



CHAPTER lxxxviii.

An Act to confer further powers on the urban district council of Urmston for and in connection with the improvement health good government and finances of their district and for other purposes. [2nd August 1935.]

A.D. 1935.
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WHEREAS the urban district of Urmston (in this Act referred to as "the district") is an urban district under the government of the urban district council of Urmston (in this Act referred to as "the Council") :

And whereas it is expedient that further and better provision should be made for the health good government and improvement of the district and that the powers of the Council in regard thereto should be enlarged as in this Act provided :

And whereas it is expedient that the provisions in regard to the finances of the Council which are contained in this Act should be made :

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of sections 253 254 and 255 of the Local Government Act 1933 have been observed :

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the *Urmston Urban District Council Act 1935.*

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Streets and buildings.

Part III.—Sewers drains &c.

Part IV.—Infectious disease and sanitary provisions.

Part V.—Human food.

Part VI.—Parks baths public buildings &c.

Part VII.—Lands.

Part VIII.—Financial.

Part IX.—Miscellaneous.

Interpretation.

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

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

“The Council” means the urban district council of Urmston;

“The district” means the urban district of Urmston;

“The clerk” “the treasurer” “the medical officer” “the surveyor” and “the sanitary inspector” mean respectively the clerk the treasurer the medical officer of health the surveyor and any sanitary inspector of the Council;

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“ The Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;

“ The Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same;

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

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

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

“ Food ” has the meaning assigned to it by section 34 of the Food and Drugs (Adulteration) Act 1928;

“ The Minister ” means the Minister of Health;

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

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

“ Trafford Park ” means the portion within the district of the area known as Trafford Park as defined in section 4 (Interpretation) of the Trafford Park Act 1904;

“ Railway company ” includes railway companies and railway committees;

“ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34

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of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council;

“ *Authorised security* ” means any mortgage stock bond or other security which the Council are for the time being authorised to grant create or issue or upon or by means of which the Council are for the time being authorised to raise money;

“ *Statutory borrowing power* ” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed but does not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Local Government Act 1933;

“ *The revenues of the Council* ” means revenues as defined by section 218 of the Local Government Act 1933.

PART II.

STREETS AND BUILDINGS.

Develop-
ment
scheme
may be
required in
connection
with new
streets.

4.—(1) Whenever application shall be made to the Council to approve the laying out of or notice shall be given to the Council of intention to lay out a new street the Council may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to supply the Council with plans sections and particulars showing the general scheme (if any) for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for

the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans sections and particulars required as aforesaid shall be so furnished. A.D. 1935.

(2) In this section the expression "lay out a new street" includes the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street.

(3) If after receiving the plans sections and particulars referred to in subsection (1) of this section the Council shall approve the laying out of any such new street either unconditionally or subject to any modification of such plans sections and particulars neither the owner of the estate or lands nor his successors in title shall carry out the development of such estate or lands in such a manner as to conflict substantially with such plans sections and particulars as approved. If any such owner shall offend against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(4) The said owner may at any time submit to the Council for their approval any alteration in the said plans sections and particulars and the Council may if they think fit approve such alteration.

(5) Any person deeming himself aggrieved by any requirement of or by the Council under this section or by any modification required in the said plans sections and particulars by the Council or by any refusal of the Council to approve any such alteration as aforesaid therein may within fourteen days from the date of such requirement or of the intimation to him by the Council of such refusal appeal to a court of summary jurisdiction.

(6) Nothing in this section shall be deemed to authorise any contravention of any byelaw or statutory provision in force in the district.

5.—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Council by virtue of any enactment or byelaws with respect to streets and buildings in force within the district distinctly define and mark on a plan drawn to such scale as the Council may require and to be prepared and submitted by such person to the Council

Frontage
line in new
streets.

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A.D. 1935. — for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called the "building line") and the Council shall be deemed to have approved any building line unless within six weeks after the date of submission thereof they shall have signified to the person submitting the same their disapproval thereof.

(2) The Council may also prescribe the building line to be observed in those parts of any street (not being a highway maintainable by them or by any highway authority) already formed upon which buildings have not already been erected.

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

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

(5) If the Council require as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of a new street than the distance required by any byelaw for the time being in force in the district and applicable to such new street or if no such distance is required by such byelaw to a greater distance from the centre of the street than one-half of the width of the street and ten feet in addition or in the case of a street already formed to a greater distance from the centre of the street than the line at which buildings could be erected having regard to the provisions of the Public Health (Buildings in Streets) Act 1888 the Council shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by

him by reason of his being unable to build upon such land. A.D. 1935.

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

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

(8) Any person deeming himself aggrieved by any requirement of or by the Council under this section may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction.

6.—(1) The Council may at any time after prescribing the improvement line of any street in pursuance of the power conferred upon them by section 33 of the Public Health Act 1925 on giving six months' previous notice in writing to the owner require that any building or erection which or any part of which was beyond or in front of any such improvement line at the date when the same was so prescribed shall be pulled down set back or altered so that the same shall not project beyond or in front of such improvement line.

Further powers as to future line of street.

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

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

(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined

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A.D. 1935. — in accordance with the provisions of the Lands Clauses Acts but in estimating the amount of any such compensation the benefit arising from the widening or improvement of the street and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation.

(5) Any person who shall fail to comply with a requirement of the Council under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Power to determine width of carriage-ways and footways.

7.—(1) The Council may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street repairable by the inhabitants at large Provided that twenty-one days before commencing under this section any work which will materially reduce the width of any carriageway or footway the Council shall send notice of the proposed work to the Minister of Transport.

(2) Any expenses incurred by the Council under this section in respect of any county road within the meaning of the Local Government Act 1929 shall for the purposes of section 33 of that Act be deemed to be expenses incurred for the improvement of the road not being expenses in connection with the maintenance and repair thereof.

Crossings for horses or vehicles over footways.

8.—(1) Where the owner or occupier of any premises fronting or abutting on any street repairable by the inhabitants at large habitually uses or permits to be used any kerbed footway or paved footway in such street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle) in passing to and from such premises the Council may either—

(a) require the construction across such footway of a carriage-crossing for the purpose aforesaid constructed of such materials and in such manner as they may prescribe; or

(b) allow the use of the footway for the purpose aforesaid subject to the condition that the footway is strengthened or adapted in such manner as the Council may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(2) If the Council require the construction of any carriage-crossing across the footway or allow the use of the footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing from the owner or occupier in a summary manner as a civil debt.

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(3) If the Council allow the use of the footway as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle) subject to any condition other than the strengthening or adaptation of the footway any person who uses or permits to be used the footway as a crossing as aforesaid in contravention of that condition shall be liable to a penalty not exceeding five pounds.

(4) Notwithstanding the provisions of section 18 of the Public Health Acts Amendment Act 1907 every person desirous of forming a carriage-crossing across a footway in any street or of strengthening or adapting any part of any such footway as a carriage-crossing shall apply in writing to the Council for an estimate of the cost thereof and after having obtained such estimate may deposit with the Council the amount thereof. When such deposit shall have been made the Council shall with all convenient speed carry out the works and any difference between the sum so deposited and the actual cost of the works shall be paid to or by the Council by or to such person as the case may require.

(5) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement of or condition imposed by the Council under this section.

9. The Council may provide and maintain in any street (including the footway) repairable by the inhabitants at large tubs for trees or plants. Provided that this power shall not be exercised so as to hinder the reasonable use of the street or footway by the public or any person entitled to use the same or so as to become a nuisance or injurious to any adjacent owner or occupier.

Power to
provide
tubs for
trees &c.

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Power to
place fences
near school
entrances.

10. The Council may from time to time place repair renew and maintain fences rails and posts on the sides of any footways or carriageways adjacent to the entrances to or exits from any schools for the purpose of preventing danger from traffic along such carriageways to children going to or coming from such schools and may remove the same when the Council shall think fit.

Banners
signs &c.
over
carriage-
ways.

11.—(1) If the Council shall by resolution determine that any banner streamer notice board sign or lettering (all of which are in this section included in the expression "sign-board") suspended across any street or hung over any part of the carriageway of a street whether before or after the date of the passing of this Act for the purposes of advertisement or announcement is a nuisance or objectionable by reason of its size construction or situation or an injury to the amenities of the street across or over which or any part of which it is suspended or hung they may by notice in writing require the owner of or person responsible for the suspension or hanging of such sign-board to remove it within such period not being less than seven days as may be specified in the notice.

(2) Any person who neglects or refuses to comply with the requirement of any such notice and any person who shall have removed any such sign-board as is referred to in any such notice (whether the removal be effected before or after the receipt of the notice) and shall after such removal suspend or hang the same or any similar sign-board without the permission in writing of the Council or without complying with any conditions attaching to any such permission shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings and the Council may themselves remove any such sign-board and any expense incurred by them in so doing may be recovered by them from such person.

(3) For a period of two years from the passing of this Act the foregoing provisions of this section shall not apply to any such sign-board as is referred to in subsection (1) hereof which was in use on the fifteenth day of November one thousand nine hundred and thirty-four.

(4) Any person aggrieved by any requirement of any notice of the Council or the withholding of permission by

the Council or the conditions attached to any such permission under the provisions of this section may appeal to a court of summary jurisdiction within seven days after the service of such notice or the intimation to him of such withholding or of the attaching of such conditions provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the clerk. Notice of the right to appeal shall be endorsed on every notice or intimation of the Council under this section. A.D. 1935.

12.—(1) No person shall without the consent of the Council erect or place against or in front of any house or building any projection for advertising purposes which extends for more than two feet over any street or which extends for more than six inches over any street and is more than two feet six inches in height from the top to the bottom thereof. Projecting signs.

(2) The consent of the Council under this section shall not be withheld except on the ground that in their opinion the projection would be objectionable by reason of its size construction or situation or would be a danger or an injury to the amenities of the street and such consent may be given subject to such terms and conditions as the Council may think fit.

(3) Any person who offends against the provisions of this section or the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) Any person aggrieved by the withholding by the Council of any consent under the provisions of this section may within fourteen days from the date of the decision of the Council appeal to a court of summary jurisdiction provided he give twenty-four hours' written notice of the appeal and of the grounds thereof to the clerk and such court shall have power to make such order and on such terms and conditions as the court may think fit and to award costs.

13. Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any fire alarm fire plug or hydrant or who shall remove or efface any plate or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds. Fire plugs.

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Provisions
as to
forecourts.

14.—(1) If the Council shall by resolution determine that any stall structure or other erection on any forecourt is by reason of its character injurious to the amenities of the street in which the forecourt is situate they may by notice in writing require the owner of or person responsible for the stall structure or other erection within such period not being less than seven days as may be specified in the notice to make such alterations to the stall structure or other erection as may be necessary to prevent it from being injurious to the amenities of such street :

Provided that this subsection shall not apply to any notice or announcement board or similar erection of a temporary character for the display of any advertisement or statement relating to the occupier's own business.

(2) In any case in which the forecourt of any premises adjoining a street or any steps or projection placed in any such forecourt or any goods placed therein whether for sale or not is or are a source of danger obstruction or inconvenience to the public the Council may require the owner of the premises well and sufficiently to fence such forecourt from the street.

