1875, and confirmed by Parliament. Joint action
by local
authorities.

152.—(1) In the case of a building which is situated partly in the district of one local authority and partly in the district of another, the local authorities may agree that this section shall have effect in relation to the building or to the building and the site thereof and any yard, garden, out-houses, and appurtenances belonging thereto or usually enjoyed therewith. Buildings
situated in
districts of
more than
one local
authority.

(2) Whilst such an agreement as aforesaid is in force, the Housing Acts shall have effect as if the district of such one of the local authorities as may be specified therein included the whole of the building and, if the agreement so provides, the site thereof and any such other premises as aforesaid.

153. In the case of a county council, other than the London County Council, all matters relating to the exercise and performance by the council of their powers and duties under this Act (except the power of raising a rate or borrowing money) shall stand referred to the public health and housing committee of the council, and the council, before exercising any such powers, shall, unless in their opinion the matter is urgent, receive and consider the report of that committee with respect to References
by local
authority
to public
health and
housing
committee.

PART VII. the matter in question, and the council may also delegate
 —cont. to that committee, with or without restrictions or conditions as they think fit, any of their powers under this Act, except the power of raising a rate or borrowing money and except any power of resolving that the powers of a district council in default should be transferred to the council.

Official
 represen-
 tations.

154.—(1) Every representation made by a medical officer of health in pursuance of this Act shall be in writing.

(2) The medical officer of health of a local authority shall make an official representation to the authority whenever he is of opinion that any house in their district is unfit for human habitation, or that any area in their district is an area which should be dealt with as a clearance area, and if any justice of the peace acting for the district, or any four or more local government electors of the district or, in the case of a rural district, the parish council of any parish within the district, complain to the medical officer of health in writing that any house is unfit for human habitation, or that any area should be dealt with as a clearance area, it shall be his duty forthwith to inspect that house or that area and to make a report to the local authority, stating the facts of the case and whether, in his opinion, the house is unfit for human habitation, or whether, in his opinion, the area should be dealt with as a clearance area, but the absence of any such complaint shall not excuse him from inspecting any house or area and making a representation thereon to the local authority.

(3) A local authority shall so soon as may be take into consideration any official representation which has been made to them.

Recovery of Possession, Entry, &c.

Recovery of
 possession
 of buildings
 subject to
 demolition
 or clearance
 order.

155.—(1) Where a demolition order or a clearance order has become operative, the local authority shall serve on the occupier of any building, or any part of any building, to which the order relates a notice stating the effect of the order and specifying the date by which the order requires the building to be vacated and requiring him to quit the building before the said date or before the expiration of twenty-eight days from the

service of the notice, whichever may be the later; and if at any time after the date on which the notice requires the building to be vacated any person is in occupation of the building, or of any part thereof, the authority or any owner of the building may make complaint to a court of summary jurisdiction and thereupon the court shall by its warrant in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect, order vacant possession of the building, or of the part thereof, to be given to the complainant within such period not being less than two weeks nor more than four weeks as the court may determine.

PART VII.
—*cont.*

1 & 2 Vict.
c. 74.

(2) Any expenses incurred by a local authority under this section in obtaining possession of any building or of any part of a building may be recovered by them from the owner, or from any of the owners, of that building summarily as a civil debt:

Provided that this subsection shall not have effect in the case of expenses incurred in obtaining possession for the purposes of a demolition order made under section fifty-four of this Act.

(3) Any person who, knowing that a demolition order or a clearance order has become operative and applies to any building, enters into occupation of that building, or of any part thereof, after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further fine of five pounds for every day, or part of a day, on which the occupation continues after conviction.

156.—(1) Nothing in the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, as amended by any subsequent enactment shall be deemed to affect the provisions of this Act relating to the obtaining possession of a house with respect to which a demolition order or a clearance order has been made, or to prevent possession being obtained—

Recovery of
possession
of controlled
houses.

(a) of any house possession of which is required for the purpose of enabling a local authority to exercise their powers under any enactment relating to the housing of the working classes;

PART VII.
—cont.

- (b) of any house possession of which is required for the purpose of securing compliance with any byelaws made for the prevention of overcrowding;
- (c) of any house possession of which is required for the purpose of enabling re-development in accordance with a re-development plan to be proceeded with;
- (d) of any premises by any owner thereof in a case where an undertaking has been given under Part II of this Act that those premises shall not be used for human habitation;
- (e) of any part of a building or underground room by any owner thereof in a case where a closing order is in force in respect thereof.

(2) Where a local authority, for the purpose of exercising their powers under any enactment relating to the housing of the working classes, require possession of any building or any part of a building of which they are the owners, then, whatever may be the value or rent of the building or part of a building, they may obtain possession thereof under the Small Tenements Recovery Act, 1838, as in the cases therein provided for, at any time after the tenancy of the occupier has expired, or has been determined.

Power of
entry for
inspection,
&c.

157. Any person authorised in writing stating the particular purpose or purposes for which the entry is authorised, by the local authority or the Minister, may at all reasonable times, on giving twenty-four hours' notice to the occupier and to the owner, if the owner is known, of his intention, enter any house, premises, or buildings—

- (a) for the purpose of survey or valuation, in the case of houses, premises, or buildings which the local authority are authorised to purchase compulsorily under this Act; and
- (b) for the purpose of survey and examination, in the case of a house in respect of which a notice requiring the execution of works has been served, or a demolition order or closing order, or a clearance order, has been made; or
- (c) for the purpose of survey and examination, where it appears to the authority or Minister

that survey or examination is necessary in order to determine whether any powers under this Act should be exercised in respect of the house, premises, or building;

PART VII.
—cont.

- (d) for the purpose of measuring the rooms of a house in order to ascertain for the purposes of Part IV of this Act the number of persons permitted to use the house for sleeping.

158. If any person obstructs the medical officer of health or any officer of the local authority, or of the Minister, or any person authorised to enter houses, premises, or buildings in pursuance of this Act in the performance of anything which such officer, authority, or person is by this Act required or authorised to do, he shall, on summary conviction, be liable to a fine not exceeding twenty pounds.

Penalty for obstructing execution of Act.

159. If any person, after receiving notice of the intended action—

Penalty for preventing execution of repairs, &c.

- (a) being the occupier of any premises, prevents the owner thereof or his officers, agents, servants or workmen, from carrying into effect with respect to those premises any of the provisions of Part II of this Act; or
- (b) being the owner or occupier of any premises, prevents the medical officer of health, or any officers, agents, servants or workmen of that officer or of the local authority, from so doing; or
- (c) being an inmate of any premises, prevents the owner thereof, or any other person upon whom any obligations with respect to the premises are imposed by byelaws under this Act, from complying with such obligations;

a court of summary jurisdiction may order him to permit to be done on the premises all things requisite for carrying into effect those provisions or for the fulfilment of those obligations with respect to the premises, and if he fails to comply with the order, he shall, in respect of each day during which the failure continues, be liable on summary conviction to a fine not exceeding twenty pounds.

PART VII.

—cont.

Power of
court to
determine
lease where
premises
demolished.

Powers of the Court for Housing Purposes.

160.—(1) Where any premises in respect of which a demolition order or a clearance order has become operative form the subject matter of a lease, either the lessor or the lessee may apply to the county court within the jurisdiction of which the premises are situate for an order under this section.

(2) Upon any such application as aforesaid, the county court judge, after giving to any sub-lessee an opportunity of being heard, may, if he thinks fit, make an order for the determination of the lease, or for the variation thereof, and, in either case, either unconditionally or subject to such terms and conditions (including conditions with respect to the payment of money by any party to the proceedings to any other party thereto by way of compensation, damages, or otherwise) as he may think just and equitable to impose, regard being had to the respective rights, obligations, and liabilities of the parties under the lease and all the other circumstances of the case.

(3) In this section the expression “lease” includes an under-lease and any tenancy or agreement for a lease, under-lease, or tenancy, and the expressions “lessor,” “lessee,” and “sub-lessee” shall be construed accordingly, and as including also a person deriving title under a lessor, lessee or sub-lessee.

Power of
court to
authorise
owner to
execute
works on
default of
another
owner.

161.—(1) If it appears to a court of summary jurisdiction, on the application of any owner of a house in respect of which a notice requiring the execution of works has been served, or a demolition order or a clearance order has been made, that owing to the default of any other owner of the house in executing any works required to be executed on the house, or in demolishing the house, the interests of the applicant will be prejudiced, the court may make an order empowering the applicant forthwith to enter on the house, and, within a period fixed by the order, execute the said works or demolish the house, as the case may be; and where it seems to the court just so to do, the court may make a like order in favour of any other owner.

(2) Before an order is made under this section, notice of the application shall be given to the local authority.

162.—(1) Where it is proved to the satisfaction of the court, on an application made in accordance with rules of court by any person entitled to any interest in any land used in whole or in part as a site for houses for the working classes—

PART VII.
—cont.
Power of court to authorise execution of works on unfit premises or for improvement.

- (a) that the premises on the land are, or are likely to become, dangerous or injurious to health or unfit for human habitation, and that the interests of the applicant are thereby prejudiced; or
- (b) that the applicant should be entrusted with the carrying out of a scheme of improvement or reconstruction approved by the local authority of the district in which the land is situate;

the court may make an order empowering the applicant forthwith to enter on the land and within a period fixed by the order to execute such works as may be necessary, and may order that any lease or agreement for a lease held from the applicant and any derivative under-lease shall be determined, subject to such conditions and to the payment of such compensation as the court may think just.

(2) The court shall include in its order provisions to secure that the proposed works are carried out and may authorise the local authority in whose district the land is situated, or which approved the scheme of improvement or reconstruction, as the case may be, to exercise such supervision or take such action as may be necessary for the purpose.

(3) For the purposes of this section, “court” means the High Court, and the Court of Chancery of the county palatine of Lancaster or Durham or the county court, where those courts respectively have jurisdiction.

(4) As respects the administrative county of London other than the City of London—

- (a) the local authority for the purposes of the provisions of this section relating to such premises as are mentioned in paragraph (a) of subsection (1) thereof shall be the metropolitan borough council; and

PART VII.*
—cont.

(b) both the London County Council and the council of a metropolitan borough shall within that borough be local authorities for the purposes of the provisions of this section relating to schemes of improvement or reconstruction.

Power of court to authorise conversion of house into several tenements.

163. Where it is proved to the satisfaction of the county court on an application by the local authority or any person interested in a house that, owing to changes in the character of the neighbourhood in which the house is situate, the house cannot readily be let as a single tenement but could readily be let for occupation if converted into two or more tenements, and that, by reason of the provisions of the lease of or any restrictive covenant affecting the house, or otherwise, such conversion is prohibited or restricted, the court, after giving any person interested an opportunity of being heard, may vary the terms of the lease or other instrument imposing the prohibition or restriction so as to enable the house to be so converted subject to such conditions and upon such terms as the court may think just.

Notices, Orders, &c.

Authentication of orders, notices, &c.

164.—(1) An order in writing made by a local authority under this Act shall be under their seal and authenticated by the signature of their clerk or his lawful deputy.

(2) A notice, demand, or other written document proceeding from a local authority under this Act shall be signed by their clerk or his lawful deputy.

Authentication of certificates.

165. Any document purporting to be a certificate of a local authority named therein issued for any of the purposes of this Act and to be signed by the clerk to that authority shall be received in evidence and be deemed to be such a certificate without further proof unless the contrary is shown.

Service of notices, &c., on local authorities.

166. Any notice, summons, writ or other proceeding at law or otherwise required to be served on a local authority for any of the purposes of this Act may be served upon the authority by delivering it to their clerk, or by leaving it at his office with some person employed there, or by sending it by post in a registered letter addressed to the authority or their clerk at their office.

167. Subject to the provisions of the last foregoing section, any notice, order, or other document required or authorised to be served under this Act may be served either—

PART VII.
—cont.
Service of
notices, &c.,
on other
persons.

- (a) by delivering it to the person on whom it is to be served; or
- (b) by leaving it at the usual or last known place of abode of that person; or
- (c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode; or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it in a prepaid registered letter addressed to the secretary or clerk of the company or body at that office; or
- (e) if it is not practicable after reasonable inquiry to ascertain the name or address of an owner, lessee or occupier of land on whom it should be served, by addressing it to him by the description of "owner" or "lessee" or "occupier" of the premises (naming them) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

168. A local authority may, for the purpose of enabling them to serve any notice (including any copy of any notice) which they are by this Act authorised or required to serve, require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, lessee or otherwise, and any person who, having been required by a local authority in pursuance of this section to give to them any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable on summary conviction to a fine not exceeding five pounds.

Power of
local
authority to
require
information
as to
ownership
of premises.

PART VII.

—cont.

Powers of
county
council and
Minister in
the event of
default of
rural
district
council.

Default of Local Authorities.

169. (1) In any case where—

- (a) complaint is made to the council of a county by the parish council or parish meeting of any parish comprised in any rural district in the county, or by any justice of the peace acting for, or by any four or more local government electors of, any such district, that the council of that district have failed to exercise their powers under this Act in any case where those powers ought to have been exercised; or
- (b) the council of a county is of opinion that an investigation should be made as to whether the council of any rural district in the county have failed as aforesaid;

the county council may cause a public local inquiry to be held, and if, after the inquiry has been held, they are satisfied that there has been such a failure on the part of the district council, they may make an order declaring the district council to be in default and transferring to themselves all or any of the powers of the district council under this Act with respect to the whole or any part of the district.

56 & 57
Vict. c. 73.

(2) An order made under the foregoing subsection may provide that section sixty-three of the Local Government Act, 1894, shall, subject to such modifications and adaptations as may be specified in the order, apply in relation to the powers transferred by the order as it applies in relation to powers transferred under that Act.

(3) Where an order made under subsection (1) of this section transfers to a county council any of the powers of a district council under Part V of this Act, the provisions of section one hundred and five of this Act shall, with the necessary modifications and subject as hereinafter provided, apply in relation to that county council as they apply in relation to a local authority, and the Minister shall make or undertake to make, contributions accordingly :

Provided that, notwithstanding anything in any Act, or in any order made under any Act, the amount

and duration of any such contribution may be reduced by the Minister at his discretion. PART VII.
—cont.

(4) If upon a representation made to the Minister by any justice of the peace acting for, or by any four or more local government electors, of any rural district, or otherwise, it appears to the Minister that a county council have failed, or refused to make an order under subsection (1) of this section in any case where they should have made such an order, or that any such order made by a county council is defective in that it fails to transfer powers which should have been transferred, or in that it does not apply to any part of the district to which it should have applied, the Minister may, if the county council have not made any order, himself make any order which they might have made, and if an order made by the county council is a defective order, himself make a supplementary order enlarging the scope of their order in such manner as he thinks fit.

170. If upon a representation made to the Minister by any justice of the peace acting for, or by any four or more local government electors of, any rural district, or otherwise, it appears to the Minister that a county council to whom powers have been transferred under the last foregoing section have failed to exercise those powers in any case where those powers ought to have been exercised, he may cause a public local inquiry to be held and if, after the inquiry has been held, he is satisfied that the county council have failed as aforesaid, he may either—

Powers of Minister in the event of default by county council in the exercise of transferred powers.

- (a) make an order directing them to exercise such of the said powers, in such manner and within such time as may be specified in his order; or
- (b) make an order rendering any of the said powers exercisable by himself.

171.—(1) In any case where—

(a) a complaint is made to the Minister—

- (i) as respects the council of any non-county borough or urban district, by the council of the county in which the borough or district is situate, or by any justice of the peace acting for, or by any four or more
- Power of Minister in the event of default of local authority other than rural district council.

PART VII.
—cont.

local government electors of, the borough or district; or

(ii) as respects any local authority, not being the council of a non-county borough or of an urban or rural district, by any justice of the peace acting for, or by any four or more local government electors of, the area of the authority,

that the local authority have failed to exercise their powers under this Act in any case where these powers ought to have been exercised; or

- (b) the Minister is of opinion that an investigation should be made as to whether any local authority, not being the council of a rural district, have failed as aforesaid;

the Minister may cause a public local inquiry to be held and, if after the inquiry has been held he is satisfied that there has been such a failure on the part of the local authority, he may make an order declaring the authority to be in default and directing them to exercise for the purpose of remedying the default such of their powers, and in such manner and within such time or times, as may be specified in the order.

(2) If a local authority with respect to whom an order has been made under the foregoing subsection fail to comply with any requirement thereof within the time limited thereby for compliance with that requirement, the Minister, in lieu of enforcing the order, may, if he thinks fit, adopt one of the following courses :—

- (a) if the local authority concerned is the council of a non-county borough, or of an urban district, he may make an order directing the council of the county within which that borough or district is situate to perform such of the obligations of the borough or district council under the original order within such times as may be specified in his order addressed to the county council; or
- (b) in any case, he may make an order rendering exercisable by himself such of the powers of the local authority under this Act as may be specified in his order.

172.—(1) An order under the last foregoing section directing a county council to perform any obligations of the council of a non-county borough or of an urban district may—

- (a) for the purpose of enabling the county council to comply with the order, transfer to them any of the powers conferred by this Act on local authorities;
- (b) provide that section sixty-three of the Local Government Act, 1894, shall, subject to such modifications and adaptations as may be specified in the order, apply in relation to the powers so transferred as it applies in relation to powers transferred under that Act.

(2) Where such an order transfers to a county council any of the powers of a local authority under Part V of this Act, the provisions of section one hundred and five of this Act shall, with the necessary modifications and subject as hereinafter provided, apply in relation to that county council as they apply in relation to a local authority, and the Minister may make or undertake to make contributions accordingly :

Provided that, notwithstanding anything in any Act or in any order made under any Act, the amount and duration of any such contribution may be reduced by the Minister at his discretion.

173.—(1) The following provisions of this section shall have effect in any case where under the foregoing provisions of this Part of this Act the Minister has by order rendered exercisable by himself any powers of a local authority.

(2) Any expenses incurred by the Minister in exercising the said powers shall be paid in the first instance out of moneys provided by Parliament, but the amount of those expenses as certified by the Minister shall on demand be paid by the local authority to the Minister and shall be recoverable as a debt due to the Crown.

(3) The payment of any such expenses as aforesaid shall, to such extent as may be sanctioned by the Minister, be a purpose for which a local authority may borrow money.

PART VII.

—cont.

Provisions as to orders directing county council to perform obligations of urban district councils.

Provisions as to exercise by Minister of powers of a local authority.

PART VII.

—cont.

(4) The Minister may by order vest in and transfer to the local authority any property, debts or liabilities acquired or incurred by him in exercising the powers of the local authority, and that property and those debts or liabilities shall vest and attach accordingly.

(5) In this section the expression "local authority", in relation to any powers which, upon the default of a local authority, have been transferred to a county council, means the local authority in whom those powers were originally vested.

Power to vary and revoke certain orders relating to defaults.

174. In any case where under this Act an order has been made by a county council transferring to that council any powers or duties of a local authority, or an order has been made by the Minister transferring to a county council, or directing a county council to exercise, any powers or duties of a local authority, or rendering any powers or duties of a local authority exercisable by the Minister, the county council, or, in the case of an order made by the Minister, the Minister, may at any time by a subsequent order vary or revoke that order, but without prejudice to the validity of anything previously done thereunder; and, when any order is so revoked, the county council or, as the case may be, the Minister, may either by the revoking order, or by a supplemental order, make such provision as appears to be desirable with respect to the transfer, vesting and discharge of any property, debts or liabilities acquired or incurred by the county council, or by the Minister, in exercising the powers or duties to which the order so revoked related.

Power of London County Council in the event of default of metropolitan borough council.

175.—(1) Where a complaint has been made to the Minister by the London County Council that the council of a metropolitan borough have failed—

- (a) to enforce any byelaws made under section six of this Act and for the time being in force; or
- (b) to exercise their powers under section twelve of this Act in a case where those powers ought to have been exercised; or
- (c) to make an inspection of their borough under section fifty-seven of this Act or, within a reasonable period, to complete the inspection and to submit the report thereon; or
- (d) to enforce the provisions of Part IV of this Act;

the Minister, if satisfied after due inquiry that there has been such a failure on the part of that council, may make an order declaring that council to be in default and directing that council to exercise such powers as may be necessary for the purpose of remedying the default in such manner and within such time as may be specified in the order.

PART VII.
—cont.

(2) If the council to whom the order is addressed fail to comply with any requirement thereof within the time limited thereby for compliance therewith, the Minister may make an order directing the London County Council to perform such of the obligations of the metropolitan borough council under the original order within such time as may be specified in his order addressed to the London County Council.

(3) An order under the last foregoing subsection may provide that section two hundred and ninety-two of the Public Health (London) Act, 1936, shall, subject to such modifications and adaptations as may be specified in the order, apply in relation to the obligations specified therein as it applies in relation to duties which the London County Council are appointed to perform under that section.

General Powers of Minister.

176.—(1) The Minister may by regulations prescribe anything which by this Act is to be prescribed and the form of any notice, advertisement, statement or other document which is required or authorised to be used under, or for the purposes of, this Act.

Power of Minister to prescribe forms and to dispense with advertisements and notices.

(2) The Minister may dispense with the publication of advertisements or the service of notices required to be published or served by a local authority under this Act, if he is satisfied that there is reasonable cause for dispensing with the publication or service.

(3) Any such dispensation may be given by the Minister either before or after the time at which the advertisement is required to be published or the notice is required to be served, and either unconditionally, or upon such conditions as to the publication of other

PART VII. advertisements or the service of other notices or otherwise as the Minister thinks fit, due care being taken by him to prevent the interests of any persons being prejudiced by the dispensation.
—*cont.*

Regulations
to be laid
before
Parliament.

177. All regulations made by the Minister under the last foregoing section shall, so soon as may be after they are made, be laid before each House of Parliament, and, if either House of Parliament, within the next subsequent twenty-one days on which that House has sat after any such regulation has been laid before it, resolves that the regulation shall be annulled, the regulation shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation.

Local
inquiries
and orders.

178.—(1) For the purposes of the execution of his powers and duties under this Act, the Minister may cause such local inquiries to be held as he may think fit.

(2) Sections two hundred and ninety-three to two hundred and ninety-five and section two hundred and ninety-eight of the Public Health Act, 1875, shall apply for the purpose of any order to be made by the Minister in pursuance of this Act.

Power of
Minister to
obtain a
report on
any
crowded
area.

179. If it appears to the Minister that owing to density of population, or any other reason, it is expedient to inquire into the circumstances of any area with a view to determining whether any powers under this Act should be put into force in that area or not, the Minister may require the local authority to make a report to him containing such particulars as to the population of the district and other matters as he may direct, and the local authority shall comply with the requirement of the Minister, and any expenses incurred by them in so doing shall be paid as expenses incurred in the execution of such Part of this Act as the Minister may determine.

Arrange-
ments
between the
Minister
and other
Depart-
ments.

180. The Minister may make arrangements with any other Government Department for the exercise and performance by that Department of any of his powers and duties under this Act which in his opinion could be more conveniently so exercised and performed, and in that case that Department and the officers thereof

shall have the same powers and duties as are by this Act conferred on the Minister and his officers.

PART VII.
—cont.

Miscellaneous provisions as to London.

181.—(1) The London County Council and the Common Council of the City of London or the council of a metropolitan borough may at any time enter into an agreement with respect to—

Relations
between
local
authorities
in London.

- (a) any action to be taken under the provisions of Part III of this Act relating to clearance areas, redevelopment areas or improvement areas, or under Part IV of this Act, or under the provisions of section one hundred and sixty-two of this Act relating to schemes of improvement or reconstruction, or in connection with the provision of new houses to abate overcrowding;
- (b) the exercise by one of the parties to the agreement of any powers conferred under the provisions of Part III of this Act relating to redevelopment areas or under Part IV of this Act on the other party thereto;
- (c) the making of contributions by one of those councils towards the expenses incurred by the other of them in taking any such action or in any such exercise of powers as aforesaid; or
- (d) the carrying out of any housing operations under Part V of this Act and the apportionment of the expenses incurred in carrying out such operations.

(2) It shall be the duty of the council of every metropolitan borough to furnish any information in their power which may reasonably be required by the London County Council for the purpose of enabling them to carry out their duties under the provisions of Part III of this Act relating to clearance areas or to improvement areas, or under the provisions of section one hundred and sixty-two of this Act relating to schemes of improvement or reconstruction.

PART VII.

—cont.

Agreements between London County Council and neighbouring authorities as to provision of houses.

182. The London County Council and the Common Council of the City of London; or any other council being the local authority of an area adjacent to or in the vicinity of the county of London, may enter into agreements for the provision by the London County Council of houses outside the county of London to meet the special needs of the other council, or for the provision by the other council of houses within their area to meet the needs of the London County Council, and for the payment, in either case, of such contributions as may be agreed by the council needing the houses to the council providing them.

In this section the expression “county of London” means the administrative county of London exclusive of the City of London.

Provisions as to medical officers of health in London.

183.—(1) Anything which under this Act is authorised or required to be done by or to a medical officer of health of a local authority in the administrative county of London may be done by or to any person authorised to act temporarily as such medical officer of health.

(2) The London County Council may, with the consent of the Minister, at any time appoint one or more duly qualified medical practitioner or practitioners with such remuneration as they think fit for the purpose of carrying into effect any Part of this Act.

(3) Any medical officer of health appointed by the London County Council and any officer appointed by them under this section shall be deemed to be a medical officer of health of a local authority within the meaning of this Act.

Committee of the Common Council.

184. The Common Council of the City of London may appoint a committee, consisting of so many persons as they think fit, for any purposes of this Act which in their opinion may be better regulated and managed by means of a committee :

Provided that a committee so appointed shall consist as to a majority of its members of members of the Common Council, and shall not be authorised to borrow any money, or to make any rate, and shall be subject to any regulations and restrictions which may be imposed by the Common Council.

185.—(1) A person shall not, by reason only of the fact that he occupies a house at a rental from a local authority for the purposes of Part V of this Act in the administrative county of London, be disqualified from being elected or being a member of the authority or of any committee thereof, but no person shall vote as a member of such a local authority, or any committee thereof, upon any resolution or question which is proposed or arises in pursuance of this Act, if it relates to any house, building or land in which he is beneficially interested.

PART VII.
—*cont.*
Prohibition on persons interested voting as members of local authority in London.

(2) If any person votes in contravention of this section, he shall, on summary conviction, be liable to a fine not exceeding fifty pounds, but the fact of his giving the vote shall not invalidate any resolution or proceeding of the local authority.

186.—(1) The costs incurred in relation to any local inquiry which the Minister may cause to be held in pursuance of this Act in relation to any part of the administrative county of London (including the remuneration of any person employed by the Minister for the purposes of the inquiry) shall be paid by the local authorities and persons concerned in the inquiry, or by such of them and in such proportion as the Minister may direct, and the Minister may certify the amount of the costs incurred, and any sum so certified and directed by the Minister to be paid by any local authority or person shall be a debt due to the Crown from that local authority or person.

Local inquiries in London.

(2) Sections two hundred and ninety-three to two hundred and ninety-six and section two hundred and ninety-eight of the Public Health Act, 1875, shall apply for the purpose of any such local inquiry as aforesaid.

PART VIII.

SUPPLEMENTAL.

187. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed, and nothing in

Powers of Act to be cumulative.

PART VIII. this Act shall exempt any person from any penalty to
—*cont.* which he would have been subject if this Act had not
passed :

Provided that a local authority shall not, by reason of any local Act relating to a place within their jurisdiction, be exempted from the performance of any duty or obligation to which such authority are subject under this Act.

Interpreta-
tion:

188.—(1) In this Act, unless the context otherwise requires—

9 & 10
Geo. 5. c. 35.

“ The Act of 1919 ” means the Housing, Town Planning, &c. Act, 1919 :

13 & 14
Geo. 5. c. 24.

“ The Act of 1923 ” means the Housing, &c. Act, 1923 :

14 & 15
Geo. 5. c. 35.

“ The Act of 1924 ” means the Housing (Financial Provisions) Act, 1924 :

21 & 22
Geo. 5. c. 39.

“ The Act of 1931 ” means the Housing (Rural Authorities) Act, 1931 :

“ The Housing Acts ” means the Acts referred to in the foregoing definitions, the Housing Act, 1925, the Housing Act, 1930, the Housing Act, 1935, and this Act :

“ Agricultural population ” has the meaning assigned to it by subsection (2) of section one hundred and fifteen of this Act :

“ Apparatus ” means sewers, drains, culverts, water-courses, mains, pipes, valves, tubes, cables, wires, transformers, and other apparatus laid down or used for or in connection with the carrying, conveying or supplying to any premises of a supply of water, water for hydraulic power, gas or electricity, and standards and brackets carrying street lamps :

“ Building byelaws ” includes byelaws made by any local authority under section one hundred and fifty-seven of the Public Health Act, 1875, as amended by any subsequent enactment, with respect to new buildings, including the drainage thereof, and new streets, and any enactments in any local Acts dealing with the construction and

drainage of new buildings and the laying out and construction of new streets, and any bye-laws made with respect to such matters under any such local Act: PART VIII.
—cont.

“Contributory place” has the same meaning as in the Public Health Act, 1875:

“Exchequer contribution” means a contribution which the Minister is required or authorised to make to a local authority out of moneys provided by Parliament under any of the following enactments, that is to say:—

Section seven of the Act of 1919.

Paragraph (b) of subsection (1) of section one of the Act of 1923 (as originally enacted).

Subsection (3) of section one of the Act of 1923.

Paragraph (b) of subsection (1) of section one of the Act of 1923 (as amended by sections one and two of the Act of 1924).

Subsection (2A) of section four of the Housing (Rural Workers) Act, 1926.

Section one of the Act of 1931.

Sections one hundred and five to one hundred and eight of this Act.

“Flat” means a separate and self-contained set of premises constructed for use for the purposes of a dwelling and forming part of a building from some other part of which it is divided horizontally, and “block of flats” means a building which contains two or more flats and which consists of three or more storeys exclusive of any storey which is constructed for use for purposes other than those of a dwelling:

“House” includes any yard, garden, outhouses, and appurtenances belonging thereto or usually enjoyed therewith:

“Housing association” means a society, body of trustees or company established for the purpose

PART VIII.
—cont.

of, or amongst whose objects or powers are included those of, constructing, improving or managing or facilitating or encouraging the construction or improvement of, houses for the working classes, being a society, body of trustees or company who do not trade for profit or whose constitution or rules prohibit the issue of any capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury, whether with or without differentiation as between share and loan capital :

“ Housing trust ” means a corporation or body of persons which by the terms of its constituent instrument, is required to devote the whole of its funds, including any surplus which may arise from its operations, to the provision of houses for persons the majority of whom are in fact members of the working classes, and to other purposes incidental thereto :

“ Land ” includes any right over land :

“ Loan charges ” means, in relation to any borrowed moneys, the sums required for the payment of interest on those moneys and for the repayment thereof either by instalments or by means of a sinking fund :

“ Mental hospitals board ” means the Lancashire Mental Hospitals Board, the West Riding of Yorkshire Mental Hospitals Board, the Staffordshire Mental Hospitals Board, and any other body constituted for the administration of the enactments relating to mental illness on behalf of any combination of county councils or county borough councils :

“ The Minister ” means the Minister of Health :

“ Official representation ” means in the case of any local authority a representation made to that authority by the medical officer thereof, and includes also, in the case of the council of a rural district or of an urban district not containing according to the last published census a population of more than ten thousand, a representation made by the medical officer of health of the county to the county council and forwarded by

them to the council of the district, and, in the case of the council of a metropolitan borough, a representation made by the medical officer of health of the county of London to the London County Council and forwarded by them to the borough council :

PART VIII.
—cont.

“ Owner,” in relation to any building or land, means a person other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the building or land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the building or land under a lease or agreement, the unexpired term whereof exceeds three years :

“ Planning scheme ” means a scheme made under the Town Planning Act, 1925, or the Town and Country Planning Act, 1932, or any enactment repealed by either of those Acts :

15 & 16
Geo. 5. c. 16.
22 & 23
Geo. 5. c. 48.

“ Public Health Acts ” means as respects London, the Public Health (London) Act, 1936, and elsewhere the Public Health Act, 1875, and the Acts amending those Acts :

“ Sanitary defects ” includes lack of air space or of ventilation, darkness, dampness, absence of adequate and readily accessible water supply or sanitary accommodation or of other conveniences, and inadequate paving or drainage of courts, yards or passages :

“ Statutory security ” has the meaning assigned to it by Part IX of the Local Government Act, 1933 :

“ Statutory undertakers ” means any persons authorised by any enactment or by an order, rule or regulation made under an enactment, to construct, work or carry on a railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water or other public undertaking :

“ Street ” includes any court, alley, passage, square, or row of houses, whether a thoroughfare or not.

(2) In this Act, references to a local authority where not limited by the context to references to the local authority for the purposes of this Act or

PART VIII. of any enactment in this Act or of any other enactment relating to housing, unless the context otherwise requires, include references to the Common Council of the City of London, the London County Council, a metropolitan borough council and the council of a borough, urban district or rural district.

—cont.

(3) For the purposes of any provisions of this Act relating to the provision of housing accommodation, the expression "house" includes, unless the context otherwise requires, any part of a building which is occupied or intended to be occupied as a separate dwelling.

(4) In determining for the purposes of this Act whether a house is fit for human habitation, regard shall be had to the extent, if any, to which by reason of disrepair or sanitary defects the house falls short of the provisions of any byelaws in operation in the district or of any enactment in any local Act in operation in the district dealing with the construction and drainage of new buildings and the laying out and construction of new streets or of the general standard of housing accommodation for working classes in the district.

Savings.

189.—(1) Nothing in this Act shall affect any order, byelaw, regulation or plan made, charge effected, undertaking, notice, approval, certificate, direction or determination given, or other thing done, under any enactment repealed by this Act or by the Housing Act, 1925, but any such order, byelaw, regulation, plan, charge, undertaking, notice, approval, certificate, direction, determination or thing shall, if in force at the commencement of this Act, continue in force and shall, so far as it could have been made, effected, given or done under this Act, have effect as if made, effected, given or done under the corresponding provision of this Act.

(2) In this Act the expression "under this Act," whether in relation to any land, houses or other property acquired, to any contribution, to any housing or other operations, or in relation to any other matter or thing made, given, effected or done, or right acquired, or obligation incurred, and any other expression describing any matter or thing by reference to this Act or to any enactment in this Act, shall be construed as including a reference to any Act repealed by this Act or by the

Housing Act, 1925, or to the corresponding provision of any Act so repealed. PART VIII.
—cont.

(3) Byelaws made by a local authority in pursuance of an obligation imposed upon them by paragraph (iii) of subsection (1) of section eight of the Housing Act, 1930, and confirmed before the second day of August, nineteen hundred and thirty-five, shall, to the extent to which they would have had effect if made and confirmed under section six of this Act after the commencement of this Act, have effect, as respects land in the improvement area affected, as if they had been so made and confirmed and not otherwise.

(4) Byelaws made under the Public Health Act, 1875, or under the Public Health (London) Act, 1891, before the commencement of the Housing Act, 1935, by virtue of the power conferred by section six of the Housing Act, 1925, shall, if in force at the commencement of this Act, continue in force and shall have effect as if made under section six of this Act.

(5) Any document referring to any enactment repealed by this Act or by the Housing Act, 1925, shall be construed as referring to the corresponding provision of this Act.

(6) Any person holding office or acting or serving under or by virtue of any enactment repealed by this Act or by the Housing Act, 1925, shall continue to hold his office or to act or serve as if he had been appointed under this Act.

(7) Nothing in this section shall be taken to prejudice the provisions of section thirty-eight of the Interpretation Act, 1889. 52 & 53
Vict. c. 63.

190. The enactments mentioned in the Twelfth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule. Repeals.

191.—(1) This Act may be cited as the Housing Act, 1936. Short title,
commence-
ment
and extent.

(2) This Act shall come into force on the first day of January, nineteen hundred and thirty-seven.

(3) This Act shall not extend to Scotland or to Northern Ireland.

SCHEDULES.

FIRST SCHEDULE.

COMPULSORY PURCHASE ORDERS.

General.

1. A compulsory purchase order shall be in the prescribed form and shall describe by reference to a map the land to which it applies, and shall incorporate, subject to the modifications hereinafter mentioned and any necessary adaptations—

(a) the Lands Clauses Acts (except sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845);

(b) the Acquisition of Land (Assessment of Compensation) Act, 1919; and

(c) section seventy-seven of the Railways Clauses Consolidation Act, 1845, and sections seventy-eight to eighty-five of that Act as originally enacted and not as amended for certain purposes by section fifteen of the Mines (Working Facilities and Support) Act, 1923.

2. The modifications subject to which the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be incorporated in the order are as follows :—

(a) the compensation shall be assessed in accordance with such of the provisions of this Act relating to the assessment of compensation in respect of land purchased compulsorily as are applicable to the particular case;

(b) the arbitrator shall not take into account any building erected or any improvement or alteration made or any interest in land created after the date on which notice of the order having been made is published in accordance with the provisions of this Schedule if, in the opinion of the arbitrator, the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which a claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation;

(c) where any land to which an order relates is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded

Sections 16,
29, 32, 36,
38, 74.

8 & 9 Vict.
c. 20.

