



CHAPTER civ.

An Act to empower the Easington Rural District Council to acquire certain lands compulsorily to confer further powers upon the Council in respect of their water undertakings and in regard to tents vans and huts to make further and better provision for the health local government and finance of the district and for other purposes. A.D. 1935.
[2nd August 1935.]

WHEREAS the rural district of Easington in the county of Durham (in this Act referred to as "the district") is under the government of the rural district council of Easington (in this Act referred to as "the Council") and comprises eighteen parishes with a population of nearly ninety thousand inhabitants in some of which parishes extensive development is taking place for the control of which the existing powers of the Council under the Public Health Acts are insufficient :

And whereas it is expedient that the Council should be authorised to acquire certain lands for the purposes of a park recreation ground pleasure gardens and camping grounds :

And whereas it is expedient that further powers should be conferred on the Council in respect of their water undertakings :

And whereas it is expedient to make further and better provision with reference to tents vans and huts and streets buildings and sanitary matters and otherwise

A.D. 1935. — for the improvement health and local government 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 with regard to the finances of the district which are contained in this Act should be made and that the Council should be empowered to borrow money for the purposes of this Act :

And whereas an estimate has been prepared by the Council in relation to the purchase of lands in respect of which they are by this Act authorised to borrow money and such estimate amounts to seventeen thousand pounds :

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

And whereas a plan of the lands by this Act authorised to be acquired and a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerk of the county council of the county of Durham which plan and book of reference are in this Act respectively referred to as the deposited plan and book of reference :

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 Part XIII of the Local Government Act 1933 so far as the same are applicable have been observed :

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 Easington Rural District Council Act 1935.

Act divided into Parts. 2. This Act is divided into Parts as follows :—
Part I.—Preliminary.
Part II.—Lands.

Part III.—Water.

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Part IV.—Streets buildings sewers and drains.

Part V.—Infectious disease and sanitary provisions.

Part VI.—Tents and vans &c.

Part VII.—Parks and recreation grounds sea-shore baths &c.

Part VIII.—Finance.

Part IX.—Miscellaneous.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) so far as the same are applicable to the purposes of and are not inconsistent with the provisions of this Act are hereby incorporated with this Act : Incorporation of Acts.

Provided that the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Council and shall be sufficient without the addition of the sureties mentioned in that section.

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

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

“ The district ” means the rural district of Easington ;

“ The Council ” means the rural district council of the district ;

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

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

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

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- “The tribunal” means the arbitrator or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;
- “The water undertakings” means the water undertakings of the Council;
- “The water limits” means the limits within which the Council are for the time being authorised to supply water;
- “The Public Health Acts” means the Public Health Act 1875 and the Acts amending or extending the same;
- “The Act of 1933” means the Local Government Act 1933;
- “The Minister” means the Minister of Health;
- “The supply company” means North-Eastern Electric Supply Company Limited;
- “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;
- “Child” means a person under the age of sixteen years;
- “Food” has the meaning assigned to that word by section 34 of the Food and Drugs (Adulteration) Act 1928;
- “Daily penalty” means a penalty for each day on which an offence is continued by a person after conviction thereof;
- “Special rate” has the meaning assigned to that expression by section 3 of the Rating and Valuation Act 1925;
- “Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the

Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council; A.D. 1935.
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“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing 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 shall 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 Act of 1933;

“Revenues of the Council” means revenues of the Council within the meaning of Part IX of the Act of 1933.

PART II.

LANDS.

5.—(1) Subject to the provisions of this Act the Council may enter upon take use and hold for the purposes of a park recreation ground pleasure gardens and camping grounds the lands in the county of Durham hereinafter described which are delineated on the deposited plan and described in the deposited book of reference (that is to say) :— Power to acquire lands.