(3) Any person who fails to comply with a requirement of the Council under this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(4) (a) Any person aggrieved by any requirement of any notice of the Council under the provisions of this section may appeal to a court of summary jurisdiction within seven days after the service upon him of such notice by the Council provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the clerk.

(b) Notice of the right to appeal shall be endorsed upon every notice served by the Council under this section.

Byelaws
as to inter-
secting
streets.

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

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

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As to
urgent
repairs of
private
streets.

17.—(1) Any person who lays out or intends to lay out a new street or part of a new street shall as soon as any building is erected and roofed in abutting on such new street or part of a new street if required by the Council so to do construct the carriageway of such new street or such part of the new street as may be required by the Council with a foundation of suitable materials and of sufficient depth to be capable of carrying the traffic which will make use of the same and shall also if required sewer such street or such part of such street :

No building
to be
erected
until street
formed.

Provided that where any new street is or is intended to be constructed of a length exceeding one hundred yards the Council shall not be empowered to require such new street to be constructed in its entire length by one operation but such street may be constructed in parts and in such event nothing in this section shall prevent the erection or roofing in of a new building abutting on any part of such street in reference to which the foregoing provisions of this section have been complied with.

(2) The execution of any works under the provisions of this section shall not relieve any person of any liability under the Private Street Works Act 1892 or under the local Acts for the time being in force within the district.

(3) Any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

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Extension of
section 157
of Public
Health
Act 1875.

18.—(1) Section 157 of the Public Health Act 1875 in its application to the district shall be extended so as to empower the Council to make byelaws with respect to the following matters (that is to say):—

- (a) the number of dwelling-houses which may be erected in one block or in one continuous row;
- (b) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;
- (c) the situation construction and height of walls or fences upon or across such open space;
- (d) the materials with which new buildings shall be constructed;
- (e) requiring work to be done in connection with the alteration whether in use or structure of a building or part thereof for securing stability and the prevention of fire and for purposes of health;
- (f) requiring that every fireplace opening or chimney opening in a new building shall have a sufficient hearth extending throughout the length and depth of such opening;
- (g) the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or re-set in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act;
- (h) the uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united;
- (i) the adequate lighting of buildings;
- (j) the testing of drains of new buildings;
- (k) for securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost;

- (l) the provision of fixed baths in such classes of new dwelling-houses as may be prescribed in the byelaws; A.D. 1935.
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- (m) ensuring that any hole made through the wall of a building below the level of the ground shall be so stopped as to prevent the passage of gas into the building through such hole otherwise than by means of a gas main or pipe;
- (n) securing that any geyser or similar gas-heated water apparatus of the rapid water-heating type or gas apparatus for heating a building or any part of one is properly fixed and adequately ventilated;
- (o) requiring every person who shall erect houses tenements or flats which are to be situate over shops or other premises to make and construct a principal means of access to such houses tenements or flats (otherwise than through any such shop or other premises) of such width as may be prescribed by such byelaws :

Provided that any byelaws made under paragraphs (e) (g) (h) (i) (m) or (n) of this subsection or under the said section 157 with respect to the ventilation of a room in which any apparatus of the kind specified in the said paragraph (n) is fixed may be made so as to affect buildings erected before the times mentioned in the said section 157.

(2) The said section 157 shall also in its application to the district be read and have effect as if it empowered the Council to require by byelaws the deposit of plans and sections by persons intending to construct any drain in connection with a building.

19. Section 23 of the Public Health Acts Amendment Act 1890 (which section extends section 157 of the Public Health Act 1875) in its application to the district shall have effect as if—

Extension of section 23 of Public Health Acts Amendment Act 1890.

- (a) the words "and floor area" were inserted in subsection (1) thereof after the word "height";
- (b) the power given by that subsection (1) to make byelaws with respect to secondary means of access were extended so as to enable the Council to require every person who shall erect fronting

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a street or intended street terraces or other continuous blocks of houses not giving access through their own ground to the backs of such houses to make and construct a back road and side roads at the back and at each end of such terraces or continuous blocks of houses of such widths as may be prescribed by the byelaws;

(c) the words "space about buildings" were inserted in subsection (2) thereof before the words "drainage of buildings" Provided that no byelaw with respect to the space about buildings shall be made so as to affect buildings erected before the times mentioned in section 157 of the Public Health Act 1875 unless such buildings or the curtilage thereof shall be altered after the making of the byelaw; and

(d) the power given by subsection (4) thereof to make byelaws with respect to the alteration of buildings were extended so as to authorise byelaws with respect to (i) the alteration of buildings whether or not erected in accordance with byelaws and (ii) the submission of such plans and sections as can be required in relation to the erection of a new building.

Prohibition
of tents
vans &c.

20.—(1) (a) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land without the previous approval of the Council.

(b) It shall not be lawful for any person without the previous approval of the Council to let or permit to be used any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless the surface of such land is covered with concrete or other suitable material and unless and until such land is provided with sufficient roads sanitary accommodation drains and sewers and is furnished with a separate supply of water to the satisfaction of the Council.

(c) Land furnished in compliance with this subsection with a separate supply of water shall be deemed to be a house for the purposes of the provisions relating to the supply of water for domestic purposes.

(2) Any person aggrieved by the withholding by the Council of any approval under the provisions of this section may within twenty-one days from the date of the decision of the Council appeal to a court of summary jurisdiction provided he give notice in writing of such appeal and of the grounds thereof to the clerk before lodging the appeal and such court may make such order on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(3) This section shall not apply to—

- (a) any tent van shed or similar structure belonging to any person and situate within the curtilage of the dwelling-house of such person and occupied by such person or any member of his family or household;
- (b) any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stallholder not being a pedlar or hawker; or
- (c) any tent or van which is used as a sole means of habitation by a gipsy and which is not used in the district for more than six weeks in any year ending on the thirty-first day of December.

(4) This section shall not apply to any tent van shed or similar structure belonging to or occupied by any person whilst the same is used by him for holiday or recreational purposes only unless it is used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period exceeding six weeks.

The exemption conferred by this subsection in respect of any tent van shed or similar structure shall apply only for so long as the person to or by whom such tent van shed or similar structure belongs or is used shall continue to make reasonable arrangements for the maintenance of good order amongst the persons using such tent van shed or similar structure.

(5) This section shall not apply to any tent van shed or similar structure provided by or belonging to or used by—

- (a) any duly constituted religious or charitable society or body operating throughout Great

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Britain to the main objects of which the provision ownership or use of tents vans sheds or similar structures is merely subsidiary; or

(b) any association incorporated by royal charter or any organisation constituted by any such association in pursuance of their charter; or

(c) a cadet unit of the British National Cadet Association officially recognised by the Army Council.

The exemption conferred by paragraph (a) of this subsection in respect of any tent van shed or similar structure shall apply only for so long as the society or body to or by whom such tent van shed or similar structure belongs or is provided or used shall continue to make and enforce reasonable arrangements (i) for the maintenance of good order amongst the persons using such tent van shed or similar structure (ii) for the proper management and sanitary condition of the ground occupied by the tent van shed or similar structure and (iii) for the supply of water to the occupiers of such tent van shed or similar structure.

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

Provisions
as to tents
vans &c.

21.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of section 3 of the Public Health (Buildings in Streets) Act 1888 in its application to the district be deemed to be a house or building within the meaning of those words where they first occur in the said section.

(2) It shall not be lawful without the written consent of the Council to place any tent van shed or similar structure used for human habitation so as to stand upon any square court alley or passage to which the public have access or which is required by law to be left free from obstructions.

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

22.—(1) Every person intending to erect any stand or structure for affording sitting or standing accommodation for twenty or more persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the Council a plan and section thereof and shall comply with such conditions as the Council may prescribe for securing the stability of such stand or structure and for securing the safety of persons to be accommodated thereon.

A.D. 1935.
—
Restriction
on erection
of stands
&c.

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

(3) The provisions of this section shall not apply to any stand or structure erected by a travelling showman or roundabout proprietor for the purposes of his business as such.

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

As to
hoardings
and similar
structures.

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

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

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

(b) Any person who offends against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may take down or remove any structure erected in contravention of those provisions and recover the expenses incurred by them in so doing from the offender.

[Ch. lxxxviii.] *Urmston Urban* [25 & 26 GEO. 5.]
District Council Act, 1935.

A.D. 1935.
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(2) (a) The Council may by notice in writing require the owner or occupier of any land upon which any structure exists at the commencement of this Act which would (if erected after the commencement of this Act) have contravened the provisions of subsection (1) of this section to remove or alter the structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Council shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

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

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

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

24.—(1) Before placing or erecting any hoarding wall (not being a wall forming part of the structure of a permanent edifice) fence or similar structure at or within a distance of ten yards from the corner of any street the person proposing to place or erect such hoarding wall fence or similar structure shall give notice of his intention so to do to the Council and such notice shall be accompanied by plans and particulars of the hoarding wall fence or similar structure proposed so to be placed or erected.

(2) If the placing or erection of such hoarding wall fence or similar structure would in the opinion of the Council constitute a danger to traffic by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Council

may within one month of the receipt of the said notice prohibit such placing or erection or may allow the same subject to such conditions or modifications of the said plans and particulars as they may think fit. If within one month of the receipt of the said notice the Council shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection. A.D. 1935.
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(3) Any person who places or erects any hoarding wall fence or similar structure in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and the Council may remove the hoarding wall fence or similar structure so placed or erected and may recover the expense incurred by them in so doing from such person.

(4) (a) Any person aggrieved by any requirement or prohibition of or by the Council under this section may within fourteen days from the date of such requirement or prohibition appeal to a court of summary jurisdiction.

(b) Any person so appealing shall give written notice thereof to the clerk before lodging his appeal and the court shall have power to make such order in the matter as the court may think fit and to award costs.

(5) For the purposes of this section the corner of any street shall be deemed to be the point at which the frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

25.—(1) The Council may by notice in writing require— Repair of
hoardings
&c.

(a) the owner of any hoarding wall or similar structure used for advertising purposes to maintain the same in good order and condition;

(b) the person using any hoarding wall or similar structure for advertising purposes to maintain any advertising matter thereon in good order and condition.

(2) If such owner or other person shall neglect or refuse to comply with any such notice the Council may carry out such alterations or repairs as may be reasonably

[Ch. lxxxviii.] *Urmston Urban* [25 & 26 GEO. 5.]
District Council Act, 1935.

A.D. 1935. — necessary and recover summarily as a civil debt from such owner or other person any expense incurred by them in so doing.

Elevation of buildings erected on front lands to require approval.

26.—(1) Where by reason of any improvement made by the Council within the district any land shall become land which adjoins or abuts on any street the following provisions shall apply :—

(i) If the owner lessee or occupier of any such land shall construct—

(a) any door or entrance in an existing building communicating with that street; or

(b) any wall or fence by the side of that street;

he shall construct the door entrance wall or fence in such position and in accordance with such elevations as may be approved by the Council;

(ii) If the Council within one month after any elevations shall have been submitted to them under this section shall have failed to notify their determination in writing to the person submitting the same the Council shall be deemed to have approved of the elevations.