13 & 14
Geo. 5. c. 20.

for the purchase of the land, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice ;

1st Sch.
-cont.

- (d) all notices required to be served by the local authority may, notwithstanding anything in section nineteen of the Lands Clauses Consolidation Act, 1845, be served and addressed in the manner specified in section one hundred and sixty-seven of this Act in relation to notices required to be served by or under this Act.

3. Before submitting the order to the Minister, the local authority shall—

- (a) publish in one or more newspapers circulating within their district a notice in the prescribed form stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours ; and
- (b) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any land to which the order relates a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Minister for confirmation and specifying the time within and the manner in which objections thereto can be made.

4. Except in the case of an order made under section thirty-six of this Act, if no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, then, subject to the provisions hereinafter in this Schedule contained, the Minister may, if he thinks fit, confirm the order with or without modification, but in any other case he shall, before confirming the order, cause a public local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification :

Provided that the Minister may require any person who has made an objection to state in writing the grounds thereof and may confirm the order without causing a public local inquiry to be held if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation is to be assessed.

1st Sch.
—cont.

5. In the case of an order made under section thirty-six of this Act, if any objection is duly made in writing by any of the persons upon whom notices are required to be served, stating as the ground thereof either—

- (a) that any house indicated in the order as being unfit for human habitation and not capable at reasonable expense of being rendered so fit ought not to have been so indicated; or
- (b) in the case of land in the re-development area, that the objector is prepared to enter into arrangements for the carrying out of re-development, or for securing the use of the land, in accordance with the re-development plan; or
- (c) in the case of land outside the re-development area, any matter not being a matter which in the opinion of the Minister can be dealt with by the arbitrator by whom the compensation is to be assessed;

the Minister shall, unless the objection is withdrawn, cause a public local inquiry to be held with respect thereto and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then, subject to the provisions hereinafter in this Schedule contained, confirm the order either with or without modification, and in any other case the Minister may, subject as aforesaid, confirm the order with or without modification and either after, or without, causing a public local inquiry to be held.

6. An order as confirmed by the Minister shall not authorise the local authority to purchase compulsorily any land which the order would not have authorised them so to purchase if it had been confirmed without modification.

7. In construing for the purposes of this Schedule or any order made thereunder any enactment incorporated in the order, this Act, together with the order, shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking.

Provisions Applicable to Orders under Section 16, 29, 32 or 38.

8. In the case of an order made under section sixteen, twenty-nine, thirty-two or thirty-eight of this Act—

- (a) The Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be incorporated in the order subject to the following modification in addition to the modifications mentioned in paragraph 2 of this Schedule, that is to say, that notwithstanding anything in section ninety-two

of the Lands Clauses Consolidation Act, 1845, the arbitrator may determine that such part of any house, building or manufactory as is proposed to be taken by the local authority can be taken without material damage to the house, building or manufactory, and, if he so determines, may award compensation in respect of the severance of the part so proposed to be taken, in addition to the value of that part and thereupon the party interested shall be required to sell and convey to the local authority that part of the house, building or manufactory;

1ST SCH.
--cont.

- (b) before submitting the order to the Minister the local authority shall, in addition to serving such notice as is mentioned in paragraph 3 (b) of this Schedule on the persons therein mentioned, serve the like notice on every mortgagee of any land to which the order relates, so far as it is reasonably practicable to ascertain such persons.

Provisions applicable to Orders under Section 29.

9. An order made under section twenty-nine of this Act shall show in the prescribed manner—

- (a) what parts, if any, of the land to be purchased compulsorily are outside the clearance area; and
- (b) what buildings, if any, to be purchased compulsorily are included in the clearance area only on the ground that by reason of their bad arrangement in relation to other buildings, or the narrowness or bad arrangement of the streets, they are dangerous or injurious to the health of the inhabitants of the area.

10. An order made under section twenty-nine of this Act shall not, as confirmed by the Minister—

- (a) authorise the local authority to purchase as being land comprised in a clearance area any land shown in the order as submitted as being outside that area; or
- (b) authorise the local authority to purchase compulsorily any building on less favourable terms with respect to compensation than the terms on which the order would have authorised them to purchase the building if the order had been confirmed without modification.

11. If the Minister is of opinion that any land included by the local authority in a clearance area ought not to have been so included, he shall in confirming an order made under section twenty-nine of this Act so modify it as to exclude that land for all purposes from the clearance area, but if in any such case

1ST SCH.
—cont.

he is of opinion that the land may properly be purchased by the authority under section twenty-seven of this Act, he shall further modify the order so as to authorise the local authority to purchase that land under that section and not as being land comprised in a clearance area.

12. The Minister may confirm an order made in connection with a clearance area notwithstanding that the effect of the modifications made by him in excluding any building from the clearance area is to sever that area into two or more separate and distinct areas, and in any such case the provisions of this Act relating to the effect of an order when confirmed and to the proceedings to be taken subsequent to the confirmation thereof shall apply as if those areas formed one clearance area.

Provisions applicable to Orders under Section 36.

13. Before submitting to the Minister an order made under section thirty-six of this Act, the local authority shall, in addition to serving such notice as is mentioned in paragraph 3 (b) of this Schedule on the persons therein mentioned, serve the like notice on every mortgagee of any land comprising or consisting of a house indicated in the order as being unfit for human habitation and not capable at reasonable expense of being rendered so fit, so far as it is reasonably practicable to ascertain such persons.

14. An order made under section thirty-six of this Act shall not, as confirmed by the Minister, authorise the local authority to purchase, as being a house unfit for human habitation and not capable at reasonable expense of being rendered so fit, any house not indicated in the order as submitted as being in that condition.

Sections 16,
26, 29, 32,
35, 36, 38,
74.

SECOND SCHEDULE.

VALIDITY AND DATE OF OPERATION OF CERTAIN
ORDERS.

1. So soon as may be after a compulsory purchase order or a clearance order has been confirmed by the Minister, the local authority shall publish in a newspaper circulating in their district a notice in the prescribed form stating that the order has been confirmed, and naming a place where a copy of the order as confirmed and of the map referred to therein may be seen at all reasonable hours, and shall serve a

like notice on every person who, having given notice to the Minister of his objection to the order, appeared at the public local inquiry in support of his objection.

2ND SCH.
—cont.

2. If any person aggrieved by such an order as aforesaid, or by the Minister's approval of a re-development plan or of a new plan, desires to question the validity thereof on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may, within six weeks after the publication of the notice of confirmation of the order, or of the approval of the plan, make an application for the purpose to the High Court, and where any such application is duly made the court—

- (i) may by interim order suspend the operation of the order, or the approval of the plan, either generally or in so far as it affects any property of the applicant until the final determination of the proceedings; and
- (ii) if satisfied upon the hearing of the application that the order, or the approval of the plan, is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the order, or the approval of the plan, either generally or in so far as it affects any property of the applicant.

3. Subject to the provisions of the last preceding paragraph, the order, or the approval of the plan, shall not be questioned by prohibition or certiorari or in any legal proceedings whatsoever, either before or after the order is confirmed or the approval is given, as the case may be, and shall become operative at the expiration of six weeks from the date on which notice of confirmation of the order, or of the approval of the plan, is published in accordance with the provisions of this Act.

4. Except by leave of the Court of Appeal, no appeal shall lie to the House of Lords from a decision of the Court of Appeal in proceedings under this Schedule.

5. So soon as may be after a compulsory purchase order made under section sixteen, twenty-nine, thirty-two, thirty-eight or seventy-four of this Act or a clearance order has become operative, the local authority shall serve a copy thereof on every person on whom a notice was served by them of their intention to submit the order to the Minister for confirmation.

THIRD SCHEDULE.

CLEARANCE ORDERS.

1. A clearance order shall be in the prescribed form and shall describe by reference to a map the area to which it applies, and shall fix by reference to the date on which it becomes operative the period, not being less than twenty-eight days from that date, within which the authority require the buildings in the area to be vacated for the purposes of demolition, and for that purpose may fix different periods as respects different buildings.

2. There shall be excluded from the order any houses or other buildings properly included in the clearance area only on the ground that by reason of their bad arrangement in relation to other buildings, or the narrowness or bad arrangement of the streets, they are dangerous or injurious to the health of the inhabitants of the area :

Provided that the foregoing provisions of this paragraph shall not apply to a building constructed or adapted as, or for the purposes of, a dwelling, or partly for those purposes and partly for other purposes, if any part (not being a part used for other purposes) is by reason of dis-repair or sanitary defects unfit for human habitation.

3. Before submitting the order to the Minister the local authority shall—

(a) publish in one or more newspapers circulating within their district a notice in the prescribed form stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and

(b) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any building included in the area to which the order relates and so far as it is reasonably practicable to ascertain such persons, on every mortgagee thereof, a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Minister for confirmation, and specifying the time within and the manner in which objections thereto can be made.

4. So soon as may be after the required notices have been given, the local authority shall submit the order to the Minister for confirmation.

5. If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Minister may, if he thinks fit, confirm

the order with or without modification; but in any other case he shall, before confirming the order, cause a public local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order, either with or without modification :

3RD SCH.
—cont.

Provided that the order as confirmed by the Minister shall not apply to any building to which the order would not have applied if it had been confirmed without modification.

6. The Minister may confirm an order notwithstanding that the effect of the modifications made by him in excluding any buildings from the clearance area is to sever that area into two or more separate and distinct areas, and in any such case the provisions of this Act relating to the effect of an order when confirmed and to the proceedings to be taken subsequent to the confirmation thereof shall apply as if those areas formed one clearance area.

FOURTH SCHEDULE.

Sections 40,
55, 74.

RULES AS TO THE ASSESSMENT OF COMPENSATION WHERE LAND PURCHASED COMPULSORILY UNDER PART III OTHERWISE THAN AT SITE VALUE OR UNDER PART V.

1. If the arbitrator is satisfied with respect to any premises that the rental thereof was enhanced by reason of their being used for illegal purposes, or being overcrowded within the meaning of Part V of this Act, the compensation shall, so far as it is based on rental, be based on the rental which would have been obtainable if the premises were occupied for legal purposes, and were not so overcrowded.

2. If the arbitrator is satisfied that any premises are in a state of defective sanitation, or are not in reasonably good repair, the compensation shall be the estimated value of the premises if put into a sanitary condition, or reasonably good repair, less the estimated expense of putting them into such condition or repair.

3. The local authority may tender evidence as to the matters aforesaid, notwithstanding that they have not taken any steps with a view to remedying the defects or evils disclosed by the evidence, but before tendering evidence as to sanitation or repair, the authority shall furnish to the arbitrator and to the claimant a statement in writing of the respects in which the premises are alleged to be so defective.

4TH SCH.
—cont.

4. The arbitrator shall have regard to and make an allowance in respect of any increased value which, in his opinion, will be given to other premises of the same owner—

- (a) where the premises for which compensation is to be assessed are purchased under section thirty-six of this Act, by the proposed re-development of the area in accordance with the re-development plan; or
- (b) in any other case by the demolition by the local authority of any buildings.

5. In assessing compensation for premises purchased under section thirty-six of this Act, the arbitrator may take into account and embody in his award any undertaking given by the local authority with respect to the time within which, and the manner in which, the re-development or any part thereof is to be carried out, and the terms of any undertaking so embodied in the award shall be binding on and enforceable against the authority.

6. The arbitrator shall embody in his award a statement showing separately whether compensation has been reduced by reference to the use of the premises for illegal purposes, to overcrowding, to the considerations mentioned in paragraph 2 of this Schedule and to the considerations mentioned in paragraph 4 thereof, and the amount, if any, by which compensation has been reduced by reference to each of those matters.

Sections 58,
62, 68.

FIFTH SCHEDULE.

NUMBER OF PERSONS PERMITTED TO USE A HOUSE FOR SLEEPING.

For the purposes of Part IV of this Act, the expression “the permitted number of persons” means, in relation to any dwelling-house, either—

- (a) the number specified in the second column of Table I in the annex hereto in relation to a house consisting of the number of rooms of which that house consists, or
- (b) the aggregate for all the rooms in the house obtained by reckoning, for each room therein of the floor area specified in the first column of Table II in the annex hereto, the number specified in the second column of that Table in relation to that area,

whichever is the less:

Provided that in computing for the purposes of the said Table I the number of rooms in a house, no regard shall be had to any room having a floor area of less than 50 square feet.

ANNEX.

Table I.

5TH SCH.
—cont.

Where a house consists of—

(a) One room - - -	2.
(b) Two rooms - - -	3.
(c) Three rooms - - -	5.
(d) Four rooms - - -	7½.
(e) Five rooms or more -	10, with an additional 2 in respect of each room in excess of five.

Table II.

Where the floor area of a room is—

(a) 110 sq. ft. or more - -	2.
(b) 90 sq. ft. or more, but less than 110 sq. ft. - -	1½.
(c) 70 sq. ft. or more, but less than 90 sq. ft. - -	1.
(d) 50 sq. ft. or more, but less than 70 sq. ft. - -	½.
(e) Under 50 sq. ft. - -	Nil.

SIXTH SCHEDULE.

Section 106.

COMPUTATION OF GOVERNMENT CONTRIBUTIONS TOWARDS
PROVISION OF FLATS ON SITES OF HIGH VALUE
AND OF VALUE OF SITES.

1. In relation to an Exchequer contribution under section one hundred and six of this Act "the appropriate sum" means in the case of a site of such cost as is specified in the first column of the following Table, the corresponding sum specified in the second column of the said Table:—

TABLE.

Where the cost of the site as developed per acre—	£	s.	d.
exceeds £1,500 but does not exceed £4,000 - - -	6	0	0
exceeds £4,000 but does not exceed £5,000 - - -	7	0	0
exceeds £5,000 but does not exceed £6,000 - - -	8	0	0
exceeds £6,000 - - -	8	0	0

increased by £1 0 0 for each additional £2,000, or part of £2,000, in the cost per acre of the site as developed.

6TH SCH.
—cont.

2. For the purposes of section one hundred and six of this Act and of this Schedule, the cost of a site as developed means the cost, or, in the case of a site not purchased by the local authority for the purpose of the provision of the flats, the value as certified by the Minister, of the site, including any expenses which in the opinion of the Minister are requisite for making the site available for that purpose and which are incurred by the authority in the construction or widening of streets, the construction of sewers, or the execution of any special works rendered necessary by the physical characteristics of the land, and any expenses incurred in respect of any other matters which the Minister with the consent of the Treasury may approve as properly forming part of the cost of making the site available for that purpose.

The amount of the expenses to be included under this paragraph shall be such as may be estimated by the authority and approved by the Minister.

3. In determining the number of acres in a site, any land which is acquired for the purpose of the provision of the flats and which is used as new street space on which the block of flats will abut shall be deemed to form part of the site.

SEVENTH SCHEDULE.

Sections 111,
134.

DETERMINATION OF THE AMOUNT OF CERTAIN GOVERNMENT CONTRIBUTIONS PAYABLE UNDER SECTION 7 OF THE ACT OF 1919, AND SUBSECTION (3) OF SECTION 1 OF THE ACT OF 1923.

Contributions under S. 7 of the Act of 1919.

1. For the purposes of this Schedule and of the Eighth and Tenth Schedules to this Act—

- (a) a scheme under the Act of 1919 means a scheme to which section seven of that Act applies, other than a scheme for the provision of houses for persons in the employment of, or paid by, a county council or a statutory committee thereof;
- (b) all schemes and parts of schemes under the Act of 1919 which for the time being are being administered by a local authority shall be deemed to be a single scheme carried out by the authority.

2. Notwithstanding anything in any enactment, the amount of the Exchequer contribution for any financial year under

section seven of the Act of 1919 towards the loss resulting from the carrying out of a scheme under the Act of 1919 by a local authority (not being the London County Council or a metropolitan borough council) shall be the amount, if any, by which the estimated loss for that year in respect of the scheme, ascertained as provided by paragraphs 3 to 7 of this Schedule, exceeds an amount equal to the produce (ascertained as provided by paragraph 8 of this Schedule) of a rate of one penny in the pound for that year levied in the area chargeable with the expenses of the scheme.

7TH SCH.
—cont.

3. The estimated loss for any financial year shall be the amount by which the estimated expenditure for that year in respect of the scheme exceeds the estimated income for that year.

4. The estimated income for any financial year shall be the sum of the estimated annual rent income (that is to say an amount equal to the aggregate weekly rents of the houses provided or acquired by the authority under the scheme which, as at the thirty-first day of March, nineteen hundred and thirty-five, are accepted by the Minister for the purpose of the determination of the Exchequer contribution payable in respect of the scheme, multiplied by fifty-two and one-sixth) and any other items of income which, in the opinion of the Minister, may properly be taken into account.

5. The estimated expenditure for any financial year shall be determined in the following manner:—

(1) There shall be ascertained—

(a) the aggregate amount of the charges during the five years ending on the thirty-first day of March, nineteen hundred and thirty-five, in respect of supervision and management, repairs, unoccupied houses and irrecoverable rents, accepted by the Minister for the purpose of the determination of the Exchequer contribution payable in respect of the scheme, exclusive of expenditure, if any, incurred during the said five years on repairs of an abnormal and non-recurring nature and of sums, if any, written off during the said five years in respect of arrears of rents which had occurred in exceptional circumstances;

(b) the aggregate amount of the gross estimated rent income during the five years ending on the thirty-first day of March, nineteen hundred and thirty-five, as accepted by the Minister for the purpose of the determination of the Exchequer contribution payable in respect of the scheme;

(c) the aggregate of, first, the amount which bears the same proportion to the estimated annual

7TH SCH.
—cont.

rent income as the amount ascertained under head (a) of this sub-paragraph bears to the amount ascertained under head (b) thereof and, secondly, an amount equal to two per cent. of the estimated annual rent income;

(d) the aggregate amount of loan charges for the year in respect of money borrowed for the purposes of the scheme, reduced by the amount, if any, of loan charges for the year relating to expenditure not approved by the Minister for the purpose of the determination of the Exchequer contribution payable in respect of the scheme;

(e) any other items of expenditure which, in the opinion of the Minister, may properly be taken into account:

Provided that, where moneys borrowed for the purposes of the scheme are repaid by means of a reborrowing, the rate of interest by which the loan charges in respect of those moneys are to be determined for the purposes of head (d) of this sub-paragraph shall, unless the Minister otherwise directs, be the rate at which the moneys are reborrowed, or the rate which, at the date of reborrowing, was the rate fixed by the Treasury under section one of the Public Works Loans Act, 1897, in respect of loans to local authorities advanced out of the Local Loans Fund for the purposes of Part V of this Act, whichever is the less.

60 & 61 Vict.
c. 51.

- (2) The estimated expenditure for the financial year shall be the sum of the amounts ascertained under heads (c), (d) and (e) of the foregoing sub-paragraph.

6. If and to the extent to which an agreement made before the first day of April, nineteen hundred and thirty-five, by a local authority with the Minister under regulations made in pursuance of subsection (2) of section forty-five of the Housing Act, 1930, provides for the determination of the estimated annual loss resulting from the carrying out of a scheme under the Act of 1919 or of any item of estimated income or expenditure, that matter shall be determined in the manner provided in the agreement and not in the manner provided in the foregoing provisions of this Schedule.

7. Where, after the thirty-first day of March, nineteen hundred and thirty-five, the number of dwellings included in a scheme under the Act of 1919 is changed by reason of the sale of houses, closing or demolition of huts or other temporary dwellings, alterations of boundaries, or otherwise, the Minister may make such adjustments of the amounts of the estimated

losses in respect of periods subsequent to the date of change as he may deem equitable.

7TH SCH.
—cont.

8. In relation to a scheme under the Act of 1919, the produce of a rate of one penny in the pound for any financial year levied in any area shall be an amount ascertained in accordance with the following provisions :—

- (1) the produce of a rate for any period shall be deemed to be the amount actually realised during that period by the collection of rates in that area.
- (2) the produce of a rate of one penny in the pound shall be deemed to be that proportion of the produce of a rate which one penny bears to the total amount in the pound of the rate.
- (3) where it is desired to ascertain the amount of the produce of a rate of one penny in the pound levied in any area comprising two or more parts which are differentially rated, the said amount shall be separately ascertained in respect of each of those parts in accordance with the foregoing sub-paragraphs, and the sum of the amounts so ascertained shall be the produce of a rate of one penny in the pound levied in the said area.

Contributions under S. 1 (3) of the Act of 1923.

9. Notwithstanding anything in any enactment, the amount of the Exchequer contribution for any financial year under subsection (3) of section one of the Act of 1923 towards the expenses incurred by a local authority in carrying out a scheme to which that subsection applies shall be an amount equal to one-half of the estimated loss for that year incurred in carrying out the scheme, ascertained as provided by paragraphs 3 to 7 of this Schedule, subject to such modifications as the Minister with the approval of the Treasury may determine to be necessary having regard to the date of the completion of the operations or expedient in all the circumstances.

EIGHTH SCHEDULE.

Sections 86,
114, 117, 129,
130, 134.

LOCAL AUTHORITIES' CONTRIBUTIONS.

1. In respect of a scheme carried out by the local authority under the Act of 1919, a contribution for each financial year during the remainder of the period during which loan charges in respect of money borrowed for the purposes of the scheme are payable, of an amount equal to the produce (ascertained as

8TH SCH.
—cont.

provided by paragraph 8 of the Seventh Schedule to this Act) of a rate of one penny in the pound for that year levied in the area chargeable with the expenses of the scheme, together with the amount of any loan charges for that year in respect of money borrowed for expenditure in connection with the scheme which was not approved by the Minister for the purpose of the determination of the Exchequer contribution :

Provided that, in respect of any year during which no contributions are payable by the Minister in respect of the scheme, this paragraph shall have effect with the substitution, for the reference to an amount equal to the produce of such a rate as is therein mentioned, of a reference to an amount equal to the estimated loss (ascertained as provided by paragraphs 3 to 7 of the Seventh Schedule to this Act) for that year in respect of the scheme.

2. In respect of a house in respect of which the Minister has undertaken under paragraph (b) of subsection (1) of section one of the Act of 1923 as originally enacted to pay an Exchequer contribution payable to the local authority, a contribution for each financial year during the remainder of the period of twenty years from the completion of the house, of an amount equal to the amount of the Exchequer contribution in respect of the house for that year, or an amount equal to the average annual amount contributed out of the general rate fund in respect of the house during the five financial years ending on the thirty-first day of March, nineteen hundred and thirty-five, whichever is the less.

3. In respect of a scheme in respect of which an Exchequer contribution is payable to the local authority under subsection (3) of section one of the Act of 1923, a contribution for each financial year for which the Exchequer contribution is so payable, of an amount equal to the amount of the Exchequer contribution for that year, together with the amount of any loan charges for that year in respect of money borrowed for expenditure in connection with the scheme which was not approved by the Minister for the purpose of the determination of the Exchequer contribution.

4. In respect of a house in respect of which the Minister has undertaken under paragraph (b) of subsection (1) of section one of the Act of 1923 (as amended by sections one and two of the Act of 1924) to pay an Exchequer contribution payable to the local authority, a contribution for each financial year during the remainder of the period of sixty years from the completion of the house, of the annual amount, calculated by reference to a period of sixty years, equivalent to four pounds ten shillings a year payable for a period of forty years, or, in the case of a house completed after the thirtieth day of September, nineteen hundred

and twenty-seven, three pounds fifteen shillings a year payable for a period of forty years :

8TH SCH.
—cont.

Provided that—

- (a) where immediately before the first day of April, nineteen hundred and thirty-five, the amount of the annual expenses to be borne by the local rate, as estimated for the purpose of compliance with the requirements of paragraph (e) of subsection (1) of section three of the Act of 1924, or of subsection (7) of section one of the Act of 1931, as the case may be, was a sum less than the annual amount, calculated by reference to a period of sixty years, equivalent to four pounds ten shillings a year payable for a period of forty years, or three pounds fifteen shillings a year payable for a period of forty years, as the case may be, the annual amount of the contribution shall be that lesser sum;
- (b) in the case of a house in respect of which the county council make a contribution, this paragraph shall have effect as if there were substituted, for references therein to a sum of four pounds ten shillings or of three pounds fifteen shillings, references to the difference between that sum and the amount of the county council's contribution.

5. In respect of a house in respect of which the Minister has undertaken under section one hundred and five of this Act to pay an Exchequer contribution payable to the local authority, a contribution for each financial year during the period, or remainder of the period, as the case may be, of sixty years from the completion of the house, of the annual amount, calculated by reference to a period of sixty years, equivalent to three pounds fifteen shillings a year payable for a period of forty years, or, if the county council make a contribution, the difference between that contribution and three pounds fifteen shillings.

6. In respect of a house in respect of which the Minister has undertaken under section one hundred and six, one hundred and seven or one hundred and eight of this Act to pay an Exchequer contribution payable to the local authority, a contribution provided by equal annual instalments during a period of sixty years from the date of the completion of the house, of such amount as to be equivalent when so provided to the appropriate one of the following sums, namely :—

- (a) in the case of a flat in respect of which an Exchequer contribution is to be made under section one hundred and six of this Act, a sum equal to one-half of the amount

8TH SCH.
—cont.

- of the Exchequer contribution provided annually for a period of forty years ;
- (b) in the case of a house or flat in respect of which an Exchequer contribution is to be made under section one hundred and seven of this Act, a sum equal to one-half of the amount of the Exchequer contribution provided annually for the period for which the Exchequer contribution is payable ;
 - (c) in the case of a house provided for members of the agricultural population in respect of which an Exchequer contribution is to be made under section one hundred and eight of this Act, a sum of one pound provided annually for a period of forty years :

Provided that, where the local authority are of opinion that the contribution should be provided by annual instalments during a period of less than sixty years, the Minister may on their application direct that this paragraph shall have effect in relation to the contribution as if there had been substituted therein, for the reference to a period of sixty years, a reference to such period, not being less than that for which the Exchequer contribution is payable, as he may think proper.

7. The contributions payable by the local authority under section thirty-nine of the Housing Act, 1935.

8. Where in any financial year a deficit is shown in the Housing Revenue Account, a contribution (in this Act referred to as an additional contribution) for that financial year of an amount equal to the amount of the deficit.

9. Where—

- (a) a local authority satisfy the Minister that their contribution in respect of such houses as are mentioned in paragraph 2, 4, or 5 of this Schedule should, having regard to the extent to which repayment or provision for repayment of money borrowed for expenditure in connection with the provision of the houses has been made before the first day of April, nineteen hundred and thirty-five, be of an amount less than the amount specified in that paragraph ; or
- (b) a local authority are of opinion that their contribution in respect of such houses as are mentioned in paragraph 4 or 5 of this Schedule should, having regard to the arrangements made for repaying money borrowed for expenditure in connection with

the provision of the houses, be of an amount equivalent to the amount specified in that paragraph for a less period than the period therein specified for the payment of the contribution;

8TH SCH.
—cont.

the provisions of that paragraph shall have effect in the case of that authority subject to such modifications as the Minister may determine.

NINTH SCHEDULE.

Section 122.

LOCAL HOUSING BONDS.

1. Local bonds shall—

- (a) be secured upon all the rates, property and revenues of the local authority;
- (b) bear interest at such rate as the local authority may determine at the time of the issue of the bonds;
- (c) be issued in denominations of five, ten, twenty, fifty, and one hundred pounds and multiples of hundred pounds;
- (d) be issued for periods of not less than five years.

2. Local bonds shall be exempt from stamp duty under the Stamp Act, 1891, and no duty shall be chargeable under section eight of the Finance Act, 1899, as amended by any subsequent enactment in respect of the issue of any such bonds.

54 & 55 Vict.
c. 39.
62 & 63 Vict.
c. 9.

3. The provisions of section one hundred and fifteen of the Stamp Act, 1891 (which relates to composition for stamp duty) shall, with the necessary adaptations, apply in the case of any local authority by whom local bonds are issued as if those bonds were stock or funded debt of the authority within the meaning of that section.

4. A local authority shall, in the case of any person who is the registered holder of local bonds issued by that authority of a nominal amount not exceeding in the aggregate one hundred pounds, pay the interest on the bonds held by that person without deduction of income tax, but any such interest shall be accounted for and charged to income tax under the third case of Schedule D, subject, however, to any provision of the enactments relating to income tax with respect to exemption or abatement.

9TH SCH.
—cont.

5. Local bonds issued by a local authority shall be accepted by that authority at their nominal value in payment of the purchase price of any house erected by or on behalf of any local authority in pursuance of operations under this Act.

38 & 39 Vict.
c. 83.

6. The Minister may, with the approval of the Treasury, make regulations with respect to the issue (including terms of issue), transfer and redemption of local bonds and the security therefor; and any such regulations may apply, with or without modifications, any provisions of the Local Loans Act, 1875, and the Acts amending that Act, and of any Act relating to securities issued by the London County Council or by any other local or public body.

7. For the purposes of this Schedule the expression "local authority" includes a county council.

Section 134.

TENTH SCHEDULE.

MODIFICATION AS TO LONDON OF FINANCIAL PROVISIONS.

1.—(1) The London County Council shall pay to the council of a metropolitan borough for each financial year an amount equal to any loss which may be incurred for that year by the metropolitan borough council in carrying out a scheme under the Act of 1919;

(2) For the purposes of the foregoing sub-paragraph the loss for any year shall be the amount by which the estimated expenditure for that year in respect of the scheme exceeds the estimated income for that year, and that expenditure and income shall be ascertained in accordance with the provisions of paragraphs 4 to 7 of the Seventh Schedule to this Act;

(3) Notwithstanding anything in any enactment, no Exchequer contribution shall be payable to a metropolitan borough council under section seven of the Act of 1919, but the amount of the Exchequer contribution payable to the London County Council for any financial year in respect of schemes under the Act of 1919 shall be the amount, if any, by which the aggregate of, first, the estimated loss for that year in respect of the carrying out of any such scheme by the London County Council (ascertained as provided by paragraphs 3 to 7 of the Seventh Schedule to this Act) and, secondly, the amount of the sums payable by the London County Council to metropolitan borough councils

under this paragraph for that year, exceeds an amount equal to the produce of a rate of one penny in the pound for that year levied in the administrative county of London other than the city of London (ascertained as provided by paragraph 8 of the Seventh Schedule to this Act).

10TH SCH.
—cont

2. For the purposes of the application to a metropolitan borough council of the provisions of Part VI relating to the contributions to be made by a local authority out of the general rate fund, the following paragraph shall be substituted for paragraph 1 of the Eighth Schedule to this Act :—

“ 1. In respect of a scheme under the Act of 1919, carried out by the local authority, a contribution for each financial year during the remainder of the period during which loan charges in respect of money borrowed for the purposes of the scheme are payable, of the amount of any loan charges for that year in respect of money borrowed for expenditure in connection with the scheme which was not approved by the Minister for the purpose of the determination of the Exchequer contribution.”

3. For the purposes of the application to the Common Council of the City of London, to the London County Council and to a metropolitan borough council, of the provisions of Part VI of this Act relating to the contributions to be made by a local authority out of the general rate fund, the provisions of paragraphs 4 and 5 of the Eighth Schedule to this Act relating to the determination of the amount of such contributions in a case where the county council make a contribution shall not have effect, but where a contribution is made to the Common Council of the City of London, to the London County Council or to a metropolitan borough council for any year under any of the enactments referred to in sub-paragraphs (b) and (c) of the next succeeding paragraph in relation to any scheme or house referred to in the Eighth Schedule to this Act the amount of the contribution to be made by that council for that year in respect of that scheme or house shall be reduced by the amount of the contribution so made.

4. The Common Council of the City of London and a metropolitan borough council who are required to keep a Housing Revenue Account shall carry to the credit of the account, in addition to the amounts in respect of incomings for any year which they are required by section one hundred and twenty-nine of this Act to carry to the credit of that account—

- (a) an amount equal to the aggregate amount of any payments made to them for that year by the London County Council in respect of loss incurred by them in carrying out a scheme under the Act of 1919;

10TH SCH.
—cont.

- (b) an amount equal to the aggregate amount of any supplementary contributions made to them for that year by the London County Council under subsection (6) of section one of the Act of 1923, or under subsection (5) of section two of the Act of 1924;
- (c) an amount equal to the aggregate amount of any contributions, towards expenses incurred by them in relation to matters in respect of which the Housing Revenue Account is kept, made to them for that year by the London County Council or otherwise under proviso (a) to section thirty-three, section seventy, or section one hundred and eighty-one of this Act.

5. The London County Council shall debit to their Housing Revenue Account, in addition to the amounts in respect of outgoings for any year which they are required by section one hundred and twenty-nine of this Act to debit to that account, an amount equal to the aggregate amount of any payments made by them for that year in respect of losses incurred by metropolitan borough councils in carrying out schemes under the Act of 1919.

6. For references in this Act to the general rate fund of a local authority there shall be substituted, in relation to the London County Council, references to the county fund.

Sections 28,
137.

ELEVENTH SCHEDULE.

REHOUSING BY UNDERTAKERS IN CASE OF DISPLACEMENT OF PERSONS OF THE WORKING CLASSES.

1. If in the administrative county of London or in any borough or urban district, or in any parish in a rural district, the undertakers have power to take under the enabling Act working-men's dwellings occupied by thirty or more persons belonging to the working class, the undertakers shall not enter on any such dwellings in that county, borough, urban district, or parish, until the Minister has either approved of a housing scheme under this schedule or has decided that such a scheme is not necessary.

For the purposes of this schedule, a house shall be considered a working-man's dwelling if wholly or partially occupied by a person belonging to the working classes, and for the purpose of determining whether a house is a working-man's dwelling or not, and also for determining the number of persons belonging to the working classes by whom any houses are occupied, any occupation on or after the fifteenth day of December next

before the passing of the enabling Act, or, in the case of land acquired compulsorily under a general Act without the authority of an order, next before the date of the application to the Minister under this schedule, for his approval or decision with respect to a housing scheme, shall be taken into consideration.

11TH SCH.
—cont.

2. The housing scheme shall make provision for the accommodation of such number of persons of the working class as is, in the opinion of the Minister, taking into account all the circumstances, required, but that number shall not exceed the aggregate number of persons of the working class displaced; and in calculating that number the Minister shall take into consideration not only the persons of the working class who are occupying the working-men's dwellings which the undertakers have power to take, but also any persons of the working class who, in the opinion of the Minister, have been displaced within the previous five years in view of the acquisition of land by the undertakers.

3. Provision may be made by the housing scheme for giving undertakers who are a local authority, or who have not sufficient powers for the purpose, power for the purpose of the scheme to appropriate land or to acquire land, either by agreement or compulsorily under the authority of a Provisional Order, and for giving any local authority power to erect dwellings on land so appropriated or acquired by them, and to sell or dispose of any such dwellings, and to raise money for the purpose of the scheme as for the purposes of Part V of this Act, and for regulating the application of any money arising from the sale or disposal of the dwellings; and any provisions so made shall have effect as if they had been enacted in an Act of Parliament.

4. The housing scheme shall provide that any lands acquired under the scheme shall, for a period of twenty-five years from the date of the scheme, be appropriated for the purpose of dwellings for persons of the working class, except so far as the Minister may dispense with such appropriation; and every conveyance, demise, or lease of any such land shall be endorsed with notice of this provision, and the Minister may require the insertion in the scheme of any provisions requiring a certain standard of house to be erected under the scheme, or any conditions to be complied with as to the mode in which the houses are to be erected.

5. If the Minister does not hold a local inquiry with reference to a housing scheme, he shall, before approving the scheme, send a copy of the draft scheme to every local authority, and shall consider any representation by any such authority made within the time fixed by him.

6. The Minister may, as a condition of his approval of a housing scheme, require that the new dwellings under the scheme,

11TH SCH.
—cont.

or some part of them, shall be completed and fit for occupation before possession is taken of any working-men's dwellings under the enabling Act.

7. Before approving any scheme the Minister may, if he thinks fit, require the undertakers to give such security as the Minister considers proper for carrying the scheme into effect.

8. If the undertakers enter on any working-men's dwellings in contravention of the provisions of this schedule, or of any conditions of approval of the housing scheme made by the Minister, they shall be liable to a penalty not exceeding five hundred pounds in respect of every such dwelling.

Any such penalty shall be recoverable by the Minister by action in the High Court, and shall be carried to ~~and~~ form part of the Consolidated Fund.

9. If the undertakers fail to carry out any provision of the housing scheme, the Minister may make such order as he may think necessary or proper for the purpose of compelling them to carry out that provision, and any such order may be enforced by mandamus.

10. The Minister may, on the application of the undertakers, modify any housing scheme which has been approved by him under this schedule, and any modifications so made shall take effect as part of the scheme.

11. For the purposes of this schedule—

- (a) The expression "undertakers" means any authority, company, or person who are acquiring land compulsorily or by agreement under any local Act or Provisional Order or order having the effect of an Act, or are acquiring land compulsorily under any general Act;
- (b) The expression "enabling Act" means any Act of Parliament or Order under which the land is acquired;
- (c) The expression "local authority" means, as respects England and Wales other than the administrative county of London, the council of any county, borough, urban district or rural district, as respects the City of London, the Common Council, and, as respects the administrative county of London other than the City of London, the council of any metropolitan borough, in which in any case any houses in respect of which the re-housing scheme is made are situated;
- (d) The expression "dwelling" or "house" means any house or part of a house occupied as a separate dwelling;
- (e) The expression "working class" includes mechanics, artisans, labourers, and others working for wages,

hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants whose income in any case does not exceed an average of three pounds a week, and the families of any of such persons who may be residing with them.