Lands in the parish of Monk Hesleden in the district and in the parish of Thorpe Bulmer in the rural district of Hartlepool bounded by a line commencing at the north corner of enclosure numbered 113 in the parish of Monk Hesleden on the 1/2500 Ordnance map of Durham sheet XXIX.13 (edition 1919) passing thence in a southeasterly direction along the high-water mark of ordinary tides to the boundary of that parish and

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the parish of Thorpe Bulmer thence into the parish of Thorpe Bulmer and along the high-water mark of ordinary tides to the south-east boundary of the last-mentioned parish thence in a south-westerly direction along the boundary between the said parish and the parish of Hart to the south corner of the enclosure numbered 11 in the parish of Thorpe Bulmer on the 1/2500 Ordnance map of Durham sheet XXXVII.2 (edition 1920) thence along the western side of the said enclosure thence in a straight line to the south-east corner of the enclosure numbered 16A thence along the western side of the last-mentioned enclosure thence along the south-east and south-west sides of the enclosure numbered 2 to and along the south-east side of the enclosure numbered 1 to the boundary of the London and North Eastern Railway thence in a northerly direction along the eastern boundary of the said railway to the south end of the Crimdon viaduct thence passing under the said railway thence in a southerly direction for a distance of 17 yards to and along the southern boundary of the enclosure numbered 30 on the 1/2500 Ordnance map of Durham sheet XXIX.14 (edition 1919) in a south-westerly direction for a distance of 53 yards from the western side of the said railway thence in a northerly direction into the parish of Monk Hesleden to a point 63 yards west of the centre of the railway at the north end of the said viaduct thence in an easterly direction under the said viaduct for a distance of 129 yards to a point in the enclosure numbered 132 thence along the southern side of that enclosure and the south-eastern side of enclosure numbered 123A to a point 26 yards south-west of the south-east corner of that enclosure thence in a straight line in a north-westerly direction to the north-east corner of enclosure numbered 117 thence in a westerly direction along the southern side of enclosure numbered 118 under the said railway to a point 70 yards west of the west side of the bridge carrying that railway over the said enclosure thence in a north-westerly direction for a distance of 263 yards to a point on the north-western side of enclosure numbered 116A on the 1/2500 Ordnance

map of Durham sheet XXIX.13 (edition 1919) A.D. 1935.
33 yards from the northern corner of that enclosure —
thence along the boundary of the said enclosure to
the said corner thence in a north-westerly direction
for a distance of 11 yards along the north-eastern
side of the enclosure numbered 115 thence in a
north-easterly direction under the said railway to a
point 46 yards south-east of the north-western
corner of enclosure numbered 116 thence in a
north-westerly direction along the boundary of the
said railway to the western corner of enclosure
numbered 114 thence along the north-eastern side
of that enclosure to the point of commencement
hereinbefore described.

(2) Notwithstanding anything contained in this Act
or shown upon the deposited plans the Council shall not
acquire otherwise than by agreement any land or property
belonging to the London and North Eastern Railway
Company or any estate or interest easement or right
therein nor shall they in any way interfere with the
railway or property of that company.

6. The powers of the Council for the compulsory Period for
purchase of lands under this Act shall cease on the compulsory
thirty-first day of October one thousand nine hundred purchase of
and thirty-eight. lands.

7. If there be any omission misstatement or wrong Correction
description of any lands or of the owners lessees or of errors
occupiers of any lands shown on the deposited plan or in deposited
specified in the deposited book of reference the Council plan and
after giving ten days' notice to the owners lessees and book of
occupiers of the lands in question may apply to two reference.
justices having jurisdiction in the place in which the lands
are situate for the correction thereof and if it appears to
the justices that the omission or misstatement or wrong
description arose from mistake they shall certify the same
accordingly and they shall in their certificate state the
particulars of the omission and in what respect any such
matter is misstated or wrongly described and such
certificate or a copy thereof shall be deposited with the
clerk of the county council and a duplicate thereof shall
be deposited with the clerk of the county district in which
the lands are situate and if the lands are situate in a
rural parish having a parish council also with the clerk of

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that council and such certificate or copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plan and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with the certificate.

Extinction
of private
rights of
way.

8. All private rights of way over any lands which the Council are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Council be extinguished. Provided that the Council shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Benefits to
be set off
against com-
pensation.

9. In estimating the amount of compensation or purchase money to be paid by the Council in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining or neighbouring lands of such person not so acquired or of any other lands of such person which are continuous with such adjoining lands arising through such adjoining lands becoming lands fronting on any street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Compensa-
tion in case
of recently
acquired
interests.