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

(3) The Council shall make compensation to the owner of any land for any loss or damage he may suffer by reason of the setting back or bringing forward of any wall or fence under the provisions of this section.

Food storage accommodation to be provided.

27.—(1) Every dwelling-house erected within the district after the passing of this Act shall be provided with sufficient and properly ventilated and reasonably fly-proof larder or other food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2) (a) Every dwelling-house the erection of which was commenced but not completed before the passing of this Act shall where reasonably practicable be provided with sufficient and properly ventilated and reasonably

fly-proof larder or other food storage accommodation and every existing dwelling-house shall where reasonably practicable be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Council requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

A.D. 1935
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(b) Any person aggrieved by any requirement of the Council under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the clerk.

(c) Notice of the right of appeal shall be endorsed on every requirement of the Council under this subsection.

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

Sanitary conveniences for workmen engaged on buildings.

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

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

Dilapidated and neglected buildings.

[Ch. lxxxviii.] *Urmston Urban* [25 & 26 GEO. 5.]
District Council Act, 1935.

A.D. 1935. also make an order for the costs incurred up to the time of
— the hearing.

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

(3) Where the Council in the execution of any such order under the provisions of subsection (2) of this section take down a neglected structure or any part thereof the Council may remove the materials to a convenient place and (unless the expenses of the Council under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

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

As to
dangerous
buildings.

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

(2) If upon such examination and inspection it shall appear necessary that any works should be executed or alterations made for the purpose of putting such premises

into a safe and proper condition for the purposes for which the same are used the Council in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Council with respect to dangerous structures. A.D. 1935.

31. In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder of or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works Any person who shall refuse such use and assistance as aforesaid or who shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. Powers on inspection.

32. Section 33 of the Public Health Acts Amendment Act 1890 in its application to the district shall extend and apply to any part of a building which— Lock-up shops and places of business not to be improperly used for habitation.

(a) is described on a plan submitted to and approved by the Council either before or after the passing of this Act as ; or

(b) appears to be intended to be separated from the remainder of the building for the purpose of being used as ;

a lock-up shop or workshop shed or place of business and not as a dwelling-house.

33.—(1) Every chimney erected after the passing of this Act for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any buildings used for manufacturing or other purposes shall within such time as may be specified in that behalf in a notice in writing given by the Council to the owner of such chimney be raised to such height measured from the level of the centre of the street nearest thereto as the Council shall reasonably require having regard to the use of such chimney the position of dwelling-houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height and the Council may if they think fit Height of chimneys.

[Ch. lxxxviii.] *Urmston Urban* [25 & 26 GEO. 5.]
District Council Act, 1935.

A.D. 1935. — contribute towards the cost of raising the chimney to comply with any such requirements.

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

Power to order alteration of chimneys.

34.—(1) A court of summary jurisdiction upon complaint by the Council upon a report by the medical officer or the sanitary inspector that any smoke gas or vapour or any soot from any chimney of a wash-house or outbuilding forming part of or in proximity to a dwelling-house is a nuisance to any of the inhabitants of the district may make an order requiring the owner of such chimney to cause the same to be raised or a funnel or pipe to be placed thereon for conveying away such smoke gas vapour or soot or such other means to be adopted as may seem fitting to the court for preventing or mitigating such nuisance within such time as shall be specified in such order where the cost of complying with such requirement does not exceed twenty pounds.

(2) Any such owner as aforesaid who shall neglect or refuse to obey such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Erection of buildings to greater height than adjoining building.

35.—(1) If any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall if required by the Council and if it is reasonably practicable at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised or the top of such last-mentioned building whichever may be the higher.

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

Means of escape from buildings in case of fire.

36.—(1) Every building erected after the passing of this Act exceeding two storeys in height and in which the upper surface of the floor of any upper storey is above

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

(2) From and after the first day of January one thousand nine hundred and thirty-six the Council in the case of every existing building exceeding two storeys in height and used or intended to be used as flats or as a tavern hotel hospital nursing home orphanage boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in the opinion of the Council such building is not provided with proper and sufficient fire fighting and first-aid appliances and proper and sufficient means of escape from each storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling sleeping or employed in each such upper storey may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such portable appliances and means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the appliances and means of escape so required.

(3) Where the means of escape in case of fire provided in connection with any such building as aforesaid shall become inadequate in consequence of any alteration in the circumstances or conditions affecting such building the owner of the building shall upon the requirement of the Council make such alterations in the said means of

[Ch. lxxxviii.] *Urmston Urban* [25 & 26 GEO. 5.]
District Council Act, 1935.

A.D. 1935. — escape as may be reasonably necessary and shall if so required by the Council provide further or other means of escape.

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

(b) Notice of the right of appeal shall be endorsed on every requirement of the Council under this section.

(5) If the owner of the building alleges that any occupier should bear or contribute to the expenses of complying with any requirement of the Council under this section he may apply to the county court and thereupon the county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable in all the circumstances of the case.

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

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

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

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

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

37.—(1) From and after the passing of this Act it shall not be lawful for the owner or occupier of any property to construct in any pavement forming part of any street in the district any work for the admission of light through such pavement to any room or premises situate under or adjoining the same (in this section referred to as “pavement lights”) without the consent in writing of the Council.

A.D. 1935.

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As to
pavement
lights.

(2) In giving their consent to the construction of any pavement lights the Council may attach thereto such terms and conditions as they may think fit.

(3) Any agreements entered into by the Council with any person prior to the passing of this Act which would have been valid under the provisions of this section if made after the passing thereof are hereby confirmed.

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

Compensa-
tion for
injuring
lamps &c.

39. If—

- (i) any owner of land fronting adjoining or abutting on a street as defined by the Private Street Works Act 1892 and situate in the district conveys sells leases or otherwise disposes of the part or any portion of the part of that land which fronts adjoins or abuts on that street; and
- (ii) any expenses of private street works carried out by the Council under the Private Street Works Act 1892 in or in relation to that street are apportioned on such part or portion of that land; and
- (iii) the Council are unable to recover such expenses in whole or in part from the person to whom such part or portion of that land was conveyed sold leased or disposed of or by the sale of such part or portion of that land; and

As to
evasion by
owners of
private
street works
expenses.

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District Council Act, 1935.

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(iv) a court of summary jurisdiction is satisfied that such conveyance sale lease or disposal was intended for the purpose of evading the payment of any expenses under the Private Street Works Act 1892;

then such expenses or so much thereof as has not been recovered by the Council may to such extent as the court may determine be recovered from that owner in the same manner as expenses of the execution of private street works may be recovered under the Private Street Works Act 1892 as though he had not made such conveyance sale lease or disposal and as though the said amount of the said expenses had been apportioned on the land of that owner which before such conveyance sale lease or disposal was made fronted adjoined or abutted on such street.

Saving for
railway
companies
and
Manchester
Ship Canal
Company.

40.—(1) Nothing in this Part of this Act except the sections of which the marginal notes are—

- “ Further powers as to future line of street ” ;
- “ Crossings for horses or vehicles over footways ” ;
- “ Banners signs &c. over carriageways ” ;
- “ Projecting signs ” ;
- “ Provisions as to forecourts ” ;
- “ Prohibition of tents vans &c.” ;
- “ Provisions as to tents vans &c.” ;
- “ As to erection of hoardings &c. at street corners ” ;
- “ Repair of hoardings &c.” ;
- “ Sanitary conveniences for workmen engaged on buildings ” ;
- “ Powers on inspection ” ;
- “ Lock-up shops and places of business not to be improperly used for habitation ” ;
- “ Power to order alteration of chimneys ” ;
- “ Means of escape from buildings in case of fire ” ;
- “ As to pavement lights ” ;

shall extend or apply to any building (not being a dwelling-house) railway canal dock wharf or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company or the Manchester Ship Canal Company in the exercise of their statutory powers or to any lands held or acquired

or which may hereafter be held or acquired by any such company with the authority of Parliament so long as any such building railway canal dock wharf work or land is used or held by the said railway company primarily for railway purposes or by the Manchester Ship Canal Company primarily for railway canal dock or wharf purposes. A.D. 1935.

(2) For the purposes of this section the buildings (not being dwelling-houses) railways or works of the Trafford Park Company constructed by them in Trafford Park in connection with their railways under any Act of Parliament or any Order having the effect of an Act of Parliament shall be deemed to be buildings railways or works of a railway company so long as the same are used or held by the said company primarily for railway purposes.

41. The provisions of the sections of this Part of this Act of which the marginal notes are— Saving for Manchester Ship Canal Company.

“ Development scheme may be required in connection with new streets ”;

“ Frontage line in new streets ”;

“ Banners signs &c. over carriageways ”;

“ Projecting signs ”;

“ Byelaws as to intersecting streets ”;

“ As to urgent repairs of private streets ”;

“ No building to be erected until street formed ”;

“ As to pavement lights ”;

shall not extend or apply to or in relation to any street or part of a street belonging to or to be laid out by the Manchester Ship Canal Company not being a street to which the public have or are intended to have (as the case may be) a right of access nor a street laid out for dwelling-houses.

PART III.

SEWERS DRAINS &C.

42.—(1) When a sewer and water supply sufficient for the purpose are available within a reasonable distance the Council may by notice in writing require any existing closet accommodation (including a slop-closet and trough-closet but not including a water-closet of any other Conversion of existing accommodation into water-closets.

A.D. 1935. — description) provided at or in connection with any building to be altered so as to be converted into a fresh-water closet which shall comply with the byelaws for the time being in force and shall communicate with a sewer.

(2) If the owner of any such building fail in any respect to comply with a notice from the Council under this section the Council may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the work specified in such notice and may recover from the owner the expenses incurred by the Council in so doing :

Provided that the Council shall bear and pay such part of the expenses incurred by them (not being less than one-half thereof) as they may consider just and proper according to the circumstances and the remainder of the expenses shall be borne by the owner.

(3) The Council may contribute towards the expenses incurred in making any alteration of any closet accommodation in pursuance of this section in any case in which they may not be required to bear any part of such expense.

(4) The notice under this section shall state the effect of the provisions of this section.

Sanitary
conveni-
ences used
in common.

43.—(1) The owner of two or more sanitary conveniences within the district provided for or in connection with two or more separate dwelling-houses and used in common by the occupiers of such dwelling-houses shall so far as reasonably practicable allot such sanitary conveniences to the occupiers of particular dwelling-houses so as to insure that the same are allocated proportionately (as nearly as may be) amongst such dwelling-houses.

(2) The owner of any such sanitary conveniences shall cause to be affixed to and maintained on the door or walls of each such sanitary convenience a notice identifying the dwelling-house the occupiers of which are entitled to use such sanitary convenience.

(3) Any owner who shall fail to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

44.—(1) Section 36 of the Public Health Act 1875 shall with the necessary modifications apply to a part of a house occupied by a separate family as it applies to the whole of a house.

A.D. 1935.

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Closet
accommo-
dation in
houses
occupied by
more than
one family.