11TH SCH.
—cont.

TWELFTH SCHEDULE.

Section 190.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
9 Edw. 7. c. 44.	The Housing, Town Planning &c. Act, 1909.	In section seventy-one the words "and the housing of the working classes" in both places where those words occur.
9 & 10 Geo. 5. c. 35.	The Housing, Town Planning &c. Act, 1919.	Subsection (4) of section twenty-four and section thirty-six.
14 & 15 Geo. 5. c. 35.	The Housing (Financial Provisions) Act, 1924.	Section eight.
15 Geo. 5. c. 14	The Housing Act, 1925.	The whole Act.
16 & 17 Geo. 5. c. xxviii.	The London County Council (General Powers) Act, 1926.	Section thirty-eight.
17 & 18 Geo. 5. c. xxii.	The London County Council (General Powers) Act, 1927.	Section sixty.
18 & 19 Geo. 5. c. lxxvii.	The London County Council (General Powers) Act, 1928.	Section fifty-four.
19 & 20 Geo. 5. c. lxxxvii.	The London County Council (General Powers) Act, 1929.	Section fifty-six.
20 & 21 Geo. 5. c. 39.	The Housing Act, 1930.	The whole Act, except subsection (5) of section twenty-six and sections twenty-seven, forty-three, forty-four, forty-six, sixty-four and sixty-five.
22 & 23 Geo. 5. c. lxx.	The London County Council (General Powers) Act, 1932.	Section thirteen.
23 & 24 Geo. 5. c. 15.	The Housing (Financial Provisions) Act, 1933.	Section two.

12TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
25 & 26 Geo. 5. c. 40.	The Housing Act, 1935 -	The whole Act, except subsection (6) of section twenty-seven, sections thirty-seven to thirty-nine, subsection (2) of section sixty-two, and sections ninety-two and one hundred.

CHAPTER 52.

An Act to consolidate the enactments relating to the procedure for obtaining parliamentary powers by way of Provisional Orders in matters affecting Scotland. [31st July 1936.]

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 :—

Application for Provisional Order.

Application
for Pro-
visional
Order.
Notices.

62 & 63 Vict.
c. 47.

1.—(1) When any public authority or any persons (hereinafter referred to as the petitioners) desire to obtain Parliamentary powers in regard to any matter affecting public or private interests in Scotland for which they would have been, before the commencement of the Private Legislation Procedure (Scotland) Act, 1899, entitled to apply to Parliament by a petition for leave to bring in a Private Bill, they shall proceed by presenting a petition to the Secretary of State, praying him to issue a Provisional Order in accordance with the terms of a draft Order submitted to him, or with such modifications as shall be necessary.

(2) A printed copy of the draft Order shall, at such time as shall be prescribed, be deposited in the office of the Clerk of the Parliaments and in the Committee and Private Bill Office of the House of Commons, and also at the office of the Treasury and of such other public departments as shall be prescribed.

(3) The petitioners shall make such deposits and give such notice by public advertisement, and, where land is proposed to be taken, by such service on owners, lessees and occupiers, as shall be prescribed as sufficient for procedure by way of Provisional Order under this Act.

(4) If a representation is made to the Secretary of State by any public authority or persons that they desire to obtain Parliamentary powers to be operative in Scotland and elsewhere, and that it is expedient that such powers should be conferred by one enactment by reason of the fact that it is necessary to provide for the uniform regulation of the affairs of an undertaking or institution carried on or operating in Scotland and elsewhere, the Secretary of State and the Chairman of Committees of the House of Lords and the Chairman of Ways and Means in the House of Commons (in this Act referred to as the Chairmen) shall take such representation into their consideration, and, if they shall be of opinion that the said powers or some of them would more properly be obtained by the promotion of a Private Bill than by the promotion of a Private Bill and of a Provisional Order, they shall cause a notice of a decision to that effect to be published in the London and the Edinburgh Gazettes and shall lay a report of such decision before both Houses of Parliament, and, on the publication of such notice as aforesaid, subsection (1) of this section shall not apply as regards any powers to which the said decision relates.

2.—(1) The Chairmen shall, if the two Houses of Parliament think fit so to order, determine all matters of practice and procedure which will enable them to take into consideration the draft Order, and to report thereon to the Secretary of State :

Report by
Chairmen
that pro-
cedure
should not
be by
Provisional
Order.

Provided that with a view to such report the Secretary of State shall forthwith inform the Chairmen of any dissents from, or objections to, any of the provisions of the Order which have been stated in the prescribed manner and within the prescribed time.

(2) If it appears from the report of the Chairmen that in their opinion the provisions or some of the provisions of the draft Order relate to matters outside Scotland to such an extent, or raise questions of public policy of such novelty and importance, that they ought

to be dealt with by Private Bill and not by Provisional Order, the Secretary of State shall, without further inquiry, refuse to issue the Provisional Order, so far as the same is objected to by the Chairmen.

(3) A copy of every report by the Chairmen in pursuance of this section shall, as soon as possible, be laid before both Houses of Parliament.

(4) If the Secretary of State shall refuse to issue the Provisional Order or part thereof in pursuance of the provisions of this section, the notices published and served and the deposits made for the proposed Provisional Order shall, subject to Standing Orders, be held to have been published and served and made for a Private Bill applying for similar powers :

Provided that the petitioners shall, by notice served in the prescribed manner and within the prescribed time, inform all opponents of their intention to proceed by way of Private Bill, and, subject to Standing Orders, the petition for the Provisional Order shall be deemed and taken to be the petition for leave to bring in a Private Bill, and the petitioners shall also give such additional notices (if any) as shall be required by Standing Orders.

Appointment of and Inquiry by Commissioners.

When
inquiry by
Commis-
sioners to be
directed.

3.—(1) If the Chairmen report that the Provisional Order may proceed, or if a report against a part only of the Order is made by the Chairmen, upon due proof to the satisfaction of the examiner of compliance with the general orders herein-after mentioned, the Secretary of State shall take the petition for a Provisional Order into consideration, and subject to the report against any part of the Order (if any), shall, if there is opposition, or in any case in which he thinks inquiry necessary, direct an inquiry as to the propriety of assenting to the prayer of the petition, subject as aforesaid, to be held by Commissioners from time to time appointed in terms of this Act.

(2) If the examiner under this Act shall find that the general orders have not been complied with, the petitioners may, in the prescribed manner and within the prescribed time, apply to the Chairmen to dispense with any general order which has not been complied with, and the decision of the Chairmen shall be

final; provided that if any conditions are attached to any dispensation with compliance with any general order, the Provisional Order shall not be proceeded with until the examiner shall have reported that such conditions have been satisfied.

4.—(1) There shall be formed a panel of persons (herein-after referred to as the extra-parliamentary panel) qualified by experience of affairs to act as Commissioners under this Act.

Formation of extra-parliamentary panel.

(2) The extra-parliamentary panel shall be formed in manner following, that is to say:—

- (a) The Chairmen, acting jointly with the Secretary of State, shall nominate twenty persons qualified as aforesaid, and the persons so nominated shall constitute the extra-parliamentary panel and shall remain thereon until the expiration of five years. Any casual vacancy on the panel caused by death or resignation shall be filled by appointment made by the Chairmen acting jointly with the Secretary of State;
- (b) At the expiration of every period of five years, the extra-parliamentary panel shall be re-formed in like manner and with the like incidents.

5.—(1) When it is determined that Commissioners shall be appointed for the purpose of inquiring as to the propriety of making and issuing a Provisional Order or Orders under this Act, the Chairmen shall appoint four Commissioners for that purpose, and shall at the same time nominate one of the Commissioners as Chairman.

Formation of parliamentary panels. Appointment of Commissioners.

(2) Standing Orders may, if the two Houses of Parliament think fit so to order, provide for the formation of panels of members of the two Houses respectively to act as Commissioners under this Act (herein-after referred to as the parliamentary panels).

(3) Subject to Standing Orders as aforesaid, two of the Commissioners shall be taken from the parliamentary panel of members of the House of Lords, and two shall be taken from the parliamentary panel of members of the House of Commons.

(4) Subject to Standing Orders, as aforesaid, if the Chairmen shall be unable to appoint Commissioners as in the immediately preceding subsection mentioned, three,

or if need be all of the Commissioners, may be members of the same parliamentary panel.

(5) Subject to Standing Orders as aforesaid, if the Chairmen shall be unable to appoint Commissioners as in either of the two immediately preceding subsections mentioned, so many persons as are required to make up the number of Commissioners shall be taken by the Secretary of State from the extra-parliamentary panel herein-before mentioned.

(6) Any casual vacancy among the Commissioners, or in the office of Chairman of Commissioners caused by death or resignation, or inability to give attendance, such resignation or inability to attend being certified by a writing under the Commissioner's hand, may be filled by the Secretary of State by appointing a member of any of the panels.

(7) Notwithstanding a dissolution of Parliament, any member of either House of Parliament may continue to act as Commissioner in any inquiry for the purpose of which he has been appointed to act.

(8) The persons appointed as Commissioners shall have no personal or local interest in the matter of the proposed Order or Orders, and shall as a condition of such appointment make a declaration to that effect, provided that Scottish Members of either House of Parliament shall not, on that account, be either disqualified from acting or preferred as Commissioners to deal with proposed orders in which they have no personal or local interest.

Sittings of
Commis-
sioners.

6.—(1) The Commissioners shall hold their inquiry at such place in Scotland as they may determine, with due regard to the subject-matter of the proposed Order and to the locality to which its provisions relate. The sittings shall be held in public.

(2) The Commissioners shall hear and determine any question of locus standi, but they shall not sustain the locus standi of any person who has not in the prescribed manner and within the prescribed time objected to the proposed Order, unless on special grounds established to the satisfaction of the Commissioners, and subject to such conditions as to payment of costs or otherwise as the Commissioners may determine.

(3) Subject to general orders, any person shall be allowed to appear before the Commissioners in opposition

to the Order by himself, his counsel, agent, and witnesses, and counsel, agents, and witnesses may be heard in support of the Order.

(4) Subject to general orders, whenever a recommendation shall have been made by the Chairmen or by any public department, it shall be referred to the Commissioners who shall notice such recommendation in their report, and shall state their reasons for dissenting, should such recommendation not be agreed to.

(5) Commissioners shall, as far as possible, sit from day to day until they finish the inquiry and submit their report to the Secretary of State, with the evidence taken and the recommendations made by them, and they may recommend that the Order should be issued as prayed for, or should be issued with modifications, or should be refused and if they recommend that the Order should be issued with modifications they shall submit a copy of the Order showing the modifications they recommend.

(6) The provisions of sections one, two, three, five, six and seven, of the Parliamentary Costs Act, 1865, shall, so far as applicable, apply to costs incurred in or in relation to any inquiry by the Commissioners in like manner as they apply to costs in proceedings before a committee on a Private Bill, subject to the following and any other necessary modifications :—

28 & 29 Vict.
c. 27.

- (a) The costs, which shall be according to such scale as may be prescribed by the Secretary of State, shall be taxed by the Auditor of the Court of Session in lieu of the taxing officer of the House, and for the purpose of such taxation the Auditor shall have power to examine on oath any party to such taxation and any witnesses who may be examined in relation thereto, and to call for the production of any books or writings in the hands of any party to such taxation relating to the matters thereof;
- (b) The Auditor shall be entitled, for any such taxation, to such fee as may be authorised by general orders, and shall have power to award the costs of such taxation (including such fee as aforesaid) against either party thereto or in such proportion against either party as he may think fit;

- (c) For any reference to the committee's report to the House there shall be substituted a reference to the Commissioners' report to the Secretary of State.

Issue and Confirmation of Provisional Order.

Provision
for un-
opposed
Orders.

7. If there is no opposition to the Order, or if any opposition thereto has been withdrawn before an inquiry has been held as herein-before provided, the Secretary of State may forthwith make the Order as prayed or with such modifications as shall appear to be necessary having regard to the recommendations of the Chairmen and of the Treasury and such other public departments as shall be prescribed; and thereupon the following provisions shall have effect, that is to say :—

- (1) Before making and issuing an Order, if any modification has been made on the draft Order originally deposited, the Secretary of State shall cause a printed copy thereof to be deposited in the office of the Clerk of the Parliaments and in the Committee and Private Bill Office of the House of Commons, and also at the office of the Treasury and of such other public departments as shall be prescribed, and shall not, for such time as may be prescribed, issue a Provisional Order. Provided that, before making and issuing such Order, the Secretary of State shall have regard to the recommendations of the Chairmen and of the Treasury and such other public departments as shall be prescribed :
- (2) No Order so made shall be of any validity unless it has been confirmed by Parliament, and the Secretary of State shall, as soon as conveniently may be, submit such Order to Parliament in a Bill (herein-after referred to as a Confirmation Bill), and such Bill, after introduction, shall be deemed to have passed through all its stages up to and including Committee, and shall be ordered to be considered in either House as if reported from a Committee.

When such Bill has been read a third time and passed in the first House of Parliament, the like proceedings

shall, subject to Standing Orders, be taken in the second House of Parliament.

Any Act passed to confirm such Order shall be deemed to be a public Act of Parliament.

8.—(1) If—

- (a) there is opposition to the Order, and the opposition has not been withdrawn; or
- (b) the opposition has been withdrawn after inquiry held; or
- (c) although there is no opposition, inquiry has been held;

Provision
for Orders
opposed, or
where in-
quiry held.

the Secretary of State shall refuse to issue a Provisional Order if the Commissioners report that the Order should not be made, or if they do not so report he may issue an Order as prayed, or with such modifications as, having regard to the recommendations of the Commissioners, and of the Chairmen and of the Treasury, and such other public departments as shall be prescribed, shall appear to be necessary; but before making and issuing an Order, if any modification has been made on the draft Order originally deposited, the Secretary of State shall cause a printed copy thereof to be deposited in the office of the Clerk of the Parliaments and in the Committee and Private Bill Office of the House of Commons, and also at the office of the Treasury, and of such other public departments as shall be prescribed, and shall not for such time as may be prescribed issue a Provisional Order :

Provided that, before making and issuing such Order, the Secretary of State shall have regard to the recommendations of the Chairmen and of the Treasury and such other public departments as shall be prescribed.

(2) It shall be the duty of the petitioners to serve a copy of any Order so issued in the manner and upon the persons prescribed.

(3) No Order so made shall be of any validity unless it has been confirmed by Parliament, and the Secretary of State shall, as soon as conveniently may be, submit such Order to Parliament in a Confirmation Bill, and any Act passed to confirm such Order shall be deemed to be a public Act of Parliament.

Procedure
on Con-
firmation
Bills.

9.—(1) If before the expiration of seven days after the introduction of a Confirmation Bill under the immediately preceding section in the House in which it originates a petition be presented against any Order comprised in the Bill, it shall be lawful for any member to give notice that he intends to move that the Bill shall be referred to a Joint Committee of both Houses of Parliament; and in that case such motion may be moved immediately after the Bill is read a second time, and, if carried, then the Bill shall stand referred to a Joint Committee of both Houses of Parliament, and the opponent shall, subject to the practice of Parliament, be allowed to appear and oppose by himself, his counsel, agent, and witnesses; and counsel, agents, and witnesses may be heard in support of the Order. The Joint Committee shall hear and determine any question of locus standi.

(2) The report of the Joint Committee shall, subject to Standing Orders, be laid before both Houses of Parliament.

(3) The Joint Committee may, by a majority, award costs, and such costs may be taxed and recovered and shall be secured in the manner provided in the Parliamentary Costs Act, 1865, subject to any necessary modifications.

(4) If no such motion as in subsection (1) of this section mentioned is carried, the Bill shall be deemed to have passed the stage of Committee, and shall be ordered to be considered as if reported by a Committee.

When such Bill has been read a third time and passed in the first House of Parliament, the like proceedings shall, subject to Standing Orders, be taken in the second House of Parliament.

Supplemental.

Examina-
tion of
witnesses,
production
of docu-
ments, &c.

10. For the purposes of this Act, Commissioners shall have the following powers, that is to say:—

- (1) They may summon and examine on oath such witnesses as they think fit to call or allow to appear before them;
- (2) They may require the production of all books papers, plans, and documents relating to the

matters dealt with in the draft Provisional Order referred to them ;

- (3) They may, when sitting in open court, report to a judge sitting in the Outer House of the Court of Session or acting as vacation judge any person who has been guilty of contempt of court, and such judge may punish that person as if the contempt had been committed in his own court ;
- (4) Generally the orders of Commissioners may be enforced as if they had been pronounced by any such judge as aforesaid ;
- (5) The quorum of the Commissioners shall be three ; but any order, summons, or warrant may be signed by one Commissioner only ; and
- (6) A chairman of Commissioners shall have a casting as well as a deliberative vote.

11.—(1) County councils shall have with regard to the promotion of, or opposition to, Provisional Orders or Bills under this Act, the like powers as are conferred by the Borough Funds Act, 1872, on the bodies therein mentioned, with regard to local and personal Bills, and for that purpose the said Act shall have effect as if it were herein re-enacted subject to the following and any other necessary modifications :—

Powers of county councils, town councils, &c. under Act. 35 & 36 Vict. c. 91.

- (a) for references to a “governing body” and a “district” there shall be substituted respectively references to a county council and a county ;
- (b) for references to local and personal Bills in Parliament, there shall be substituted references to Provisional Orders or Bills under this Act ;
- (c) the proviso to section four as regards consent of owners and ratepayers shall not apply ; and
- (d) the provisions with regard to the Local Government Board or the Secretary of State shall have effect as if the Secretary of State alone were therein mentioned.

(2) Town councils shall have the same powers and be subject to the same restrictions in regard to proceedings under or in pursuance of this Act as they had or were subject to at the commencement of the Private Legislation Procedure (Scotland) Act, 1899, in regard to Private Bills or Confirmation Bills.

3 Edw. 7.
c. 33.

(3) Without prejudice to the powers conferred by the last foregoing subsection, the town council of a burgh to which Part I of the Burgh Police (Scotland) Act, 1903, applies shall have, subject to the like conditions, the like powers of opposing Bills and Provisional Orders under this Act as are conferred on county councils by subsection (1) of this section.

(4) Any expenses incurred by a town council in any year in the exercise of the powers conferred by the last foregoing subsection may be defrayed in whole or in part from any one or more assessments levied by the council in such year or in the following year, as the council may determine:

Provided that any ratepayer entitled to exemption from any assessment leviable by the town council may, in accordance with the next succeeding subsection, appeal against any such determination to the Secretary of State, whose decision shall be final.

55 & 56 Vict.
c. 55.

(5) An appeal under the last foregoing subsection shall be made within fourteen days from the publication or advertisement, in manner provided by section three hundred and forty of the Burgh Police (Scotland) Act, 1892, or otherwise, of the assessment appealed against, and in the event of such appeal being sustained in whole or in part, and any such assessment being quashed or varied, it shall be competent to the town council, notwithstanding anything in any enactment, forthwith to rectify and readjust, in accordance with the decision of the Secretary of State, the assessment so quashed or varied.

(6) In addition, any county council, or town council connected with the locality to which any draft Provisional Order referred to Commissioners under this Act relates, may make a report to the Commissioners respecting the provisions of the draft order, and the Commissioners shall consider the recommendations contained in the report, but the making of such a report shall not confer any right to a hearing by the Commissioners.

Officers, &c.
of Commis-
sioners.

12. Commissioners from time to time appointed shall have such office accommodation as the Treasury may determine, and the Secretary of State may from time to time, with the consent of the Treasury as to number, appoint or employ such officers, clerks, and messengers as shall be necessary for the purposes of this

Act. There shall be paid to each of such officers, clerks, and messengers such remuneration as the Treasury may from time to time determine.

13. There may also be assigned for the purposes of this Act such one or more of the examiners appointed under Standing Orders as the Chairmen may direct. An examiner shall perform under this Act duties analogous to those he now performs under Standing Orders, and shall receive such remuneration for his services as the Treasury shall determine. Examiners.

14. The travelling and subsistence allowances of the Commissioners and examiners, together with all other expenses incidental to carrying out this Act, shall be paid out of moneys provided by Parliament. Payment of expenses, &c.

15.—(1) The Chairmen, acting jointly with the Secretary of State, shall from time to time make, and may vary and alter, such general orders as may be requisite for the regulation of proceedings under and in pursuance of this Act, including the fixing, with the consent of the Treasury, of a scale of fees to be paid by petitioners and opponents of Provisional Orders. The fees so payable shall be collected and disposed of in such manner as the Treasury may direct. Provisions for General Orders. Fees.

(2) Such general orders shall, with a view to the regulation of Provisional Orders, provide for the incorporation (subject to such exceptions and variations as may be mentioned in the Order) with each Provisional Order of such general Acts as would if the Provisional Order were a Private Bill be incorporated therewith according to the ordinary practice of Parliament.

(3) Every general order purporting to be made in pursuance of this section shall immediately after the making thereof be laid before both Houses of Parliament if Parliament be then sitting, or, if Parliament be not then sitting, within seven days after the next meeting of Parliament; and if either House of Parliament by a resolution passed within one month after such general order has been so laid before the said House, resolve that the whole or any specified part thereof ought not to continue in force, the same or the specified part thereof shall after the date of such resolution cease to be of any force, without prejudice nevertheless to the making of any other general order or to anything done before the date of

such resolution; but, subject as aforesaid, every general order purporting to be made in pursuance of this Act shall be deemed to have been duly made and within the powers of the Act and shall have effect as if it had been enacted in this Act.

Savings.

16.—(1) Nothing contained in this Act shall affect the power of the Secretary of State to make Provisional Orders or other Orders under the provisions of any Act for the time being in force and passed prior to the tenth day of August eighteen hundred and ninety-nine or the procedure therein specified, save only that, in the case of Provisional Orders which, under the provisions of any such Act require confirmation by Parliament, the provisions of section nine of this Act shall, with the necessary modifications, apply as if they were contained in such Act.

(2) Nothing contained in this Act shall affect the right of any person to apply for, or the powers of the Board of Trade or the Minister of Transport or the Electricity Commissioners or any other department to make or confirm Provisional or other Orders under the provisions of any Act for the time being in force and passed prior to the twenty-ninth day of July nineteen hundred and thirty-three or the procedure therein specified.

(3) This Act shall not apply to Estate Bills within the meaning of Standing Orders.

Buildings
and objects
of historical
interest.

17. If any objection to any draft order is made to the Secretary of State on the ground that the undertaking proposed to be authorised by the order will destroy or injure any building or other object of historical interest, or will injuriously affect any natural scenery, the Secretary of State shall consider such objection, and may, if he thinks fit, refer such objection to the Commissioners, who shall give to those by whom it is made a proper opportunity of being heard in support of it.

Definitions.

18. In this Act, unless the subject or context otherwise requires,—

The expression “Standing Orders” means the Standing Orders of the House of Lords and the House of Commons respectively:

The expression “general orders” means the general orders made in pursuance of this Act:

The expression "prescribed" means prescribed by the general orders made in pursuance of this Act :

The expression "agent" includes all solicitors within the meaning of the Solicitors (Scotland) Act, 1933, and any person entitled to practise as agent according to the practice and rules of either House of Parliament in cases of Private Bills and matters relating thereto. 23 & 24
Geo. 5. c. 21.

19. The enactments specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule : Repeal.

Provided that, without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889— 52 & 53 Vict.
c. 63.

- (a) any panel formed, or appointment or nomination made or other thing done under any enactment hereby repealed and having effect at the passing of this Act shall be deemed to have been formed, made or done under this Act ;
- (b) any petition, application, decision, order, deposit, report, notice, service, presented, made, given, or laid, and any other thing or matter done under any enactment hereby repealed for the purposes of or in relation to a petition for the issue of a Provisional Order presented under any such enactment and pending at the passing of this Act, shall be deemed to have been presented, made, given, laid or done under this Act ;
- (c) any general orders made under section fifteen of the Private Legislation Procedure (Scotland) Act, 1899, and in force at the passing of this Act shall be deemed to have been made under section fifteen of this Act.

20. This Act may be cited as the Private Legislation Procedure (Scotland) Act, 1936. Short title.

SCHEDULE.**ENACTMENTS REPEALED.**

Session and Chapter.	Short Title.	Extent of Repeal.
62 & 63 Vict. c. 47.	The Private Legislation Procedure (Scotland) Act, 1899.	The whole Act.
3 Edw. 7, c. 9	The County Councils (Bills in Parliament) Act, 1903.	Section two, except in so far as it provides that section one shall not apply to Scotland.
3 Edw. 7. c. 33	The Burgh Police (Scotland) Act, 1903.	Section fifty-five, in so far as it relates to Bills or Provisional Orders under the Private Legislation Procedure (Scotland) Acts, 1899 and 1933.
23 & 24 Geo. 5. c. 37.	The Private Legislation Procedure (Scotland) Act, 1933.	The whole Act.

CHAPTER 53.

An Act to restrict the opening of shops and trading on Sunday; and for other purposes connected therewith. [31st July 1936.]

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 :—

1. Every shop shall, save as otherwise provided by this Act, be closed for the serving of customers on Sunday :

Closing of shops on Sunday.

Provided that a shop may be open for the serving of customers on Sunday—

- (a) for the purposes of any transaction mentioned in the First Schedule to this Act; and
- (b) until after the expiration of nine months from the commencement of this Act for the purposes of any transaction mentioned in the Second Schedule to this Act.

2.—(1) The local authority may by order (in this Act referred to as a “partial exemption order”) made in accordance with the provisions of this Act provide that after the expiration of nine months from the commencement of this Act shops situated in their area or in such part thereof as is specified in the order may for the purposes of such of the transactions mentioned in the Second Schedule to this Act as may be so specified be open for the serving of customers on Sunday subject to the limitations hereafter provided.

Partial exemption orders.

(2) Subject to the provisions of this subsection, a partial exemption order shall not authorise a shop to be open for the serving of customers after ten o'clock on Sunday morning :

Provided that an order may authorise the serving of customers after ten o'clock on Sunday morning in shops to which the order applies in cases of emergency and in such other cases as may be specified in the order.

(3) A partial exemption order may contain such incidental, supplemental or consequential provisions as may appear to the local authority necessary or proper.

3.—(1) As respects shops which, by virtue of the provisions of this Act, may be open for the serving of customers on Sunday for the purpose of the sale of meals or refreshments for consumption elsewhere than at the shop at which they are sold, the local authority may by order made in accordance with the provisions of this Act provide that those shops or any class of those shops specified in the order, being shops situated in their area or in such part thereof as may be so specified, shall cease to be entitled to be open for the serving of customers on Sunday for that purpose :

Special provisions in respect of the sale of meals and refreshments off the premises.

Provided that no order made under this section shall—

- (a) apply to shops in which the sale of meals or refreshments for consumption at the shop forms a substantial part of the business carried on therein; or
- (b) prevent the sale on Sunday of meals and refreshments elsewhere than at a shop except to such extent and subject to such conditions as may be specified in the order.

(2) An order under this section may provide for the provisions thereof being in force throughout the year or during such periods as may be specified in the order, and may be made subject to such conditions as may be so specified.

Provisions
as to shops
where
several
trades or
businesses
are carried
on.

4. Where several trades or businesses are carried on in the same shop and any of those trades or businesses consist only of transactions of such a nature that, if they were the only transactions carried on in the shop, the provisions of this Act requiring the shop to be closed for the serving of customers for the whole or any part of Sunday would not apply to the shop, the shop may be kept open for the whole or any part of Sunday, as the case may be, for the purposes of those transactions alone, subject, however, to such conditions as may be prescribed.

Special
provisions
for holiday
resorts.

5. Where the area or any part of the area of a local authority is a district which is frequented as a holiday resort during certain seasons of the year, the local authority may by order provide that on such Sundays as may be specified in the order, shops or any class of shops, being shops situated in the district or in such part thereof as may be so specified may, subject to such conditions and during such hours as may be so specified, be open for the serving of customers for the purpose of any of the transactions specified in the Third Schedule to this Act or such of them as may be specified in the order :

Provided that the Sundays specified in any such order shall not be more than eighteen in any year.

6.—(1) The local authority shall, before making any order under the foregoing provisions of this Act, give public notice in the prescribed manner of their intention to make the order, specifying in the notice a period (not being less than the prescribed period) within which objections may be made to the making of the proposed order, and, if after taking into consideration any objections they have received, the local authority are satisfied that it is expedient to make the order and that the occupiers of not less than two-thirds in number of the shops or classes of shops to be affected by the order approve the order, they may make the order.

Procedure with respect to the making and revocation of orders.

(2) Where several trades or businesses are carried on in the same shop, the local authority may require the occupier of the shop to specify which trade or business he considers to be his principal trade or business, and no trade or business other than that so specified shall, for the purpose of determining whether the occupiers of not less than two-thirds in number of the shops to be affected by any order approve the order, be considered as carried on in the shop, unless the occupier thereof satisfies the local authority that it forms a substantial part of the business carried on in the shop.

(3) Any such order as aforesaid may be varied or revoked by a subsequent order made in the like manner and subject to the like provisions.

7.—(1) Subject to the provisions of this section, the occupier of any shop who is a person of the Jewish religion shall be entitled, upon making to the local authority an application in accordance with the provisions of this section, to have the shop registered under this section by the local authority, and so long as the shop is so registered then—

Special provisions for persons observing the Jewish Sabbath.

- (a) the shop shall be closed for all purposes connected with trade or business on Saturday; and
- (b) the provisions of this Act requiring the shop to be closed for the serving of customers on Sunday shall not apply until two o'clock in the afternoon; and
- (c) there shall be kept conspicuously placed in the shop a notice stating that it will be closed on Saturday and, if the shop will be open for the

serving of customers on Sunday after two o'clock in the afternoon for the purposes of any transaction for which it is permitted under this Act to be so open, specifying the hours during which, and the purposes for which, it will be so open.

(2) Any application for the registration of a shop under this section shall be in the prescribed form and shall be accompanied—

(a) by a statutory declaration made by the occupier of the shop in such form as may be prescribed declaring that he conscientiously objects on religious grounds to carrying on trade or business on the Jewish Sabbath; and

(b) by such further statutory or other declarations and certificates, if any, made by such persons, and in such form, as may be prescribed.

(3) For the purposes of this section, a shop occupied by a partnership or company shall be deemed to be occupied by a person of the Jewish religion if the majority of partners or of the directors, as the case may be, are persons of that religion, but not otherwise, and such a shop shall not be registered under this section unless the statutory declaration required by paragraph (a) of the last foregoing subsection is made by the majority of partners or directors and specifies the names and addresses of all the other partners or directors.

(4) If for the purpose of procuring the registration of any shop under this section any person knowingly or recklessly makes an untrue statement or untrue representation, he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

(5) So long as a shop is registered under this section—

(a) no other shop occupied by the same occupier shall be kept open for any purpose connected with trade or business on Saturday;

(b) no person by whom the statutory declaration aforesaid has been made in connection with the application for the registration of the shop

shall be employed or engaged on the Jewish Sabbath about the business of any shop or shall so employ, or be directly concerned in the control or management of any partnership or company which so employs, any person.

(6) Where any person is convicted of a contravention of, or failure to comply with, any of the provisions of this section, the court may, in addition to any other penalty, order the registration of any shops occupied by him or by any partnership or company in the control or management of which he is directly concerned to be revoked :

Provided that the court shall not order the registration of any shop not occupied, or not occupied solely, by the person convicted to be revoked except after affording an opportunity to the occupier or to the other occupiers, as the case may be, to appear and be heard.

(7) If upon representations made to them it appears to the local authority that there is reason to believe—

- (a) that the occupier of any shop registered under this section is not a person of the Jewish religion ;
or
- (b) that a conscientious objection on religious grounds to carrying on business on the Jewish Sabbath is not genuinely held by the occupier of the shop, or in the case of a shop occupied by a partnership or company by the majority of the partners or of the directors, as the case may be ;

the local authority may furnish particulars of the case to such tribunal as may, after consultation with the London Committee of Deputies of the British Jews, be prescribed, and if that tribunal, after considering the case in accordance with such rules as may be prescribed, report to the local authority that in their opinion the occupier of the shop is not a person of the Jewish religion or that such a conscientious objection is not so held as aforesaid, the local authority shall revoke the registration of the shop, and upon the revocation thereof the registration under this section of all other shops occupied by the same occupier, whether in the area of that local authority or elsewhere, shall be deemed to be also revoked.

(8) In the event of any change in the occupation of a shop registered under this section, it shall be the duty of the person who becomes the occupier to serve on the local authority notice of the change, and in the event of any change in any partnership or among the directors of any company by which such a shop is occupied, it shall be the duty of the partnership, or of the company, as the case may be, to serve on the local authority a notice giving particulars of the change, and, whether or not such a notice is served, the registration of the shop shall, upon the expiration of a period of fourteen days from the date on which the change occurred, be deemed to be cancelled, unless within that period, or within such further time as may be allowed by the local authority, a fresh application under this section is made in respect of the shop :

Provided that, where such a fresh application is made by reason of a change in any partnership or among the directors of any company by which the shop is occupied, the local authority may dispense with the statutory or other declaration or certificates required by paragraph (a) of subsection (2) and by subsection (3) of this section in the case of any person who has made such a declaration in connection with a former application in respect of that shop or any other shop in the area of the local authority.

(9) The registration of any shop under this section shall be cancelled upon application in that behalf being made to the local authority by the occupier of the shop, but shall not be so cancelled during the period of twelve months from the date on which an application for registration of the shop was last made.

(10) Where an application is made to a local authority in accordance with the provisions of this section for the registration of a shop under this section—

- (a) the local authority shall refuse to register the shop if the registration of that shop has been revoked or has been cancelled under the last foregoing subsection while the shop was in the occupation of the applicant; and
- (b) the local authority may refuse to register the shop if the registration of that shop or of any other shop occupied or formerly occupied by the applicant, or by any partnership or company of which he was a partner or director, has been revoked or cancelled.

(11) Where the local authority refuse to register a shop in accordance with the provisions of paragraph (b) of the foregoing subsection, they shall serve notice of their refusal upon the applicant, and, if the applicant is aggrieved by such refusal, he may, within twenty-one days of the date when the notice was so served upon him, appeal against such refusal to a court of summary jurisdiction for the petty sessional division in which the shop is situated, and the appellant or the local authority, if aggrieved by the order made by the court of summary jurisdiction, may appeal against that order to quarter sessions.

(12) This section shall apply to persons who are members of any religious body regularly observing the Jewish Sabbath as it applies to persons of the Jewish religion, and references therein to persons of the Jewish religion shall be construed accordingly as including any person who is a member of such a body, and in the application of this section to such persons this section shall have effect as if for the reference therein to the London Committee of Deputies of the British Jews there were substituted a reference to such body as appears to the Secretary of State to represent such persons.

(13) As respects any shop which is for the time being registered under this section, the Shops Acts, 1912 to 1934, shall have effect subject to the following modifications (that is to say)—

- (a) subsection (1) of section one and subsection (1) of section four of the Shops Act, 1912, shall have effect as if for references therein to week-days there were substituted references to week-days other than Saturdays; and 2 & 3 Geo. 5.
c. 3.
- (b) subsection (2) of the said section four shall have effect as if the word "Friday" were substituted for the word "Saturday" wherever the last-mentioned word occurs.

8.—(1) If the Common Council of the City of London or the London County Council are satisfied that any part of their respective areas— Special
provisions
for London.

- (a) is a district in which it was, before the first day of January, nineteen hundred and thirty-six, customary to hold street markets on Sunday; or

(b) is a district, being a district within the City of London or the metropolitan boroughs of Bethnal Green, Shoreditch, or Stepney, in which it was customary before the said date for the majority of the shops in the district to be kept open on Sunday and that, having regard to the character and habits of the population in the district, the application of the provisions of this Act requiring shops to be closed on Sunday would cause undue hardship;

they may, by order made in accordance with the provisions of this section, authorise such shops or classes of shops as may be specified in the order, being shops situated in the district or in such parts of the district as may be so specified, to be open for the serving of customers on Sunday until two o'clock on Sunday afternoon subject to the conditions hereinafter mentioned :

Provided that, before making an order applying to any district referred to in paragraph (b) of this subsection the council shall take steps to ascertain the wishes of the occupiers of such shops as appear to them to be likely to be affected, and, if they are satisfied that the occupiers of a majority of any class of such shops are opposed to the making of the order, the council shall exclude that class of shops from the operation of the order.

(2) Any order made under this section authorising shops to be kept open for the serving of customers on Sunday shall fix a week-day upon which such shops must be closed (in this section referred to as "the closing day"), and may fix different days for different classes of shops, and the occupier of a shop who intends to keep open the shop on Sunday in pursuance of the order shall give notice in writing to the Common Council of the City of London or to the London County Council, as the case may be, of his intention so to do, and he shall not keep open the shop on Sunday unless such notice has been given and the shop has been closed on the closing day in the preceding week in like manner and for the like purposes as it would, but for the order, have been required by this Act to be closed on Sunday :

Provided that—

(a) the closing day so fixed shall be a day other than the day fixed for the weekly half-holiday

by an order made under section four of the Shops Act, 1912, and the occupier of a shop shall not be entitled to keep his shop closed for the purposes of the weekly half-holiday required by the provisions of that section on the closing day:

(b) where the closing day so fixed is a day other than Saturday, the order shall provide for enabling Saturday to be substituted as the closing day as respects any shop.