10. For the purpose of determining any question of disputed compensation payable in respect of lands or buildings taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the first day of October one thousand nine hundred and thirty-four if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Power to
enter upon
property for
survey and
valuation.

11. The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk may at all reasonable times upon giving in the first instance twenty-four hours' and

subsequently twelve hours' previous notice in writing enter upon the lands by this Act authorised to be taken and used or any of them for the purpose of surveying and valuing the said lands without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands. A.D. 1935.
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12. At any time after notice to treat has been served for any land which the Council are by this Act authorised to purchase compulsorily the Council may after giving to the owner and occupier of the land not less than twenty-eight days' notice enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with. Further powers of entry.

PART III.

WATER.

13. Notwithstanding anything in any Act or Order relating to the Council the Council may at any time after the passing of this Act by resolution determine that as from a date to be specified in such resolution all the parishes in the district supplied with water by the Council shall be one area for the purposes of water rates rents and charges and expenses in connection therewith (other than the provision and maintenance of mains fittings and works and loan charges). Water rates rents and charges.

14.—(1) Where the net annual value of a house or building or part of a house or building does not exceed thirteen pounds or a house or building or part of a house or building supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Council so determine pay the water rate for the domestic supply but such rate may be recovered by the Council in default of payment by the owner from the occupier and may if so recovered and if the occupier be not himself liable for the water rate under any lease or Rates payable by owners of small houses.

A.D. 1935. — agreement be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the said water rate.

(2) The provisions of section 73 of the Waterworks Clauses Act 1847 shall mutatis mutandis extend and apply to any payments made under this section by the owner of any house or building or part of a house or building and as if that section applied in the case of any lease or agreement whether made before or after the passing of this Act.

Supplies for purposes other than domestic.

15. The Council may supply water for purposes other than domestic on such terms and conditions as the Council think fit and may supply water by meter either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable with and in the same manner as water rates :

Provided always that no person shall be entitled to a supply of water for purposes other than domestic if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Supply to houses partly used for trade &c.

16.—(1) The Council shall not be bound to supply with water otherwise than by meter—

- (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade business or manufacturing purpose for which water is required;
- (b) any hospital (whether public or private) or sanatorium;
- (c) any club hotel assembly-hall restaurant public-house inn or common lodging-house;
- (d) any boarding house or public institution capable of accommodating at least twelve persons including the persons usually resident therein; or
- (e) any school.

(2) Where a supply of water to a farmhouse is used for farming purposes the Council may require that the supply for farming purposes shall be taken by meter but nothing in this subsection shall authorise the Council to

refuse a supply of water for domestic purposes to a farmhouse. A.D. 1935.

(3) The minimum quarterly charge (exclusive of meter rent) for a supply of water by meter to any of the premises in this section mentioned shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a supply of water for domestic purposes furnished to a dwelling-house of the same net annual value.

17. The quarterly charge for water supplied for domestic use in any office lock-up shop or warehouse shall be one-fourth of the amount which would be payable according to the scale for the time being in force for a supply of water for domestic purposes to a dwelling-house of the same net annual value. Supplies to offices &c.

18.—(1) Where a person who takes a supply of water for domestic purposes desires to use the water for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Council may if a standpipe or tap be fixed on such premises charge (except where the water so used is taken by meter) such sum not exceeding ten shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding five shillings per annum for each motor car beyond the first : Charges for horses and washing vehicles.

Provided that if a hosepipe or other similar apparatus be used in connection with any standpipe or tap the Council may charge such additional sum not exceeding ten shillings per annum as they may prescribe and (where more motor cars than one are kept) a further additional sum not exceeding five shillings per annum for each motor car beyond the first.

(2) Any sums chargeable under this section shall be in addition to the rates charged for the supply of water for domestic purposes and shall be recoverable in all respects with and in the same manner as the said rates.

(3) Where water supplied by the Council to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by him by means of a hosepipe or other similar apparatus for horses or for washing carriages or motor cars or for other

A.D. 1935. — purposes in stables garages or premises where horses carriages or motor cars are kept the Council may if they think fit require that all water so used by means of such hosepipe or other apparatus shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

Special terms for supplies to caravans &c.