(2) For the purpose of complying with any requirement of any notice given in pursuance of the provisions of the said section 36 as amended by this section the owner or occupier may at all reasonable times enter upon any portion of the premises which comprise such part of a house as aforesaid.

(3) For the purpose of the application of section 36 of the Public Health Act 1875 to a part of a house in pursuance of this section the expression "the owner" shall (when any part of a house is without the consent in writing of the owner within the meaning assigned to that expression by the section of this Act of which the marginal note is "Interpretation" let or sublet by some other person) mean the person so letting or subletting the house or part thereof (as the case may be) to the exclusion of the owner (within the meaning so assigned to that expression).

45.—(1) If a watercloset drain or soil pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such nuisance or injury or danger to health could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

Improper
construction
or repair of
watercloset
or drain.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if the person charged proves to the satisfaction of the court that he has used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

46.—(1) In any case where it appears to the medical officer or sanitary inspector that any drain watercloset or soil pipe is stopped up or otherwise defective the

As to
defective
drains &c.

[Ch. lxxxviii.] *Urmston Urban* [25 & 26 GEO. 5.]
District Council Act, 1935.

A.D. 1935. — medical officer or sanitary inspector shall give notice to the owner or occupier of the premises to remedy such defect and if such notice is not complied with within twenty-four hours from the service thereof the Council may carry out the work necessary to remedy such defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier in a summary manner as a civil debt.

(2) Upon any proceedings under this section the court may inquire whether any requirement contained in any notice given under this section or work done by the Council was reasonable and whether the expenses incurred by the Council in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such expenses or their apportionment as appears to the court to be just and equitable in the circumstances of the case.

Wilful
damage
to drains
water-
closets &c.

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

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

As to repair
of drains.

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

Provided that where such expenses do not exceed twenty shillings the Council may remit the payment of the same by the owner or owners if the Council think fit. A.D. 1935.

49. Every person who throws casts deposits or by any other means conveys or causes to be conveyed any rubbish or other solid matter into any river stream or watercourse within the district so as to interfere with the due flow of such river stream or watercourse shall be liable to a penalty not exceeding five pounds. Penalty for throwing rubbish into streams.

50.—(1) The Council may prohibit the construction in or in connection with any dwelling-house of any cellar or room the floor level of which shall be lower than the ordinary level of the subsoil water on under or adjacent to the land on which such dwelling-house shall be erected. Cellars not to be constructed below subsoil water level.

(2) Any person offending against any prohibition of the Council under the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

51.—(1) Where under the provisions of any Act the Council have power to require any street to be sewered by reason of such street not having theretofore been sewered to their satisfaction they may require the provision of separate sewers for the reception of surface water and of sewage respectively. Provided that the cost of providing in pursuance of this section separate surface water sewers in a street already sewered shall be borne by the Council. Separate sewers for sewage and surface water.

(2) The Council may also from time to time by resolution declare that any sewer or sewers for the time being belonging to them shall be appropriated and used for surface water only or for sewage only.

(3) Where in any street provision has been made for separate sewers for surface water and for sewage as aforesaid no sewage shall be allowed to pass into the surface water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewer.

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

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(5) In the case of any house or premises existing at the time of the provision of separate sewers as aforesaid the drains whereof would but for the provisions of this section have been sufficient effectually to drain such house or premises the Council shall at their own expense make all necessary alterations to the drains and pipes of such house or premises in order to keep separate the sewage and surface water drainage thereof and no penalty shall be incurred under this section in the case of such house or premises until the completion of such alterations as aforesaid.

(6) Any contracts or agreements entered into by the Council with any person and any undertakings given to or by the Council prior to the passing of this Act which would have been valid under the provisions of this section if made after the passing thereof are hereby confirmed.

Combined
drains.

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

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

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

(4) Any person aggrieved by the amount of any costs and expenses proposed to be recovered by the Council under this section or the amount to be borne

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

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53.—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage the Council shall (whether such drain was originally constructed in pursuance of a requirement of the Council or their predecessors or not) have all the powers conferred by section 41 of the Public Health Act 1875 and the Council may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses or premises in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt.

As to houses connected with single private drain.

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

(3) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

54.—(1) In any case in which the Council incur expenses in constructing after the passing of this Act a sewer in or under land within the district and such land becomes a street (whether repairable by the inhabitants at large or not) after such sewer is constructed such expenses shall be recoverable and shall be apportioned and become charged (subject as mentioned in the Private Street Works Act 1892 in this section referred to as "the Act of 1892") on the premises fronting adjoining or abutting on such street in like manner as under the Act of 1892 the expenses of private street works executed in a street not being a highway repairable by the inhabitants

Apportionment and recovery of expenses of construction of sewer constructed before land became a street.

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— at large with respect to which a resolution has been passed by the Council under subsection (1) of section 6 of that Act are made recoverable and are required to be apportioned and are charged on the premises fronting adjoining or abutting on such street and all the provisions of the Act of 1892 (except sections 11 18 19 20 25 and 26 and subsection (1) of sections 6 and 21) shall apply subject to the adaptations thereof set forth in the schedule to this Act Provided that—

- (i) Where any sum so apportioned and charged in respect of the expenses of construction of any sewer is recoverable from a person against whose compensation in respect of the carrying of the same sewer into through or under his lands an amount for enhancement of value has been set off in pursuance of the section of this Act whereof the marginal note is “ Benefits to “ be set off against compensation in respect of “ sewers ” the amount so set off shall be deducted in arriving at the sum to be so apportioned and charged and recoverable ;
- (ii) No expenses apportioned in pursuance of this section against agricultural land shall be recoverable until such land ceases to be agricultural land ;
- (iii) If a part only of such land ceases to be agricultural land then only the portion of the expenses attributable to that part shall become recoverable ; and
- (iv) Interest shall not be payable to the Council on any moneys in respect of the time during which under paragraphs (ii) and (iii) of this proviso they are irrecoverable.

(2) In this section the expression “ street ” includes part of a street and the expression “ agricultural land ” shall have the same meaning as in the Rating and Valuation (Apportionment) Act 1928.

Benefits to be set off against compensation in respect of sewers.

55. In estimating the amount of compensation to be paid by the Council to any person in respect of the carrying of any sewer into through or under any lands within the district the enhancement in value of any lands of such person over or on either side of such sewer and of any other lands of such person through

which the sewer is not carried arising out of the construction of the sewer shall be fairly estimated and shall be set off against the said compensation.

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56. Nothing in the sections of this Act of which the marginal notes are—

Saving for railway companies.

“ Conversion of existing accommodation into water-closets ” ;

“ As to defective drains &c. ” ; and

“ As to repair of drains ” ;

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

PART IV.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

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

Power to close Sunday schools and exclude children from entertainments.

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

58.—(1) No person of or exceeding the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Council or of the education committee of the Lancashire County Council with the view of

Restriction on attendance of children at Sunday schools and places of

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—
assembly
when
infectious
disease
prevails.

preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the district without having procured from the medical officer or school medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

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

Extended
meaning of
"infectious
disease"
for certain
purposes.

59. For the purpose of the sections of this Act of which the marginal notes are "Power to close Sunday schools and exclude children from entertainments" and "Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails" the expression "infectious disease" includes measles german measles mumps whooping-cough chicken pox scabies ringworm and influenza in addition to the diseases referred to in the section of this Act of which the marginal note is "Interpretation."

Parents &c.
to notify
infectious
disease.

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

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

(2) For the purpose of this section the expression "school" shall include a Sunday school. A.D. 1935.

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

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

(3) For the purposes of this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889 and the expression "infectious disease" shall include pulmonary tuberculosis in addition to the diseases referred to in the section of this Act of which the marginal note is "Interpretation."

62.—(1) If the medical officer has reasonable cause to believe that in any premises there is a person who is suffering or who has recently suffered from a dangerous infectious disease he may on obtaining a warrant from a justice of the peace which such justice is hereby authorised to grant enter such premises and examine any person found therein with a view to ascertaining whether he is suffering or has recently suffered from such disease: Entry into premises in case of dangerous infectious disease.

Provided that the medical officer shall not under the powers of this section—

(a) enter any premises except between the hours of seven in the morning and ten in the evening; or

(b) examine a person who is already under the treatment of a medical practitioner except with the consent of the latter.

(2) Any person who obstructs the medical officer in the exercise of his powers under this section shall in addition to any other punishment to which he may be subject be liable to a penalty not exceeding five pounds.

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Removal of
body of
person
dying of
infectious
disease.

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

Compensation
to persons for
ceasing em-
ployment to
prevent
spread of
disease.

64. If any person at the request of the Council or the medical officer stop his employment for the purpose of preventing the spread of infectious disease the Council may make compensation to him for any loss occasioned by reason of such stoppage.

Supply of
antidotes
against
infectious
disease.

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

Persons
to furnish
names of
laundrymen
to whom
clothes &c.
from
infected
houses are
sent.

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

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

Disinfection in case
of tuber-
culosis.

67.—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used

for human habitation) would tend to prevent or check tuberculosis the clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by and at the cost of the Council unless the owner or occupier of such building informs the Council within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within a time to be fixed in the notice. A.D. 1935.

(b) If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Council as aforesaid or if having so informed the Council as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Council under the superintendence of the medical officer. Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Council under the superintendence of the medical officer.

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

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

(2) (a) The medical officer if generally empowered by the Council in that behalf may by notice in writing require the owner or person in possession of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to an officer of the

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A.D. 1935. Council for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds.

(b) Such articles books things bedding and clothing shall be disinfected by the Council and returned to the person from whom they were taken free of charge.

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

Byelaws as to stables.

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

As to infected stables and other places.

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

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

70.—(1) If the medical officer certifies in writing that any person in the district—

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- (a) is aged or infirm or physically incapacitated and resides in premises which are insanitary owing to any neglect on the part of the occupier thereof or under insanitary conditions; or
- (b) is suffering from any grave chronic disease;

Removal of infirm and diseased persons in certain cases.

and that such person is unable to devote to himself or to receive from persons with whom he resides proper care and attention and that thorough inquiry and consideration have shown the necessity in the interest of the health of such 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 medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination of such person by a registered medical practitioner to be nominated by them (if they think fit) may make an order for the removal of such person to a suitable hospital infirmary or other institution or other suitable place provided within the district or within a convenient distance of the district and for the detention and maintenance of such person therein for such period not exceeding three months as may be determined by such order or such further period or periods each not exceeding three months as may be determined by any further order or orders made under and in accordance with the provisions of this section.

(2) The medical officer shall give to any person proposed to be removed under the provisions of this section or to some person being in charge of such person three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) The cost of the removal of any person to a hospital infirmary or other institution or place as aforesaid and of his detention and maintenance therein in pursuance of an order made under this section shall be borne by the Council and during any period for which a person is so detained the Council may and if so required by the court shall make towards the maintenance of any dependants of that person such

A.D. 1935. — contributions as the Council think fit or as may be directed by the court as the case may be.

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

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made.

Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(6) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the Council so to do either generally or in any particular case in which those powers are proposed to be exercised and no order shall be made under the provisions of this section for the removal of any person to any hospital or other institution without the consent in writing of the authority or body having the control thereof.