(3) Any order made under this section shall contain such provisions as may be necessary or expedient to secure—

(a) that where a notice has been given under the last foregoing subsection to the Common Council of the City of London or to the London County Council by the occupier of a shop, the shop shall not be kept open on the closing day during a period of not less than six months from the date when the notice was given; and

(b) that so long as the shop is kept open on Sunday in pursuance of the order, such notices as the Common Council of the City of London or the London County Council, as the case may be, may require, shall be kept exhibited in the shop.

(4) The Common Council of the City of London or the London County Council shall, before making any order under this section, give public notice of their intention to make the order defining by reference to a map the district or parts of the district to which the order is to apply and the times and places at which the map may be inspected, and specifying a period (not being less than four weeks) within which objections may be made to the making of the proposed order, and if, after taking into consideration any objections they have received, the Common Council of the City of London or the London County Council are satisfied that it is expedient to make the order, they may make the order, and the provisions of subsections (2) and (3) of section six of the Shops Act, 1912 (which relate to the disallowance and confirmation of closing orders), and the provisions of section sixteen of that Act (which relate to local inquiries) shall have effect as if any such order, or any order varying or

revoking such an order, were a closing order under that Act.

(5) An order made under this section may be varied or revoked by a subsequent order made in the like manner and subject to the like provisions.

Provisions
as to
delivery
of goods.

9. Goods sold retail to a customer shall not be delivered or dispatched for delivery from a shop at any time when under the provisions of this Act a customer could not be served with those goods in that shop :

Provided that the provisions of this section shall not apply—

- (a) on any Sunday being also Christmas Day; or
- (b) on any Sunday when the succeeding Monday is Christmas Day.

Miscel-
laneous
savings.

10.—(1) Nothing in this Act shall prevent—

- (a) the sale, dispatch or delivery of victuals, stores or other necessaries required by any person for a ship or aircraft on her arrival at, or immediately before her departure from, a port or aerodrome ;
- (b) the sale, dispatch or delivery of goods to a club for the purposes of the club ;
- (c) the cooking on Sunday, before half-past one o'clock in the afternoon, at any shop of any food brought to that shop by a customer and required by him for consumption on that day, or the dispatch or delivery not later than the hour aforesaid of any such food so cooked.

(2) Where any person is charged with keeping open a shop for the serving of customers, or with dispatching or delivering goods, in contravention of this Act, it shall be a good defence to prove that reasonable grounds existed for believing that the goods supplied, dispatched or delivered were required in the case of illness.

(3) Where any person is charged with keeping open for the serving of customers in contravention of this Act a shop which is permitted to be open until a certain hour by reason of his having served a customer after that hour, it shall be a good defence to prove that the customer was in the shop before that hour and left the shop not later than half-an-hour after that hour.

(4) Notwithstanding anything in section one of this Act, any person carrying on or employed in the business of a hairdresser or barber may, at any time, for the purposes of that business attend any person—

- (a) in any place, if such attendance is necessary by reason of the bodily or mental infirmity of that person; or
- (b) in any hotel or club, if that person is resident therein.

(5) If the local authority are satisfied that any person engaged in handicraft at his home is dependent for his livelihood upon the sale on Sunday of articles produced by him in the course of his handicraft to such extent that the prohibition of such sale would involve substantial hardship, they may grant to him a certificate exempting him during such period as may be specified in the certificate from any of the provisions of this Act in respect of the sale of those articles during such hours and subject to such conditions as may be so specified.

(6) This Act shall not apply to any sea-going ship.

(7) Nothing in this Act shall apply to the carrying on on Sunday of the business of a retail dealer in butchers meat as defined by the Retail Meat Dealers' Shops (Sunday Closing) Act, 1936.

26 Geo. 5. &
1 Edw. 8.
c. 30.

11.—(1) Save as is otherwise hereinafter provided, no person shall be employed on Sunday about the business of a shop which is open for the serving of customers on that day unless the following requirements are complied with—

Provisions
respecting
shop
assistants.

- (a) in the case of a person so employed for more than four hours on any Sunday, that person shall—

- (i) receive in respect of his employment on that Sunday a whole holiday on a day other than that of his statutory half-holiday, if any, and that whole holiday shall be on a weekday of the week beginning with that Sunday unless he has, in respect of his employment on that Sunday, already received such a holiday on a weekday of the previous week;

- (ii) not be employed about the business of a shop on more than two other Sundays in the same month;

- (b) in the case of a person not so employed for more than four hours on a Sunday in any month, that person shall receive in respect of his employment on any Sunday in the month a half-holiday in addition to his statutory half-holiday, if any, and that additional half-holiday shall be on a weekday of the week beginning with that Sunday unless he has, in respect of his employment on that Sunday, already received such a half-holiday on a weekday of the previous week :

Provided that this subsection shall not apply—

- (i) to any person employed wholly or mainly in connection with the sale of intoxicating liquor; or

- (ii) to any shop assistant employed in any premises for the sale of refreshments to whom the provisions of paragraphs (a), (b), (c) and (d) of subsection (1) of section one of the Shop Act, 1913, apply by virtue of an election made under that subsection by the occupier of the premises; or

- (iii) to any person employed wholly or mainly as a milk roundsman; or

- (iv) to any person wholly employed in the transaction of post office business; or

- (v) to any registered pharmacist within the meaning of the Pharmacy and Poisons Act, 1933, employed in connection with the sale or supply of medicines or medical or surgical appliances in any premises required to be kept open on Sunday for the serving of customers in pursuance of a contract between the occupier of the premises and an insurance committee within the meaning of the National Health Insurance Act, 1936, if he is not employed for more than two hours on that Sunday, and has not been employed on the previous Sunday, and if on a weekday (other than the day of the statutory half-holiday) of the previous week or of the week commencing with the Sunday on which he is so employed,

2 & 3
Geo. 5. c. 24.

23 & 24
Geo. 5. c. 25.

26 Geo. 5. &
1 Edw. 8.
c. 32.

either he has not been, or will not be, employed before half-past ten o'clock in the morning, or has not been, or will not be, employed after six o'clock in the afternoon.

(2) Nothing in this Act shall authorise the employment of any person at any time when it would under the Shops Acts, 1912 to 1934, or the Sunday Entertainments Act, 1932, be unlawful for him to be so employed. 22 & 23
Geo. 5. c. 51.

(3) For the purposes of this and the two next following sections—

- (a) a person who works about the business of a shop for the occupier thereof shall be deemed to be employed notwithstanding that he receives no reward for his labour;
- (b) in relation to any person employed about the business of a shop the following expressions have the meanings hereby respectively assigned to them, that is to say, "whole holiday" means a day on which that person is not employed about the business of that shop; "statutory half-holiday" means a day on which under section one of the Shops Act, 1912, he is not employed about the business of that shop after half-past one o'clock in the afternoon; "half-holiday" means a day on which he is either not employed before, or not employed after half-past one o'clock in the afternoon of that day about the business of that shop.

12. The occupier of any shop which by virtue of this Act is open for the serving of customers on Sunday shall— Notices.

- (a) cause to be kept conspicuously posted in the shop a notice in the prescribed form stating the terms of any order applying to the shop; and
- (b) keep in the prescribed form and in the prescribed manner a record of the names of and the hours worked by all the persons employed about the business of the shop on Sunday who are entitled to any holidays prescribed by the foregoing section of this Act, and of the respective days of the week upon which those persons receive those holidays.

Extension
of provi-
sions of this
Act to retail
trading else-
where than
in shops.

13. Subject as hereinafter provided, the provisions of this Act shall extend to any place where any retail trade or business is carried on as if that place were a shop, and as if in relation to any such place the person by whom the retail trade or business is carried on were the occupier of a shop :

Provided that—

- (a) the following provisions of this Act shall extend only to shops, that is to say, those provisions of section six and section eight which relate to the approval by occupiers of shops of orders made under those sections, the provisions of paragraph (c) of subsection (1) of section seven and the provisions of paragraph (a) of section twelve;
- (b) the provisions of section eleven of this Act shall, in relation to any place not being a shop, apply only to persons wholly or mainly employed in connection with the retail trade or business carried on thereat;
- (c) the provisions of section one of this Act shall, as applied by this section, have effect as if there were included in the First Schedule to this Act the sale by fishermen of freshly caught fish (including shell-fish), and the sale at a farm, smallholding, allotment or similar place, of produce produced thereon.

Enforce-
ment.

14.—(1) In the case of any contravention of, or failure to comply with, any of the provisions of this Act, the occupier of the shop shall be liable to a fine not exceeding—

- (a) in the case of a first offence, five pounds;
- (b) in the case of a second or subsequent offence, twenty pounds;

and sections thirteen and fourteen of the Shops Act, 1912, which relate to the enforcement of that Act shall apply with respect to the provisions of this Act as they apply with respect to the provisions of that Act, save that in those sections the word “shop” shall, in their application to the provisions of this Act which apply to retail trade or business carried on at any place not being a shop, include a reference to any such place.

(2) A person who carries on the business of a shop, or carries on retail trade or business at any place not being a shop, on Sunday in accordance with the provisions of this Act, shall not be deemed to commit an offence against any of the following enactments, namely—

- (a) the Act of the twenty-seventh year of His late Majesty King Henry the Sixth, chapter Five (which restricts the holding of fairs and markets on certain days); or 27 Hen. 6.
c. 5.
- (b) the Act of the third year of His late Majesty King Charles the First, chapter Two, for the further reformation of sundry abuses committed on the Lord's Day commonly called Sunday; or 3 Car. 1.
c. 2.
- (c) the Sunday Observance Act, 1677. 29 Car. 2.
c. 7.

15.—(1) In this Act, unless the context otherwise requires, the expressions “local authority,” “retail trade or business,” “shop,” and “week” have the meanings respectively assigned to them by the Shops Act, 1912, and the expression “prescribed” means prescribed by regulations made under section seventeen of that Act. Interpre-
tation.

(2) Any reference in this Act to any other enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended by any subsequent enactment, including this Act.

16.—(1) This Act may be cited as the Shops (Sunday Trading Restriction) Act, 1936, and this Act and the Shops Acts, 1912 to 1934, may be cited together as the Shops Acts, 1912 to 1936. Short title,
citation,
application,
com-
mencement
and repeal.

(2) This Act shall not extend to Scotland or Northern Ireland.

(3) This Act shall come into operation on the first day of May, nineteen hundred and thirty-seven.

(4) The enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

SCHEDULES.

FIRST SCHEDULE.

Sections 1,
13.

TRANSACTIONS FOR THE PURPOSES OF WHICH A SHOP
MAY BE OPEN FOR THE SERVING OF CUSTOMERS
ON SUNDAY.

1. The sale of—

- (a) intoxicating liquors;
- (b) meals or refreshments whether or not for consumption at the shop at which they are sold, but not including the sale of fried fish and chips at a fried fish and chip shop;
- (c) newly cooked provisions and cooked or partly cooked tripe;
- (d) table waters, sweets, chocolates, sugar confectionery and ice-cream (including wafers and edible containers);
- (e) flowers, fruit and vegetables (including mushrooms) other than tinned or bottled fruit or vegetables;
- (f) milk and cream not including tinned or dried milk or cream, but including clotted cream whether sold in tins or otherwise;
- (g) medicines and medical and surgical appliances—
 - (i) at any premises registered under section twelve of the Pharmacy and Poisons Act, 1933; or
 - (ii) by any person who has entered into a contract with an insurance committee under the National Health Insurance Act, 1936, for the supply of drugs and appliances;
- (h) aircraft, motor, or cycle supplies or accessories;
- (i) tobacco and smokers' requisites;
- (j) newspapers, periodicals and magazines;
- (k) books and stationery from the bookstalls of such terminal and main line railway or omnibus stations, or at such aerodromes as may be approved by the Secretary of State;

- (l) guide books, postcards, photographs, reproductions, photographic films and plates, and souvenirs—
- 1st Sch.
—cont.
- (i) at any gallery, museum, garden, park or ancient monument under the control of a public authority or university; or
- (ii) at any other gallery or museum, or any place of natural beauty or historic interest, or any zoological, botanical or horticultural gardens, or aquarium, if and to the extent that the local authority certify that such sale is desirable in the interests of the public; or
- (iii) in any passenger vessel within the meaning of Part II of the Finance (1909-1910) Act, 1910, while engaged in carrying passengers; 10 Edw. 7. &
1 Geo. 5. c. 8.
- (m) photographs for passports;
- (n) requisites for any game or sport at any premises or place where that game or sport is played or carried on;
- (o) fodder for horses, mules, ponies and donkeys at any farm, stables, hotel or inn.
2. The transaction of—
- (a) post office business;
- (b) the business carried on by a funeral undertaker.

SECOND SCHEDULE.

Sections 1, 2.

TRANSACTIONS IN RESPECT OF WHICH A PARTIAL
EXEMPTION ORDER MAY BE MADE UNDER SECTION TWO
OF THIS ACT.

The sale of —

- (a) bread and flour confectionery, including rolls and fancy bread;
- (b) fish (including shell-fish);
- (c) groceries and other provisions commonly sold in grocers shops;

in so far as such sales are not included amongst the transactions mentioned in the First Schedule to this Act.

Section 5.

THIRD SCHEDULE.**TRANSACTIONS IN RESPECT OF WHICH AN ORDER MAY
BE MADE UNDER SECTION FIVE OF THIS ACT.**

The sale of—

- (a) any articles required for the purposes of bathing or fishing;
- (b) photographic requisites;
- (c) toys, souvenirs and fancy goods;
- (d) books, stationery, photographs, reproductions and postcards;
- (e) any article of food.

Section 16.

FOURTH SCHEDULE.**ENACTMENTS REPEALED.**

Session and Chapter.	Title or Short Title.	Extent of Repeal.
3 Geo. 4. c. cvi.	An Act to repeal the Acts now in force relating to bread to be sold in the City of London and the liberties thereof, and within the weekly bills of mortality, and ten miles of the Royal Exchange, and to provide other regulations for the making and sale of bread, and preventing the adulteration of meal flour and bread within the limits aforesaid.	In section sixteen, the words from "or shall on any other part of the said day" to "of any sort or kind"; the words "or delivered"; "or delivered"; and the proviso.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
6 & 7 Will. 4. c. 37.	The Bread Act, 1836	In section fourteen, the words from "or shall on any other part of the said day" to "of any sort or kind"; the words "or deliver"; "or delivered"; the words from "provided nevertheless" to "in this Act contained".
20 & 21 Geo. 5. c. 35.	The Hairdressers and Barbers Shops (Sunday Closing) Act, 1930.	The whole Act.

4TH SCH.
—cont.

CHAPTER 54.

An Act to amend the Weights and Measures Acts, 1878 to 1926, by making provision with respect to the sale of coal in Scotland, and to repeal certain existing enactments with respect thereto.
[31st July 1936.]

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:—

1. As from the passing of this Act, Part II of the Weights and Measures Act, 1889, shall apply to Scotland and section thirty-one of that Act and sections four hundred and nineteen to four hundred and twenty-four, inclusive, of the Burgh Police (Scotland) Act, 1892, and section ten of the Local Government (Scotland) Act, 1908, in so far as it extends those sections to counties, are hereby repealed.

Application of Part II of the Weights and Measures Act, 1889, to Scotland.
52 & 53 Vict. c. 21.
55 & 56 Vict. c. 55.
8 Edw. 7. c. 62.

1900

CH. 54.

Weights and Measures, Sale of Coal (Scotland) Act, 1936. 26 GEO. 5. & 1 EDW. 8.

Section one not to apply in certain areas.

2. The foregoing section shall not apply in any burgh or county in which a local Act containing provisions regulating the sale of coal is in force at the passing of this Act:

Provided that it shall be lawful for the town council of any such burgh or the county council of any such county by resolution to adopt the provisions of Part II of the Weights and Measures Act, 1889, and on the coming into force of such resolution the said provisions shall have effect in such burgh or county as if section thirty-one of the said Act were repealed, and the provisions of any local Act in force in such burgh or county regulating the sale of coal shall cease to have effect.

Short title.

3. This Act may be cited as the Weights and Measures, Sale of Coal (Scotland) Act, 1936.

TABLE II.

A

TABLE

OF

THE TITLES OF THE MEASURES

PASSED BY THE NATIONAL ASSEMBLY OF THE CHURCH
OF ENGLAND WHICH RECEIVED THE ROYAL
ASSENT DURING THE SESSION.

26 GEO. 5 & 1 EDW. 8.

ROYAL ASSENT, 29TH MAY 1936.

- No. 1.** A Measure to amend the Clergy Pensions Measures, 1926 to 1928. (*Clergy Pensions (Amendment).*)
- No. 2.** A Measure to amend the Union of Benefices Measure, 1923, and for purposes connected therewith. (*Union of Benefices (Amendment).*)
- No. 3.** A Measure to establish a scheme of pensions for the widows and dependants of the Clergy, and for that purpose to amend the Clergy Pensions Measures, 1926 to 1936. (*Clergy Pensions (Widows and Dependants).*)
- No. 4.** A Measure to provide for the disposal by sale and otherwise of houses of residence of Deans and Canons of Cathedral Churches or for purposes connected therewith. (*Cathedral (Houses of Residence).*)
- No. 5.** A Measure to confer upon the Ecclesiastical Commissioners temporary power to give financial help for the provision of churches and other buildings for religious worship, and power to make better provision for the endowment of certain bishoprics: to amend and extend the provisions of the Ecclesiastical Leasing Acts: and to amend the Ecclesiastical Commissioners Measure, 1926, as to payment by the Ecclesiastical Commissioners of costs of certain legal proceedings. (*Ecclesiastical Commissioners (Powers).*)

MEASURES

PASSED BY THE NATIONAL ASSEMBLY OF THE
CHURCH OF ENGLAND WHICH RECEIVED
THE ROYAL ASSENT DURING THE
YEAR 1936.

26 GEO. 5 & 1 Edw. 8.

No. 1.

A MEASURE passed by the National Assembly
of the Church of England.

To amend the Clergy Pensions Measures, 1926
to 1928. [29th May 1936.]

1. In this Measure—

the expression “the Measure of 1926” means the
Clergy Pensions Measure, 1926;

the expression “the Measure of 1928” means the
Clergy Pensions (Amendment) Measure, 1928;

the expression “the Measures” means the Clergy
Pensions Measures, 1926 to 1928.

Interpreta-
tion.

2.—(1) Section one of the Measure of 1926, as
amended by the Measure of 1928, shall be amended by
substituting the following subsection for subsection (1)
of that section :—

Extension of
scope of
Clergy
Pensions
Measure,
1926.

“(1) This Measure shall apply to all—

(a) bishops suffragan;

(b) assistant bishops, other than bishops
who render occasional assistance to diocesan
bishops;

(c) chaplains of diocesan bishops;

(d) deans, canons, prebendaries, and
minor canons of cathedral and collegiate
churches;

(e) archdeacons;

37 & 38, Vict.
c. 77.

(f) incumbents of benefices;
(g) stipendiary assistant curates;
(h) clerks in Holy Orders officiating, holding preferment, or acting as curates under the provisions of the Colonial Clergy Act, 1874;

(i) other clerks in Holy Orders licensed under seal by diocesan bishops and engaged in rendering ecclesiastical service;

who (i) on the appointed day or at any time thereafter hold office or discharge their functions in the area to which this Measure applies, (ii) have not attained the age of fifty-five years before the appointed day, (iii) hold a benefice, deanery, prebend or canonry, or receive a stipend, salary or emolument in respect of ecclesiastical service rendered by them, the net annual value or the annual amount of which as estimated in manner provided by this Measure for the purpose of assessing contributions hereunder exceeds one hundred pounds, and (iv) have not been excluded or granted exemption from the provisions of this Measure.”

(2) The Measure of 1926 shall not apply to such clerks in Holy Orders as are upon their own application excluded from the provisions thereof on the ground that they are entitled to not less than equivalent benefits under some pension or superannuation scheme approved by the pensions authority other than that established by the Measure of 1926, or on the ground that they are members of a religious community, the rules of which secure that its members shall be adequately provided for until death out of the funds of such community.

(3) The pensions authority shall accede to any application for exclusion made under subsection (2) of this section on being satisfied that either of the grounds for exclusion therein mentioned exist in the case of the clerk in Holy Orders making such application, and such clerk shall thereupon be excluded from the provisions of the Measure of 1926 until such time as either (i) in the opinion of the pensions authority the grounds for excluding him shall have ceased to exist, or (ii) the pensions authority shall have entered into an agreement with him that such

exclusion shall be terminated, whichever of such events shall first occur.

(4) Section one of the Measure of 1928 is hereby repealed.

3.—(1) The power of exemption contained in subsection (4) of section one of the Measure of 1926 shall be extended so as to authorise the pensions authority to exempt from the provisions of the Measure of 1926 any clerk in Holy Orders who by reason of his age either is at the date when the Measure of 1926 first becomes applicable to him or becomes at any subsequent date unable to complete a qualifying period of pensionable service until after attaining the age of seventy years :

Extension of power of exemption from Clergy Pensions, Measure, 1926.

Provided that the pensions authority shall not exempt any clerk in exercise of the extended power conferred by this section unless he shall have made application for exemption in the prescribed manner, and proved in the prescribed manner to the satisfaction of the pensions authority that there is secured to him a provision for his maintenance which will be available in the event of his retirement, and which will be at least equal in value to the pension which, if he were not exempted from the provisions of the Measures, would become payable to him under the Measures in the event of his retiring upon having performed a qualifying period of pensionable service consisting of fifteen years.

(2) The words "immediately on becoming entitled to enter on receipt of a pension hereunder" shall be substituted for the words "after having attained the age of seventy years" at the end of subsection (4) of section one of the Measure of 1926.

4.—(1) The following shall be substituted for section three of the Measure of 1926 :—

Extension of definition of qualifying period of pensionable service.

"(1) For the purposes of this Measure the expression 'a qualifying period of pensionable service' means a period of, or a succession of periods (either with or without intervals) amounting in the whole to not less than, fifteen years, and consisting of the aggregate of—

(i) any period before the appointed day during which a compulsory contributor has within the area to which this Measure applies served as a clerk in Holy Orders in

such a capacity as to bring him within any of the classes of clergy mentioned in subsection (1) of section one of this Measure;

(ii) the period or periods after the day immediately preceding the appointed day in respect of which such compulsory contributor has paid or become liable to pay contributions or instalments of contributions under this Measure;

(iii) any other period during which such compulsory contributor has, either in the area to which this Measure applies or outside, served as a clerk in Holy Orders, and in respect of which he has under an agreement made with the pensions authority paid to the pensions authority such a sum as the pensions authority may require not exceeding the actuarial equivalent of the cost of the addition of such period to his qualifying period of pensionable service;

(iv) any period before the appointed day, not being a period described in paragraphs (i) or (iii) of this subsection, during which a compulsory contributor has within the area to which this Measure applies rendered such service of an ecclesiastical nature as the pensions authority shall think fit to take into account in calculating the qualifying period of pensionable service of such compulsory contributor;

(v) any period between the 4th August, 1914, and the 31st August, 1921, and after the admission to deacon's orders of the compulsory contributor concerned (not being a period described in paragraphs (i), (iii), or (iv) of this subsection), during which a compulsory contributor either within the area to which the Measure of 1926 applies or outside served as a member of His Majesty's Forces or was engaged in such war service as the pensions authority shall think fit to take into account in calculating

the qualifying period of pensionable service of such compulsory contributor :

Provided that no such period as last mentioned shall be taken into account in calculating the qualifying period of pensionable service of a compulsory contributor if it is a period or part of a period of ecclesiastical service under any civil or other authority which entitles the compulsory contributor concerned to a pension under any pension or superannuation scheme other than that established by this Measure.

(2) A qualifying period of pensionable service may commence either before, on or after the appointed day, but must not terminate more than ten years before the date of retirement of the compulsory contributor concerned.

(3) For the purposes of this Measure the expression 'a period of pensionable service' shall mean any such period as is described in paragraphs (i) to (v) of subsection (1) of this section, or, where more than one such period has been completed by a compulsory contributor, the aggregate of the periods so completed."

(2) Section three of the Measure of 1928 is hereby repealed.

5. Subject in the case of a non-contributing pensioner or of a voluntary contributor to the terms and conditions upon which his pension is granted or agreed to be paid by the pensions authority, no clerk in Holy Orders shall be entitled to enter upon receipt of a pension under the Measures who has not before retirement made application to the pensions authority in the form contained in the First Schedule to this Measure or in such other form as may from time to time be prescribed :

Application
for pension.

Provided—

(i) that in any case where a clerk in Holy Orders is incapacitated from making such application in person the pensions authority may authorise any other person to make such application on his behalf;

(ii) that in any case where no application is made under this section until a date subsequent to the date of retirement, then—

(a) if the applicant proves to the satisfaction of the pensions authority that such delay in making application was not due to any fault on the part of the clerk in Holy Orders on whose behalf the application is made, such clerk shall be entitled to receive the pension to which he would have been entitled, as from the date from which he would have been entitled to receive it, had the application been made before retirement;

(b) if the applicant does not prove to the satisfaction of the pensions authority that such delay in making application was not due to any fault of the clerk in Holy Orders on whose behalf the application is made, such clerk shall be entitled to receive the pension to which he would have been entitled had the application been made before retirement, as from the date of such application or the date of his attaining the age of seventy, whichever shall be the later, or from such earlier date (not being a date earlier than the date of retirement) as the pensions authority shall think fit.

Forfeiture
and recovery
of right to
pension.

6.—(1) Every recipient of a pension under the Measures shall upon any breach on his part of or failure on his part to comply with any of the conditions for receipt of pension contained in section five of the Measure of 1926 forfeit such pension, and such pension shall cease to be payable as from the date of such breach or failure.

(2) Any recipient of a pension under the Measures who shall have incurred forfeiture of his pension under this section by reason of his not having continued in retirement shall upon his retiring subsequently to such forfeiture, if upon such subsequent retirement he satisfies the conditions contained in section five of the Measure of 1926, be reinstated as recipient of the pension so forfeited, and the pensions authority shall add to the qualifying period of pensionable service in respect of

which such pension is payable any period of pensionable service as defined in this Measure completed by such recipient after such forfeiture as aforesaid and shall recalculate the rate at which such pension is payable accordingly and shall pay to him a pension at the rate so determined during such time as he shall satisfy the said conditions for receipt of pension :

Provided that in any case where the result of the recalculation provided for in this subsection is to reduce the rate at which a pension was payable to the recipient concerned at the date of such forfeiture as aforesaid (herein referred to as "the original rate") the pensions authority shall pay to such recipient on reinstatement a pension at the original rate.

(3) Any recipient of a pension under the Measures who shall have incurred forfeiture of his pension under this section by reason of his having become incapable of holding preferment in the Church or having executed a deed of relinquishment or having ceased to be a member of the Church of England or having become a member of a religious body which is not in communion with the Church of England shall, upon his again becoming capable of holding such preferment or upon the vacation of the enrolment of such deed of relinquishment or upon his again becoming a member of the Church of England or ceasing to be a member of such religious body as aforesaid, as the case may be, if upon the happening of such subsequent event he satisfies the conditions contained in section five of the Measure of 1926 be reinstated as recipient of the pension so forfeited, and the pensions authority shall pay to him such pension, at the rate at which it was payable at the date of such forfeiture as aforesaid, during such time as he shall satisfy the said conditions for receipt of pension.

7.—(1) In any case to which section thirteen of the Measure of 1928 is applicable and in which the consent of the bishop and of the patron of the benefice concerned to the procedure laid down in this subsection shall have been obtained, the pensions authority shall within one month of receiving a notification from the bishop under that section certify to the bishop the annual value of the benefice concerned, and no such request or commission as are referred to in that section

Transition
from the
Incumbents
Resignation
Acts, 1871
and 1887.

shall be made or issued, and the provisions of paragraphs (ii), (iii) and (iv) of subsection (1) of section twenty-seven of the Measure of 1926 shall not apply to such a case, but the bishop shall forthwith make such a declaration, with the necessary modifications, as is provided for in paragraph (iv) of the said subsection :

Provided that a commission shall issue and paragraphs (ii), (iii) and (iv) of subsection (1) of section twenty-seven of the Measure of 1926 shall apply in any case where (a) in the opinion of the pensions authority the annual value of the benefice concerned exceeds five hundred and twenty-five^c pounds and one-third part of such annual value exceeds the pension under the Measures upon the receipt of which the retiring incumbent is about to enter, and (b) such retiring incumbent held such benefice on the 1st day of January, 1927; unless such incumbent shall have furnished in writing to the pensions authority a statement that he does not require any augmentation of pension.

(2) For the purposes of paragraph (iv) of subsection (1) of section twenty-seven of the Measure of 1926 the pension upon the receipt of which a retiring incumbent is about to enter shall be deemed to be of the amount which would have been the amount thereof if in calculating the qualifying period of pensionable service in respect of which such pension is payable the pensions authority had not taken into account any period in respect of which such incumbent has entered into an agreement with the pensions authority under paragraph (iii) of subsection (1) of section four of this Measure or under the corresponding paragraph in section three of the Measure of 1928.

(3) In making a declaration under section twenty-seven of the Measure of 1926, as amended by the Measure of 1928 and by this Measure, the bishop concerned may insert therein a day less than one month after the date of such declaration as the day on which the benefice to which such declaration relates shall become void :

Provided that the day so inserted is a day not less than fourteen days after the receipt by the pensions authority of the notification referred to in section thirteen of the Measure of 1928.

(4) In subsection (6) of section twenty-seven of the Measure of 1926 (which subsection provides that the provisions of the Incumbents Resignation Acts, 1871 and 1887, in conflict with the provisions of section twenty-seven of the Measure of 1926 shall not apply to commissions and charges created under the said section or to pensioners who have held benefices affected by such charges) the words "in conflict with the provisions of this Measure" shall be substituted for the words "in conflict with the provisions of this section."

8. The following shall be substituted for subsections (1) and (2) of section nine of the Measure of 1928:—

Liability for
contribu-
tions.

"(1) Subject to the provisions of this section, every compulsory contributor shall be liable to pay a contribution in respect of each calendar year during any part of which he is a compulsory contributor.

(2) An annual contribution shall be paid in two instalments on the 30th June and the 31st December in each year in respect of the half-years ending on those days respectively; but if a compulsory contributor becomes or ceases to be a compulsory contributor during any year he shall not be liable to pay a contribution in respect of that part thereof during which he was not a compulsory contributor:

Provided that if a compulsory contributor who becomes or ceases to be a compulsory contributor during any half-year shall have before the end of such half-year signified in writing to the pensions authority his desire to be deemed liable to pay a contribution in respect of the whole of such half-year, he shall be deemed to be so liable.

(3) Where at the end of any half-year a compulsory contributor is liable to pay a contribution in respect of part only of such half-year, the amount of contribution which he is liable to pay shall be an amount which bears the same proportion to the amount which he would have been liable to pay in respect of such half-year under Rule 1 of the Contribution Rules if he had been a

compulsory contributor during the whole of such half-year as the number of calendar months in such half-year during the whole of which he was a compulsory contributor bears to the number six.”

Return of
contribu-
tions.

9.—(1) The right to repayment created by subsection (1) of section fifteen of the Measure of 1928 shall be enjoyed by the representatives of every clerk in Holy Orders who dies before entering upon receipt of a pension under the Measure of 1926, having been a compulsory contributor and without having received any repayment from the pensions authority under subsection (2) of the said section whether or not he is a compulsory contributor at the date of his death.

(2) In making any repayment under section fifteen of the Measure of 1928, as amended by this Measure, the pensions authority shall be entitled to make a deduction from the sum repayable of an amount equal to the amount of any income tax payable by the pensions authority in respect of such repayment.

(3) The amount to be repaid to the pensions authority under subsection (4) of section fifteen of the Measure of 1928, by a bishop, priest, or deacon, who has again become a compulsory contributor shall be the amount repayable to him by the pensions authority under subsection (5) of that section without any such deduction as is provided for in subsection (2) of this section with compound interest thereon at the rate of two and one-half per cent. per annum with annual rests calculated from the date of repayment.

(4) Subsection (5) of section fifteen of the Measure of 1928 (which subsection lays down the sum repayable by the pensions authority by way of return of contributions to compulsory contributors or their representatives) shall have effect subject to the provision that in the case of a compulsory contributor who has recovered his right to a pension under section six of this Measure the sum repayable shall not exceed the aggregate of all contributions paid by such compulsory contributor under the Measures since he incurred forfeiture of his pension together with compound interest at the rate of two and a half per cent. per annum with annual rests upon each contribution repaid calculated from the date of the payment thereof.

10.—(1) The definition of assessable clerical income contained in subsection (1) of section ten of the Measure of 1928 shall be extended so as to include, in addition to income from the ecclesiastical sources mentioned in that subsection, the net income as ascertained under the provisions of the Measure of 1928, as amended by this Measure, which is earned during the year preceding the year of assessment by a compulsory contributor as the holder of any educational charitable or public post.

Extension of definition of assessable clerical income.

(2) In computing the assessable clerical income of a compulsory contributor in any year for the purposes of Rule I of the Contribution Rules the pensions authority shall exclude from such computation any income which is brought within the definition of assessable clerical income by the extension of the said definition effected by the preceding subsection in so far as such income exceeds in amount the sum of £500.

11.—(1) Subsection (1) of section eleven of the Measure of 1928 (which subsection empowers the pensions authority to require particulars of clerical income from every bishop (not being a diocesan bishop) priest or deacon in the area to which the Measure of 1926 applies) shall be amended by inserting the words “and of any “stipend salary or emolument earned by him as the “holder of any educational charitable or public post” after the words “particulars of his clerical income” in the fourth line of that subsection.

Returns of income.

(2) The form of return contained in the Second Schedule to this Measure shall be deemed to be a prescribed form for the purposes of subsection (1) of section eleven of the Measure of 1928, as amended by this Measure.

12.—(1) The rate of pension applicable under the pension table and pension rules contained in the First Schedule to the Measure of 1926, as amended by this Measure, to a pensioner who has performed a qualifying period of pensionable service which falls short of forty years and does not consist of a complete number of years shall be increased by adding thereto, for each month of service performed by him in excess of the completed number of years of service so performed, a sum equal to one-twelfth of the difference between the amount of

Rates of pension.

such pension and the amount of the pension to which he would have been entitled under the said table and rules had the qualifying period of pensionable service performed by him consisted of one more complete year.

(2) Nothing contained in this section shall affect the amount of any pension which shall have become payable before this Measure comes into force.

Collection of
contributions and
arrears.

13.—(1) The following rule shall be substituted for Rule 1 (b) of the Contribution Rules contained in the Third Schedule to the Measure of 1926 as amended by the Measure of 1928—

“(b) Where the assessable income exceeds £700, the amount of the yearly contribution payable shall be ascertained by adding to £21 the sum of 15s. in respect of each complete £25, or part of £25, whereby such income exceeds £700.”

(2) The following proviso to Rule 5 of the Contribution Rules shall be inserted at the end of the said rule :—

“ Provided that the pensions authority may, in any case provided for by this rule, collect the contribution due from the contributor concerned directly from such contributor, and the Ecclesiastical Commissioners shall not deduct such contribution as provided in this rule in any case in which the pensions authority has not directed the Ecclesiastical Commissioners so to deduct it.”

(3) The Contribution Rules shall be re-numbered in accordance with the amendments thereof enacted by the Measure of 1928 and the following rule shall be added thereto :—

“ 9. Arrears of contribution owing under these rules or any portion of such arrears may be collected by the pensions authority in any manner in which the contribution in respect of which such arrears are owing may under these rules be collected :

Provided that where an assessed contributor is assessed in respect of a stipend salary or

emolument paid to him by the incumbent of a benefice such incumbent shall not be liable to make any payment to the pensions authority in respect of arrears of contribution due from such contributor unless such contributor is at the date on which demand for such payment is made in receipt of a stipend salary or emolument from such incumbent."

14.—(1) No election shall be made to fill any vacancy in the pensions authority caused by the provisions of the Second Schedule to the Measure of 1926, but the membership of the pensions authority shall decrease by one member on the occurrence of each such vacancy. Constitution of pensions authority.

(2) Paragraph 5 of the Second Schedule to the Measure of 1926, and the words "or upon a reduction in number in the beneficiaries of the Clergy Pensions Institution" in subsection (5) of section six of the Measure of 1928 are hereby repealed.

15. The form of return of income contained in the Third Schedule to this Measure shall be substituted for the form of return of income contained in the Schedule to the Measure of 1928. Amendment of form of income return for beneficed clergy.

16.—(1) In addition to its other powers of investment, the pensions authority may invest any moneys forming part of the Clergy Pensions Fund, including moneys arising from the sale of investments, in or upon any of the following securities:— Extension of powers of investment of pensions authority.