19.—(1) Notwithstanding anything in any Act relating to the Council a person shall not be entitled to demand or continue to receive from the Council a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Council (a) to take a supply of water by meter and to pay to the Council in advance such minimum quarterly charge (exclusive of meter rent) not being less than one-fourth part of such annual sum as will give them a reasonable return on their capital expenditure or (b) to secure to the reasonable satisfaction of the Council by way of deposit or otherwise payment in advance of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

(2) The sum to be so paid or the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the court shall be final and binding on all parties.

Price of water supplied by meter.

20. The price to be charged by the Council for a supply of water by meter shall not exceed two shillings and sixpence per thousand gallons Provided that except as by this Act otherwise expressly provided the Council shall be entitled to charge a minimum sum of fifteen shillings in any quarter of the year for water supplied by meter.

Water rate &c. may be collected with general rate.

21.—(1) Any water rate or charge payable to the Council may be collected together with the general rate.

(2) The Council may demand water rates and charges by half-yearly instalments in advance on the first day of April and the first day of October in each year but so that the same shall not be recoverable until the expiration of three months from the said first day of April and first day of October respectively.

(3) (a) Where premises in respect of which any water rate or charge is payable cease to be occupied during

any part of the period for which such rate or charge is payable the person from whom such rate or charge is recoverable shall not be liable for any part of such rate or charge after the day on which the occupation of the said premises shall have ceased. Provided that he shall have given to the Council seven days' previous notice in writing of the intended cessation of the occupation of such premises and if any such person having given such notice as aforesaid shall have paid any water rate or charge for any period during which such premises were unoccupied he shall be entitled to repayment thereof by the Council. Notice of the effect of this paragraph shall be endorsed on every demand note for any such rate or charge. The water rate or charge or any part thereof payable by any such person in respect of any such premises and unpaid when occupation ceases as aforesaid shall become payable and be recoverable immediately on the cessation of such occupation. A.D. 1935.

(b) Where any premises in respect of which any water rate or charge is payable cease to be unoccupied after the commencement of the period for which such rate or charge is payable the person liable for payment shall pay so much of such rate or charge as is proportionate to the period for which such occupation was continued.

(4) (a) The Council may from time to time if they think fit make an allowance by way of discount not exceeding two and a half per centum on the amount due in respect of any water rate or charge or any instalment thereof from every person who pays the same within such time after demand of the rate or any instalment thereof as the case may be as the Council may prescribe :

Provided that the same rate of discount shall be allowed in similar circumstances to every person from whom such water rate or charge or any instalment thereof shall be demanded.

(b) If and so long as the Council allow such discount notice of the effect of this enactment shall be endorsed on every demand note for water rates and charges.

22. The water supplied by the Council need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the reservoir from which the supply is taken. Limit of pressure.

23. A notice to the Council from a consumer for the discontinuance of a supply of water shall not be of Notice of discontinuance.

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any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Council.

Extension
of power to
inspect
premises.

24. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 the surveyor or any duly authorised officer of the Council may at all reasonable times between the hours of seven and nine in the morning and also between the hour of four in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Council in order to examine if there be any waste or misuse of such water and if any person hinder the surveyor or any such officer from entering either under the said section 57 or under this section or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and also be liable to a penalty under this section.

Byelaws for
preventing
waste &c. of
water.

25.—(1) The Council may make byelaws—

- (a) for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature material workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans water-closets baths cisterns and other apparatus (in this section referred to as “water fittings”) to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination; and
- (b) as to the testing and stamping of valves and other apparatus and prescribing the charge to be made for such testing and stamping.

(2) Such byelaws shall apply only in the case of premises to which the Council afford or are prepared on demand to afford a constant supply of water and shall not apply in the case of premises supplied with water by meter to any water fittings situate on the property of the consumer beyond the meter.

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(3) Nothing in this section or in any byelaw made thereunder shall apply to any water fittings used on any premises (not being or being used as an hotel or dwelling-house) belonging to and forming part of the railway of a railway company.

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

(5) Any person who shall forge or counterfeit any stamp or mark used by the Council or by the authority of the Council for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

26. When several houses or other premises or parts of houses or other premises in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or other premises or parts of houses or other premises the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Council in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the surveyor or other officer duly authorised in that behalf by the Council.

Mainten-
ance of
common
pipe.