Byelaws
as to
lodging-
houses.

71. Section 6 of the Housing Act 1925 shall operate so as to empower the Council to make byelaws with respect to the following matters relating to houses which are let in lodgings or occupied by members of more than one family (that is to say) :—

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

72.—(1) For the purposes of Part II of the Housing Act 1930 any dwelling-house which is occupied or is of a type suitable for occupation by persons of the working classes the person having control of which fails to keep such dwelling-house sufficiently repaired and painted and the interior surface of the walls thereof sufficiently papered or distempered with washable distemper of a suitable quality so as to prevent the dilapidation thereof and so as to secure reasonable amenities for the occupier or occupiers shall be deemed to be a house not in all respects fit for human habitation and the powers of the Council under the said Part II shall apply in respect of such dwelling-house accordingly.

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Further provisions as to working-class houses.

(2) On an appeal to the county court by the person having control of a dwelling-house upon whom the Council have served notice under section 17 of the Housing Act 1930 in consequence of his failure to comply with the provisions of this section the county court judge shall take into consideration—

- (a) if the person upon whom the notice is served is a lessee or agent for a lessee the length of the unexpired period of the lease;
- (b) the period for which the dwelling-house is likely to continue occupied; and
- (c) the expenditure incurred by the person having control of the house or the owner during the preceding three years upon the dwelling-house.

73. When the medical officer certifies in writing that any dwelling-house is in an insanitary condition and that the occupier thereof is unable through infirmity or mental incapacity to remedy such condition and that his health is thereby endangered a court of summary jurisdiction may on the application of the Council (who shall give to the occupier seven days' notice of their intention to make such application) make an order for the removal of such occupier to an institution or other dwelling for such period as the court may by such order direct as being necessary to enable the Council to cleanse and disinfect the dwelling-house and the Council may carry out the removal and such cleansing and disinfection of the dwelling-house as may be necessary.

Cleansing of dwelling-houses in certain cases.

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Cleansing or
destruction
of filthy &c.
articles.

74.—(1) Where it appears to the Council on a report from the medical officer that any articles in any house or part thereof are in such a filthy dangerous or unwholesome condition that health is affected or endangered thereby or that the cleansing disinfection or destruction of any such articles is requisite to prevent risk of or to check infectious disease the Council may at their own expense cause such articles to be cleansed disinfected or destroyed and (if they think fit) removed for any such purpose.

(2) If the owner of any such articles suffer damage by reason of the exercise of the powers of this section in relation to any matter as to which he is not himself in default (other than such damage as is necessarily consequent upon the cleansing or disinfection of such articles) the Council shall compensate him for the same and the Council shall also reasonably compensate him for any articles destroyed. Any compensation payable under this subsection shall be recoverable in and in case of dispute may be settled by a court of summary jurisdiction.

(3) Section 122 of the Public Health Act 1875 shall extend and apply to the provision by the Council of means for cleansing disinfecting destroying and removing articles under the provisions of this section.

As to filthy
premises.

75.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Council that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Council duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Council or a committee of the Council are satisfied of the truth of the representation of such owner the occupier shall be liable on the complaint of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order.

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

Discon-
tinuance of
offensive
trade.

76.—(1) In any case in which premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as

extended by section 51 of the Public Health Acts Amend- A.D. 1935.
ment Act 1907 and in the opinion of the Council it is
inexpedient in the interests of public health or having
regard to any change since the date of the establishment
of such offensive trade in the character of the neighbour-
hood in which such premises are situate that such trade
should be carried on in such premises the owner or
occupier of the same may be required by the Council after
six months' notice in writing under the hand of the clerk
to cease to use such premises for the carrying on of such
offensive trade :

Provided that the formation or expression by the
Council of an opinion under this subsection shall be
deemed to be a determination of the Council within the
meaning of the section of this Act of which the marginal
note is "As to appeals" and that the provisions of the
said section shall accordingly apply with respect to such
opinion as well as to any requirement by the Council
under this subsection.

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

(3) If the Council require any person to cease to
use such premises for the carrying on of an offensive
trade they shall pay to such person compensation for
any loss sustained by him in consequence of the action
of the Council. Provided that this subsection shall not
apply in the case of any premises with respect to which the
consent of the Council shall have been given for a period
only unless the Council shall have required that the user
of such premises for the carrying on of an offensive trade
shall cease before the expiration of such period.

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

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

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Byelaws as
to tipping
refuse.

78.—(1) Section 44 of the Public Health Act 1875 shall extend to empower the Council to make byelaws for regulating the tipping of dust spoil and refuse and for prohibiting the use of any refuse tip so as to be a nuisance to the occupiers of any premises in the neighbourhood thereof.

(2) The Council may by any byelaws made by them in pursuance of this section impose on offenders against the same such penalties as they think fit not exceeding the sum of fifty pounds for each offence and in the case of a continuing offence a further penalty not exceeding ten pounds for each day on which the offence is continued after conviction thereof.

(3) Without prejudice to any other remedy available the Council if satisfied of the existence of any conditions constituting a breach of any byelaw made in pursuance of this section may proceed in the same way as they are by the Public Health Act 1875 authorised to proceed with respect to a nuisance of the existence of which they are satisfied and sections 94 to 104 inclusive of that Act with any necessary modifications shall apply accordingly.

(4) Provided that a person offending against any byelaws made in pursuance of this section shall not in respect of such offence be subjected both to a penalty under the byelaws and to a penalty under section 96 of the Public Health Act 1875 as applied by subsection (3) of this section nor shall any such offender be subjected in respect of one and the same period both to a further penalty under the byelaws for the continuance of his offence after conviction and to a penalty under section 98 of the Public Health Act 1875 (as so applied) for failing to carry out an order or acting contrary to an order.

(5) No byelaw under this section shall extend to regulate or control the tipping of spoil and refuse by a railway or canal company for the purpose of constructing widening or maintaining any railway canal dock or wharf works or to regulate or control the tipping by the Manchester Ship Canal Company for or in connection with any purpose of their undertaking of dry earth or such other materials as will not constitute a nuisance.

Prohibiting
sorting of
contents of
refuse tips
and ashbins.

79.—(1) It shall not be lawful for any person (other than a person employed by the Council in connection with any refuse tip used by the Council for the

disposal of refuse) to sort over or disturb the material deposited upon any refuse tip. A.D. 1935.

(2) It shall not be lawful for any person (other than a person appointed by the Council for the purpose of emptying ashbins or other receptacles for refuse) to sort over or disturb the contents of any such ashbin or receptacle when placed in any street or in any forecourt adjoining any street for the purpose of the removal of such contents by the Council.

(3) Any person acting in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds.

80. The owner of any dwelling-house or tenement in the district which is not provided with a proper and sufficient water supply within such dwelling-house or tenement who shall occupy or allow to be occupied such dwelling-house or tenement shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the means of affording such a supply of water are not available and cannot be made available at a reasonable cost :

Water supply for dwelling-houses to be provided.

Provided that the owner of any dwelling-house or tenement erected before the passing of this Act shall not be liable to the penalties provided by this section unless the Council shall have given to such owner one month's notice in writing requiring him to provide such dwelling-house or tenement with a proper and sufficient water supply within such dwelling-house or tenement.

81. Section 62 of the Public Health Act 1875 shall be read and have effect as if the words " or the medical officer of health " were inserted therein after the words " the surveyor."

Amendment of section 62 of Public Health Act 1875.

82.—(1) Public notice of the effect of the provisions of this Part of this Act shall be given as soon as is reasonably practicable after the passing of this Act by advertisement in a newspaper published or circulating in the district.

Notice of Part IV.

(2) A copy of the newspaper containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

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PART V.

HUMAN FOOD.

Prohibition
on infected
person
carrying on
business.

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

Power to
prohibit
persons in
advanced
state of
tuberculosis
from selling
&c. food.

84.—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed within the district in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Council may request such person to stop his employment and on such request being made the Council may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

(2) If any such person shall fail to comply with such request the Council may apply to a court of summary jurisdiction for an order requiring him to stop his employment and the court shall have power to make such an order if after consideration of all the circumstances it thinks fit to do so and may direct that such compensation as it deems equitable shall be paid by the Council to such person.

(3) If any such person fails to comply with any such order he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

(4) This section shall not apply to any employment or occupation to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply.

As to
inspection
of premises
used for
storage of
food.

85.—(1) On any inspection of any room carried out by the medical officer sanitary inspector or any other officer of the Council under the provisions of subsection (5) of section 72 of the Public Health Act 1925 such officer

shall have power to take samples of any materials commodities or articles of food found therein making reasonable payment therefor and if he intends to submit any sample to analysis he shall forthwith notify to the occupier of such room or his agent his intention to have the same analysed by the public analyst and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such occupier or agent. The officer shall afterwards retain one of the said parts for future comparison and submit the third part (if he deems it right to have the sample analysed) to the public analyst.

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(2) The expression "public analyst" in this section means the analyst appointed for the purposes of the Food and Drugs (Adulteration) Act 1928.

86.—(1) Section 72 of the Public Health Act 1925 (except paragraphs (d) and (e) of subsection (2) of that section) shall apply so far as applicable to a yard in which food is prepared for sale or in which any food other than food contained in receptacles so closed as to exclude all risk of contamination is sold or is stored or kept with a view to future sale and to which yard the Factory and Workshop Act 1901 as amended by any subsequent enactment or any regulation made under the Public Health (Regulations as to Food) Act 1907 does not apply.

Extension
of powers of
section 72 of
Public
Health Act
1925.

(2) The said section shall in its application to the district be read and have effect as if the following provision were added after subsection (2) thereof (that is to say) :—

“The occupier of any room to which this section applies and which is used for the preparation of food for sale or (except in the case of food contained in receptacles so closed as to exclude all risk of contamination) for the sale of food shall cause to be provided in connection with the room—

- (a) a satisfactory water supply; and
- (b) suitable washing sinks with a sufficient supply of hot water together with an adequate supply of soap and towels for the use for toilet purposes of persons employed therein.”

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—
Registration
of premises
used for
preparation
of potted
and
preserved
foods.

87.—(1) Any premises used or proposed to be used for the preparation or manufacture of sausages or potted pressed pickled or preserved meat fish or other food intended for the purposes of sale shall be registered by the owner or occupier or intending occupier thereof with the Council.

(2) Any person using for any of the purposes mentioned in subsection (1) of this section any premises not registered for that purpose pursuant to this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) If the Council are satisfied that any premises registered or sought to be registered with them pursuant to this section are unsuitable for the purpose for which they are registered or sought to be registered they may serve upon—

(a) the person on whose application the premises were registered or the occupier of the premises;
or

(b) the person applying for such registration;

(as the case may be) a notice to appear before them not less than seven days after the date of the notice to show cause why the Council should not for reasons to be specified in the notice remove the premises from the register or refuse to register the premises (as the case may be) and if he fails to show cause to their satisfaction accordingly they may remove the premises from the register or refuse to register the premises (as the case may be).