(i) debentures, debenture stock, shares or stock issued or to be issued by any of the following undertakings in the United Kingdom—

(a) gas companies incorporated by special Acts of Parliament or by Royal Charter;

(b) water companies incorporated by special Acts of Parliament or by Royal Charter, and not having the necessary trustee qualification;

(c) water commissioners incorporated by special Acts of Parliament and not having the necessary trustee qualification;

(d) electric light and power companies which are "authorised undertakers" within

the meaning of the Electricity (Supply) Acts, 1888-1922;

(e) canal, dock and harbour boards incorporated under special Acts of Parliament;

(f) public boards, undertakings and companies of all kinds (other than those under the Companies Acts) exercising statutory borrowing powers;

- (ii) debentures, debenture stock, bonds, obligations or similar securities of any railway company situate in any British Dominion, Colony or Dependency, which are fully guaranteed both as to principal and interest by the Government of such Dominion, Colony or Dependency, or by any Province or State forming part of any British Dominion, Colony or Dependency.

(2) The pensions authority, lending money on the security of any property on which it can lawfully lend, may contract that such money shall not be called in during any specified period from the time when the loan was made, provided interest be paid within a specified time not exceeding thirty days after every half-yearly or other day on which it becomes due, and provided there be no breach of any covenant by the mortgagor contained in the instrument of mortgage or charge for the maintenance and protection of the property.

Commence-
ment.

17. This Measure shall come into force on such day subsequent to the day on which this Measure receives the Royal Assent as the Archbishops of Canterbury and York, by writing under their respective hands and archiepiscopal seals, shall jointly determine.*

Short title
and con-
struction.

18. This Measure may be cited as the Clergy Pensions (Amendment) Measure, 1936, and shall be construed as one with the Clergy Pensions Measures, 1926 to 1928, and the Clergy Pensions Measures, 1926 to 1928, and this Measure may be cited together as the Clergy Pensions Measures, 1926 to 1936.

Extent.

19. This Measure shall extend to the whole of the Provinces of Canterbury and York including the Isle of Man and the Channel Islands.

* The day thus determined was July 1, 1936: see London Gazette, June 16, 1936, page 3849.

SCHEDULES.

FIRST SCHEDULE.

Section 5.

CLERGY PENSIONS MEASURES, 1926 TO 1936.

APPLICATION FOR A PENSION BY A CONTRIBUTOR.

*I, the undersigned.....Clerk in Holy Orders, having on the.....day of.....attained the age of seventy years now propose to resign my office did as.....of.....in the diocese of.....on the.....

Strike out * if applicant is under 70 years of age.

I desire to retire on the.....day of.....and I hereby ask that a pension may be granted me in accordance with the provisions of the Clergy Pensions Measures, 1926 to 1936.

†I, the undersigned.....Clerk in Holy Orders, now propose to resign my office as.....did of.....in the diocese of.....on the.....by reason of permanent disability for the performance of my work or duties.

Strike out † if applicant is 70 or more years of age.

If this, my application, is successful, I desire to retire on the.....day of.....and I hereby ask that a disability pension may be granted to me in accordance with the provisions of the Clergy Pensions Measures, 1926 to 1936.

Signature of Applicant.....

Signature of Witness.....

Date.....

Section 11.

SECOND SCHEDULE.

**RETURN OF INCOME OF UNBENEFICED
CLERGYMEN**

for the year ending 31st December, 19.....

Name Ecclesiastical Office[s]
 Postal Address or Appointment[s].....
 Parish.....
 Date of Licence
 under Seal..... Diocese

Particulars and dates of commencement and termination of any office or appointment accepted or relinquished during the year

EMOLUMENTS EARNED DURING THE YEAR.

	£	s.	d.
I.—Stipend, Salary or Emolument of Ecclesiastical Office[s] or Appointment[s]			
II.—Offerings and Fees allocated to me in virtue of my Ecclesiastical Offices			
III.—Grants and Augmentations :—			
(a) Parochial Church Council (excluding Pensions Contribution)	£		
(b) Diocesan Authorities (excluding Pensions Contribution)	£		
(c) Ecclesiastical Commissioners	£		
(d) Other Sources	£		
IV.—Annual value of Emoluments receivable in kind, <i>i.e.</i> , free board, &c.			
	£		
V.—Stipend, Salary, or Emolument earned as the holder of any—			
*(a) Educational Post	£		
*(b) Charitable Post	£		
*(c) Public Post	£		
* Specify nature.			
<i>If (a) (b) (c) together exceed £500 insert £500 as the total income from these three sources.</i>			
GROSS INCOME	£		

SECOND SCHEDULE—*continued.*

	£	s.	d.
VI.— <i>Less</i> Special Expenses of Office (if any) allowed by the Income Tax Authorities - - - - -			
NET INCOME - - - £			
VII.— <i>Add</i> Net Annual Value (Income Tax, Schedule A) of house or accommodation provided rent free in virtue of any ecclesiastical, educational, charitable, or public appointment† - - - - - £			
ASSESSABLE INCOME - £			

† *If the Schedule "A" value exceeds one-eighth of the net income as shown above, then one-eighth only of the net income should be added instead of the Schedule "A" value of the house or accommodation.*

Date..... Signature.....

Section 15.
Name of Incumbent
Benefice(s)

Rural Deanery

Diocese

	£	s.	d.	£	s.	d.
(A)—INCOME OF THE BENEFICE FOR THE YEAR 19 :—						
1. FEES						
2. EASTER OFFERINGS						
3. PARISH RENTS						
4. DIVIDENDS ON INVESTMENTS (before deduction of tax):—						
(a) Ecclesiastical Commissioners						
(b) Trustees						
5. AUGMENTATION GRANTS AND OTHER ANNUAL PAYMENTS:—						
(a) Ecclesiastical Commissioners						
(b) Other Sources						
6. QUEEN ANNE'S BOUNTY:—						
(a) Interest and Dividends						
(b) Net amount of Tithe						
7. AMOUNT OF TITHES COLLECTED DIRECT (less statutory charges due to Queen Anne's Bounty)						
8. TITHES REDEMPTION ANNUITIES—(Interest portion due from Queen Anne's Bounty)						
9. INCOME FROM CHARITABLE SOURCES—(Paid to me in virtue of my office)						
10. LETTING OF LANDS AND HOUSES (excluding Parsonage House), Ground Rents, Sporting and other rights						
11. VOLUNTARY PAYMENTS MADE IN VIRTUE OF MY OFFICE:—						
(a) From Parish (except payment towards Pension Contribution)						
(b) From Patron						
(c) From Queen Victoria Clergy Fund						
(d) From Diocesan Funds (except payment towards Pension Contribution)						
(e) From other sources						
12. MANORIAL RIGHTS including Leases of Minerals						
13. INCOME FROM OTHER ECCLESIASTICAL SOURCES (state nature)						
TOTAL BENEFICE INCOME	£					
Less TOTAL OUTGOINGS		£				
TOTAL NET BENEFICE INCOME			£			
OUTGOINGS:—						
1. PERMANENT OUTGOINGS:—						
(a) Cost of Collection of Pew Rents and Fees						
(b) Ecclesiastical Dues						
(c) Other Charges (state nature)						
(d) Repairs:—						
(i) Annual Payment under the Ecclesiastical Dilapidations Measure, 1923 (including Parsonage House)						
(ii) If no dilapidations survey yet made, insert Schedule "A," Income Tax allowances for Repairs on Glebe and Parsonage House						
2. OUTGOINGS IN RESPECT OF GLEBE-LANDS AND BUILDINGS (excluding Parsonage House), other than Repairs:—						
(a) Land Tax						
(b) Tithe Rent-Charge						
(c) Quit-Rent, other Rent and Rates						
(d) Collection Charges and Insurance						
3. OTHER CHARGES:—						
(a) Special Expenses of Office (as allowed by Income Tax authorities)						
(b) Mortgage Charges:—						
(i) Capital Repayment						
(ii) Interest Payment						
(c) Retired Incumbent's Pension charged on Benefice						
(d) Curate's Stipend:—						
(i) Compulsory under Act 48 & 49 Vict., cap. 54, Sect. 13 and 16 & 17 Geo. V., No. 8, Sect. 5						
(ii) Voluntary						
(e) Payments to Lay Workers licensed by Bishop						
TOTAL OUTGOINGS						£

No. 2.

A MEASURE passed by the National Assembly
of the Church of England.

To amend the Union of Benefices Measure, 1923,
and for purposes connected therewith.

[29th May 1936.]

Amend-
ment of
constitu-
tion of com-
missions of
inquiry.

1.—(1) In the case of every commission issued under subsection (1) of section two of the Union of Benefices Measure, 1923 (hereinafter referred to as “the principal Measure”), after the date of the passing of this Measure, the commissioners to whom such commission is addressed shall include, in addition to the commissioners nominated under section three of the principal Measure, one commissioner nominated in the manner laid down by this section by the Diocesan Conference of the diocese in which the benefices affected by the proposed inquiry are situate; or, if the benefices are situate in more than one diocese, then by the Diocesan Conference of the diocese of the bishop by whom the commission is to be issued.

(2) Where more than two benefices are affected by the proposed inquiry the additional commissioner or commissioners referred to in paragraph (c) of subsection (1) of section three of the principal Measure, instead of being nominated in the manner prescribed by that paragraph, shall be nominated in the manner laid down by this section by the Diocesan Conference of the diocese in which the benefices are situate; or, if the benefices are situate in more than one diocese, then by the Diocesan Conference of the diocese of the bishop by whom the commission is to be issued.

(3) (i) Every commissioner nominated by a Diocesan Conference under this section shall be selected in such manner as the Conference shall prescribe from a panel of six persons, of whom three shall be clerks in Holy Orders and three shall be lay communicant members of the Church of England, appointed for such period and in such manner in all respects as the Conference shall determine;

(ii) No member of the Diocesan Committee of any diocese shall be appointed by the Diocesan Conference thereof to be a member of such panel as aforesaid and any member of such panel shall cease to be a member thereof upon becoming a member of the Diocesan Committee.

(4) No person shall be nominated a member of a commission of inquiry under section three of the principal Measure or under this section who is the incumbent of or licensed to officiate as minister or curate in any of the benefices affected by the proposed inquiry.

(5) In any case where the right to nominate a commissioner in respect of any benefice shall have lapsed under subsection (5) of section three of the principal Measure, the provisions of the said subsection (5) with respect to the nomination of a commissioner shall not apply, but a commissioner in respect of that benefice shall be selected in such manner as the Diocesan Conference shall prescribe from the panel referred to in subsection (3) of this section, if the bishop by whom the commission is to be issued so requests.

2.—(1) The commissioners to whom a commission under the principal Measure has issued shall have due regard to the interests of religion generally as well as to the circumstances and claims of the parishes affected by their inquiry and shall determine in their discretion the effect of all these considerations and shall report accordingly.

Duty of commissioners in making their report.

(2) Subsection (6) of section two of the principal Measure is hereby repealed.

3.—(1) The power conferred by subsection (2) (d) of section two of the principal Measure (which relates to the alteration of the boundaries of parishes) shall extend to all extra-parochial areas (whether or not referred to in the commission issued under the principal Measure) contiguous to the parishes of the benefices to which such commission relates or to any parish an alteration of the boundaries of which is recommended under the provisions of subsection (4) of section two of the principal Measure, and shall be exercisable without any of the other powers exercisable under the principal Measure being exercised in relation to the parishes and benefices concerned.

Power of altering boundaries of parishes and extra-parochial areas.

(2) The provisions of section thirteen of the principal Measure (under which schemes may be prepared without previous inquiry and report) shall apply with the necessary modifications to schemes solely relating to the alteration of the boundaries of parishes or extra-parochial areas.

Conditional approval by bishop of report under principal Measure.

4.—(1) In any case where a report has been made under the principal Measure, the bishop of a diocese or the bishops of the dioceses affected by such report may, upon signifying in writing under subsection (1) of section four of the principal Measure his or their approval of the report, signify such approval conditionally upon the consideration by the Ecclesiastical Commissioners of such modifications as such bishop or such bishops jointly may consider necessary.

(2) Any such modifications shall be specified in writing under the hand of such bishop or bishops.

Presentation not required when benefice filled under a scheme.

5.—(1) In subsection (2) of section seven of the principal Measure the words “without any presentation or nomination being made” shall be inserted after the words “the vacant benefice” where those words first occur.

(2) The provisions of the Benefices (Exercise of Rights of Presentation) Measure, 1931, shall not apply to any vacancy in a benefice in respect of which directions have been inserted in a scheme under the principal Measure.

Return of schemes by Judicial Committee.

6.—(1) In subsection (5) of section ten of the principal Measure the word “reconsideration” shall be substituted for the words “alteration or amendment.”

(2) The following subsections shall be added to section ten of the principal Measure :—

“(6) The Ecclesiastical Commissioners may either withdraw a scheme returned to them under this section or propose a variation thereof, and in the latter case the Judicial Committee shall report to His Majesty in Council on the scheme as so varied, and may propose to His Majesty in Council to affirm or dismiss the scheme as so varied.”

“(7) His Majesty may, upon a report being made by the Judicial Committee under the last preceding subsection, affirm or dismiss the varied scheme.”

7.—(1) Subsection (1) of section fifteen of the principal Measure (excepting the second proviso thereto) is hereby repealed, and the following shall be substituted therefor :—

Diversion
of endow-
ments
included
in union.

“ (1) Whenever it shall appear to the Ecclesiastical Commissioners that the total endowments of any benefices proposed to be constituted an united benefice would be more than is required to form a competent provision for the united benefice, and that it is desirable that any part of such endowments should be appropriated for the augmentation of any other benefice or benefices (either already existing or proposed) situate in the same diocese as that in which the united benefice is situate, or to which it is assigned by the scheme for union, and having no provision or competent provision belonging thereto, the Ecclesiastical Commissioners may, by the scheme for union or in or by any supplementary scheme, recommend that a part of the endowments or property of the benefices proposed to be constituted an united benefice sufficient to provide for such augmentation as aforesaid be severed or diverted from the benefice or benefices to which the same shall belong and be appropriated accordingly :

Provided that before recommending any benefice for augmentation as aforesaid, the Ecclesiastical Commissioners shall give notice in writing to the patrons and parochial church councils of the benefices to be included in the union that there are or may be endowments or property available for severance or diversion under this section, and shall consider any representation which may be made by any such patrons or parochial church councils as to the benefice or benefices to be selected for augmentation or as to the division of such endowments or property between the selected benefices if more than one.”

(2) The words “ endowments and property ” shall be substituted for the words “ surplus revenues ” where the latter words occur in subsection (4) of section fourteen of the principal Measure.

Admission fees payable where endowments have been diverted.

8. Where an incumbent holding any one or more of the benefices to be constituted an united benefice also becomes the first incumbent of such united benefice and any part of the endowments or property of any constituent benefice is by the operation of the scheme for union severed or diverted therefrom, the annual value upon which, under section thirty-five of the principal Measure, the fees payable by such incumbent in respect of his admission to the united benefice would be calculated shall be reduced by an amount equal to the annual value of the endowments or property so severed or diverted.

Removal of doubts with respect to closing of vaults and graves.

9. It is hereby declared that the provisions of the latter part of section twenty of the principal Measure beginning with the words "And no sale or letting" (which provisions prohibit the appropriation of a site to secular uses until after the removal of the remains of persons deposited thereunder) shall not apply in cases where vaults or graves are left undisturbed and finally closed in conformity with directions and restrictions given or imposed by the Secretary of State under the earlier part of the said section.

Power for Ecclesiastical Commissioners to take over sites of churches, parsonage houses, and other land.

10.—(1) The powers conferred on the Ecclesiastical Commissioners by section twenty-two of the principal Measure shall be extended so as to authorise the Ecclesiastical Commissioners in cases where in their opinion a sale of any property vested in them under the said section cannot advantageously be effected, to appropriate out of capital funds held by them, the income of which forms part of their common fund, such a capital sum as in their opinion represents the fair value of such property, regard being had to any lease of the same granted or proposed to be granted by the Ecclesiastical Commissioners.

(2) Upon an appropriation of a capital sum being made under this section—

- (i) such capital sum shall be treated as if the same were the proceeds of a sale of the property and dealt with accordingly; and
- (ii) the property shall remain vested in the Ecclesiastical Commissioners and be in all respects in the same position as regards the income derived

therefrom, the powers exercisable in respect thereof, and otherwise, as other property the income whereof is carried to the common fund of the Ecclesiastical Commissioners.

11. The following shall be substituted for sub-section (2) of section twenty-five of the principal Measure :— Rights of burial.

“ Provided that while and so long as any churchyard within the limits of any parish shall remain open for interments no person shall by reason of any union of parishes under the authority of this Measure lose any rights of burial in such churchyard to which he was entitled at the time of the effecting of such union of parishes or become entitled to rights of burial in any other churchyard within the limits of the united parish.”

12.—(1) Subject to the provisions of this section, the provisions of section thirty-one of the principal Measure shall extend so as to authorise the division of a single benefice in the same manner in all respects and with the same effects as regards patronage, endowments, and otherwise, as if it were an united benefice. Severance of district.

(2) The provisions of this section shall be given effect to only in those cases where—

- (i) it appears to the Ecclesiastical Commissioners, whether on their own motion or on any representation made to them, that the severance from a benefice of a part thereof possessing its own church or chapel ought to be effected; or
- (ii) in a report of the Diocesan Committee, approved in writing by the bishop of the diocese and forwarded by him with such approval to the Ecclesiastical Commissioners, the Ecclesiastical Commissioners are required to initiate proceedings with a view to effecting such severance;

and in any such case, the part of the benefice in question which is proposed to be severed and the remainder thereof shall for the purposes of section fifteen of the principal Measure be treated as constituent benefices of an united benefice.

Induction to united benefice and declaration of assent where parishes are not united.

28 & 29 Vict. c. 122.

13. Where upon an union of benefices, whether made under the principal Measure or under any Act of Parliament or otherwise, the parishes or any of the parishes of or comprised in the constituent benefices are not united, an incumbent of the united benefice shall be deemed to have been inducted into the united benefice upon his induction in the parish church of any parish comprised in the united benefice; and any incumbent of an united benefice shall be deemed to have complied with the provisions of section seven of the Clerical Subscription Act, 1865 (which section provides that every person admitted to a benefice shall read and declare his assent to the Thirty-nine Articles of Religion in the church of such benefice on the first Lord's Day on which he officiates in such church), upon his reading the said Articles and making such declaration of assent as provided in the said section in the parish church of any parish comprised in the united benefice.

Extension of section 36 of principal Measure.

14. The provisions of section thirty-six of the principal Measure (which restrict the exercise of rights of patronage when an union is pending) shall extend to cases of proposed disunions in the same manner and to the same extent as they extend to proposed unions.

Surrender of patronage.

15. The provisions of section thirty-seven of the principal Measure shall extend so as to authorise the surrender of the patronage of any patron concerned who may consent to such surrender in favour of the other patron or patrons affected, and so that the patronage of any patron which is increased under this section shall be subject to the same trusts, powers and provisions as his original patronage.

Arch-bishop may act for bishop during vacancy.

16. During a vacancy in the bishopric of a diocese the archbishop of the province comprising such diocese may, so far as he shall think fit, exercise all the powers conferred by the principal Measure and this Measure upon the bishop of such diocese.

Definition of "Diocesan Conference."

17.—(1) The expression "Diocesan Conference," where it is used in the principal Measure and in this Measure, shall have the meaning assigned to it by the Interpretation Measure, 1925.

(2) The definition of the expression "Diocesan Conference" contained in section forty-three of the principal Measure is hereby repealed.

18. This Measure may be cited as the Union of Benefices (Amendment) Measure, 1936, and this Measure and the principal Measure shall be construed as one Measure, and may be cited together as the Union of Benefices Measures, 1923 to 1936. Short title,
&c.

No. 3.

A MEASURE passed by the National Assembly
of the Church of England.

To establish a scheme of pensions for the widows
and dependants of the Clergy, and for that
purpose to amend the Clergy Pensions Measures,
1926 to 1936. [29th May 1936.]

INTRODUCTORY.

1. The Church of England Pensions Board (in this Measure referred to as "the pensions authority") as the body administering the several classes of pensions for the clergy established by the Clergy Pensions Measures, shall establish and administer in manner laid down by this Measure the following further two classes of pensions (namely) :—

Establishment of two classes of widows' and dependants' pensions.

- (i) pensions payable under Part I of this Measure to widows and dependants of clerks in Holy Orders to whom that Part of this Measure applies; and
- (ii) pensions payable to widows and dependants of clerks in Holy Orders pursuant to agreements made with the pensions authority under Part II of this Measure.

PART I.

2.—(1) This Part of this Measure shall apply to every clerk in Holy Orders who— Applications of Part I.

- (i) is ordained after the commencement of this Measure; and
- (ii) (a) becomes a compulsory contributor under the Clergy Pensions Measures while he is a married man, or

(b) marries while he is a compulsory contributor under the Clergy Pensions Measures, or

(c) being a compulsory contributor under the Clergy Pensions Measures and unmarried applies to become a compulsory contributor under this Measure.

(2) Immediately upon any unmarried clerk in Holy Orders becoming a compulsory contributor under the Clergy Pensions Measures, the pensions authority shall invite him to apply to become a compulsory contributor under this Measure.

Contributions payable under Part I.

3.—(1) The contributions payable under the Clergy Pensions Measures by any clerk in Holy Orders to whom this Part of this Measure applies (in this Measure referred to as a “compulsory contributor under this Measure”) shall as from the date upon which this Part of this Measure becomes applicable to him until he reaches the age of seventy years be increased by an amount determined by his age at the date upon which this Part of this Measure becomes applicable to him, in accordance with the table contained in Part I of the Schedule to this Measure: Provided that upon any such quinquennial valuation of the Clergy Pensions Fund as is provided for by subsection (5) of section twenty-four of the Clergy Pensions Measure, 1926, the actuary may recommend a revised table to be substituted for the aforesaid table, and thereupon the pensions authority may in the prescribed manner substitute such revised table for the aforesaid table, and the table so substituted shall become applicable to all contributions payable under this Part of this Measure as from the date of such substitution.

(2) A clerk in Holy Orders upon or at any time after becoming a compulsory contributor under this Measure may by agreement with the pensions authority compound for the payment of any increases of contribution payable by him under this Measure by the payment either as a lump sum or in such instalments as may from time to time be determined by agreement with the pensions authority of a sum to be determined by the pensions authority on the advice of their actuary.

(3) In any case where a compulsory contributor under this Measure either is the holder of a fully paid up policy of assurance issued to him before the date upon

which this Measure becomes applicable to him and securing the payment to him upon the attainment of a specified age or to his representatives upon his death of a sum of not less than £200 or is the holder of a policy of assurance issued to him as aforesaid the surrender value of which is not less than £200, the following provisions shall apply if the contributor at any time so requests and if the pensions authority are satisfied that their application will not render any less secure the provision made under this Measure for his widow and dependants:—

- (i) the contributor shall not thenceforth be liable to pay any increase of contribution hereunder;
- (ii) he shall forthwith assign and deliver the policy to the pensions authority;
- (iii) the pensions authority shall hold any moneys received in respect of the policy in trust as to £200 to provide the pension for his widow or dependants provided for by subsection (1) of section four of this Measure or to pay the same to his representatives as provided by subsection (7) of the said section, and as to the remainder thereof in trust for him or his representatives absolutely.

(4) Section eight of this Measure (save in so far as it excludes the application of section five of this Measure) shall not apply to the case of a clerk who has compounded under subsection (2) of this section or to whom the provisions of subsection (3) thereof have been applied.

(5) The provisions of section fifteen of the Clergy Pensions (Amendment) Measure, 1928, as to the repayment of contributions during the lifetime of a clerk shall not apply to increases of contribution payable under this Measure.

4.—(1) Subject to the provisions of this Measure, upon the death of a compulsory contributor under this Measure—

- (i) if he shall leave a widow, such widow shall receive a pension for life of a capitalised value of £200 at the death of such contributor, in accordance with the scale set out in the table contained in Part II of the Schedule to this Measure (hereinafter referred to as “the scheduled scale”);

Pensions payable to widows and dependants.

(ii) if he shall not leave a widow, such dependant as he shall nominate in manner laid down by this section shall receive a pension for life of a capitalised value of £200 at the death of such contributor, according to the scheduled scale.

(2) Every nomination of a dependant for the receipt of a pension under this section shall be made by an instrument in writing under the hand of the clerk upon whose death the pension is to be paid delivered to the pensions authority during the lifetime of such clerk.

(3) A clerk may revoke a nomination by an instrument in writing under his hand delivered to the pensions authority during his lifetime, and shall in such case make and deliver to the pensions authority a nomination replacing that which he has revoked.

(4) In so far as the provisions of an instrument of nomination executed hereunder by a clerk in Holy Orders are inconsistent with the provisions of a previous instrument executed by the same clerk the provisions of the later instrument shall prevail.

(5) A clerk may by an instrument or instruments of nomination nominate more than one dependant for the receipt of a pension under this section, and generally make such provisions in favour of dependants in respect of such pension as might lawfully be made by will.

(6) In any case where more than one pension is payable under this section the aggregate capitalised value at the death of the clerk concerned of the pensions so payable shall not, according to the scheduled scale, exceed £200.

(7) Subject to the provisions of this Measure, in any case where a compulsory contributor under this Measure dies leaving no widow or dependant, the sum of £200 or, where a pension is payable or pensions are payable hereunder, a sum equal to the difference between £200 and the capitalised value at the death of such contributor of such pension or pensions shall be payable to his representatives.

Additional
pension pay-
able to
widows and
dependants

5. Subject to the provisions of this Measure, in any case where a compulsory contributor under this Measure dies leaving a widow or a dependant or dependants and a sum in respect of contributions paid by him to the pensions authority under the Clergy Pensions Measures

would but for this section be repayable to his representatives under section fifteen of the Clergy Pensions (Amendment) Measure, 1928, as amended by any subsequent Measure or enactment, such sum shall not be repaid to his representative, but shall be applied by the pensions authority in providing an additional pension for his widow, or if he shall leave no widow, an additional pension or pensions for his dependant or dependants nominated as aforesaid of such an amount that the capitalised value of such pension or pensions at the date of the death of such contributor according to the scheduled scale is equal to the sum repayable under the said section fifteen or any such amendment thereof as aforesaid: Provided that in any case where a clerk dies leaving no widow and without having exercised his right of nomination in respect of the sum or any part of the sum applicable under this section, such sum or such part thereof shall be payable by the pensions authority to the representatives of such clerk.

of contributors who have not entered upon receipt of a pension under Clergy Pensions Measures.

6. Subject to the provisions of this Measure, in any case where a compulsory contributor under this Measure, having retired by reason of permanent disability and entered upon receipt of a pension (herein referred to as "a disability pension") under the Clergy Pensions Measures before attaining the age of seventy years, dies leaving a widow, such widow shall receive an additional pension for life of a capitalised value of £200 at the death of such contributor, in accordance with the scheduled scale.

Additional pension payable to widows of contributors in receipt of disability pensions.

7. In any exceptional case where the pensions authority is of opinion that a capital sum will be of special benefit to a widow or dependant, the pensions authority may at any time at its sole discretion commute the whole or any part of the pension payable to such widow or dependant under this Part of this Measure for such capital sum as is estimated to be the actuarial equivalent thereof, and shall, if the pensioner is of full age and capable of giving an effective discharge (in which case the commutation shall not be made without the consent of the pensioner) pay to the pensioner the capital sum thereupon payable, and in the case of other pensioners (in whose case the commutation shall not require their consent) shall pay or apply such capital sum

Power of pensions authority to commute pension for capital sum.

for maintenance, education and benefit of the pensioner in such manner as the pensions authority shall think fit.

Preservation of pension rights.

8.—(1) Subject to the provisions of this section, if at any time before a compulsory contributor under this Measure dies or reaches the age of seventy years he ceases (otherwise than by reason of having entered upon receipt of a disability pension under the Clergy Pensions Measures) to be liable to pay contributions under the said Measures, then upon the death of such contributor—

(i) no pension and no such sum in lieu of pension as is specified in subsection (7) of section four of this Measure shall be payable under this Part of this Measure;

(ii) the provisions of section five of this Measure shall not apply.

(2) The foregoing provisions of this section shall not have effect in respect of a clerk who has ceased to be liable to contribute as aforesaid—

(i) if and so long as such clerk upon ceasing to be so liable continues to pay annually to the pensions authority by agreement with the authority a sum (hereinafter called “a special voluntary contribution”) equal in amount to that which he was liable to pay by way of increase of contribution under section three of this Measure;

(ii) if such clerk after a non-contributing period as hereinafter defined pays to the pensions authority a sum equal to the aggregate of the sums which would have been payable by him by way of increase of contribution under section three of this Measure during such non-contributing period if he had remained liable to contribute as aforesaid, together with interest at the rate of two and one-half per cent. per annum with annual rests on each such increase from the date at which the same would have become payable, and so long thereafter as he continues to pay by agreement with the authority a special voluntary contribution annually to the pensions authority:

Provided that no clerk shall forfeit his rights under this subsection by reason of ceasing to pay special

voluntary contributions either upon reaching the age of seventy years or upon again becoming liable to pay contributions under the Clergy Pensions Measures.

(3) If a clerk to whom subsection (1) of this section has become applicable again becomes liable to pay contributions under the Clergy Pensions Measures after a non-contributing period in respect of which he has not paid to the pensions authority any such sum as is laid down in paragraph (ii) of the immediately preceding subsection, any pension or sum payable to his widow or dependants under the preceding sections of this Measure shall be reduced by such amount as the actuary to the pensions authority shall determine, having regard to the length of such non-contributing period.

(4) For the purposes of this section a non-contributing period shall mean in the case of any clerk to whom subsection (1) of this section has become applicable a period exceeding in length one complete calendar year during which such clerk has not paid a special voluntary contribution and which commences upon the said subsection becoming applicable to him or upon his ceasing to pay special voluntary contributions and terminates either upon his again becoming liable to pay contributions under the Clergy Pensions Measures or upon his reaching the age of seventy years, whichever event shall first occur.

9.—(1) All increases of contributions or special contributions payable under this Part of this Measure shall be paid into the Clergy Pensions Fund. Financial provisions.

(2) All pensions payable under and the expenses of the pensions authority incurred in administering this Part of this Measure shall be paid out of the Clergy Pensions Fund.

PART II.

10.—(1) The pensions authority shall have power to enter into an agreement with any clerk in Holy Orders living in the area to which this Measure applies (including any pensioned or retired clerk or any clerk to whom the Clergy Pensions Measures apply or the Clergy Pensions (Older Incumbents) Measure, 1930, or Part I of this Measure applies) for the payment of a pension under this Part of this Measure. Pensions payable by agreement.

(2) Any pension or right arising under an agreement made under this Part of this Measure in favour of a clerk in Holy Orders or a widow or dependant of such clerk shall be enjoyed by such clerk or other person in addition to and not in lieu of any pension or right arising in his or her favour under Part I of this Measure.

(3) The following provisions shall be applicable to any such pension :—

(i) the pension shall commence at the death of the clerk concerned ;

(ii) the pensioner must be either the widow or a dependant of such clerk (but so that a clerk may enter into agreements providing for pensions both for a widow and for one or more dependants) ;

(iii) the consideration shall in every case be actuarially adequate, and may consist either of periodical or other contributions in money or (notwithstanding any of the provisions of any statute or Measure relating to pensions for the clergy making pensions inalienable) of a surrender by the clerk concerned to the pensions authority of any part of his rights to repayment of contributions or a pension under the Clergy Pensions Measures, or to an older incumbent's pension as defined by the Clergy Pensions (Older Incumbents) Measure, 1930 :

Provided that—

(a) no clerk shall surrender such a proportion or his prospective right to such a proportion of a pension as would in the opinion of the pension authority if surrendered leave him without adequate provision for his needs, and in no case shall he surrender more than one-half of a pension or his prospective right to more than one-half thereof ;

(b) no such prospective right to a pension shall be surrendered except in contemplation of the retirement of the clerk concerned and if his retirement shall not take place within three months from the surrender such surrender shall be void ; and

(c) no charge on the revenues of any benefice arising or to arise under section twenty-seven

of the Clergy Pensions Measure, 1926, as amended by any subsequent enactment, or under the Resignation Acts as modified by the Clergy Pensions (Older Incumbents) Measure, 1930, shall be affected in respect of its amount or duration by any surrender under this section, and the annual sums derived from any such charge shall be payable in full to the pensions authority as before the passing of this Measure ;

- (iv) the pension agreement may apply with or without modification, any of the provisions of Part I of this Measure as to the nomination of dependants or as to the commutation of pensions or any other of the provisions of Part I of this Measure that may be applicable.

(4) Any agreement made under this Part of this Measure may be modified by the substitution of one beneficiary for another or otherwise by agreement between the pensions authority and the clerk concerned.

11. The pensions authority shall establish a special fund into and to which there shall from time to time be paid and transferred—

- (i) all contributions payable under agreements made under this Part of this Measure ; and
- (ii) all sums which, but for a surrender of rights under any agreement made under this Part of this Measure, would have been payable out of the Clergy Pensions Fund together with all sums derived from such proportion of any charge upon the revenues of a benefice as under any such agreement is surrendered in favour of the pensions authority ;

and out of which all pensions payable under agreements made under this Part of this Measure and the expenses of the pensions authority incurred in administering this Part of this Measure shall respectively be paid.

PART III.

12. Subsections (1), (2), (3) and (4) of section six of the Clergy Pensions Measure, 1926 (which relate to the mode of payment of pensions and contain provisions for the protection of pensioners) shall so far as the context

Payment
and appli-
cation of
pensions.

admits apply to pensions payable under this Measure, or under agreements made under this Measure, in the same manner as they apply to pensions under the Clergy Pensions Measures, and subsection (4), as so applied, shall extend so as to authorise the retention of instalments of the pension of a widow or dependant in any case where arrears of contributions are due from the estate of the deceased clerk concerned :

Provided that—

- (i) the pensions authority shall have power to waive wholly or partly the right to recover such arrears or to provide for meeting the same and the interest thereon by a reduction of the pension payable under this Measure, or under an agreement made under this Measure, for such period as the pensions authority may deem necessary ;
- (ii) in any case where the pensions authority is by this section authorised to retain or reduce instalments of pensions payable to more than one dependant, the burden of such retention or reduction shall be distributed rateably by the pensions authority among such dependants in proportion to the amounts of such pensions.

Pension not assignable.

13. Subject to the provisions of this Measure, no pension or right under this Measure shall be capable of being assigned, charged, or anticipated, and every purported assignment of charge upon or anticipation of the same shall be void, and the same shall not pass to any trustee in bankruptcy of the pensioner.

Resignation of pensions.

14. A pensioner in receipt of a pension under this Measure, or under an agreement made under this Measure, may, by an instrument in writing signed by the pensioner and delivered to the pensions authority, resign such pension, and upon such resignation such pension shall determine.

Powers and duties of the pensions authority; determination of questions.

15.—(1) The provisions of the Clergy Pensions Measures relating to the powers and duties of the pensions authority shall, so far as the context admits, extend to the system of pensions established by this Measure and be construed accordingly.

(2) Any question as to the rights of a widow of a clerk in Holy Orders, or of the clerk himself, or of any other person under this Measure, or under an agreement made under this Measure (including the question whether any person is a dependant of a clerk), shall be deemed to be a question to which section twenty-three of the Clergy Pensions Measure, 1926, relates.

16. Subsections (3), (4) and (5) of section twenty-four of the Clergy Pensions Measure, 1926 (which subsections relate to the administration of the Clergy Pensions Fund) shall apply to the special fund established under section eleven of this Measure, in the same manner as they apply to the Clergy Pensions Fund except that the quinquennial audit and valuation of the said fund shall always be held and made contemporaneously with the quinquennial audit and valuation of the Clergy Pensions Fund.

Administra-
tion of
funds.

17.—(1) The pensions authority shall have power to create a fund for the benefit of widows and dependants of clerks in Holy Orders consisting of testamentary or other gifts or grants made to the pensions authority for their benefit.

Donations
and be-
quests
fund.

(2) The pensions authority shall within six months of the commencement of this Measure draw up a scheme for the application of such fund and shall submit such scheme to the Church Assembly for its approval.

(3) The pensions authority shall have power from time to time to modify the scheme so approved by the Church Assembly provided that no such modification shall take effect until it has received the approval of the Church Assembly.

(4) Such scheme may provide for the augmentation of any pension payable under this Measure or under any agreement made under this Measure out of any part of the said fund lawfully applicable for that purpose, and may provide for grants to widows and dependants of clergy who were resident within the area to which this Measure applies but to whom this Measure did not apply.

(5) The pensions authority shall have power to pay into the said fund any moneys which may become applicable under the provisions of paragraph (v) of section twenty-five of the Clergy Pensions Measure, 1926, in which paragraph the words "and dependants" shall be inserted after the word "orphans."

Reciprocal arrangements with other churches.

18. The provisions of the Clergy Pensions Measures relating to reciprocal arrangements with other churches or organised bodies of clergy shall extend so as to authorise arrangements for transferring to the pension scheme of another church or body of clergy any claims in respect of pensions payable under this Measure or under agreements made under this Measure, and arrangements for granting rights to clerks in Holy Orders entering the scheme of pensions established by the Clergy Pensions Measures similar to those conferred by Part I of this Measure :

Provided that no claims in respect of a pension payable under an agreement made under this Measure shall be transferred without the consent of the clerk who has entered into such agreement.

Diocesan widows and dependants committees.