27.—(1) The Council shall not be bound to supply with water more than one house or part of a house occupied as a separate tenement by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house or part of a house occupied as a separate tenement supplied by them with water.

Separate
communi-
cation pipes
may be
required.

(2) If the owner of any house or part of a house occupied as a separate tenement which is supplied with water by the Council when so required in pursuance of the preceding subsection fails within a period of one

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month after the receipt of such requirement to provide a separate pipe from the main into such house or part of a house the Council may themselves do the work necessary in that behalf and may recover from such owner the cost incurred by them in so doing.

Stop-cocks
to be fitted
in commu-
nication
or service
pipes.

28.—(1) In the case of all premises connected after the passing of this Act with the mains of the Council the Council may in cases where the communication pipes are laid by the person requiring a supply of water to any premises or by the Council at the request of such person require such person at the time when the pipes are laid to insert or to have inserted and thereafter to maintain a stop-cock (which expression where used in this section shall include the necessary covers or boxes for giving access and protection thereto) in the communication or service pipe from the said premises in some position to be reasonably approved by the road authority in the footway of the street in which such pipe is laid or if there be no footway in a position as near as reasonably practicable to the premises supplied and if such person fails to comply with such requirement the Council may insert and maintain a stop-cock in such communication or service pipe and recover the reasonable expenses incurred by them in so doing from such person as a civil debt.

(2) For the purpose of complying with any obligation under this section to insert or to maintain a stop-cock and for the purpose of maintaining any existing stop-cock in a communication or service pipe from any premises within the water limits the person liable shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(3) The Council may by agreement with any person liable to insert or to maintain any stop-cock and for that purpose authorised to open or break up any street within the water limits execute such works on behalf of such person and any expenses incurred by the Council in so doing shall be repaid by the person with whom the agreement is made and shall be recoverable summarily as a civil debt.

Power to
Council to
repair com-

29. If in the opinion of the Council any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to

or defect in any communication pipe which the Council are not under obligation to maintain it shall be lawful for the Council to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expense incurred by the Council for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Council in like manner as the water rates in respect of the premises are recoverable. Provided that (except in case of emergency) the Council shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises (and if the water rates in respect of the house or premises are payable by the owner thereof to such owner) not less than twenty-four hours' previous notice of their intention so to enter.

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communication
pipes.

30. Notwithstanding anything in any Act relating to the Council the Council may execute any works on any of the water mains of the Council for connecting any communication or service pipe therewith and any expenses incurred by the Council in so doing shall if so required by the Council be repaid by the person for whom such work is executed.

Council may
connect
communi-
cation pipes
with mains.

31.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fitting belonging to the Council or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Council shall (without prejudice to any other right or remedy for the protection of the Council) be liable to a penalty not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained.

Injuring or
fraudulently
altering
meters &c.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fitting belonging to the Council or has fraudulently

A.D. 1935. — altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Council the Council may enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter or instrument of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Council by the person so offending and may be recovered by them in like manner as rates for water are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Council when such pipe meter instrument or fitting is under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use (as the case may be) has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fitting.

As to register of meters.

32.—(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Council.

(2) Provided that if the Council and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

(3) If any meter used by a consumer of water be proved to register erroneously such erroneous registration shall be deemed to have first arisen at the beginning of the then current quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and in the case of a surcharge shall be

recoverable in like manner as rates for water are recoverable by the Council. A.D. 1935.

33. The Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit. Power to sell meters.

34. Before any person connects or disconnects any meter owned by him by means of which any of the water of the Council is intended to be or has been registered for the purposes of payment to the Council he shall give not less than twenty-four hours' notice in writing to the Council of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Council and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings. Notice to Council of connecting or disconnecting meters.

35.—(1) The Council may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter (but shall not manufacture) any such pipes valves cocks cisterns baths meters soilpans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and execute all work necessary or proper in that behalf and the reasonable charges of the Council in providing such materials and executing such work shall be paid by the person requiring the same. Power to supply water fittings.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof.

(3) Subject to the proviso to subsection (2) of this section all fittings let by the Council on hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any premises at all times continue

A.D. 1935. to be the property of and removable by the Council
— Provided that nothing in this subsection shall affect the
amount of the assessment for rating of any premises
upon which any such fittings are or shall be fixed.