(4) Any person aggrieved by the decision of the Council under subsection (3) of this section may within fourteen days from the date of such decision appeal to a court of summary jurisdiction provided that he gives or causes to be given written notice of such appeal and of the grounds thereof to the clerk before lodging his appeal. The court may on any such appeal by order either confirm the decision of the Council or require the Council to retain the premises on the register or to register the premises (as the case may be) and the costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(5) The decision of the Council to remove any premises from the register or to refuse to register any premises shall not have effect until the expiration of the time prescribed by subsection (4) of this section for appeal to a court of summary jurisdiction nor where any such appeal is brought until the appeal is either abandoned or determined and where notice of appeal from a court of summary jurisdiction is duly given according to the provisions of the Summary Jurisdiction Acts such decision of the Council as aforesaid shall not take effect until the appeal to quarter sessions is either abandoned or determined. A.D. 1935.

(6) The provisions of this section shall have no application to any premises occupied as a factory or workshop respecting which notice is required by subsection (1) of section 127 of the Factory and Workshop Act 1901 to be given and shall not in any way affect the operation of that Act.

(7) In the case of meat or fish the word "preserved" in subsection (1) of this section includes preparation by any process of cooking.

(8) This section shall not apply to hotels restaurants or other premises where food is in the ordinary course of business prepared for consumption on the premises.

88.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer shall be liable to a penalty not exceeding forty shillings. For regulating manufacture and sale of ice-cream &c.

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

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A.D. 1935. seizure and while any such person is suffering from
— infectious disease.

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Council in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity and of any cart barrow or other vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Council would have under section 72 of the Public Health Act 1925 in the cases therein mentioned and any person refusing inspection of the materials or commodities or articles of food in any such premises or of any such cart barrow or other vehicle or stand pail container or receptacle or of the commodities or articles of food therein or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

Registra-
tion of
ice-cream
manu-
facturers
and
premises.

89.—(1) (a) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity; and

(b) any premises used or proposed to be used for the manufacture or sale of ice-cream or other similar commodity;

shall be registered with the Council in the case of any such person by himself and in the case of any such premises by the owner or occupier thereof.

(2) No person shall carry on the business of a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity unless he be so registered and no premises shall be used for the purposes aforesaid unless they be so registered.

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

(4) The provisions of this section shall not apply to any premises used as a club or hotel or railway refreshment rooms or as a theatre music hall cinematograph theatre or other similar place of entertainment.

90.—(1) The Council if they are satisfied that the public health is or is likely to be endangered by any act or default of any person who is registered or who seeks to be registered as a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity in relation to the quality storage or distribution of the ice-cream or other commodity may serve upon him a notice to appear before them not less than seven days after the date of the notice to show cause why the Council should not for reasons to be specified in the notice refuse to register him or remove him from the register as the case may be either absolutely or in respect of any specified premises and if he fail to show cause to their satisfaction accordingly they may refuse to register him or remove him from the register as the case may be.

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Power to
refuse
registration
of or
remove from
register
ice-cream
manufac-
turers and
premises.

(2) Any person aggrieved by any such decision of the Council as aforesaid may within twenty-one days give notice of appeal to a court of summary jurisdiction and that court may by order require the Council to register such person or not to remove him from the register.

(3) The Council or such person as aforesaid may appeal from the decision of the court of summary jurisdiction to the next practicable court of quarter sessions who may confirm or reverse the said decision.

(4) The decision of the Council to refuse registration of or to remove any person from the register under this section shall not have effect until the expiration of the time for appeal to a court of summary jurisdiction nor where any such appeal is brought until the appeal is determined and where notice of appeal from a court of summary jurisdiction under this section is given within fourteen days from the date thereof such decision of the Council as aforesaid shall not take effect until the appeal to quarter sessions is either abandoned or determined.

(5) Where the appeal is from a refusal to register such person as aforesaid may until the appeal is finally determined carry on business as a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity notwithstanding that he is not registered.

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—
Sale of food
on open
sites.

91.—(1) The Council may make byelaws prescribing the conditions under which land the site of which is open or unbuilt upon may be used for the sale of food and the measures to be taken to prevent the contamination of food stored sold or offered for sale thereon and for the prevention of danger to public health.

(2) Without prejudice to the generality of the foregoing provision the byelaws made thereunder may impose conditions relative to the paving and drainage of the land which or part of which is used for the sale of food the provision of sanitary accommodation and water supply and the disposal of refuse.

(3) For the purposes of this section the expression "food" shall not include food which during the whole time it is situate upon such land is contained in receptacles so closed as to exclude all risk of contamination.

(4) The provisions of this section shall not apply—

(a) to any land held or acquired by any railway company and used for the sale of food to and primarily for the use and convenience of persons using their railway;

(b) to a sale by travelling showmen at a pleasure fair.

Byelaws as
to transport
of food.

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

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

(3) The medical officer and the sanitary inspector or any other officer duly authorised by the Council in that behalf shall be entitled at all reasonable times to enter and inspect any premises on which he suspects

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that there is any contravention of a byelaw made under this section and any person refusing such entry or inspection or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings. A.D. 1935.

93. Every dealer in any article intended for the food of man vending his wares from any cart barrow or other vehicle or stand or from a pail container or similar receptacle used without a cart barrow or other vehicle or from any market stall shall have his name and address legibly painted inscribed or displayed on such cart barrow vehicle or stand pail container or receptacle or clearly exhibited on such market stall and any person who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings : As to street vendors of food.

Provided that no person shall be liable to a penalty under the provisions of this section if he has been convicted for the same offence under the provisions of section 6 of the Milk and Dairies (Consolidation) Act 1915 or any regulations made under the Public Health (Regulations as to Food) Act 1907.

94. Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or the sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any animal or any of the articles referred to in the said sections intended for sale or in the course of delivery after sale for food and the provisions of such sections shall apply accordingly Provided that in the exercise at any railway station or upon any railway premises of a railway company or at or upon any premises of a canal company of the powers conferred upon him by this section the medical officer or the sanitary inspector shall conform to such reasonable requirements of the railway company as are necessary to prevent the working of their traffic being obstructed or interfered with and to such reasonable requirements of the canal company as are necessary to prevent the working of their traffic or the conduct of their undertaking being obstructed or interfered with and with respect to any Further powers in relation to unsound food.

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—
cart or other vehicle belonging to the railway or canal company the powers conferred upon the medical officer or the sanitary inspector by this section shall be so exercised as not unreasonably to obstruct or interfere with the collection or delivery of goods by the railway or canal company.

Medical practitioners to notify cases of food poisoning.

95.—(1) Every registered medical practitioner attending on a person in the district who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the medical officer a notification of the case stating the name of such person and the place at which such person is.

(2) The Council shall pay to every registered medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice of medical officer of any public body or institution.

(3) Every person required by this section to give notice who fails to give the same in accordance with this section shall be liable to a penalty not exceeding forty shillings.

Notice of Part V.

96.—(1) Public notice of the effect of the provisions of this Part of this Act shall be given as soon as is reasonably practicable after the passing of this Act by advertisement in a newspaper published or circulating in the district.

(2) A copy of the newspaper containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

PART VI.

PARKS BATHS PUBLIC BUILDINGS &C.

Power to provide and let public buildings.

97.—(1) Subject to the provisions of this Act—

(a) The Council may provide or acquire or may on any pleasure ground or (subject to the approval of the Minister in the case of any lands not so utilised at the passing of this Act) on any lands of which for the time being they may be the owners erect and

hold use furnish equip maintain and insure a concert hall public hall assembly rooms rooms for all social purposes museums pavilions conservatories winter gardens bandstands and other buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms ante-rooms shelters waiting rooms refreshment rooms kitchens cloak rooms lavatories gardens pleasure grounds promenades model yacht ponds miniature railways outbuildings conveniences and appurtenances and may for any such purposes alter adapt extend or otherwise deal with existing buildings for the time being belonging to the Council and may provide erect and maintain offices as part of any such building or buildings;

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

(2) The Council shall not grant or let the use of any such buildings for the purposes of a theatre music hall or cinematograph theatre otherwise than in cases in which the proceeds of the performances are devoted to charitable purposes except on the best terms that can be obtained.

(3) The restrictions contained in the proviso to section 56 of the Public Health Act 1925 shall extend and apply to any concert or other entertainment provided by the Council under the provisions of this section.

(4) Neither—

- (a) the net amount of any payments or expenses made or incurred by the Council in carrying on concert halls and entertainment rooms under the provisions of this section after deducting any moneys received by them in respect of such concert halls and entertainment rooms; nor

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(b) the total amount of any payments or expenses made or incurred by the Council under the provisions of subsection (3) of section 56 of the Public Health Act 1925 and in respect of the matters referred to in paragraph (a) of this subsection;

shall in any one year exceed a sum equivalent to that which would be produced by a rate of twopence in the pound levied on property in the district assessable in that year to the general rate. Provided that the limitation hereby imposed shall not apply to or in respect of any rate in excess of the rate of one penny in the pound which may be approved by the Minister under the provisions of the said subsection (3) of section 56 of the Public Health Act 1925.

Power to charge for admission.

98. The Council may make such reasonable charges as they may think fit for admission to and for the use of any public building belonging to them or for the use of model yacht ponds miniature railways or lands used for the purposes mentioned in this Part of this Act.

Boating and bathing pools.

99.—(1) Subject to the provisions of this Act the Council may in any park recreation ground or open space belonging to them construct and maintain boating or bathing pools together with such buildings works appliances and conveniences as may be necessary or proper in connection therewith.

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

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

(4) The Council may for any of the purposes mentioned in section 69 of the Town Police Clauses Act 1847 make byelaws for regulating the use of any of

the said bathing or boating pools and works appliances and conveniences in connection therewith. A.D. 1935.

100. The Council may close to the public and may reserve the exclusive use of any swimming bath open bathing place or bathing pool belonging to them and may grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises or regattas or for other similar purposes and may demand and take or authorise to be demanded and taken such sums for the exclusive use of such bath place or pool or for admission of persons thereto as they may think fit.

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

101. The Council may in any year pay or contribute towards the cost of providing and maintaining at public places in the district and on public service vehicles plying in the district or between the district and other places and in newspapers placards or posters published in the county of Lancaster advertisements of the concerts and entertainments provided by them or towards which they may contribute in any public park or pleasure ground in the district or in any enclosure pavilion or other building in such park or ground or in the swimming baths or in the public offices or other buildings of the Council.

Power to advertise entertainments and attractions.

102.—(1) The Council may appoint officers for securing the observance of this Part of this Act and of the provisions of all other Acts relating to parks and pleasure grounds and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

Power to appoint officers.

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

103. From and after the passing of this Act every police constable shall have the same power of enforcing byelaws made by the Council under the provisions of the Public Health Acts or any Act or Order for the time being in force within the district relating to any park or place of public resort or recreation ground under the control of

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

A.D. 1935. — the Council as is given to the servants of the Council by the byelaws for the time being in force under the said provisions.

PART VII.

LANDS.

Power to develop lands &c.

104.—(1) The Council may (with the consent of the Minister) lay out and develop any lands at any time belonging to the Council and not required for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and any other buildings and construct sewer drain pave flag channel and kerb streets roads and ways on any such lands.