19.—(1) In every diocese the diocesan board of finance shall within one year after the commencement of this Measure appoint a diocesan widows and dependants committee, which shall include representatives of charities of which widows and dependants of the deceased clergy of the diocese are beneficiaries.

(2) Such diocesan widows and dependants committee shall watch over the interests of such widows and dependants and co-ordinate so far as possible the work of such charities and that of the pensions authority.

(3) In every diocese the diocesan board of finance shall appoint an officer or officers whose duty it shall be to bring before the widows and dependants committee information as to the circumstances of widows and dependants of deceased clergy of the diocese and make all proper representations on their behalf to such committee and to inform such widows and dependants of their rights under this Measure and of the action taken or proposed to be taken by such committee on their behalf.

Interpretation.

20.—(1) In this Measure—

the expression “clerk in Holy Orders” means a bishop, a priest, or a deacon;

the expression “ordained” means ordained a deacon;

the expression “Clergy Pensions Measures” means the Clergy Pensions Measures, 1926 to 1936;

the expression “Resignation Acts” means the Incumbents Resignation Acts, 1871 and 1887;

the expression "pension" includes where the context so admits pensions for life or any less period;

the expression "prescribed" means prescribed by a byelaw of the pensions authority made under the Clergy Pensions Measures and duly submitted to and approved by the Church Assembly;

the expression "dependant" means any person who at the time when he is nominated for the receipt of a pension or when the agreement for providing a pension for him is entered into is either wholly or to a substantial extent dependent on the clerk in Holy Orders making such nomination or entering into such agreement.

(2) References in this Measure to the death of a compulsory contributor under this Measure shall apply to the death of a clerk who was at any time during his life a compulsory contributor under this Measure.

(3) This Measure shall be construed as one with the Clergy Pensions Measures.

21.—(1) This Measure shall come into force on the appointed day. Commence-
ment.

(2) The appointed day shall be such day not more than six months after the day on which this Measure receives the Royal Assent, as the Archbishops of Canterbury and York by writing under their respective hands and archiepiscopal seals shall jointly determine.

(3) The determination of the appointed day under this section shall be notified by advertisement in the London Gazette.*

22. This Measure may be cited as the Clergy Pensions (Widows and Dependants) Measure, 1936, and this Measure and the Clergy Pensions Measures may be cited together as the Clergy Pensions Measures, 1926 to 1936. Short title.

23. This Measure shall extend to the provinces of Canterbury and York including the Channel Islands and the Isle of Man. Extent.

* The day thus determined was July 1, 1936: see London Gazette, June 16, 1936, page 3849.

Sections 3, 4.

SCHEDULE.

PART I.

CONTRIBUTION TABLE.

Age next birthday of Contributor on Measure becoming applicable to him.	Amount of Annual Contribution.		
	£	s.	d.
24	2	12	6
25	2	14	0
26	2	16	0
27	2	18	0
28	3	0	0
29	3	2	0
30	3	4	0
31	3	6	0
32	3	8	6
33	3	11	0
34	3	13	6
35	3	16	0
36	3	19	6
37	4	3	0
38	4	6	6
39	4	10	6
40	4	14	6
41	4	19	0
42	5	4	0
43	5	9	6
44	5	15	0
45	6	1	0
46	6	8	0
47	6	15	0
48	7	3	0
49	7	11	6
50	8	0	0
51	8	10	6
52	9	2	0
53	9	14	6
54	10	8	0
55	11	2	6
Over 55	Such sum as shall be recommended by the actuary to the pensions authority.		

PART II.

RATE OF PENSION.*

Age last Birthday.	Annual sum payable to Widow or Female Dependant where Pension is of a Capitalised Value of £400.	Annual sum payable to Male Dependant where Pension is of a Capitalised Value of £400.
	£ s. d.	£ s. d.
20	15 18 0	16 8 0
21	16 0 4	16 11 0
22	16 2 8	16 14 0
23	16 5 4	16 17 0
24	16 8 0	17 0 4
25	16 10 8	17 3 8
26	16 13 8	17 7 0
27	16 16 8	17 10 8
28	16 19 8	17 14 4
29	17 2 8	17 18 0
30	17 6 0	18 2 0
31	17 9 4	18 6 0
32	17 13 0	18 10 4
33	17 16 8	18 14 8
34	18 0 4	18 19 4
35	18 4 0	19 4 4
36	18 8 0	19 9 4
37	18 12 4	19 14 8
38	18 16 8	20 0 4
39	19 1 4	20 6 0
40	19 6 0	20 12 0
41	19 11 0	20 18 4
42	19 16 0	21 5 4
43	20 1 4	21 12 8
44	20 7 0	22 0 4
45	20 13 4	22 8 4
46	20 19 8	22 17 0
47	21 6 0	23 6 4
48	21 13 0	23 16 0
49	22 0 4	24 6 0
50	22 8 0	24 16 8
51	22 16 4	25 8 0
52	23 5 0	26 0 8
53	23 14 4	26 14 0
54	24 4 4	27 7 8

* See note at foot of next page.

RATE OF PENSION—(continued).

Age last Birthday.	Annual sum payable to Widow or Female Dependant where Pension is of a Capitalised Value of £400.	Annual sum payable to Male Dependant where Pension is of a Capitalised Value of £400.
	£ s. d.	£ s. d.
55	24 15 4	28 2 0
56	25 6 8	28 17 8
57	25 18 8	29 14 4
58	26 11 8	30 11 8
59	27 5 4	31 10 4
60	28 0 8	32 10 0
61	28 16 8	33 10 8
62	29 14 0	34 12 8
63	30 12 8	35 16 8
64	31 13 4	37 2 0
65	32 15 4	38 9 4
66	33 18 0	39 18 4
67	35 2 8	41 9 4
68	36 10 8	43 2 8
69	38 0 0	44 19 0
70	39 12 8	46 18 0
71	41 8 0	49 0 4
72	43 5 4	51 6 8
73	45 6 8	53 17 0
74	47 12 0	56 11 4
75	50 1 4	59 10 4
76	52 16 8	62 13 0
77	55 15 4	66 0 0
78	59 0 0	69 10 0
79	62 8 0	73 3 8
80	66 6 8	77 1 4

* The annual sum set out in the Table is that which will normally be payable to a widow or a single nominated dependant in respect of the pensions (each of a capitalised value of £200) payable under sections 4 and 5 (or, in cases where a disability pension has been taken, payable to a widow under sections 4 and 6) of the Measure. Where the repayable contributions exceed £200, the capitalised value of the pension payable under section 5, and, consequently, the figures in the Table, must be increased. Similarly, where the only pension payable is the pension of capitalised value £200 payable under section 4, the figures in the Table, which are calculated on £400, will suffer a proportionate decrease.

No. 4.

A MEASURE passed by the National Assembly
of the Church of England.

To provide for the disposal by sale and otherwise
of houses of residence of Deans and Canons of
Cathedral Churches or for purposes connected
therewith. [29th May 1936.]

1. This Measure shall apply to—

Scope.

- (i) all houses of residence attached to any dignity or office the holder of which is a corporation sole in any cathedral church to which the Cathedrals Measure, 1931, applies;
- (ii) any other house of residence vested in the cathedral chapter of any such church either under the provisions of this Measure or otherwise:

Provided that nothing in this Measure shall apply to the house of residence of any benefice the incumbent of which is the provost or the dean of a cathedral church or to any house of residence vested in trustees.

2. The following powers shall be exercisable in respect of any house of residence to which this Measure applies or any part thereof (that is to say):—

Powers exercisable under Measure.

- (i) notwithstanding anything contained in section nine of the Ecclesiastical Leasing Act, 1842, and section six of the Ecclesiastical Leasing Act, 1858, respectively, all the powers conferred by the Ecclesiastical Leasing Acts on ecclesiastical corporations to which those Acts apply (and so that the power of leasing conferred by the said Acts shall not be subject to the provisions of section nine of the Ecclesiastical Leasing Act, 1858);
- (ii) a power to demolish and to sell the materials;

5 & 6 Vict.
c. 108.
21 & 22 Vict.
c. 57.

- (iii) a power to grant, at the best rent which may be obtained, a tenancy which does not exceed a tenancy from year to year; and
- (iv) a power (in this Measure referred to as "the power of appropriation") to permit such house or any part thereof to be used under the control of the cathedral chapter concerned for some purpose connected with its cathedral church and to adapt the house for the purpose in question.

Powers conferred by Measure to be vested in cathedral chapters.

3. All powers conferred by this Measure in respect of any house of residence whether attached to any dignity or office in a cathedral church or vested in the cathedral chapter of such church shall be vested in and exercisable by such cathedral chapter. The cathedral chapter shall, in the case of a disposition of a house of residence or part thereof vested in a corporation sole, have power to dispose of the same in the name and on behalf of such corporation sole.

Consents to exercise of powers.

4.—(1) The powers conferred by this Measure shall be exercisable only with the following consents:—

- (i) in the case of the power of granting a tenancy which does not exceed a tenancy from year to year, the consent of the holder of the dignity or office to which the house is attached or for the benefit of which it is held (unless such dignity or office is vacant) or of the dean or canon occupying such house;
- (ii) in the case of all other such powers, the consents of—

(a) the bishop of the diocese concerned;

(b) the Ecclesiastical Commissioners (but so that their consent shall not be required to any exercise of the power of appropriation): Provided that, in any case where the exercise of any power would in the opinion of the Ecclesiastical Commissioners affect any buildings or objects of archæological, historical or artistic interest (including buildings and objects of that character adjacent to or in the vicinity of the house of residence in

respect of which the power is proposed to be exercised), the Ecclesiastical Commissioners shall, before giving their consent, take into consideration the probable consequences of the exercise of the power and the question of what restrictive or other conditions ought to be imposed upon the occasion of a sale or lease thereunder, and, if they consider that any such buildings or objects might be prejudicially affected by the exercise of the power, consult the Ancient Monuments Board for England constituted under the Ancient Monuments Acts, 1913 and 1931, and (if they think fit) any other person or body qualified to advise upon the matter;

(c) in the case of a house of residence attached to, or held for the benefit of, or occupied by, the holder of a dignity or office the right of presentation to which is vested in His Majesty, His Majesty;

(d) in the case of a house of residence attached to, or held for the benefit of, or occupied by, the holder of a dignity or office, such holder unless the dignity or office is vacant.

(2) The consent of the Ecclesiastical Commissioners to the exercise under this Measure of a power of sale or granting leases or tenancies shall be testified by affixing their seal to the instrument whereby the power is exercised, but before so affixing their seal the Ecclesiastical Commissioners shall satisfy themselves that all other consents required to be given under paragraph (ii) of the preceding subsection have been given, and the sealing by the Ecclesiastical Commissioners of any such instrument shall be conclusive evidence that all consents so required have been given.

5.—(1) Subject to the provisions of this Measure, the provisions of section two of the Ecclesiastical Leasing Act, 1858, shall apply to all capital moneys (including the premium on the grant of any lease and the proceeds of the sale of any materials) arising under any disposition made under this Measure: Payment of
purchase
moneys,
rents, &c.

Provided that—

(i) the whole or any part of such capital moneys may be applied at the request of the cathedral chapter concerned—

(a) in or towards the discharge of any incumbrance affecting the subject matter of such disposition;

(b) with the consent of the bishop of the diocese concerned, in the purchase, erection, alteration or improvement of any buildings with a view to providing a residence or adapting the buildings for the purposes of a house of residence in substitution for the house of residence owing to the disposition of which such capital moneys are available;

(c) in or towards the discharge of any incumbrance affecting any other property of the cathedral chapter;

(ii) the provisions of the said section of the said Act as to the investment of capital moneys in land shall (subject as aforesaid) have effect, only if and so far as land is acquired under sub-paragraph (b) of proviso (i) to this sub-section;

(iii) the dividends arising from the investment of any such capital moneys shall be paid to the cathedral chapter concerned.

(2) Rents or other payments in the nature of income arising under any disposition made under this Measure shall be paid to the cathedral chapter concerned whose receipt or the receipt of whose officer appointed for that purpose shall be a sufficient discharge to the tenant or other person making the payment.

Application
of income.

6. Income received by a cathedral chapter under this Measure whether by way of rent, dividend or otherwise, shall be applied—

(a) as to such part thereof (if any) as the cathedral chapter may from time to time with the consent of the Ecclesiastical Commissioners determine, in augmentation of the stipend of the dignity or

office the holder of which is affected by the disposition; and

- (b) subject as aforesaid as part of the capitular revenues of the cathedral chapter concerned.

7. Any house erected or purchased or acquired upon an exchange under this Measure shall be vested in the cathedral chapter concerned and, if it takes the place of a house of residence attached to a dignity or office or held for the benefit of the holder thereof, shall be held for the benefit of such holder or his successor unless such dignity or office is suppressed, or unless the cathedral chapter concerned with the consent of the Ecclesiastical Commissioners and the bishop of the diocese otherwise determines.

Provisions
as to new
residence
houses.

8. The cathedral chapter of any cathedral church to which the Cathedrals Measure, 1931, applies shall have power to pay out of their capitular revenues the whole or any part of the costs, charges and expenses of and incidental to the exercise or proposed exercise of any of the powers conferred by section two of this Measure including in the case of the power of appropriation the cost of any necessary alterations to such house.

Costs, &c.

9. After the passing of this Measure, any power hitherto exercisable independently of this Measure being—

Existing
powers to
cease to
be exer-
ciseable.

- (a) a power of leasing; or
(b) any such power as is mentioned in paragraphs (ii), (iii) and (iv) of section two of this Measure; or
(c) a power of sale or disposal conferred by section eighteen of the Ecclesiastical Commissioners Act, 1841, or sections five, six and seven of the Ecclesiastical Houses of Residence Act, 1842

4 & 5 Vict.
c. 39.

5 & 6 Vict.
c. 26.

shall cease to be exercisable otherwise than under and in accordance with this Measure.

10. In this Measure the expression "house of residence" means a house of residence and all buildings, gardens or other land held therewith.

Interpre-
tation.

11. This Measure may be cited as the Cathedrals (Houses of Residence) Measure, 1936.

Short title.

No. 5.

A MEASURE passed by the National Assembly
of the Church of England.

To confer upon the Ecclesiastical Commissioners temporary power to give financial help for the provision of churches and other buildings for religious worship, and power to make better provision for the endowment of certain bishoprics: to amend and extend the provisions of the Ecclesiastical Leasing Acts: and to amend the Ecclesiastical Commissioners Measure, 1926, as to payment by the Ecclesiastical Commissioners of costs of certain legal proceedings.
[29th May 1936.]

Temporary power to make grants towards payment of interest on loans for building churches, &c.

1.—(1) Subject to the provisions of subsections (2) and (3) of this section, the Ecclesiastical Commissioners for England (in this Measure referred to as “the Commissioners”) may from time to time make by resolution a grant or grants out of their common fund in such manner as they may deem most conducive to the efficiency of the Church of England for the purpose of discharging or assisting in discharging the interest payable in respect of any loan or loans made to any body or person in accordance with a scheme or schemes approved by the Commissioners either for the provision in populous parishes in England of new churches or other new buildings to be used for religious worship and parochial purposes, or for the enlargement of existing churches in such parishes and any sums so granted may be paid to such bodies or persons as the Commissioners shall in each case think proper.

(2) The total amount which shall be applied in any year in respect of such grants shall not exceed the sum of ten thousand pounds.

(3) The power conferred by this section shall cease and determine on the thirty-first day of October, nineteen hundred and fifty-seven.

2.—(1) The Commissioners may at any time, with such consent and subject to such approval as hereinafter prescribed, prepare and submit for confirmation to His Majesty in Council a scheme or schemes for transferring to the Commissioners any investments or other property of any description (save as hereinafter mentioned) held by them as or as part of the endowment fund of any of the bishoprics named in the Schedule hereto), and for the payment out of the common fund of the Commissioners in exchange for such transfer of a fixed annual income for the bishopric as a re-endowment thereof and for making any incidental provisions necessary or desirable for giving full effect to the proposed transfer and re-endowment.

Power to make schemes for re-endowing certain bishoprics.

(2) The power conferred by this section shall not extend or apply to the episcopal residence or to any fund specifically allotted to the provision or maintenance of the episcopal residence.

(3) The said power shall only be exercised with the consent of His Majesty and the consent of the bishop for the time being of the diocese to which the scheme relates, and no scheme as aforesaid shall be submitted to His Majesty in Council in relation to such diocese save with the approval of—

Consents to exercise of power.

- (a) the Diocesan Board of Finance;
- (b) the bishop for the time being of any and every contributory bishopric;
- (c) the Cathedral Commissioners so long as they shall be in existence; and
- (d) the cathedral council of the cathedral church of the diocese or other the consenting body of the said church for the purposes of the Cathedrals Measure, 1931.

21 & 22
Geo. V.
No. 7.

(4) When any scheme under this section shall have been confirmed by Order in Council, the Order in Council shall be published in the London Gazette and upon such publication the provisions of the scheme shall be effectual in law as fully as if they had been contained in this Measure.

Publication of order.

(5) Upon any scheme under this section becoming effectual all real and personal property thereby proposed

Vesting of property transferred.

or directed to be transferred to the Commissioners shall vest in them without any further conveyance or assurance and shall be held by them as property the income from which is to be carried to the common fund of the Commissioners freed and discharged from all trusts previously affecting the same, including not only the primary trust for the endowment or benefit of the bishopric to which the scheme relates but also all further trusts in favour of any contributory bishopric or for the foundation of a dean and chapter or otherwise.

Determina-
tion of
residuary
trusts.

(6) Any scheme under this section may provide that all trusts and provisions in favour of any contributory bishopric or for the foundation of a dean and chapter shall determine and become void not only in respect of the property transferred by the scheme as provided by the last preceding subsection hereof, but also in respect of any other property which or the income of which then forms part of the endowment of the bishopric to which the scheme relates, and may further provide that such trusts shall not attach to or affect any property or income at any time thereafter becoming part of the endowment or income of that bishopric.

(7) In this section the expression "contributory bishopric" shall in relation to the endowment fund of any bishopric mean any other bishopric interested under any of the trusts of the said fund which take effect subject to the primary trust for the benefit of the bishopric to which the fund belongs.

Power to
augment the
income of
certain
bishoprics.

3.—(1) In any case where a bishopric has been re-endowed under the provisions of section 2 (1) of this Measure the provisions of section 3 (b) of the Ecclesiastical Commissioners Measure, 1926, shall cease to apply to such bishopric, and in any such case, and also in the case of the bishopric of Sodor and Man the Commissioners shall have power at any time or from time to time at their discretion and upon such terms and conditions as they shall think fit by instrument under their seal to grant out of their common fund in augmentation of the income of the bishopric such annual sum as they may deem expedient: Provided that no such augmentation shall exceed such amount as will raise the annual income of the bishopric (as estimated by the Commissioners at the date of the instrument of augmentation) to the sum of three thousand

pounds exclusive of the annual value of the episcopal residence and of the annual income of any fund specifically allotted to the provision or maintenance of the episcopal residence.

(2) The provisions of section 5 of the Ecclesiastical Commissioners Act, 1866, shall extend and apply to any instrument sealed by the Commissioners for effecting any augmentation as aforesaid.

29 & 30
Viet. c. 111.

4. Any scheme of the Commissioners under the provisions of the Ecclesiastical Leasing Acts for directing the payment to the Commissioners of a portion of the improved income of any benefice may provide that the appropriation of such portion of the said income be effected by the transfer to the Commissioners of some specific part or parts of the endowment of the benefice, and in such case the real or personal property specified in the scheme and thereby proposed or directed to be transferred to the Commissioners shall upon the scheme becoming effectual or at such later time (if any) as shall be appointed by the scheme for the transfer to take effect vest in the Commissioners without any further conveyance or assurance and be held by them as property the income from which is to be carried to their common fund.

Power to appropriate endowment of a benefice in respect of improved income arising under the Ecclesiastical Leasing Acts.

5.—(1) The Commissioners shall have power at any time at the request of the incumbent to lay out the whole or any part of any consideration money received and held by them for any benefice as the result of a transaction effected under the Ecclesiastical Leasing Acts in or towards redeeming any annual or other periodical sum charged in perpetuity upon the endowments of the benefice or upon any part of such endowments including the parsonage house, or in or towards defraying the cost of works of improvement to the parsonage house, glebe or glebe buildings of the benefice, or the cost of the extinguishment of any manorial incidents to which the glebe or other property of the benefice may be subject: Provided that this power shall only be exercised if in the opinion of the Commissioners such expenditure will be to the permanent advantage of the benefice and with the consent of the patron or patrons whose consent is required to any sale under the Ecclesiastical Leasing Acts of any land of the benefice.

Additional powers as to application of money of a benefice arising under the Ecclesiastical Leasing Acts.

(2) The powers conferred by this section shall be exercisable notwithstanding that the endowments of the benefice may be subject to any mortgage, charge or other incumbrance in respect of which the incumbent is liable or the income of the benefice is applicable for the payment of any principal money or interest or any annual or other periodical sum.

Power to
sell rent-
charges
belonging to
an ecclesi-
astical cor-
poration or
to a
benefice.

6.—(1) The Ecclesiastical Leasing Acts shall be construed and have effect as if the power of sale thereby conferred included power to agree to and carry out the release of the whole or any part of any rentcharge rent or other periodical sum whether payable annually or otherwise forming part of the endowment of an ecclesiastical corporation or of a benefice. And for the purpose of such release the corporation or the incumbent of the benefice shall have power to agree with the owner or owners of any land or other property charged with such rentcharge rent or sum for any apportionment necessary or proper for giving full effect to the agreement for release: Provided that no such apportionment shall be made except with such consents and after such notices as are for the time being required in the case of a sale under the said Acts of land belonging to the corporation or the benefice as the case may be.

* (2) This section shall not apply to tithe rentcharge or to any corn-rent modus or other sum payable in lieu of tithe.

Discharge
from certain
charges of
property of
a benefice
disposed of
under the
Ecclesi-
astical
Leasing
Acts and
substitu-
tion of
rights
against the
proceeds.

7.—(1) On the sale of any property of a benefice under the powers conferred by the Ecclesiastical Leasing Acts as extended by this Measure the assurance giving effect to such sale shall (unless therein otherwise expressly provided) operate to discharge the property sold from all such charges or other incumbrances as are hereinafter mentioned to which the property of the benefice generally or any part of such property including the property sold shall have been subject at the date of the assurance, and in such case the purchase money or other the consideration received for the sale, or the investments or property representing the same shall become subject to any charge or incumbrance from which the property sold shall have been so discharged in like manner as nearly as circumstances

will permit as the property sold was previously subject thereto, but not so as to prevent or prejudice the exercise of any powers conferred on the Commissioners by the said Acts or this Measure in respect of the improved income of the benefice: Provided that the provisions of this subsection shall not apply to land tax or to a land tax redemption charge or to tithe rentcharge or to any corn-rent modus or other sum payable in lieu of tithe.

(2) For the purposes of subsection (1) of this section "sale" shall include an exchange under the Ecclesiastical Leasing Acts and a release effected under section 6 of this Measure, and the provisions of the said subsection shall apply with all necessary or proper modifications to any such exchange or release.

(3) The charges or other incumbrances referred to in subsection (1) of this section shall subject as hereinbefore provided include—

- (a) any mortgage or charge for securing money payable to the Commissioners;
- (b) any annual or other periodical sum payable to the incumbent of any other benefice or to any other ecclesiastical corporation aggregate or sole;
- (c) any other charge or incumbrance in respect of which the person entitled to release or discharge the same shall have given his consent in writing, either generally or in relation to any specific transaction by a document signed by him and approved by the Commissioners under their seal, to the provisions of subsection (1) of this section being treated as applicable to such charge or incumbrance, and in any such case a statement to the effect that such consent has been given contained in any deed of assurance of the property so sold or disposed of which is sealed by the Commissioners shall in favour of any person claiming under the assurance be conclusive evidence of the facts so stated.

8.—(1) During the vacancy of a benefice the bishop of the diocese may with the like consents as are required by the Ecclesiastical Leasing Acts and in other respects

Provisions
in relation
to the

Ecclesiastical Leasing Acts in case of the vacancy of a benefice or see.

in accordance with the provisions of those Acts exercise in place of the incumbent of the benefice all or any of the powers conferred on an incumbent by the said Acts as extended by this Measure.

(2) During the vacancy of any see or during such time as any bishop is by reason of any disability unable to exercise in person the functions of his office any notice required to be given to the bishop pursuant to the provisions of the Ecclesiastical Leasing Acts or any amendment thereof shall be given to the archbishop of the province in which the diocese is situate.

(3) Where by reason of the vacancy of a benefice a bishop shall act in place of an incumbent under subsection (1) of this section a statement to the effect that such vacancy is existing contained in any assurance or other instrument executed or signed by the bishop so acting for the purposes of the transaction in which he so acts shall in favour of all persons interested in the transaction be conclusive evidence of the fact so stated.

Contributions towards costs of legal proceedings.

9. Section 4 of the Ecclesiastical Commissioners Measure, 1926, shall be repealed, and the following provisions shall have effect:—

(1) Subject to the provisions of subsections (3) and (4) of this section the Commissioners may at their absolute discretion pay out of their Common Fund the whole or contribute any part of the costs and expenses incurred—

(a) by the bishop of any diocese or by anyone authorised under the provisions of any Statute or Measure for the time being in force to proceed in the bishop's stead in or in relation to or directly or indirectly arising out of legal proceedings in any court taken or defended or proposed to be taken or defended (and notwithstanding that the proposed proceedings are not eventually taken or defended as the case may be) by the bishop or by the person acting in his stead for the correction of offences whether against morality or the laws ecclesiastical (not being questions of doctrine or ritual) and for the promotion

of the efficient discharge by clergymen of their ecclesiastical duties; or

(b) by any clergyman in relation to any proceedings or proposed proceedings of which he or his acts or omissions shall or may be the subject being proceedings of the nature referred to in the last preceding paragraph.

(2) Legal proceedings shall for the purposes of this section include proceedings of or before a Commission appointed under the Church Discipline Act, 1840, or any Measure for the promotion of the efficient discharge of ecclesiastical duties. 3 & 4 Vict.
c. 86.

(3) No payment shall be made under the provisions of subsection (1) (a) of this section unless the bishop or the person acting in his stead shall have first submitted the matter to an official appointed by the Archbishops of Canterbury and York jointly and shall have obtained his approval in writing of the course proposed to be taken by the bishop or such other person as aforesaid as the case may be and unless the solicitor instructed to act in the proceedings on behalf of the bishop or other person as aforesaid shall have been first approved for that purpose by the Commissioners.

(4) The Commissioners with the concurrence of the Archbishops of Canterbury and York may from time to time make regulations as to the procedure for or in connection with the submission of matters to the official so appointed and as to the information to be furnished to him for the purpose of his consideration of any matter and generally as to payment of costs and expenses under this section and anything incidental thereto, and may from time to time vary or revoke any such regulations for the time being in force.

(5) Any regulations made pursuant to the last preceding subsection and any variation or revocation of the regulations for the time being in force shall come into operation upon the publication in the London Gazette of an instrument under the seal of the Commissioners certifying

that such regulations or (as the case may be) that such variation or revocation has been made or effected.

(6) The provisions of section 5 of the Ecclesiastical Commissioners Measure, 1926, shall apply and have effect in relation to any official to be appointed by the two Archbishops in accordance with the provisions of subsection (3) of this section, and the official now holding office under the said Measure shall be deemed to have been appointed for the purposes of this Measure.

Registration of stock transferred by scheme.

10.—(1) Where in pursuance of the provisions of any scheme under this Measure any stock is transferred to the Commissioners the production of a copy of the scheme sealed with the seal of the Commissioners shall be a sufficient authority to any company in whose books is standing any stock so transferred to register or inscribe the stock in the name of the Commissioners.

(2) In this section—

“Company” includes the Bank of England and any company or person keeping books in which any stock is registered or inscribed;

“Stock” includes any share, annuity or other security.

Interpretation.

11. In this Measure “benefice” shall include any benefice within the meaning of the Ecclesiastical Leasing Acts.

Application of the Measure.

12. The provisions of this Measure shall not apply to the Channel Islands, nor save as regards section three, to the Isle of Man, but the Measure may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measure, 1931, or either of them, in accordance with that Measure.

Short title.

13. This Measure may be cited as “The Ecclesiastical Commissioners (Powers) Measure, 1936.”

THE SCHEDULE.

Section. 2.

Birmingham.
Blackburn.
Bradford.
Bristol.
Chelmsford.
Coventry.
Derby.
Guildford.
Leicester.
Liverpool.
Newcastle.
Portsmouth.
St. Albans.
St. Edmundsbury and Ipswich.
Sheffield.
Southwark.
Southwell.
Truro.
Wakefield.
Worcester.

TABLE III.

Showing the EFFECT of the LEGISLATION of the FIRST
SESSION of the THIRTY-SEVENTH PARLIAMENT of the
UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND.

(NOVEMBER 26, 1935—OCTOBER 30, 1936.)

FORMER ACTS (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ENACTMENTS OF 26 GEO. 5. & 1 EDW. 8.

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
27 Hen. 6: c. 5	Fairs and markets on Sundays, &c.	Excluded - - -	53, ss. 14 (2) (a), 16 (2) (3).
3 Car. 1: c. 2	Sunday observance	Excluded - - -	53, ss. 14 (2) (b), 16 (2) (3).
29 Car. 2: c. 7	Sunday Observance Act, 1677.	Excluded - - -	53, ss. 14 (2) (c), 16 (2) (3).
7 Anne: c. 20	Middlesex Registry Act, 1708.	Closing of Middlesex Deeds Registry.	26, s. 2.
13 Geo. 2: c. 29	Foundling Hospital	Excluded and saved - -	lvii. ss. 1 (2), 3 (2), 4 (3).
25 Geo. 2: c. 36	Disorderly Houses Act, 1751.	S. 2 amended as to London (fees).	lx, ss. 37, 39.
2 Geo. 3: c. 32	Witham River	Tax charge modified - -	lxxxvii, sch. para. 8 of scheme.
14 Geo. 3: c. 48	Life Assurance Act, 1774.	Lives of foster children— <i>see</i>	49, ss. 214, 347 (1); 50, ss. 263, 309 (2).
21 Geo. 3: c. 70	East India Company Act, 1780.	S. 18 repealed (prosp.) -	2, ss. 301, 320-1, sch. 10.

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
33 Geo. 3 : c. 13	Acts of Parliament (Commencement) Act, 1793.	Modified (Govt. of India and Govt. of Burma Acts).	1, s. 1 (2).
37 Geo. 3 : c. 142	East India Act, 1797.	S. 12 repealed (prosp.)	2, ss. 301, 320-1, sch. 10.
55 Geo. 3 : c. 194	Apothecaries Act, 1815.	Saved	32, ss. 41 (3), 229 (2).
56 Geo. 3 : c. 46	Civil List Audit Act, 1816.	Applied	15, s. 13 (2).
5 Geo. 4 : c. 100	Regent's Park and Pall Mall improvement.	Amended	47, s. 2, sch. 1.
6 Geo. 4 : c. 38	Regent's Park and Pall Mall improvement.	Amended	47, s. 2, sch. 1.
9 Geo. 4 : c. 64	Regent's Park and Pall Mall improvement.	Amended	47, s. 2, sch. 1.
10 Geo. 4 : c. 50	Crown Lands Act, 1829.	Ss. 61 in part and 112 repealed, 109, 111 amended.	47, ss. 8 (2) (3), 10 (4), sch. 2.
2 & 3 Will. 4 : c. 56	Regent's Park and Pall Mall improvement.	Amended	47, s. 2, sch. 1.
3 & 4 Will. 4 : c. 41	Judicial Committee Act, 1833.	S. 20 applied	3, s. 87.
4 & 5 Will. 4 : c. 24	Superannuation Act, 1834.	Applied	2, s. 281 (2)-(4).
6 & 7 Will. 4 : c. 37	Bread Act, 1836	S. 14 in part repealed as to E. (prosp.).	53, s. 16, sch. 4.
c. 71	Tithe Act, 1836	Ss. 57, 62, 69, 77-8, 80, 86 repealed (prosp.).	43, ss. 1, 48, sch. 9.
c. 86	Births and Deaths Registration Act, 1836.	S. 5, and power to alter forms, extended (prosp.).	33, ss. 33 (1) (2), 46 (2).
7 Will. 4 & 1 Vict. : c. 69	Tithe Act, 1837	Repealed so far as unrepealed (prosp.).	43, ss. 1, 48, sch. 9.
1 & 2 Vict. : c. 2	Civil List Act, 1837	Ss. 5, 6 applied	15, s. 13 (1).
c. 74	Small Tenements Recovery Act, 1838.	Form in sch. 1 applied	51, s. 155 (1).
2 & 3 Vict. : c. 62	Tithe Act, 1839	Ss. 14, 16-7, 21, 28 repealed (prosp.).	43, ss. 1, 48, sch. 9.

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
2 & 3 Vict. : c. 71	Metropolitan Police Courts Act, 1839.	S. 41 repealed (prosp.) Restricted	49, ss. 346, 347 (1), sch. 3; 50, ss. 308, 309 (2) (3), sch. 7. cviii, s. 70.
3 & 4 Vict. : c. 15	Tithe Act, 1840	Ss. 17, 20, 23 repealed (prosp.).	43, ss. 1, 48, sch. 9.
c. 85	Chimney Sweepers and Chimneys Regulation Act, 1840.	S. 6 repealed (prosp.) as to England outside London.	49, ss. 346-7, sch. 3.
c. 86	Church Discipline Act, 1840.	Costs of proceedings; see 26 Geo. 5 & 1 Edw. 8 No. 5, s. 9 (2).	
4 & 5 Vict. : c. 39	Ecclesiastical Commissioners Act, 1841.	S. 18 restricted; see 26 Geo. 5 & 1 Edw. 8 No. 4, s. 9.	
5 & 6 Vict. : c. 26	Ecclesiastical Houses of Residence Act, 1842.	Ss. 5-7 restricted; see 26 Geo. 5 & 1 Edw. 8 No. 4, s. 9.	
c. 54	Tithe Act, 1842	Ss. 3, 6-8 repealed (prosp.)	43, ss. 1, 48, sch. 9.
c. 94	Defence Act, 1842	S. 6 applicable to Secy. of State for Air; s. 34 excluded (President of Air Council).	44, ss. 26 (1) (5), 32 (5), sch. 4, Part I.
c. 108	Ecclesiastical Leasing Act, 1842.	S. 9 restricted; see 26 Geo. 5 & 1 Edw. 8 No. 4, s. 2 (i).	
8 & 9 Vict. : c. 16	Companies Clauses Consolidation Act, 1845.	Incorporated in part	50, ss. 176, 309 (2).
c. 18	Lands Clauses Consolidation Act, 1845.	Act incorporated, ss. 84-90, 128-33 excluded.	51, ss. 16 (2), 29 (1), 32 (2), 36 (1), 38 (2), 74 (1), 79 (5), 145 (1) (2), 147, sch. 1.
c. 20	Railways Clauses Consolidation Act, 1845.	Incorporated in part Incorporated in part	50, s. 168, sch. 3. 51, ss. 16 (2), 29 (1), 32 (2), 36 (1), 38 (2), 74 (1), sch. 1.
c. 99	Crown Lands Act, 1845.	S. 1 repealed	47, ss. 8 (5), 10 (4), sch. 2.
9 & 10 Vict. : c. 74	Baths and Wash-houses Act, 1846.	Repealed (prosp.) except as to London. Repealed (prosp.) as to London except the City.	49, ss. 346-7, sch. 3. 50, ss. 308-9, sch. 7.
c. 93	Fatal Accidents Act, 1846.	Exclusion of contrib. pension in assessing damages.	33, ss. 40, 46 (2).
10 & 11 Vict. : c. 17	Waterworks Clauses Act, 1847.	Incorporated in part and excluded, s. 57 saved.	49, ss. 120, 130 (1), 279 (1), 287 (6), 347 (1); and see s. 138 (4).