(4) Provided as follows :—

(a) the Council shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of money so borrowed);

(b) when a demand note delivered by the Council to a consumer includes a sum charged by the Council in respect of providing such fittings or the fixing repairing or removal thereof such sum shall be clearly stated in such demand note;

(c) the total sums expended and received by the Council in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the accounts of the water undertaking for such year.

As to
recovery
summarily
of sums due
for fittings.

36. If the Council commence proceedings for the summary recovery of a sum due for the supply of water any other sum due or payable to the Council in respect of the sale or hire of any fittings supplied by them for or in connection with the supply of water or the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily provided the amount due or payable in respect thereof does not exceed twenty pounds.

Purchase of
water in
bulk.

37. The Council may enter into and carry into effect agreements with any local authority body company or person supplying water under parliamentary authority and with the approval of the Minister in the case of any water intended for domestic consumption with any other local authority body company or person for the purchase of water in bulk by the Council for such price

and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Council for the purposes of the water undertakings :

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Provided that nothing in this section shall permit the Council to purchase water from outside the district for distribution and use within the limits for the supply of water of the Sunderland and South Shields Water Company without the consent in writing of that company so long as the said company are able and willing to provide a proper and sufficient supply of water for all reasonable purposes in their limits of supply.

If any difference shall arise between the Council and the Sunderland and South Shields Water Company as to whether the water which the said company are able and willing to supply in any part of the district is proper and sufficient for the purposes for which it is required or whether such purposes are reasonable or as to the terms of such supply (in so far as the charges of the said company are not regulated by Act of Parliament) such difference shall be settled by an arbitrator to be appointed on the application of either party by the Minister.

38. For the protection of the county council of the administrative county of Durham (in this section called "the county council") the following provisions unless otherwise agreed to in writing between the Council and the county council shall apply and have effect with respect to the exercise of the powers of this Part of this Act (that is to say) :—

For protec-
tion of
Durham
County
Council.

(1) In this section—

The word "road" means any road for the time being vested in or repairable by the county council and situate within any part of the water limits ;

The word "bridge" means any bridge vested in or repairable by the county council situate within the water limits and includes the road over such bridge and the approaches thereto :

(2) In relation to any road or bridge section 30 of the Waterworks Clauses Act 1847 shall (except in cases of leakage bursting or other emergency) have effect as if the word "seven" were

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substituted for the word "three" in that section :

- (3) The plan required by section 31 of the last mentioned Act shall clearly define the position in the roadway or at the side thereof or in or upon the structure of any bridge at which the works of the Council are proposed to be constructed and shall be accompanied by a section showing the depth below the surface of the said works and (except in cases of leakage bursting or other emergency) shall be delivered to the county council by the Council not less than in the case of a bridge fourteen days and in the case of a road seven days before the Council commence to interfere with the bridge or to open or break up the road or interfere with the bridge or the roadway over the same or the approaches thereto as the case may be :

Provided that if the county surveyor shall not within fourteen days in the case of a bridge and seven days in the case of a road after the plan shall have been delivered to him express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof and provided further that if he shall express his disapproval thereof such works shall in case of difference be constructed in accordance with plans and sections to be approved by an arbitrator appointed in manner hereinafter provided :

- (4) All works (not being replacements of existing works or communication or service pipes) to be laid in or along any road or in the roadway of any bridge shall be laid in such position in or at the side thereof as the county council shall by writing under the hand of the county surveyor reasonably direct and in the case of any works which it is reasonably necessary to lay otherwise than in the roadway over any bridge the same shall be carried on the structure thereof in such manner as the county council may in like manner reasonably direct :
- (5) The Council shall not permit any trench made by them in any road to be opened for a greater

consecutive distance than one hundred yards if in such length of one hundred yards there is not room for two vehicles to pass one another :