(2) The Council may use or dispose of the building or other materials of any houses or premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

Retention and disposal of lands.

105.—(1) Notwithstanding anything in any other Act or otherwise to the contrary the Council may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired by them under any general or local enactment from time to time in force in the district (other than the Housing Act 1925) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposal of such lands or interests in lands and may do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposal and on any exchange may give or take any money for equality of exchange.

(2) The Council shall not (unless the Minister otherwise directs) sell lease exchange or otherwise dispose of any lands under the powers of this section except at the best price or on the best terms which can reasonably be obtained but a purchaser or lessee shall not be concerned to inquire whether the direction of the Minister is necessary or has been obtained.

(3) Nothing in this section shall be taken to dispense with the necessity for obtaining the consent of any Government department to any sale lease appropriation exchange or other disposal of any lands of the Council in any case in which such consent would be required if this section had not been enacted.

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

106.—(1) The Council may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the powers of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Council shall (subject to the provisions of the section of this Act of which the marginal note is “ Consolidated loans fund ”) apply the same either—

Proceeds
of sale of
lands.

(a) in or towards the extinguishment of any loan raised by them under the powers aforesaid such application being in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister; or

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

(2) Any capital moneys received by the Council on the re-sale or exchange of or by leasing any lands acquired under any public general Act from time to time in force in the district or under any local enactment (other than this Act) shall be applied in the same manner as capital

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A.D. 1935. — moneys received under such public general Act or local enactment are applicable or in such other manner as may be approved by the Minister.

Power to
reinstate
owners of
property.

107. The Council may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired by the Council under the provisions of any general or local enactment from time to time in force in the district with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Council may pay or receive money for equality of exchange.

PART VIII.

FINANCIAL.

Power to
borrow.

108.—(1) The Council shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority the sum or sums requisite for the payment of the costs charges and expenses of this Act and they shall pay off all moneys so borrowed within such period as the Council may determine not exceeding five years from the passing of this Act.

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purposes of the said Part IX.

Application
of Local
Government
Act 1933 to
existing
sinking
funds.

109. Sections 213 and 214 of the Local Government Act 1933 shall apply with respect to any sinking fund formed by the Council for the repayment of any money borrowed before the passing of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the Council shall make such adjustments of any existing sinking funds as may be proper.

110.—(1) The Council may give notice to any person being registered as a holder of any authorised security (other than stock) that they intend to send interest or dividends to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Council of such objection the Council may from time to time send orders for the payment of interest or dividend warrants by post to the address of such person appearing in the register. Provided that if such person give notice to the Council that he desires such orders or warrants to be sent to another person at a given address the Council may from time to time send the same by post to such other person at such address.

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—
Dividend
warrants
by post.

(2) Where more persons than one are registered as joint holders of any authorised security (other than stock) any one of them may for the purpose of this section be regarded as the holder of the security unless contrary notice has been given to the Council by any other of them.

(3) The posting by the Council of an order for the payment of interest or a dividend warrant in pursuance of this section shall as respects the liability of the Council be equivalent to the delivery of the order or warrant to the registered holder of the authorised security.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the Council shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

111. The Council may close the registers of transfers of mortgages of the Council on any day not more than thirty days next before the date on which an instalment of interest on such mortgages is payable but so that the books be not at any time kept closed for more than twenty-one days.

Closing of
registers.

112. Notwithstanding anything contained in this or any previous enactment the Council may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part of but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals repairs depreciation capital reserve contingency

Use of
moneys
forming
part of
sinking
and other
funds.

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— lending fund") subject to the following conditions:—

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

Provided that the Council shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the 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:

- (2) In the accounts of the general rate fund an amount equal to interest calculated at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the rate of interest which 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 lending fund and debited to the undertaking or purpose with reference to which the moneys are so used:
- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Capital
reserve
fund.

113.—(1) The Council may establish a fund to be called "the capital reserve fund" for the purpose of defraying any expenditure to which capital is properly applicable to an amount not exceeding one thousand pounds in any one transaction and such fund shall be formed by appropriating in the accounts of the Council

such sums out of the general rate fund as the Council A.D. 1935.
from time to time deem expedient : —

Provided that—

- (a) any sum so appropriated to the capital reserve fund from the general rate fund shall not exceed in any year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to section 9 of the Rating and Valuation Act 1925;
- (b) appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to the sum of five thousand pounds.

(2) (a) Pending the application of the capital reserve fund to the purposes authorised by the foregoing subsection the moneys in the fund shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the capital reserve fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to the capital reserve fund.

114.—(1) Notwithstanding anything contained in any other Act or Order on and after the thirty-first day of March one thousand nine hundred and thirty-six the Council may (if they think fit) establish a fund to be called “the consolidated loans fund” to which shall be paid—

Consoli-
dated
loans fund.

- (a) all moneys borrowed by the Council by the issue of authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) all moneys of a capital nature received by the Council whether from the sale of capital assets or otherwise except such as are applied by the Council with due authority to another capital purpose; and

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- (c) the appropriate sums provided in each year out of other funds of the Council to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Council as aforesaid before the date on which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Council—

(a) in the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Council; and

(b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Council:

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet interest charges and the financing and other revenue expenses connected with the management of that fund and separate account shall be kept of the said sums and their application.

(4) The Council may pay into the consolidated loans fund any moneys forming part of any reserve renewals depreciation capital reserve contingency or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required and such moneys shall be deemed to be moneys

borrowed by the Council within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

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(a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and

(b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the average rate of interest payable by the Council on their current borrowings.

(5) Save as in this section expressly provided all the obligations of the Council to the holders of authorised securities shall continue in force.

(6) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

(7) The powers conferred by this section shall not be put into operation by the Council except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

(8) Any scheme approved under this section may be altered extended amended or annulled by any other scheme approved in like manner as the original scheme.

115.—(1) The Council may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act and the Local Government Act 1933 in regard to the borrowing and repayment of money with or without modification and may make provision in regard to all matters incidental to the objects aforesaid.

Scheme for equated periods.

(2) No scheme made by the Council under this section shall have any force or effect until confirmed by

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A.D. 1935. — the Minister who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister may be consolidated and dealt with in the accounts of the Council as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the Minister separate consolidations may be made of all or any of the loans included under such general headings.

(5) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

Renewal
and repairs
fund.

116.—(1) The Council may if they think fit in any year carry from the general rate fund or from the proceeds of the general rate to the credit of a fund to be called "the renewal and repairs fund" (a) any sum not exceeding an amount equal to twelve and one-half per centum of the cost incurred by the Council in connection with the provision of horses carts mechanically-propelled vehicles stables garages depots boilers and equipment and apparatus in connection therewith as shown in the accounts at the thirty-first day of March in any such year and (b) any sum not exceeding the average annual cost incurred by the Council during the previous three years in connection with the maintenance and repair of buildings other than buildings in respect of which the Council are required by the Housing Acts to keep a housing repairs account.

(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed three thousand pounds.

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance and renewal of the appliances works equipment and buildings referred to in subsection (1) of this section and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses.

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(4) (a) Pending the application of moneys forming part of the renewal and repairs fund to the purposes authorised in subsection (3) of this section such moneys shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the renewal and repairs fund in manner provided by this subsection together with any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (2) of this section) an amount equivalent to such income shall be credited to the renewal and repairs fund.

117. The Council may at any time by resolution determine with respect to any hereditament for the time being belonging to them the rent of which is payable or is collected at intervals of less than a quarter of a year to do any of the things which owners may do by agreement with the rating authority under subsection (2) of section 11 of the Rating and Valuation Act 1925 with the like conditions and consequences (other than the condition as to agreement in writing with the rating authority) as are applicable to owners under that section.

As to operation of section 11 of Rating and Valuation Act 1925.

118. If a justice is satisfied on complaint by any rate collector that any person is quitting or about to quit any premises in the district and has failed to pay on demand any general rate which may be due from him and intends to evade payment of the same by departing from the district the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said rate collector to seize forthwith and detain the goods and chattels of such persons until the complaint is determined upon the return of the summons.

Recovery of rate from persons removing.

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As to
payments
due to
deceased
employees.

119.—(1) On the death of an employee to whom a sum not exceeding one hundred pounds is due on account of salary wages superannuation allowance grant or repayment of contributions to any superannuation or other fund with or without interest if probate of the will of the employee or letters of administration of his estate is or are not produced within such time (not being less than one month after his death) as the Council may think reasonable then at the expiration of that time the Council shall pay the sum to the person or persons entitled in distribution to the residuary estate of the employee in accordance with the provisions of paragraphs (i) to (v) inclusive of section 46 (1) of the Administration of Estates Act 1925 and section 9 of the Legitimacy Act 1926 and in default of any such person to the Solicitor for the Affairs of His Majesty's Treasury Provided that—

- (a) the Council may if they think fit pay to any person who has paid the funeral expenses of the deceased employee such amount (not exceeding the total amount of such expenses) as the Council shall deem it reasonable to allow;
- (b) if the Council receive notice of any claim of a creditor of the deceased employee before the expiration of one month from the death of the employee they shall retain the whole amount due to the deceased employee in their hands or a sufficient sum thereof to satisfy the claim (whichever amount shall be the less) until the claim has been satisfied disproved or withdrawn.

(2) The Council before paying or distributing any moneys under this section to or among any person or persons other than the legal personal representative of the deceased employee shall require—

- (a) where the total estate of the deceased employee including the amount of such moneys does not after deduction of debts and funeral expenses exceed one hundred pounds a declaration to that effect by the person or one of the persons to or among whom the Council propose to pay or distribute such moneys; and

- (b) where the total estate of the deceased employee including the amount of such moneys but after deduction of debts and funeral expenses exceeds one hundred pounds the production of a certificate from the Commissioners of Inland Revenue of the payment of the estate duty and of a duly stamped receipt for the legacy or succession duty payable in respect of such moneys or of a certificate stating that no legacy or succession duty is payable. A.D. 1935.

- 120.** The Council may pay out of the general rate fund and general rate—
- (a) reasonable subscriptions whether annually or otherwise to the funds of any association of local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Council at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;
- (b) the reasonable expenses of the Council in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the district.
- Subscriptions to local government associations and other expenses.

PART IX.

MISCELLANEOUS.

121.—(1) A noise nuisance shall be liable to be dealt with in accordance with the provisions relating to nuisances of the Public Health Act 1875 : Noise nuisance.

Provided that no complaint shall be made to a justice under section 105 of the said Act unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance complained of.

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(2) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise and where such noise (a) is injurious or dangerous to health and (b) is capable of being prevented or mitigated having due regard to all the circumstances of the case :

Provided that if a noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means of preventing or mitigating it having regard to the cost have been adopted.

(3) Nothing in this section shall apply to a railway company or their servants exercising statutory powers.

(4) Nothing in this section shall apply to any vessels ships locomotives boilers engines or cranes in or upon any canal dock wharf or warehouse forming part of the undertaking of the Manchester Ship Canal Company.

Penalty
for street
crying on
Sunday.

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

Byelaws as
to pleasure
fairs.