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
10 & 11 Vict.: c. 61	Baths and Wash-houses Act, 1847.	Repealed (prosp.) except as to London.	49, ss. 346-7, sch. 3.
c. 104	Tithe Act, 1847	Repealed (prosp.) as to London except City.	50, ss. 308-9, sch. 7.
11 & 12 Vict.: c. 43	Summary Jurisdiction Act, 1848.	S. 3 amended	43, s. 40 (1).
14 & 15 Vict.: c. 25	Landlord and Tenant Act, 1851.	S. 4 repealed (E.) (prosp.)	43, ss. 1, 48, sch. 9.
c. 28	Common Lodging Houses Act, 1851.	Repealed as to London (prosp.)	50, ss. 308-9, sch. 7.
c. 50	Tithe Rating Act, 1851.	S. 1 "tithe rentcharges" repealed (prosp.)	43, ss. 1, 48, sch. 9.
c. 95	Crown Estate Paving Act, 1851.	Amended	47, s. 2, sch. 1.
c. 104	Episcopal and Capitular Estates Act, 1854.	S. 11 "and tithe rentcharges" repealed (prosp.)	43, ss. 1, 48, sch. 9.
15 & 16 Vict.: c. 28	Commissioners of Works Act, 1852.	Applied	47, s. 3 (4).
c. 84	Metropolis Water Act, 1852.	S. 14 repealed (prosp.)	49, ss. 346-7, sch. 3.
16 & 17 Vict.: c. 41	Common Lodging Houses Act, 1853.	Repealed as to London (prosp.)	50, ss. 308-9, sch. 7.
c. 107	Customs Consolidation Act, 1853.	S. 329 repealed (prosp.)	2, ss. 320-1, sch. 10.
c. 134	Burial Act, 1853	S. 7 repealed in part (prosp.)	49, ss. 346-7, sch. 3.
17 & 18 Vict.: c. 80	Registration of Births, Deaths and Marriages (Scotland) Act, 1854.	S. 6 applied and extended	33, ss. 44 (7), 46 (2).
c. 116	Episcopal and Capitular Estates Act, 1854.	S. 8 amended (prosp.)	43, ss. 1, 48, sch. 9.
18 & 19 Vict.: c. 117	Ordnance Board Transfer Act, 1855	Ss. 2, 5 applicable to Secy. of State for Air.	44, s. 26 (1), sch. 4 Part I.
c. 120	Metropolis Management Act, 1855.	Amended (Richmond Terrace). Saving for works, &c.	47, s. 2, sch. 1. 49, ss. 335, 347 (1).
		Ss. 68-76, 78-80, 82-7, 89, 116, 135, 137-8, 153, 204-5, 211-2, sch. (D) repealed; ss. 92, 100, 140, 150, 152, 202, 237, 240, 250 repealed in part; Act applied in part (prosp.).	50, ss. 75, 308-9, sch. 2 Part I, sch. 7.
		S. 190 modified as applied (prosp.)	51, ss. 119, 191 (2).
19 & 20 Vict.: c. 102	Common Law Procedure Amdt. Act (Ireland), 1856.	Applicable	32, ss. 213 (1), 221 (2), 229 (2).

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
21 & 22 Vict.:			
c. 57	Ecclesiastical Leasing Act, 1858.	Ss. 2 applied, 6, 9 restricted; see 26 Geo. 5 & 1 Edw. 8 No. 4, ss. 2, 5 (1).	
c. 104	Metropolis Management Amdt. Act, 1858.	Repealed (prosp.)	50, ss. 308-9, sch. 7.
23 & 24 Vict.:			
c. 5	Indian Securities Act, 1860.	S. 2 excluded	34, s. 28.
c. 89	Superannuation Act, 1860.	Repealed (prosp.)	2, ss. 320-1, sch. 10.
c. 93	Tithe Act, 1860	Ss. 1, 2, 4-9, 31, 42-3 and sch. repealed, ss. 26, 34 amended (prosp).	43, ss. 1, 40 (1) (2), 48, sch. 9.
24 & 25 Vict.:			
c. 61	Local Government Act (1858) Amdt. Act, 1861.	Saving for payments	49, ss. 337, 347 (1).
c. 96	Larceny Act, 1861	Excluded (London pigeons)	50, ss. 121, 309 (2).
c. 99	Coinage Offences Act, 1861.	Repealed	16, s. 18 (2) (3), sch.
25 & 26 Vict.:			
c. 102	Metropolis Management Amdt. Act, 1862.	Ss. 21-2, 24-5, 27-9, 32, 44-61, 63-4, 66, 68-9, 83, 88 repealed; 81, 84, 86 and 112 repealed in part; Act applied in part (prosp).	50, ss. 75, 308-9, schs. 2 Part I, 7.
26 & 27 Vict.:			
c. 92	Railways Clauses Act, 1863.	Matters in Part V applicable	18, sch. I Part II, 1 (e).
c. 93	Waterworks Clauses Act, 1863.	Incorporated except s. 15	49, ss. 120, 347 (1).
27 & 28 Vict.:			
c. 55	Metropolitan Police Act, 1864.	S. 1 repealed as to Surrey	cxxx, s. 120.
c. 114	Improvement of Land Act, 1864.	Applied	49, ss. 33, 347 (1).
28 & 29 Vict.:			
c. 27	Parliamentary Costs Act, 1865.	Ss. 1-3, 5-7, applied (Scotland).	52, ss. 6 (6), 9 (3).
c. 90	Metropolitan Fire Brigade Act, 1865.	Ss. 30 excluded, 12 extended	lx, s. 49 (1) (a) (d) (4).
c. 122	Clerical Subscription Act, 1865.	S. 7 (incumbent of united benefice); see 26 Geo. 5 & 1 Edw. 8 No. 2, s. 13.	
c. 125	Dockyard Ports Regulation Act, 1865.	Seaplanes deemed vessels	44, s. 3 (2)-(5).
29 & 30 Vict.:			
c. 18	India Military Funds Act, 1866.	Continued as adapted	2, s. 274.
c. 31	Superannuation (Metropolis) Act, 1866.	Allowances charged to L.C.C. superannuation fund.	lx, s. 47.
c. 39	Exchequer and Audit Departments Act, 1866.	Ss. 13, 15 amended	34, s. 34.
c. 90	Sanitary Act, 1866	S. 41 repealed (London) (prosp.).	50, ss. 308-9, sch. 7.

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
29 & 30 Vict.: c. 109 - (as amended)	Naval Discipline Act.	Application to Indian naval forces: exclusion from powers of Indian legislatures. Exclusion from powers of Burma legislature.	2, ss. 105, 110, 320. 3, ss. 34, 159.
c. 111 -	Ecclesiastical Commissioners Act, 1866.	S. 5 extended; see 26 Geo. 5 & 1 Edw. 8 No. 5, s. 3 (2).	
c. 122 -	Metropolitan Commons Act, 1866.	Saved - - - - -	lx, s. 45 (2).
30 & 31 Vict.: c. 128 -	War Department Stores Act, 1867.	Act applied to N.I. (see terms); s. 20 applied to Secy. of State for Air and excluded (Pres. of Air Council).	44, s. 26 (5), sch. 4 Part II.
c. 134 -	Metropolitan Streets Act, 1867.	S. 5 repealed (prosp.) - - -	50, ss. 308-9, sch. 7.
31 & 32 Vict.: c. 37 -	Documentary Evidence Act, 1868.	Applied (N.H.I. Joint Committee). Applied (Tithe Redemption Commission). Applied (Crown Lands Commissioners' regs.).	32, ss. 160 (6), 229 (2). 43, s. 42 (2). 47, s. 6 (4).
32 & 33 Vict.: c. 62 -	Debtors Act, 1869	S. 5 restricted - - - - -	31, s. 7 (2); 33, s. 36 (2).
c. 67 -	Valuation (Metropolis) Act, 1869.	S. 4, defn. of "gross value" amended (prosp.).	43, ss. 1, 48 (3), sch. 9.
33 & 34 Vict.: c. 35 -	Apportionment Act, 1870.	Applied - - - - - Applied - - - - -	43, s. 13 (4). 47, s. 1 (7).
c. 71 -	National Debt Act, 1870.	Applied - - - - -	43, s. 24 (7).
c. 78 -	Tramways Act, 1870.	S. 32 applied - - - - -	49, ss. 281, 347 (1).
34 & 35 Vict.: c. 36 -	Pensions Commutation Act, 1871.	Excluded - - - - -	2, s. 281 (6).
c. 44 -	Incumbents' Resignation Act, 1871.	Effect of Clergy Pensions Measure, 1926, amended: see 26 Geo. 5 & 1 Edw. 8 No. 1, s. 7 (4).	
c. 70 -	Local Government Board Act, 1871.	Sch. Part I as to Baths and Washhouses Acts repealed (prosp.).	49, ss. 346-7, sch. 3.
c. 113 -	Metropolis Water Act, 1871.	S. 33 repealed (prosp.) - - -	50, ss. 308-9, sch. 7.
35 & 36 Vict.: c. 15 -	Parks Regulation Act, 1872.	Applied to Crown lands used by public.	47, ss. 6 (2) (3), 9 (3).
c. 62 -	Education (Scotland) Act, 1872.	Ss. 30, 66 amended - - -	42, s. 16, sch.
c. 65 -	Bastardy Laws Amdt. Act, 1872.	Effect of maternity benefit	32, ss. 63 (2), 229 (2).
c. 70 -	Public Health Act, 1872.	Ss. 34-6 (as re-enacted) applicable to London.	50, ss. 303, 304 (1), 309 (2).
c. 91 -	Borough Funds Act, 1872.	Extended to county councils in Scotland.	52, s. 11 (1).

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5 & 1 Edw. 8.
36 & 37 Vict.: c. 72	Defence Acts Amdt. Act, 1873.	Applicable to Secy. of State for Air.	44, s. 26 (1), sch. 4 Part I.
37 & 38 Vict.: c. 12	East India Annuity Funds Act, 1874.	Continued as adapted	2, s. 274.
c. 40	Board of Trade Arbitrations, &c., Act, 1874.	Part I adapted	50, ss. 60 (4), 78 (4), 309 (2).
c. 88	Births and Deaths Registration Act, 1874.	S. 44 extended	33, ss. 33 (2), 46 (2).
c. 89	Sanitary Law Amdt. Act, 1874.	Repealed so far as applying to metrop. police district outside London (prosp.). Ss. 46, 49, repealed as to London (prosp.).	49, ss. 343 (1), 346-7, sch. 3. 50, ss. 308-9, sch. 7.
38 & 39 Vict.: c. 55	Public Health Act, 1875.	Ss. 6, 10-1, 13-25, 26 (1), 27-65, 67, 70-115, 120-43, 159, 175, 206, 211, 224, 227, 229, 233, 235, 244, 255, 270, 275, 277, 279-84, 287-90, 292, 307, 314-5, 319, 320, 323, 330-7, sch. 1 Part (2), sch. 4 Forms A to D repealed; ss. 26, 157 (2)-(4), 160 (3), 171, sch. 5 repealed in part; ss. 4, 158, 179-81, 183-4, 188, 213-5, 218-23, 225-6, 232, 234, 240-3, 251, 253-4, 256-8, 261-2, 266-9, 276, 285, 293-5, 299-302, 305-6, 308-9, 313, 316-7, 327-9, 340-1, sch. 4 Forms E, F, K, L, M, O repealed with saving; s. 303 amended, ss. 153, 265, 303 applied (prosp.). Power to vest functions, &c., of local authority in port health authority of London, ss. 130, 134-5, 140 extended to London, s. 343 explained (prosp.). Ss. 52 saved, 327, 332 excluded, 175-8, 293-5, 298 applied (prosp.).	49, ss. 116 (6), 282, 305, 317, 346-7, sch. 3. Part I; and see s. 12 (2). 50, ss. 6, 213-4, 303, 304 (1), 309 (2). 51, ss. 78, 104, 178 (2), 191 (2).
c. 83	Local Loans Act, 1875.	Applicable by regs.	51, s. 122, sch. 9 para. 6.
c. 89	Public Works Loans Act, 1875.	S. 4, new Commrs. appointed.	5, s. 1.
39 & 40 Vict.: c. 36	Customs Consolidation Act, 1876.	S. 234 repealed (including London, Northern Ireland, Isle of Man and Channel Islands) (prosp.).	49, ss. 343 (1), 346-7, sch. 3 Parts V-VII; see s. 143.
c. 75	Rivers Pollution Prevention Act, 1876.	S. 7 repealed (prosp.). S. 7 saved (prosp.)	49, ss. 346-7, sch. 3. 50, ss. 80, 309 (2).

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
40 & 41 Vict.: c. 2	Treasury Bills Act, 1877.	S. 6 excluded - - -	8, s. 2 (2); 11, s. 3 (2); 37, s. 2 (2).
c. 59	Colonial Stock Act, 1877.	Applied, s. 20 restricted (India). Applied, s. 20 restricted (Burma).	2, ss. 165 (1), 320. 3, ss. 65, 159.
c. 60	Canal Boats Act, 1877.	Repealed except ss. 12, 16 and 17 (London included) (prosp.).	49, ss. 343 (1), 346-7, sch. 3 Parts V, VI.
41 & 42 Vict.: c. 14	Baths and Wash-houses Act, 1878.	Repealed except as to London (prosp.). Repealed as to London except the City, except s. 12 and short title (prosp.).	49, ss. 343 (1), 346-7, sch. 3. 50, ss. 308-9, sch. 7.
c. 25	Public Health (Water) Act, 1878.	Repealed (prosp.) - -	49, ss. 346-7, sch. 3.
c. 49	Weights and Measures Act, 1878.	Extended (sand and ballast), ss. 56-61, 72-5 applied, s. 52 extended, 3, 45 (as applied) amended, 24 restricted, 32 saved; power to modify ss. 40, 44, 48-9 by regs. (prosp.) (E.).	38, ss. 2 (3) (4), 6 (1) (2), 8 (1), 10, 12, 13 (2) (3); and see s. 11.
c. 78	Education (Scotland) Act, 1878.	S. 19 amended - - -	42, s. 16, sch.
42 & 43 Vict.: c. 11	Bankers' Books Evidence Act, 1879.	S. 10 "legal proceedings" explained.	35, s. 14.
c. 49	Summary Jurisdiction Act, 1879.	Ss. 29 extended, 20 (10) saved (prosp.). S. 31 applied (prosp.) -	50, ss. 72, 270, 309 (2). 51, ss. 20 (6), 191 (2).
43 & 44 Vict.: c. 42	Employers' Liability Act, 1880.	Compensation and health insurance payment (prosp.).	32, ss. 51, 229 (2).
44 & 45 Vict.: c. 58 (as amended)	Army Act - - -	Excluded from powers of— Indian legislature - - Burma legislature - - Annual arrangements: ss. 57 (2), 146 amended.	2, ss. 110, 320. 3, ss. 34, 159. 14, ss. 2, 4, 5.
45 & 46 Vict.: c. 9	Documentary Evidence Act, 1882.	Applied - - - -	32, ss. 160 (6), 229 (2). Applied - - - - Applied - - - -
c. 23	Public Health (Fruit Pickers' Lodgings) Act, 1882.	Repealed (prosp.) - -	43, s. 42 (2). 47, s. 6 (4). 49, ss. 346-7, sch. 3.
c. 30	Baths and Wash Houses Act, 1882.	Repealed as to England outside London (prosp.). Repealed as to London except the City (prosp.).	49, ss. 343 (1), 346-7, sch. 3. 50, ss. 304 (1), 308-9, sch. 7.
c. 37	Corn Returns Act, 1882.	S. 10 repealed (prosp.) -	43, ss. 1, 48, sch. 9.
c. 45	Bombay Civil Fund Act, 1882.	Continued as adapted -	2, s. 274.

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
45 & 46 Vict.: c. 50	Municipal Corporations Act, 1882.	As amended, applied - - S. 254 applicable to Secy. of State for Air.	39, s. 16 (4), sch. 1. 44, s. 26 (1), sch. 4 Part I.
46 & 47 Vict.: c. 45	Counterfeit Medal Act, 1883.	Repealed - - - -	16, s. 18 (2) (3), sch.
c. 59	Epidemic and other Diseases Prevention Act, 1883.	Repealed (including London) (prosp.).	49, ss. 346-7, sch. 3 Parts V, VI.
47 & 48 Vict.: c. 12	Public Health (Confirmation of Byelaws) Act, 1884.	S. 3 ^h in part repealed (prosp.)	49, ss. 346-7, sch. 3.
c. 38	Indian Marine Service Act, 1884.	Repealed (prosp.) - -	2, ss. 320-1, sch. 10.
c. 54	Yorkshire Registries Act, 1884.	Saved - - - -	51, s. 21 (6).
c. 75	Canal Boats Act, 1884.	Repealed (including London) (prosp.).	49 ss. 346-7, sch. 3 Parts V, VI.
48 & 49 Vict.: c. 10	Elections (Hours of Poll) Act, 1885.	Closing hour amended (London county and borough elections).	lx, s. 42.
c. 35	Public Health (Ships, &c.) Act, 1885.	Repealed (prosp.) - -	49, ss. 346-7, sch. 3.
c. 51	Customs and Inland Revenue Act, 1885.	Part II excluded - -	34, s. 29.
c. 72	Housing of the Working Classes Act, 1885.	Ss. 7-10 repealed (prosp.) -	49, ss. 346-7, sch. 3.
49 & 50 Vict.: c. 54	Extraordinary Tithe Redemption Act, 1886.	Repealed, so far as unrepealed (prosp.).	43, ss. 1, 48, sch. 9.
50 & 51 Vict.: c. 16	National Debt and Local Loans Act, 1887.	Extended, s. 15 applied -	5, ss. 2 (2), 3, 5 (4).
51 & 52 Vict.: c. 41	Local Government Act, 1888.	S. 19 repealed (prosp.) - Ss. 17-8 repealed (prosp.) -	49, ss. 346-7, sch. 3. 50, ss. 308-9, sch. 7.
c. 42	Mortmain and Charitable Uses Act, 1888.	Enrolment provisions excluded.	51, s. 150.
52 & 53 Vict.: c. 11	Sale of Horseflesh, &c. Regulation Act, 1889.	Repealed as to London (prosp.).	50, ss. 308-9, sch. 7.

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
52 & 53 Vict.: c. 21	Weights and Measures Act, 1889.	Extended (sand and ballast), ss. 14, 26, 33 applied, 4 applied as modified (prosp.) (E.). S. 31 repealed (<i>see terms</i>), Part II (sale of coal) applied to Scotland; power to adopt Part II.	38, ss. 2 (3), 5 (4), 6, 8 (1), 13 (2) (3); and <i>see</i> s. 11. 54.
c. 49	Arbitration Act, 1889.	Excluded save as applied - Applicable by regs. - - - Applicable by regs. - - - Applicable by rules - - - Applied - - - - -	18, s. 20 (3). 32, ss. 43, 163 (4), 229 (2). 33, ss. 32 (1) (b), 46 (2). 40, s. 9 (4) (b). 43, s. 39 (1). 44, s. 32 (6).
c. 50	Local Government (Scotland) Act, 1889.	S. 93 (1) (3) applied as modified.	44, s. 32 (6).
c. 63	Interpretation Act, 1889.	S. 18 (3) amended (prosp.)	2, s. 311 (4).
c. 72	Infectious Disease (Notification) Act, 1889.	Repealed as to England (prosp.)	49, ss. 346-7, sch. 3.
53 & 54 Vict.: c. 34	Infectious Disease (Prevention) Act, 1890.	Ss. 5-15, 17 repealed as to England (prosp.)	49, ss. 346-7, sch. 3.
c. 37	Foreign Jurisdiction Act, 1890.	Ss. 9, 16 ("British court in foreign country") extended, Orders in Council under Act saved.	2, s. 294.
c. 43	Education of Blind and Deaf [Mute] Children (Scotland) Act, 1890.	S. 3 substituted, "deaf" substituted for "deaf-mute" or "a deaf-mute" throughout Act, s. 8 amended.	42, ss. 6, 16, 17 (1), sch.
c. 59	Public Health Acts Amdt. Act, 1890.	Ss. 11 (1), 16-27, 32-3, 36, 47 and in part 50 repealed as to England (prosp.)	49, ss. 346-7, sch. 3; and <i>see</i> ss. 55 (3), 56 (3).
c. 66	Metropolis Management Amdt. Act, 1890.	Ss. 4, 5 and in part 8 repealed (prosp.)	50, ss. 308-9, sch. 7.
54 & 55 Vict.: c. 8	Tithe Act, 1891	Ss. 2 (1)-(5) (7) (8), 3, 7 applied as modified, 10 (1) excluded.	43, s. 16 (3).
c. 38	Stamp Duties Management Act, 1891.	Applicable by regs. - - -	32, ss. 22, 203 (2), 229 (2); <i>see</i> also s. 172 (2).
c. 39	Stamp Act, 1891	Excluded (railways agreement). Extended - - - - - Excluded (local housing bonds).	6, s. 2. 34, s. 23. 51, s. 122, sch. 9 para. 2.
c. 40	Brine Pumping (Compensation for Subsidence) Act, 1891.	S. 50 excluded - - - -	51, s. 149.
c. 64	Land Registry (Middlesex Deeds) Act, 1791.	Closing of Middlesex Deeds Registry.	26, s. 2.

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
54 & 55 Vict.: c. 76 -	Public Health (London) Act, 1891.	Ss. 82-7, 113 repealed, s. 105 (1) and sch. 1 repealed in part (prosp.). Repealed (prosp.) - -	49, ss. 346-7, sch. 3 Parts V, VI; and see ss. 254, 257. 50, ss. 308-9, sch. 7.
55 & 56 Vict.: c. 43 -	Military Lands Act, 1892.	Part II applicable to Secy. of State for Air.	44, s. 26 (1), sch. 4 Part I.
c. 55 -	Burgh Police (Scotland) Act, 1892.	S. 340 applied - - - Ss. 419-24 repealed (see terms).	52, s. 11 (5). 54, ss. 1, 2.
56 & 57 Vict.: c. 39 -	Industrial and Provident Societies Act, 1893.	S. 4 excluded - - -	51, s. 93 (3).
c. 47 -	Public Health (London) Act, 1891, Amdt. Act, 1893.	Repealed (prosp.) - -	50, ss. 308-9, sch. 7.
c. 62 -	Madras and Bombay Armies Act, 1893.	Repealed (prosp.) - -	2, ss. 320-1, sch. 10.
c. 68 -	Isolation Hospitals Act, 1893.	Repealed (prosp.) - -	49, ss. 346-7, sch. 3; and see s. 315.
c. 69 -	Savings Bank Act, 1893.	Sch. 1 extended - -	43, s. 24 (8).
c. 73 -	Local Government Act, 1894.	Ss. 8 (1) (e) (f) (3), 16 (3) repealed, ss. 7, 16 (1), 25 (1) (7), 63 repealed in part (prosp.). S. 63 applicable (prosp.) -	49, ss. 346-7, sch. 3. 51, ss. 169 (2), 172 (1) (b), 191 (2).
57 & 58 Vict.: c. 30 -	Finance Act, 1894	Ss. 2 (2), 5 (2) amended -	34, ss. 24-5.
c. 43 -	Crown Lands Act, 1894.	S. 1 amended - - -	47, s. 8 (2).
c. 60 -	Merchant Shipping Act, 1894.	Part VIII saved - - - Ss. 418 (1) extended (seaplanes), 418 (1), 419, 421, 424 (as amended) applied.	36, s. 4. 44, s. 3 (1).
59 & 60 Vict.: c. 19 -	Public Health Act, 1896.	Repealed as to England including London (repeal of s. 2 extends to Northern Ireland, Isle of Man and Channel Islands) (prosp.). Repealed (prosp.) - -	49, ss. 346-7, sch. 3 Parts V, VI, VII.
c. 20 -	Public Health (Ports) Act, 1896.	Repealed (prosp.) - -	49, ss. 346-7, sch. 3.
c. 25 -	Friendly Societies Act, 1896.	Powers under s. 76 applicable, s. 97 applicable by regs., s. 8 (1) extended.	32, ss. 77, 165 (5), 180 (2), 229 (2).
c. 59 -	Baths and Wash-houses Act, 1896.	Repealed as to London except City (prosp.).	50, ss. 308-9, sch. 7.
60 & 61 Vict.: c. 23 -	Extraordinary Tithe Act, 1897.	Repealed (prosp.) - -	43, ss. 1, 48, sch. 9.

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
60 & 61 Vict.: c. 31	Cleansing of Persons Act, 1897.	Repealed as to England except London (prosp.). Repealed as to London (prosp.).	49, ss. 343 (1), 346-7, sch. 3. 50, ss. 308-9, sch. 7.
c. 38	Public Health (Scotland) Act, 1897.	Ss. 7, 8 applied	32, ss. 184 (2), 193 (7), 229 (2).
c. 51	Public Works Loans Act, 1897.	Ss. 4 (3) repealed, 1 amended.	5, s. 5 (1) (2).
c. 65	Land Transfer Act, 1897.	Disposal of assets of insurance fund set up by repealed s. 21.	26, s. 4.
61 & 62 Vict.: c. 17	Solicitors (Ireland) Act, 1898.	Ss. 35-6 (evidence): <i>see</i>	35, s. 14.
c. 60	Inebriates Act, 1898.	Power of court to disqualify for old age pension.	31, s. 3 (3).
62 & 63 Vict.: c. 8	Infectious Disease (Notification) Extension Act, 1899.	Repealed (prosp.)	49, ss. 346-7, sch. 3.
c. 9	Finance Act, 1899.	S. 8 excluded	51, s. 122, sch. 9 para. 2.
c. 14	London Government Act, 1899.	Amended (Richmond Terrace). Ss. 5 (1), 6 (4), sch. 2 Part I repealed, s. 34 repealed in part, schemes under Act saved (prosp.).	47, s. 2, sch. 1. 50, ss. 306 (3), 308-9, sch. 7.
c. 15	Metropolis Management Acts Amdt. (Byelaws) Act, 1899.	Ss. 2 and in part 3 repealed (prosp.).	50, ss. 308-9, sch. 7.
c. 19	Electric Lighting (Clauses) Act, 1899.	Schedule varied (meters) (E., S.)	20, ss. 1 (4), 3, 4, 5 (2) (3).
c. 29	Baths and Wash-houses Act, 1899.	Repealed (prosp.)	49, ss. 346-7, sch. 3.
c. 47	Private Bill Legislation Procedure (Scotland) Act, 1899.	Repealed; general orders under s. 15 deemed made under 1936 Act.	52, s. 19, sch.
63 & 64 Vict.: c. 32	Merchant Shipping (Liability of Ship-owners and others) Act, 1900.	Saved	36, s. 4.
c. 51	Moneylenders Act, 1900.	Excluded by order under s. 6.	19, s. 2.
c. 62	Colonial Stock Act, 1900.	Applied, s. 2 extended (India). Applied, s. 2 extended (Burma).	2, ss. 165 (1), 320. 3, ss. 65, 159.
1 Edw. 7: c. 8	Isolation Hospitals Act, 1901.	Repealed (prosp.)	49, ss. 346-7, sch. 3; and <i>see</i> s. 315.
c. 9	Education (Scotland) Act, 1901.	S. 3 restricted	42, ss. 4 (1), 17 (1).

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
1 Edw. 7 : c. 22	Factory and Workshop Act, 1901.	Applied, ss. 23-35 excluded S. 126 extended Ss. 1 (2), 2 (1) (2), 61, 109, 110 repealed, 7 (3), 9 (4) repealed in part, s. 9 excluded, s. 9 saved, as to England outside London (prosp.). Ss. 101 (5) repealed, 97-101, 135, how enforced (London).	22, ss. 1, 2, 3 (5), 5 (1), 6 (2). 24, ss. 1 (2), 5 (2) (4). 49, ss. 44 (3), 45 (4), 46 (4) (5), 343 (1), 346-7, sch. 3; and see s. 92 (4). 50, ss. 130, 308-9, sch. 7.
c. 35	Public Works Loans Act, 1901.	S. 3, Eyemouth Harbour Loan arrears remitted.	5, s. 4.
2 Edw. 7 : c. 17	Midwives Act, 1902	Amended, ss. 3 extended, 5 amended, 1 (2) saved.	40, ss. 6 (3), 7, 9 (2)-(4), 10, &c.
3 Edw. 7 : c. 9	County Councils (Bills in Parliament) Act, 1903.	S. 2 in part repealed	52, s. 19, sch.
c. 33	Burgh Police (Scotland) Act, 1903.	S. 55 in part repealed	52, ss. 11 (2) (3), 19, sch.
4 Edw. 7 : c. 16	Public Health Act, 1904.	Repealed as to England, including London (prosp.).	49, ss. 346-7, sch. 3 Parts V, VI.
c. 28	Weights and Measures Act, 1904.	S. 5 extended (prosp.) (E.)	38, ss. 2 (4), 13 (2) (3); and see s. 11.
c. 36	Public Works Loans Act, 1904.	S. 3 virt. repealed	5, s. 5.
6 Edw. 7 : c. 10	Education of Defective Children (Scotland) Act, 1906.	Ss. 1, 2 substituted	42, ss. 7, 17 (1).
c. 14	Alkali, &c. Works Regulation Act, 1906.	Saved	49, ss. 92 (2) 347 (1).
c. 33	Local Authorities (Treasury Powers) Act, 1906.	S. 1 (1) in part repealed (prosp.).	49, ss. 346-7, sch. 3.
7 Edw. 7 : c. 40	Notification of Births Act, 1907.	Repealed as to England outside London (prosp.). Ss. 1 (6), 2 (5) and in part 2 (4) repealed as to London (prosp.).	49, ss. 346-7, sch. 3. 50, ss. 308-9, sch. 7.
c. 53	Public Health Acts Amdt. Act, 1907.	Ss. 23-7, 34-52, 55-75, 92-3 repealed, ss. 1, 15-6, 33, 82 repealed in part as to England outside London (prosp.).	49, ss. 346-7, sch. 3 Part III; and see ss. 66 (2), 344.
Edw. 7 : c. 7	Fatal Accidents (Damages) Act, 1908.	Further exclusion	33, ss. 40, 46 (2) (3).
c. 40	Old Age Pensions Act, 1908.	Repealed (prosp.)	31, ss. 14, 16 (1) (2), sch. 2.

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
8 Edw. 7 :			
c. 48 -	Post Office Act, 1908.	S. 65 applicable by regs. -	32, ss. 22, 203 (2), 229 (2).
c. 62 -	Local Government (Scotland) Act, 1908.	S. 10 in part repealed -	54, ss. 1, 2.
c. 63 -	Education (Scotland) Act, 1908.	Ss. 24 (2) repealed, 5 substituted, 3 (8) (9) added, 3 (4), 16 (1) (a), 20, 26, 29 (1), 34 amended, 9, 21 applied.	42, ss. 2 (4), 8-11, 14, 16, 17 (1), sch.
c. 67 -	Children Act, 1908	Part I repealed as to England outside London (prosp.). Act repealed as to London (prosp.).	49, ss. 343 (1), 346-7, sch. 3. 50, ss. 308-9, sch. 7.
9 Edw. 7 :			
c. 10 -	Superannuation Act, 1909.	Applied and excluded -	2, s. 281 (2)-(4).
c. 17 -	Metropolitan Ambulances Act, 1909.	Repealed (prosp.) -	50, ss. 308-9, sch. 7.
c. 30 -	Cinematograph Act, 1909.	S. 7 (2) saved -	49, ss. 226 (3), 347 (1).
		S. 7 (2) saved (London) -	50, ss. 172 (3), 309 (2).
c. 44 -	Housing, Town Planning, &c. Act, 1909.	S. 71 repealed (prosp.) -	49, ss. 346-7, sch. 3.
		Ss. 68 (4) and in part 70 repealed (prosp.). S. 71 in part repealed (prosp.).	50, ss. 308-9, sch. 7. 51, ss. 190, 191 (2), sch. 12.
c. 47 -	Development and Road Improvement Funds Act, 1909.	S. 13 repealed, arrangements for payments under s. 8 (April 1, 1937).	34, s. 33, sch. 3.
c. 49 -	Assurance Companies Act, 1909.	Applied; s. 1 (g) added; power to adapt forms for s. 4; rules under s. 2 applied.	44, s. 20, sch. 3 para. 7 (2).
10 Edw. 7 & 1 Geo. 5 :			
c. 24 -	Licensing (Consolidation) Act, 1910.	S. 39 (2) amended (prosp.)	43, ss. 1, 48, sch. 9.
c. 28 -	Civil List Act, 1910	Ss. 1, 2, 4, 6, 9 (1)-(4) repealed, sch. virt. repealed, ss. 7 (2) amended, 5 saved.	15, ss. 4 (4), 8 (2), 13 (3) (4).
1 & 2 Geo. 5:			
c. 16 -	Old Age Pensions Act, 1911.	Repealed (E., S.) (prosp.) -	31, ss. 14, 16 (1) (2), sch. 2.
c. 24 -	Pensions (Governors of Dominions, &c.) Act, 1911.	Extended, s. 1 applied -	25.
c. 50 -	Coal Mines Act, 1911.	Extended, ss. 92-5 excluded.	22, ss. 1 (2), 2, 5, 6 (2).
c. 52 -	Rag Flock Act, 1911.	S. 1 (1)-(5) (6) (a) (b) and in part (c), and (7) repealed as to London (prosp.).	50, ss. 308-9, sch. 7.
c. 55 -	National Insurance Act, 1911.	Ss. 72-3 repealed (prosp.) - S. 64 repealed as to England outside London (prosp.). S. 64 repealed as to London (prosp.).	32, ss. 228, 229 (2), sch. 6. 49, ss. 346-7, sch. 3. 50, ss. 308-9, sch. 7.

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5 & 1 Edw. 8.
2 & 3 Geo. 5: c. 3	Shops Act, 1912	Extended to libraries, s. 19 (1) (2) amended (E., S.). Ss. 1 (1) and 4 (1) (2) modified (retail meat dealers), 13-4 applied (E.). Act saved; Sunday closing arrangements; ss. 1 (1), 4 (1) (2) modified as to Jewish sabbath, as to E. (prosp.).	28, ss. 1, 2 (2) (3). 30, ss. 3, 6 (2), 7, 8 (2). 53, ss. 7 (13), 11 (2), 16, sch. 4.
c. 31	Pilotage Act, 1913	Amended generally	36.
3 & 4 Geo. 5: c. 20	Bankruptcy (Scotland) Act, 1913.	S. 118 (1) amended S. 118 (1) (e) amended	21, s. 19. 32, ss. 177 (2), 229 (2).
c. 23	Public Health (Prevention and Treatment of Disease) Act, 1913.	Repealed except as to London, ss. 2, 4 repealed in part as to London (prosp.). Ss. 2-4 repealed as to London (prosp.).	49, ss. 343 (1), 346-7, sch. 3 Part V, VI. 50, ss. 308-9, sch. 7.
c. 37	National Insurance Act, 1913.	S. 1 repealed (prosp.) S. 42 (2) repealed (prosp.)	32, ss. 228, 229 (2), sch. 6. 49, ss. 346-7, sch. 3.
4 & 5 Geo. 5: c. 30	Injuries in War (Compensation) Act, 1914.	Grants as workmen's compensation.	32, ss. 54, 229 (2).
c. 58	Criminal Justice Administration Act, 1914.	S. 5 applied	50, ss. 73, 89 (2), 265 (2), 281 (1), 309 (2).
c. 59	Bankruptcy Act, 1914.	S. 5 applied S. 33 (1) amended S. 33 (1) (e) amended	51, s. 84 (3). 21, s. 19. 32, ss. 177 (2), 229 (2).
5 & 6 Geo. 5: c. 18	Injuries in War Compensation Act, 1914 (Session 2).	Grants as workmen's compensation.	32, ss. 54, 229 (2).
c. 24	Injuries in War (Compensation) Act, 1915.	Grants as workmen's compensation.	32, ss. 54, 229 (2).
c. 61	Government of India Act, 1915.	Repealed (prosp.), in part continued as amended.	2, ss. 317, 320-1, schs. 9, 10.
c. 64	Notification of Births (Extension) Act, 1915.	Repealed as to England outside London (prosp.). S. 1 repealed as to London (prosp.).	49, ss. 343 (1), 346-7, sch. 3. 50, ss. 308-9, sch. 7.
c. 66	Milk and Dairies (Consolidation) Act, 1915.	Ss. 20 (1) (4) and in part sch. 5 repealed: provision as to removal from register of dairymen (London) (prosp.).	50, ss. 185, 308-9, sch. 7.
c. 96	Government War Obligations Act, 1915.	Grants (for injuries) as workmen's compensation.	32, ss. 54, 229 (2).
6 & 7 Geo. 5: c. 12	Local Government (Emergency Provisions) Act, 1916.	S. 5 repealed as to England outside London (prosp.). S. 5 repealed as to London (prosp.).	49, ss. 343 (1), 346-7, sch. 3. 50, ss. 308-9, sch. 7.