- (6) In lieu of keeping any road in repair in the manner provided by section 32 of the Waterworks Clauses Act 1847 the county council may if they think fit maintain and repair the road for three months after the reinstatement thereof and for such further period if any (not being more than twelve months in the whole) during which there shall be any subsidence in the surface thereof caused by the works of the Council and the Council shall repay to the county council all reasonable expenses of and incident to such maintenance and repair :
- (7) If the Council in the execution of any works in or affecting any road or bridge shall cause any damage injury or disturbance to such road or bridge and shall neglect or refuse to make good all such damage injury or disturbance in accordance with the provisions of the Waterworks Clauses Act 1847 then and in any such case the county council may after reasonable notice to the Council of the alleged neglect or refusal and of the works which they propose to execute do all works necessary for making good all such damage injury or disturbance causing as little damage or inconvenience to the Council as the circumstances may admit and the Council shall repay to the county council all expenses reasonably incurred by the county council in connection with any such works :
- (8) The surplus paving metalling or materials removed during the laying renewal or repair of the mains pipes or works of the Council shall not be placed on the metalled portion of any road or in or upon any bridge if this can reasonably be avoided but shall be deposited at a convenient place near such works :
- (9) Except so far as is provided by subsection (4) of this section the Council shall not interfere with the structural part of any bridge without the consent in writing of the county council or the county surveyor which consent shall not

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be unreasonably withheld and may be given upon such conditions as the county council may reasonably determine. Provided that this subsection shall not apply to any materials forming or being part of the roadway upon any bridge :

- (10) (a) If the county council at any time desire to alter the level of deviate widen or reconstruct any road in or along which any works of the Council shall have been laid the Council may and on receiving one month's notice in writing under the hand of the clerk or surveyor to the county council so to do shall alter the position of any such works in the manner and to the extent prescribed by such notice or as in case of difference shall be determined by arbitration in manner hereinafter provided and the county council shall repay to the Council the expenses reasonably incurred by the Council in effecting any such alteration of the position of any such works ;

(b) If any bridge in under over or attached to which any works of the Council are laid shall be removed altered repaired or rebuilt the Council may and on receiving one month's notice in writing under the hand of the clerk or surveyor to the county council so to do shall at their own expense alter the position of such works as aforesaid and the county council shall at the expense of the Council afford all reasonable facilities to the Council during the removal alteration reparation or rebuilding of such bridge for temporarily carrying or supporting such works so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such works :

- (11) All works of the Council so far as they affect any road or bridge shall be so executed by the Council as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on such road or over such bridge :

- (12) The county council shall not except in case of their negligence be liable for or in respect of

any damage or injury to any works of the Council laid under the powers of this Act in or upon the metalled portion of any road or any bridge arising from the ordinary use by the county council of a steam or other roller or traction engine not exceeding fifteen tons in weight : A.D. 1935.

- (13) The Council shall make reasonable compensation to the county council for all damage or injury loss or expense whatsoever which the county council may sustain by reason or in consequence of the failure of any works of the Council laid under the powers of this Act in any road or bridge as aforesaid :
- (14) If any difference shall at any time arise between the county council and the Council touching this section or anything to be done or not to be done thereunder such difference shall be settled by an arbitrator to be agreed upon between them or failing 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 aforesaid.

PART IV.

STREETS BUILDINGS SEWERS AND DRAINS.

39.—(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.

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

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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;
- (c) the expenditure incurred by the person having control of the house or the owner during the preceding three years upon the dwelling-house.

Dilapidated
and
neglected
buildings.

40.—(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 and clear up the site of or to repair such building (in this section referred to as a “neglected structure”) or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Council within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

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

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

(4) All expenses incurred by the Council under this section in relation to a neglected structure may be deducted by the Council from the proceeds of the sale and the surplus (if any) shall be paid by the Council on demand to the owner of the structure and if such

neglected structure or some part thereof is not taken down and such materials are not sold by the Council or if the proceeds of the sale are insufficient to defray the said expenses the Council may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof but without prejudice to his right to recover the same from any lessee or other person liable for the expenses of repairs.

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41. 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 provision of fixed baths in such classes of new dwelling-houses as may be prescribed in the byelaws.

Extension of section 157 of Public Health Act 1875.

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

Wilful damage to drains water-closets &c.

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

43.—(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 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.

As to defective drains.

(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

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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.

As to repair
of drains.

44. 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 said drain to be repaired it shall be lawful for the Council if in their opinion such drain can be sufficiently repaired at a cost not exceeding thirty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners thereof in such proportions as the surveyor shall determine :

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

Saving for
London
and North
Eastern
Railway
Company.