123.—(1) The Council may make byelaws—

(a) for regulating the hours during which pleasure fairs may be open to the public;

(b) for securing safe and adequate means of ingress and egress to the ground upon which any pleasure fair is held;

(c) for the prevention or suppression of nuisance or nuisances and for preserving sanitary conditions cleanliness order and public safety at any pleasure fair.

(2) In this section the expression "pleasure fair" means any entertainment which is run for profit and which consists of or includes any or all of the following whether or not in combination with any other forms of entertainment that is to say any travelling circus exhibition of human beings or performing animals

merry-go-round roundabout switchback railway cocoa- nut shy hoop-la shooting gallery or swings or anything similar to any of the foregoing : A.D. 1935.

Provided that the said expression does not include any fair held by statute charter royal licence letters patent or ancient custom.

124. The powers conferred by section 21 of the Town Police Clauses Act 1847 shall extend to enable the Council on days appointed for ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or similar occasions to direct the passage and stoppage of vehicles along or in particular streets to direct particular routes to be taken for particular descriptions of traffic and to prohibit the passage or stoppage of particular vehicles through or in certain streets at specified times : Power to make regulations as to traffic on carnival &c. days.

Provided that the powers conferred upon the Council by this section shall not be exercised except after previous consultation with the chief constable of the county palatine of Lancaster :

Provided also that in the exercise of their powers under this section the Council shall secure convenient access to and exit from any station or depot of a railway company for vehicles and passengers.

125.—(1) Any person or persons intending to organise or form a public or ceremonial procession or a circus procession or procession of wild animals through the streets of the district (other than a public or ceremonial procession which is regularly held through such streets) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Council by leaving such notice at the office of the clerk twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets. Notice of processions to be given.

(2) If any such procession passes through the streets of the district without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

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As to
barriers in
streets.

126.—(1) It shall be lawful for the Council at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or in emergencies to cause barricades to be erected across any of the streets in the district and to continue the barricades for such time as may be deemed reasonably necessary Any person who wilfully removes any such barricade or any part thereof shall be liable to a penalty not exceeding forty shillings.

(2) For the purpose of the erection of such barricades the Council may construct or place and maintain in and under the surface of the streets in the district such sockets or slots as may in their opinion be necessary or convenient.

(3) The Council shall not under the powers of this section cause barricades to be erected (a) in any street belonging to and repairable by a railway company and forming the approach to any station or depot of such company or (b) so as to obstruct the access to or exit from any station or depot of such company constructed or maintained under statutory authority.

Amendment
of section 68
of Public
Health Act
1925.

127. In the application to any land forming part of a street in the district of section 68 of the Public Health Act 1925 the word "byelaws" shall be substituted for the word "regulations."

Extension of
section 2 (3)
of Public
Health
(Inter-
ments) Act
1879.

128.—(1) Subsection (3) of section 2 of the Public Health (Interments) Act 1879 shall be extended to enable the Council to accept a capital sum for the purpose of maintaining a particular grave or grave space or monument either in a cemetery provided under the Public Health Acts or in a burial ground provided under the Burial Acts 1852 to 1906.

(2) Any such sum shall be invested in statutory securities and the interest thereon applied in maintaining the grave or grave space or monument in such manner as the Council think fit.

(3) Any such capital sum and the interest thereon shall be shown separately in the accounts of the Council relating to their cemetery but the said interest shall be paid into the fund to which receipts derived from the cemetery are paid.

129.—(1) The Council may erect and maintain on any open space or public place on or adjoining any highway in the district such weighbridges or weighing machines and offices in connection therewith as they may consider necessary or desirable for the use of the public. A.D. 1935.
—
Power to erect weigh-bridges.

(2) The Council may make such reasonable charges as they may determine for and in respect of the use of any such weighbridge or weighing machine.

(3) Any person shall on payment of the proper charges in respect thereof be entitled to use any of the weighbridges or weighing machines erected by the Council under the provisions of this section.

(4) The Council shall not erect or allow the use of any such weighbridge weighing machine or offices so as to obstruct the access to or exit from any station or depot of a railway company.

130. As respects any byelaws made under this Act the confirming authority for the purposes of section 250 of the Local Government Act 1933 shall be in the case of byelaws made under the section of this Act of which the marginal note is "Byelaws as to pleasure fairs" the Secretary of State and in all other cases the Minister. Byelaws.

131.—(1) Any person aggrieved by an order made by a court of summary jurisdiction under the provisions of this Act may appeal against the order to a court of quarter sessions and the Council may likewise appeal against the refusal of a court of summary jurisdiction to make any such order. As to appeals.

(2) Any person aggrieved by an order judgment determination or requirement or by the withholding of any certificate licence consent or approval of or by the Council or of or by any officer thereof under the provisions of Part II (Streets and buildings) Part III (Sewers drains &c.) Part IV (Infectious disease and sanitary provisions) or Part V (Human food) of this Act may if no other mode of appeal is provided by this Act appeal in manner provided by the Quarter Sessions Act 1849 to the next practicable court of quarter sessions held not less than thirty days after notice of the decision appealed against has been sent to him and the notice of

A.D. 1935. — appeal shall be given to the Council and to the clerk of the peace.

Penalty on occupiers refusing execution of Act.

132. If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Council under Part II (Streets and buildings) Part III (Sewers drains &c.) Part IV (Infectious disease and sanitary provisions) or Part V (Human food) of this Act or any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Council to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Power of entry.

133. The provisions of sections 102 and 103 of the Public Health Act 1875 shall extend and apply to the purposes of the provisions of Part II (Streets and buildings) Part III (Sewers drains &c.) Part IV (Infectious disease and sanitary provisions) and Part V (Human food) of this Act as if those purposes had been mentioned in the said section 102.

Evidence of appointments authority &c.

134. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or any committee of the Council under this Act or under any general or local Act for the time being in force in the district it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the clerk shall be prima facie evidence of such appointment authority resolution order or report without further

proof of the holding of any meeting or the production of any minute book or other record or document. A.D. 1935.

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

136. Whenever the Council the surveyor or the sanitary inspector under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Council or the surveyor or the sanitary inspector or any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses payable by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly. In executing works for owner Council liable for negligence only.

137. The Council may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875. Expenses may be declared private improvement expenses.

138. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be to a single Application of Arbitration Acts 1889 to 1934.

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A.D. 1935. — arbitrator to be agreed upon between the parties to the question or dispute or in default of such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

As to
breach of
conditions
of consent
of Council.

139. Where under this Act or under any general or local Act for the time being in force in the district the Council give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Consents of
Council to
be in
writing.

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

Recovery of
demands.

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

Several
sums in one
summons.

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

Recovery
of penalties
&c.

143. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are

recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

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

Penalties to be paid over to treasurer.

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

Damages and charges to be settled by court.

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

Authentication and service of notices.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Order or byelaw for the time being in force within the district may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

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

Compensation how to be determined.

148. All powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies

Powers of Act cumulative.

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A.D. 1935. — conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Saving for indictment &c.

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

Application of section 265 of Public Health Act 1875.

150. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment as if the same were re-enacted therein.

Inquiries by Minister.

151. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and section 290 of the Local Government Act 1933 shall apply accordingly.

Judges not disqualified.

152. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or any other local Act or Order from time to time in force within the district by reason of his being liable to any rate.

Saving for Trafford Park.

153.—(1) Nothing in the sections of this Act of which the marginal notes are—

“Development scheme may be required in connection with new streets”;

“Byelaws as to intersecting streets”;

“No building to be erected until street formed”;

shall apply within Trafford Park.

(2) Nothing in the sections of this Act of which the marginal notes are—

“Frontage line in new streets”;

“Separate sewers for sewage and surface water”;

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shall apply within Trafford Park without the consent of the Trafford Park Estates Limited Provided that such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister. A.D. 1935.

(3) The provisions of section 25 (As to estate roads in Barton upon Irwell) of the Trafford Park Act 1904 shall continue to apply within Trafford Park in the same manner as they applied within Trafford Park in the portion of the rural district of Barton upon Irwell which was added to the district by the Lancashire (Manchester and District) Review Order 1933.

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

155. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council in the first instance out of the general rate fund and general rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose. Costs of Act.

A.D. 1935.

The SCHEDULE referred to in the
foregoing Act.

Adaptations of the provisions of the Private Street Works Act 1892 for the purpose of their application under the section of this Act whereof the marginal note is "Apportionment and recovery of expenses of construction of sewer constructed before land became a street."

The provisions of the said Act of 1892 shall apply as if—

- (1) The sewer to which the expenses relate were private street works and the expenses were expenses of execution of such private street works;
- (2) All references to estimated expenses or an estimate of expenses were respectively references to actual expenses or a statement of actual expenses;
- (3) The provisional apportionment were the only apportionment and all provisions for or with respect to the making of a final apportionment or notice thereof or objections thereto were omitted and the sums apportioned under the provisional apportionment (subject to any order of the court quashing or amending the same) were recoverable in the manner referred to in subsection (1) of section 12;
- (4) In the definition of the expression "street" in section 5 the words "and not being a highway repairable by the inhabitants at large" were omitted;
- (5) The power contained in subsection (2) of section 6 to approve by resolution and the word "approved" in subsection (3) of that section related only to the provisional apportionment and not to the specification plans sections and estimate;
- (6) Subsection (3) of section 6 provided for the publication and service of copies not of such approving resolution as aforesaid but of notice of the preparation of the specifications plans and sections (if any) estimates and approved provisional apportionment and of the place and period of the deposit by that subsection required;
- (7) Paragraph (b) of section 7 and the word "proposed" in paragraph (d) of that section were omitted;
- (8) In paragraph (f) of section 7 the words "derived or" were inserted before "to be derived" and the words "by way of construction of a sewer in the street or part of a street to which the apportionment relates" were inserted after "premises";

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District Council Act, 1935.

(9) After paragraph (f) of section 7 the following two paragraphs were inserted :— A.D. 1935.

(g) That the works will not increase the value of any premises of the objector;

(h) That the sum or proportion to be charged against any premises of the objector under the provisional apportionment is excessive having regard to the degree of benefit derived or to be derived by such premises from the works;

(10) The words "plans sections estimates" in subsection (1) of section 8 were omitted;

(11) In subsection (1) of section 9 the words "to be done" were omitted the word "sewer" were substituted for "street or part of a street as regards sewerage drainage level or other matters" and the word "sewers" were substituted for "streets (whether repairable or not by the inhabitants at large)";

(12) In section 10 the words "to be" were omitted before "incurred" the words "derived or" were inserted before "to be derived" and the words "by way of construction of a sewer in the street or part of a street to which the apportionment relates" were inserted after "of any such premises";

(13) The references in sections 13 and 14 to the final apportionment were references to the provisional apportionment;

(14) In subsection (2) of section 21 the words "the construction of sewers" were substituted for "executing private street works";

(15) The following words in Part I of the schedule were omitted :—

(i) under the heading "Specifications" the words "to be" before "done";

(ii) under the heading "Plans and sections" the word "streets" and the words from "subject" to "respectively" inclusive; and

(iii) under the heading "Estimates" the word "probable."

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