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
6 & 7 Geo. 5: c. 37 -	Government of India (Amendment) Act, 1916.	Act, except ss. 6 and 8, repealed (prosp.).	2, ss. 320-1, sch. 10.
c. 63 -	Defence of the Realm (Acquisition of Land) Act, 1916.	S. 5 saved - - -	44, s. 25.
7 & 8 Geo. 5: c. 32 -	Public Works Loans Act, 1917.	S. 4 (applying s. 1 of P.W.L. Act, 1897) modified.	5, s. 5 (1).
c. 51 -	Air Force (Constitution) Act, 1917.	S. 13 (and orders thereunder) amended.	44, ss. 24 (1) (2), 32 (5); and see s. 26, sch. 4.
—	Air Force Act -	Excluded from powers of— Indian legislatures - - Burma legislature - - Annual arrangements: ss. 57 (2), 108A (1), 115 (1), 146 amended, 175 (9) added.	2, ss. 110, 320. 3, ss. 34, 159. 14, ss. 2, 4-8.
8 & 9 Geo. 5: c. 27 -	Public Works Loans Act, 1918.	S. 4 (applying s. 1 of P.W.L. Act, 1897) modified.	5, s. 5 (1).
c. 29 -	Maternity and Child Welfare Act, 1918.	Repealed as to England outside London (prosp.). Ss. 1, 2 and in part 3 repealed as to London (prosp.).	49, ss. 343 (1), 346-7, sch. 3. 50, ss. 308-9 sch. 7.
c. 40 -	Income Tax Act, 1918.	Ss. 187 (6) repealed, 25 restricted; annual rates fixed and Act applied. S. 162 (2)-(5) applied; provision for Tithe Act annuities.	34, ss. 14-5, 21 (6), 35, sch. 4. 43, ss. 13 (5) (6), 16 (5).
c. 43 -	Midwives Act, 1918	S. 14 (1) amended - -	40, s. 9 (1).
c. 48 -	Education (Scotland) Act, 1918.	Ss. 15 (12) repealed, para. 3 of sch. 3 substituted, ss. 3 (2) (e), 4 (1) (2), 6 (1) (a), 9 (2), 10, 14 (3), 15 (6) (i)-(iii) (15), 17 amended, s. 14 brought into force as amended, ss. 24 applied, 14, 33 excluded.	42, ss. 1, 12, 13 (2), 14, 16, 17 (1), sch.
c. 54 -	Tithe Act, 1918 -	S. 10 and, so far as unrepealed, sch. 1 repealed (prosp.).	43, ss. 1, 48, sch. 9; and see s. 30.
9 & 10 Geo. 5: c. 21 -	Ministry of Health Act, 1919.	S. 5 saved - - - S. 3 (1) (f) repealed except as to London (prosp.). S. 3 (1) (f) repealed as to London (prosp.).	32, ss. 225, 229 (2). 49, ss. 343 (1), 346-7, sch. 3. 50, ss. 308-9, sch. 7.
c. 35 -	Housing, Town Planning, &c. Act, 1919.	S. 24 (4) in part and s. 25 repealed as to England outside London (prosp.). Ss. 24 (4), 36 repealed; provision for contributions under s. 7 (prosp.).	49, ss. 343 (1), 346-7, sch. 3; and see s. 344. 51, ss. 114, 134, 190, 191 (2), schs. 7, 10, 12.

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
9&10 Geo. 5: c. 37	War Loan Act, 1919.	S. 1 (1) extended - -	34, s. 30.
c. 57	Acquisition of Land (Assessment of Compensation) Act, 1919.	S. 1 (1) extended - - Incorporated as adapted - Applied - - - - Applied - - - -	43, s. 26 (2). 44, s. 9 (2), sch. 1 para. 1. 50, ss. 113 (4), 309 (2). 51, ss. 16 (2) (4), 29 (1), 32 (2), 36 (1), 38 (2), 40 (1), 49 (6), 55 (1) (4), 74 (1) (3), 191 (2), sch. 1.
c. 101	Government of India Act, 1919.	Act, except Preamble and s. 47 (1), repealed (prosp.)	2, ss. 320-1, sch. 10.
c. 102	Old Age Pensions Act, 1919.	Repealed (E., S.) (prosp.)	31, ss. 14, 16 (1) (2), sch. 2.
10&11 Geo. 5: c. 10	National Health Insurance Act, 1920.	Repealed - - - -	32, ss. 228, 229 (2), sch. 6.
c. 17	Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	Saved and excluded - -	51, ss. 38 (6), 65, 156, 191 (2); and see s. 50 (2).
c. 18	Finance Act, 1920 -	Sch. 2 para. 2 repealed (Jan. 1, 1937), ss. 18 (1), 21 amended, s. 13 and para. 5 of sch. 2 restricted.	34, ss. 9-12, 16-7, 35, sch. 4; and see s. 13.
c. 43	Firearms Act, 1920	Ss. 1 (7), 2 (2) proviso, 13 (2) (see date), 17 (5), sch. 1 repealed, s. 9 (5) added, ss. 2 (3), 3 (1B), 8 (5) proviso substituted, ss. 1 (1) (2) (4) (6) (8), 2 (3)-(5) (7), 3 (2), 5 (1), 6 (1), 7, 8 (1), 9 (4), 10 (1) (2), 11 (1), 12 (1) (2), 13 (1), 17 (3) amended, ss. 1 applied to Crown servants, 8 (3) applied, 1 (3), 8 (1), 15 and "prohibited weapon" in s. 6 (1) extended, 2 (1) (6), 5 restricted (prosp.).	39, ss. 1-5, 7 (1) (4) (7), 8, 12-4, 15 (2) (4), 16 (3) (4), schs. 2, 3.
c. 49	Blind Persons Act, 1920.	S. 1 repealed (E., S.) (prosp.)	31, ss. 14, 16 (1) (2), sch. 2.
c. 65	Employment of Women, Young Persons and Children Act, 1920.	S. 1 as to employment of women repealed (prosp.). S. 2 repealed (Jan. 1, 1937) (E., S.)	22, ss. 1 (3), 5, 6 (2). 24, s. 5 (2)-(4).
c. 67	Government of Ireland Act, 1920.	S. 6, Acts deemed passed before appointed day. S. 63 saved - - - -	22, ss. 5 (2), 6 (2). 32, s. 222. 32, ss. 203 (2), 229 (2).
c. 72	Roads Act, 1920 -	S. 2 and proviso to s. 3 (4) repealed, s. 3 (4) (a)-(e) amended (April 1, 1937).	34, s. 33, sch. 3.

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
10&11Geo.5: c. 80 -	Air Navigation Act, 1920.	Ss. 6, 8 (2), 14 (3), 19 (2) and sch. repealed; ss. 3 (d) (f) (l), 4, 7 (2), 8 (1) (2) (2A) (for former 8 (1)), 9 (1) proviso, 11, 17 (1) (1A) (for former 17 (1)) substituted; ss. 8 (6), 12A, 15 (2) (3), 17 (4), 19 (3) added; ss. 1, 2, 3 (a) (e) (j) (k) (m), 7 (1) (3), 8 (3) (4), 9 (1), 10 (2), 12 (1), 13 (1), 15, 19 (1) amended; s. 8 extended to metrop. boroughs and amended; ss. 9, 17 (3) excluded; s. 9 explained; s. 1 saved; power to adapt s. 8 (3)-(5) as to N.I.	44, ss. 5 (3) (4), 6, 7, 8, 9 (1) (3), 10, 12, 15 (6), 23, 25, 28, 32-3, 34 (1) (3) (4), 35 (2), schs. 5, 7.
11&12Geo.5: c. 7 -	Tribunals of Inquiry (Evidence) Act, 1921.	Applied (Sugar Commission) as modified.	18, s. 2 (6).
c. 12 -	Public Health (Tuberculosis) Act, 1921.	Act, except s. 6, repealed except as to London, s. 7 repealed as to London (prosp.).	49, ss. 8 (3), 343 (1), 346-7, sch. 3 Parts V, VI; and see s. 8 (3).
c. 23 -	Public Health (Officers) Act, 1921.	Ss. 1-3, 6 repealed as to London (prosp.). Act repealed except as to London (prosp.).	50, ss. 308-9, sch. 7. 49, ss. 343 (1), 346-7, sch. 3.
c. 27 -	Health Resorts and Watering Places Act, 1921.	S. 7 (1) and in part (2) repealed (London) (prosp.). Repealed - - - -	50, ss. 308-9, sch. 7. 48, s. 2 (3).
c. 31 -	Police Pensions Act, 1921.	Arrangements as to widow's pension, gratuity, &c.	33, ss. 20 (2), 46 (2).
c. 32 -	Finance Act, 1921 -	S. 44 extended - - - S. 29 applied - - -	34, s. 26. 43, s. 16 (8).
c. 35 -	Corn Sales Act, 1921.	S. 2 (3) amended (prosp.).	43, ss. 1, 48, sch. 9.
c. 47 -	Safeguarding of Industries Act, 1921.	Extended and amended -	34, s. 5.
c. 51 -	Education Act, 1921.	School age raised, ss. 46 (3) omitted, 20, 46 (2) amended (prosp.); ss. 111, sch. 5 amended, 18 (2), 46 (3) excluded, Part V and ss. 18 (1), 29 (2) (d) (5) (c) saved. S. 166 in part repealed (prosp.). S. 114 applied - - -	41, ss. 1, 7, 8 (7)-(9), 9 (1) (a), 10 (1), 12 (2), 15 (3), 16 (2) (3), sch. 1. 49, ss. 346-7, sch. 3. 51, s. 76.
c. 58 -	Trusts (Scotland) Act, 1921.	Ss. 10 (a) (9) amended, 11 ("colonial stock") extended (prosp.). S. 11 ("colonial stock") extended (prosp.).	2, ss. 165 (2), 315 (3), 320. 3, ss. 65 (2), 159.

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
12&13Geo.5: c. 17	Finance Act, 1922	Ss. 21 (6) in part repealed, 20 (2) (3) (4), 21 (1) (6), sch. 1 paras. 8 and 11 amended.	34, ss. 19-21, 35, sch. 4.
c. 20	Indian High Courts Act, 1922.	Repealed (prosp.)	2, ss. 320-1, sch. 10.
c. 38	National Health Insurance Act, 1922.	Repealed (prosp.)	32, ss. 228, 229 (2), sch. 6.
13&14Geo.5: c. 21	Forestry (Transfer of Woods) Act, 1923.	S. 1 saved	47, s. 5 (4).
c. 24	Housing, &c. Act, 1923.	Provision for contributions under s. 1 (3).	51, s. 111, sch. 7; and <i>see</i> sch. 8.
c. 32	Rent and Mortgage Interest Restrictions Act, 1923.	Saved, s. 2 excluded	51, ss. 38. (6), 191 (2).
c. 38	Education (Institution Children) Act, 1923.	S. 1 (4) amended (prosp.)	41, ss. 1 (2), 16 (2), sch. 1.
14&15Geo.5: c. 21	Finance Act, 1924	S. 14 extended - S. 12 (1) (b) amended (prosp.)	34, s. 1 (2) (4). 43, ss. 1, 43, sch. 9.
c. 24	Isle of Man (Customs) Act, 1924.	S. 4 continued	45, s. 2.
c. 28	Government of India (Leave of Absence) Act, 1924.	Repealed (prosp.)	2, ss. 320-1, sch. 10.
c. 33	Old Age Pensions Act, 1924.	Repealed (prosp.)	31, ss. 14, 16 (1) (2), sch. 2.
c. 34	London Traffic Act, 1924.	S. 15 amended Byelaws under s. 10 saved	34, s. 33, sch. 3 Part I para. 5. 49, ss. 82 (2), 347 (1).
c. 35	Housing (Financial Provisions) Act, 1924.	S. 8 repealed as to England (prosp.)	51, ss. 190, 191 (2), sch. 12.
c. 38	National Health Insurance Act, 1924.	Repealed (prosp.)	32, ss. 228, 229 (2), sch. 6; and <i>see</i> ss. 33, 227.
15&16Geo.5: c. 12	British Sugar (Subsidy) Act, 1925.	Allowances	18, s. 16.
c. 14	Housing Act, 1925	S. 101 in part repealed except as to London (prosp.). S. 6 (2) in part repealed as to London (prosp.). Act repealed (prosp.)	49, ss. 346-7, sch. 3. 50, ss. 308-9, sch. 7; and <i>see</i> s. 155. 51, ss. 189, 190, 191 (2), sch. 12.
c. 19	Trustee Act, 1925	S. 1 (1) (d) amended (prosp.) S. 63 applied S. 1 extended	2, ss. 165 (3), 315 (3), 320. 51, ss. 13 (3) (4), 191 (2). 47, s. 8 (2).

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
15&16Geo.5: c. 20	Law of Property Act, 1925.	Ss. 1 (2) (d), 191 (12), 201 (1) amended (prosp.), ss. 121 (4), 183 extended, 121, 191-2 excluded. Extended - - - Extended - - -	43, ss. 1, 13 (8) (9), 16 (6), 48, sch. 9. 49, ss. 291 (4), 347 (1). 51, ss. 10 (6), 191 (2).
c. 21	Land Registration Act, 1925.	Ss. 75 (4) in part, 85 (4), 122 in part and 145 (4) repealed, 75 (4), 85 (1), 122 (i), 126 amended, indemnity under s. 75 or s. 83 payable out of insurance fund. S. 70 (1) (e) amended (prosp.), s. 70 (1) extended.	26, ss. 1, 2 (6), 3, 5 (2), 6, 7, 9 (2), sch.
c. 22	Land Charges Act, 1925.	Excluded - - - Saved - - - Saved - - -	43, ss. 1, 13 (11), 48, sch. 9. 43, s. 13 (10). 49, s. 329.
c. 23	Administration of Estates Act, 1925.	S. 9 modified - - -	51, s. 21 (6). 43, s. 17 (5).
c. 49	Supreme Court of Judic. (Consolidation) Act, 1925.	S. 145 amended - - -	34, s. 32.
c. 56	Isle of Man (Customs) Act, 1925.	Ss. 5-7 continued - - -	45, s. 2.
c. 68	Roads Improvement Act, 1925.	S. 8 amended - - -	34, s. 33, sch. 3 Part I para. 6.
c. 70	Widows', Orphans' and Old Age Contributory Pensions Act, 1925.	Ss. 9 (2) (b), 13, 14 (5) except proviso, 15 (5), 37-8, 45 (6) and sch. 4 repealed (prosp.). Repealed, save as already repealed above (prosp.).	32, ss. 228, 229 (2), sch. 6. 33, ss. 45, 46 (2), sch. 5.
c. 71	Public Health Act, 1925.	Ss. 9, 11-2, 20, 36-55, 57-67, 73, 78, 85-7 and sch. 5 repealed, ss. 1 (2) (3), 1-5, 77 (a), 80 and schs. 1 and 2 repealed in part (outside London) (prosp.). Ss. 2 (1) (4), 87 (3) repealed in part as to London (prosp.).	49, ss. 343 (1), 346-7, sch. 3 Part IV. 50, ss. 308-9, sch. 7.
c. 76	Expiring Laws Act, 1925.	Sch. 1 Part I in part repealed (prosp.).	49, ss. 346-7, sch. 3; 50, ss. 308-9, sch. 7.
c. 83	Government of India (Civil Services) Act, 1925.	Repealed (prosp.) - - -	2, ss. 320-1, sch. 10.
c. 84	Workmen's Compensation Act, 1925.	Compensation and health insurance payment, s. 41 saved, Act excluded, s. 49 (1) procedure applied.	32, ss. 51, 52 (2) (3), 195 (5), 229 (2); and see s. 54.
c. 87	Tithe Act, 1925	Ss. 1 (1), 2, 4 (1) (2) (4) (5), 6, 9, 11, 12 (a) (c), 13 (2) (4), 17, 20 (3) (4) repealed, 1 (1) amended.	43, ss. 1, 19, 48, sch. 9; and see s. 30.

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
15&16Geo.5: c. 90	Rating and Valuation Act, 1925.	Ss. 68 (2) repealed, 3 (2), 22 (1) (b), 68 (1) amended (prosp.). S. 37 amended (prosp.)	43, ss. 1, 48, sch. 9. 49, ss. 131, 347 (1).
16&17Geo.5: c. 4	Unemployment Insurance (N.I. Agreement) Act, 1926.	Repealed (<i>see terms</i>) (March 24, 1936).	10, s. 2 (2) (3).
c. 9	Economy (Miscellaneous Provisions) Act, 1926.	Part I and sch. 1 repealed	32, ss. 228, 229 (2), sch. 6.
c. 22	Finance Act, 1926	Ss. 42 repealed (April 1, 1937), 7 (1) extended.	34, ss. 4, 33, sch. 3.
c. 27	Isle of Man (Customs) Act, 1926.	Ss. 6, 8 continued, 13 extended and amended.	45, ss. 2, 5 (5)-(8).
c. 36	Parks Regulation (Amendment) Act, 1926.	Applied, s. 2 (2) applied	47, ss. 6 (1), 9 (3).
c. 43	Public Health (Smoke Abatement) Act, 1926.	Repealed as to England outside London, except ss. 4 and 12 (prosp.). Ss. 1 (2)-(4), 2 (1) (2), 8, 10-1 repealed, 2 (3), 3, 5, 12 (1) (2) repealed in part, as to London (prosp.).	49, ss. 343 (1), 346-7, sch. 3. 50, ss. 308-9, [*] sch. 7.
c. 48	Births and Deaths Registration Act, 1926.	Para. (b) of s. 9 repealed except as to London (prosp.). Para. (b) of s. 9 repealed as to London (prosp.).	49, ss. 343 (1), 346-7, sch. 3. 50, ss. 308-9, sch. 7.
c. 56	Housing (Rural Workers) Act, 1926.	S. 3 excluded	51, s. 85 (8).
c. 63	Sale of Food (Weights and Measures) Act, 1926.	S. 12 excluded	38, ss. 8 (2), 13 (2) (3).
17&18Geo.5: c. 8	Government of India (Indian Navy) Act, 1927.	Act, except ss. 2 and 4 (1), repealed (prosp.).	2, ss. 320-1, sch. 10.
c. 20	Isle of Man (Customs) Act, 1927.	Ss. 1, 11-2 continued	45, s. 2.
c. 21	Moneylenders Act, 1927.	Excluded	19, s. 2.
c. 23	Crown Lands Act, 1927.	Ss. 21 (2) repealed, 11 (1A) (1B) added, 22 (1) amended.	47, ss. 7, 8 (4), 10 (4), sch. 2. [*]
c. 24	Government of India (Statutory Commission) Act, 1927.	Repealed (prosp.)	2, ss. 320-1, sch. 10.
c. 38	Nursing Homes Registration Act, 1927.	S. 4 extended (Surrey) Repealed as to England outside London (prosp.). Repealed as to London (prosp.).	cxxx, s. 123. 49, ss. 343 (1), 346-7, sch. 3; and <i>see</i> ss. 187 (1), 188. 50, ss. 308-9, sch. 7; and <i>see</i> s. 242.

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
18&19Geo.5: c. 14	National Health Insurance Act, 1928.	Repealed (prosp.) - -	32, ss. 228, 229 (2), sch. 6.
c. 17	Finance Act, 1928 -	Sch. 2 Part III para. (4) extended. S. 27 and in part s. 28 repealed (April 1, 1937), fresh provision under s. 23 (4).	18, s. 24 (2). 34, ss. 30 (2) (3), 33, sch. 3.
c. 32	Petroleum (Consolidation) Act, 1928.	Amended (transfer of licences).	27.
c. 38	Isle of Man (Customs) Act, 1928.	S. 14 continued - -	45, s. 2.
c. 39	Rag Flock Act (1911) Amdt. Act, 1928.	Repealed as to London (prosp.).	50, ss. 308-9, sch. 7.
19&20Geo.5: c. 16	Pensions (Governors of Dominions, &c.) Act, 1929.	Extended, s. 3 (1) amended	25.
c. 17	Local Government Act, 1929.	S. 87 repealed (April 1, 1937). Ss. 104, 135 (midwives' service) explained or amended. Sch. 3 para. 2 amended (prosp.). Ss. 13, 14 (1)-(3), 16, 59-61, 63 and para. 3 of sch. 3 repealed; ss. 2, 57, 77 (2), 128 (1) and sch. 1 repealed in part except as to London; s. 59 repealed in part as to London; s. 29 (2) saved; power to vary or revoke scheme under s. 63; (prosp.). Ss. 14 (1) (2), 16, 18 (d), 59 (2) para. 3 of sch. 3 and para. 26 (a) of sch. 10 repealed; ss. 18 (e) (f), 59 (1) repealed in part; s. 64 extended; as to London (prosp.).	34, s. 33, sch. 3. 40, s. 4, sch. 1. 43, ss. 1, 48, sch. 9. 49, ss. 21 (4), 185 (6), 343 (1), 346-7, sch. 3 Parts V, VI. 50, ss. 306 (4), 308-9, sch. 7.
c. 18	Unemployment Insurance (N.I. Agreement) Act, 1929.	Repealed (<i>see terms</i>) (March 24, 1936).	10, s. 2 (2) (3).
c. 23	Companies Act, 1929.	Ss. 78, 264 (1) amended, Part X applied as modified. Ss. 78, 264, 298 applied -	21, ss. 1 (3), 19, sch. 32, ss. 177 (1), 229 (2).
c. 25	Local Government (Scotland) Act, 1929.	S. 54 repealed (April 1, 1937).	34, s. 33, sch. 3.

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5 & 1 Edw. 8.
20&21Geo.5: c. 1	Isle of Man (Customs) Act, 1929.	Ss. 2, 3 continued	45, s. 2.
c. 2	Government of India (Aden) Act, 1929.	Repealed (prosp.)	2, ss. 320-1, sch. 10.
c. 10	Widows', Orphans' and Old Age Contributory Pensions Act, 1929.	Ss. 3 (4), 9 (1) (2), 21, 25 repealed (prosp.). Residue repealed (prosp.)	32, ss. 228, 229 (2), sch. 6. 33, ss. 43, 45, 46 (2), schs. 4, 5.
c. 17	Poor Law Act, 1930	S. 67 (c) repealed in part (prosp.)	49, ss. 346-7, sch. 3.
c. 24	Railways (Valuation for Rating) Act, 1930.	S. 4 (1) (b) (3) (ii) amended (prosp.)	43, ss. 1, 48, sch. 9.
c. 25	Third Parties (Rights against Insurers) Act, 1930.	Excluded	44, sch. 3 para. 3.
c. 28	Finance Act, 1930	S. 40 (2) extended	34, s. 26.
c. 30	Air Transport (Subsidy Agreements) Act, 1930.	Repealed with saving	44, ss. 1 (5), 35 (2), sch. 7.
c. 35	Hairdressers and Barbers Shops (Sunday Closing) Act, 1930.	Repealed as to England (prosp.)	53, s. 16, sch. 4.
c. 37	Adoption of Children (Scotland) Act, 1930.	S. 5 (2) in part repealed	33, ss. 45, 46 (2), sch. 5; and see s. 42 (4) (5).
c. 39	Housing Act, 1930	Act repealed except ss. 26 (5), 27, 43-4, 46, 64-5 (prosp.)	51, ss. 189, 190, 191 (2), sch. 12.
c. 42	Isle of Man (Customs) Act, 1930.	S. 2 continued	45, s. 2.
c. 43	Road Traffic Act, 1930.	S. 4 (1) excluded S. 88 (2) and in part s. 117 repealed, ss. 89, 115 (1) and para. 14 of sch. 4 amended (April 1, 1937). Insurance provisions applied (as adapted) to air navigation.	23, s. 1 (1); and see s. 3 (1). 34, s. 33, sch. 3. 44, s. 18 (2), sch. 3.
c. 44	Land Drainage Act, 1930.	S. 64 saved	50, ss. 29 (4), 309 (2).
c. 50	Public Works Facilities Act, 1930.	Amended Para. 2 of Part I of sch. 1 repealed with saving.	41, s. 10 (1) (e), sch. 3 para. 3. 44, s. 35 (2), sch. 7.
21&22Geo.5: c. 5	National Health Insurance (Prolongation of Insurance) Act, 1930.	Repealed (prosp.)	32, ss. 228, 229 (2), sch. 6.
c. 19	Widows', Orphans' and Old Age Contributory Pensions Act, 1931.	Repealed (prosp.)	33, ss. 45, 46 (2), sch.
c. 28	Finance Act, 1931	Ss. 36 repealed (April 1, 1937), 40 extended.	34, ss. 27, 33, sch. 3 Part II.

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
21&22Geo.5: c. 37	Adoption of Children (Scotland) Act, 1931.	Repealed (prosp.) - -	33, ss. 45, 46 (2), sch. 5; and see s. 42 (4) (5).
c. 42	Agricultural Marketing Act, 1931.	Provision by scheme applicable (sugar).	18, s. 5 (2).
c. 49	Finance (No. 2) Act, 1931.	S. 20 repealed (April 1, 1937).	34, s. 33, sch. 3 Part II.
22&23Geo.5: c. 6	National Health Insurance (Prolongation of Insurance) Act, 1931.	Repealed (prosp.) - -	32, ss. 228, 229 (2), sch. 6.
c. 8	Import Duties Act, 1932.	Ss. 3 (1) amended, 19 (1) (2) (4) (5) applied; power to vary duties; certain articles exempted.	34, ss. 5 (4), 6 (1), 7, 8.
c. 9	Merchant Shipping (Safety and Load Line Conventions) Act, 1932.	S. 25 applied (as modified) (seaplanes).	44, s. 3 (1).
c. 16	Isle of Man (Customs) Act, 1932.	Ss. 5 amended, 19 continued, power to vary free list, &c., and to exempt from Part I.	45, ss. 2, 5 (7) (8), 7, 8.
c. 20	Chancel Repairs Act, 1932.	Tithe Act provisions -	43, s. 31, sch. 7.
c. 25	Finance Act, 1932	Ss. 28 (April 1, 1937) and 1 (1) (4) repealed, duty increased.	34, ss. 1 (1) (3) (4), 33, 35, sch. 3 Part II, sch. 4.
c. 28	Public Health (Cleansing of Shell-fish) Act, 1932.	Ss. 1, 4 (2) (3) repealed in part as to London, s. 1 (2) extended (prosp.).	50, ss. 191, 308-9, sch. 7.
c. 30	Irish Free State (Special Duties) Act, 1932.	Power to apply regs. made under s. 1 (4).	45, s. 10 (2) (3).
c. 36	Carriage by Air Act, 1932.	Explained and saved -	44, ss. 15 (6), 29.
c. 37	Solicitors Act, 1932	Ss. 11, 32 (2) repealed, para. 7 of sch. 1 substituted, s. 38 (d) (e) added, ss. 10, 16, 25 (1) (2), 28 (1) (a) (b) (3), 32 (1), 35 (6), 37 (1) (a), 47 (1), 48, 81 (1) and para. 5 of sch. 1 amended, Part II and s. 25 (2) extended, s. 26 (4) (5) applied.	35, ss. 2 (3), 3-12, 16, 17 (2) (3), sch.
c. 41	Isle of Man (Customs) (No. 2) Act, 1932.	Ss. 5 repealed, 8, 9 continued, 2 (1) (3) (5) (6) amended, duty under s. 8 increased.	45, ss. 2, 4, 5 (4) (5), 11, sch. 2.
c. 43	Malta Constitution Act, 1932.	Ss. 1-4 repealed - -	29, s. 3 (2).
c. 46	Children and Young Persons Act, 1932.	Ss. 65-9 repealed, sch. 2 repealed in part, as to England except London (prosp.). Ss. 65-9, 77, 87 and sch. 2 repealed as to London (prosp.).	49, ss. 343 (1), 346-7, sch. 3. 50, ss. 308-9, sch. 7.

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
22&23Geo.5: c. 47	Children and Young Persons (Scotland) Act, 1932.	Defn. of "child" in Part IV amended, s. 54 amended, ss. 43-4, 49 excluded.	42, s. 5.
c. 48	Town and Country Planning Act, 1932.	Land acquisition provisions applied as adapted.	44, s. 9 (2), sch. 1.
c. 51	Sunday Entertainments Act, 1932.	Saved - - - - -	53, ss. 11 (2), 16 (2) (3).
c. 52	National Health Insurance and Contributory Pensions Act, 1932.	Repealed except s. 10 (prosp.). S. 10 repealed (prosp.)	32, ss. 228, 229 (2), sch. 6. 33, ss. 45, 46 (2), sch. 5.
c. 53	Ottawa Agreements Act, 1932.	S. 4 (1) saved - - - -	34, s. 4 (1).
23&24Geo.5: c. 8	Local Government (General Exchequer Contributions) Act, 1933.	S. 1 (b) repealed (April 1, 1937).	34, s. 33, sch. 3.
c. 12	Children and Young Persons Act, 1933.	S. 98 (1) in part repealed except as to London (prosp.). S. 98 (1) in part repealed as to London (prosp.).	49, ss. 343 (1), 346-7, sch. 3. 50, ss. 308-9, sch. 7.
c. 14	London Passenger Transport Act, 1933.	S. 51 (5) (b) amended -	34, s. 33, sch. 3 Part I (3 (c)).
c. 15	Housing (Financial Provisions) Act, 1933.	S. 2 repealed (prosp.)	51, ss. 190, 191 (2), sch. 12.
c. 19	Finance Act, 1933	Ss. 40 repealed (April 1, 1937), 39 amended	34, ss. 31, 33, sch. 3.
c. 21	Solicitors (Scotland) Act, 1933.	S. 29 (evidence)—see	35, s. 14.
c. 23	Government of India (Amendment) Act, 1933.	Repealed (prosp.)	2, ss. 320-1, sch. 10.
c. 32	Rent and Mortgage Interest Restrictions (Amdt.) Act, 1933.	S. 3 (2) extended - - -	51, ss. 50 (2), 65, 191 (2); and see s. 38 (6).
c. 33	Metropolitan Police Act, 1933.	S. 4 (3) as to nat. health insurance and para. 1 of sch. repealed (prosp.). S. 4 (3) as to contrib. pensions and para. 2 of sch. repealed (prosp.)	32, ss. 228, 229 (2), sch. 6. 33, ss. 45, 46 (2), sch. 5.
c. 36	Administration of Justice (Misc. Provisions) Act, 1933.	Sch. 1 as to 5 & 6 Geo. 5. c. 61, s. 127 repealed (prosp.).	2, ss. 320-1, sch. 10.
c. 37	Private Legislation Procedure (Scotland) Act, 1933.	Repealed - - - - -	52, s. 19, sch.
c. 38	Summary Jurisdiction (Appeals) Act, 1933.	Ss. 7, 8 applied - - - -	39, s. 16 (4), sch. 1.
c. 40	Isle of Man (Customs) Act, 1933.	Ss. 15, 19 and sch. 5 repealed, ss. 1, 3-5, 8 continued.	45, ss. 2, 10-1, sch. 2.

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
23&24Geo.5: c. 50	Firearms and Imitation Firearms Act, 1933.	S. 5 (2) repealed and replaced (prosp.).	39, ss. 15 (6), 16 (3) (4).
c. 51	Local Government Act, 1933.	S. 290 (2) applied Sch. 4 applied as modified S. 97 extended - Ss. 159 (2) and 305 repealed in part, 285 amended, 108 - 10, 250 (7) and "adoptive Acts" in s. 193 extended, 150, 199, 200, 203, 293 and sch. 4 applied, ss. 196-218 excluded, s. 250 and powers of combining authorities saved (prosp.). Ss. 108, 163 applied, Part IX, s. 150 and sch. 4 extended, s. 250 (3)-(5) excluded (prosp.).	32, ss. 184 (2), 229 (2). 41, s. 11 (1), sch. 4. 44, s. 11. 49, ss. 3 (2) (3), 61 (3), 70, 104 (3), 108 (5), 132 (7), 230 (2), 272, 310 (3), 316, 326, 327 (2), 346 - 7, schs. 1, 3; and see s. 308 (3). 51, ss. 30 (1) (a), 67, 87 (3), 120 (2), 140 (1), 191 (2).
c. 53	Road and Rail Traffic Act, 1933.	Ss. 23 (3) repealed, 24 (2) (3) amended (April 1, 1937).	34, s. 33, sch. 3.
24&25Geo.5: c. 15	Supply of Water in Bulk Act, 1934.	Powers of local authority -	49, ss. 116 (1) (iv), 347 (1).
c. 16	Firearms Act, 1934	S. 1 (2) repealed (prosp.) -	39, s. 16 (3) (4).
c. 29	Unemployment Act, 1934.	S. 63 (second appointed day)—see S. 49 repealed; effect of allowance on contrib. pension.	7. 33, ss. 27, 45, 46 (2), sch. 5.
c. 32	Finance Act, 1934	S. 26 repealed (April 1, 1937)	34, s. 33, sch. 3.
c. 41	Law Reform (Miscellaneous Provisions) Act, 1934.	S. 1 applied as adapted (N.I.) (aircraft).	44, s. 33 (2), sch. 6.
c. 42	Shops Act, 1934 -	S. 10 (2) (sanitary arrangements) saved.	49, ss. 44 (3), 45 (4), 46 (4).
c. 46	Isle of Man (Customs) Act, 1934.	S. 6 and sch. repealed -	45, s. 11, sch. 2.
c. 50	Road Traffic Act, 1934.	Ss. 31 (1) (7) excluded, 6, 31 (4) amended. S. 38 (3) amended -	23, ss. 1 (2), 2, 3. 34, s. 33, sch. 3 Part I para. 9.
c. 51	Milk Act, 1934 -	Insurance provisions applied (as adapted) to air navigation. Ss. 2 (4) added, 5 (3) (a) (b) substituted, 1 (1), 2 (1) (2), 3 (1), 4 (2) (b), 5 (1) (2), 6 (1) (a) (b) (2), 7 (2) (4), 8 (2), 11 (1) (a) (b) amended.	44, ss. 18 (2), 32 (8), sch. 3.
c. 53	County Courts Act, 1934.	Rules under s. 99 extended	9. 51, ss. 15 (3), 191 (2).
c. 54	Cattle Industry (Emergency Provisions) Act, 1934.	S. 2 (1) amended (extended period).	46.

Session and Chapter.	Short Title.	How affected.	Chapter of 26 Geo. 5. & 1 Edw. 8.
25&26Geo.5: c. 1	Special Areas (Development and Improvement) Act, 1935.	Company (agreement, &c.)	19.
c. 6	Unemployment Assistance (Temp. Provisions) Act, 1935.	S. 2, second appointed day —see	7.
c. 7	British Shipping (Assistance) Act, 1935.	Subsidy period under Part I extended: ss. 1 (1) (2) (5), 6 (3) amended.	12.
c. 8	Unemployment Insurance Act, 1935.	Ss. 3 (3) (d) (5)–(7), 4 (1) (c), 5 (5), 70 (3), 75 (5) (e) (7), 95 (4) added; s. 62 (1) substituted; ss. 4 (2), 11 (2) (a), 22 (1), 26 (1) (2), 32 (1) (a), 59, 65 (1) (a), 85 (1), sch. 1 Part I and para. 2 of Part II amended; ss. 8, 21 (2), 22 (1), 31, 36, 38–9 modified as to persons employed in agriculture; s. 33, sch. 5 extended. S. 13 saved	13. 32, ss. 30, 229(2).
		Effect of benefit under Part III on contrib. pension. Extended (England)	33, ss. 27, 46 (2). 41, ss. 4 (2), 15 (2), 16 (2).
		Extended (Scotland)	42, ss. 3 (4), 17 (2).
c. 12	Cattle Industry (Emergency Provisions) Act, 1935.	S. 1 (s. 2 (1) of 1934 Act)— see	46.
c. 22	Unemployment Assistance (Temp. Provisions) (No. 2) Act, 1935.	S. 1 (1) amended	7.
c. 23	Superannuation Act, 1935.	Applied, s. 4 excluded	2, s. 281 (2)–(4).
c. 24	Finance Act, 1935	S. 31 (local loans interest)— see S. 6 repealed	5, s. 6. 34, ss. 3, 35, sch. 4.
c. 25	Counterfeit Currency (Convention) Act, 1935.	Ss. 3 (1)–(3), 6 (3), sch. Parts I and II repealed.	16, s. 18 (2) (3), sch.
c. 26	Defence (Barracks) Act, 1935.	S. 1 amended	44, s. 24 (3).
c. 34	Isle of Man (Customs) Act, 1935.	Ss. 5 repealed, 4, 7 continued.	45, ss. 2, 11, sch. 2.
c. 39	Cattle Industry (Emergency Provisions) (No. 2) Act, 1935.	Superseded as to s. 2 (1) of 1934 Act.	46.
c. 40	Housing Act, 1935	Act repealed except ss. 27 (6), 37–9, 62 (2), 92, 100 (prosp.).	51, ss. 190, 191 (2), sch. 12.

Session and Chapter.	Short Title.	How affected.	Chapter of. 26 Geo. 5. & 1 Edw. 8.
25&26Geo.5: c. 42 -	Government of India Act, 1935.	Replaced by separate reprint for India and Burma: references substituted.	1 (<i>see</i> 26 Geo. 5. & 1 Edw. 8. cc. 2 and 3).
c. 44 -	National Health Insurance and Contributory Pensions Act, 1935.	Ss. 1-15, 22, 23 (1)-(3) and sch. 1 repealed (<i>prosp.</i>). Residue repealed (<i>prosp.</i>) -	32, ss. 228, 229 (2), sch. 6. 33, ss. 45, 46 (2), sch. 5.
c. 47 -	Restriction of Ribbon Development Act, 1935.	S. 19 (1) amended - -	34, s. 33, sch. 3 Part I (3 (e)).
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c. 3 -	Government of Burma Act, 1935.	Excluded - - - -	2, s. 253 (2) (3).
c. 15 -	Civil List Act, 1936	Provision for non-operation of s. 1.	47, s. 5 (3).
c. 30 -	Retail Meat Dealers' Shops (Sunday Closing) Act, 1936.	Saved - - - -	53, ss. 10 (7), 16 (2) (3).
c. 31 -	Old Age Pensions Act, 1936.	Extension of right to pension; provision against double pension.	33, ss. 11, 25 (4), 46 (2), sch. 4 para. 7; <i>see</i> also ss. 14 (1), 29 (4), 42 (7).
c. 32 -	National Health Insurance Act, 1936.	Payment and old age pension. Special order procedure, facilities for obtaining certificates, &c., and procedure for determining questions applied.	31, ss. 2 (1) (c), 16 (1) (2), sch. 1 (1) (b). 33, ss. 2 (1), 19 (2), 33 (3), 46 (2), sch. 4 para. 4.
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YOUNG PERSONS. *See* CHILDREN AND YOUNG PERSONS.



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