45. Nothing contained in this Part of this Act shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to the London and North Eastern 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 that company with the authority of Parliament so long as any such building railway work or land is used or held by the said company primarily for railway purposes.

PART V.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Interpreta-
tion for
purposes of
Part V of
Act.

46. For the purposes 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 " respectively 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." A.D. 1935.

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

Extended meaning of "dangerous infectious disorder" for certain purposes.

48.—(1) If the Council or any committee of the Council acting on the advice of the medical officer with a view to 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.

49.—(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 local education authority with a view to preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with a view to 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 the medical practitioner attending the child 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.

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

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

Registra-
tion of ice-
cream
manufac-
turers and
premises.

50. (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 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.

(5) The provisions of this section shall not apply to theatres music halls or cinemas or to premises used as a club or hotel or to premises of a railway company.

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

51.—(1) The Council may 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 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. A.D. 1935.
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(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 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 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 finally 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.

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

(2) (a) Every existing dwelling-house and every dwelling-house the erection of which was commenced before the passing of this Act shall where reasonably practicable be provided with sufficient and properly

A.D. 1935. — ventilated pantry or other 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.

(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 gives twenty-four hours' written notice of such appeal and of the ground thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs.

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

As to filthy premises.

53.—(1) If the owner of any dwelling-house or any premises occupied with any dwelling-house 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 and any such order may be enforced in the manner provided by section 34 of the Summary Jurisdiction Act 1879.

(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.

Prohibition on infected person carrying on business.

54. 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. A.D. 1935.

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

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

56.—(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 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.

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

(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.

57. When the medical officer certifies in writing that any dwelling-house is in an insanitary condition and that any 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 such occupier seven days' notice of their intention to make such application) make an order for

Cleansing of dwelling-houses in certain cases.

A.D. 1935.

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.

Council may supply anti-dotes against infectious disease.

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

Provision of dustbins by Council.

59. The Council may at the request of the owner or occupier of any premises within the district provide on such terms and conditions as they may think fit a galvanised iron dustbin or galvanised iron dustbins.

Power to require provision of portable ashbins.

60.—(1) The Council may by notice in writing require the owner or occupier of any premises in any part of the district in which they may for the time being have undertaken or contracted for the removal of refuse within the time specified in the notice not being less than twenty-eight days—

- (a) to provide portable receptacles for refuse of such number size pattern and material as may be prescribed by the notice in substitution for any ashpit or other fixed or movable receptacle for refuse which is in use at the date of the notice; and
- (b) to remove or to fill in or discontinue to use as an ashpit to the satisfaction of the Council any fixed ashpit for which a portable receptacle will be substituted.

(2) Where by a notice under subsection (1) of this section the Council require a portable receptacle for refuse to be provided in substitution for an ashpit or other receptacle for refuse which is in use at the date of the notice the Council shall contribute towards the reasonable cost approved by them of the receptacle and of the removal or filling in of any fixed ashpit such sum (not being less than one-half of the cost thereof) as they may consider just and proper according to the circumstances and the remainder of the cost shall be borne by the person to whom the notice was addressed and the Council may if they think fit bear the whole of the cost of providing the substituted receptacle and shall subject

as hereinafter provided pay the whole of the cost of providing the receptacle and of removing or filling in the fixed ashpit where the existing receptacle is reasonably sanitary and serviceable : A.D. 1935.

Provided that if the medical officer or the sanitary inspector shall have certified that the existing receptacle for refuse is a nuisance or injurious to health or that an existing portable receptacle is worn out and unfit for use the whole of the cost of the substituted receptacle shall be borne by the person to whom the notice was addressed.

(3) If any notice under subsection (1) of this section is not complied with or is not fully complied with the Council may after the expiration of the time specified in such notice provide the required receptacles and do any work thereby required to be done which has not been done by the owner or occupier and may recover from the owner or (if there be more than one owner) from the owners in such proportions as shall be determined by the Council the expenses incurred by them in so doing less any part of the said expenses which is to be borne by the Council under subsection (2) of this section.

(4) (a) Every owner or occupier by or for whom a receptacle for refuse has been provided whether in pursuance of a notice under this section or not shall maintain the receptacle in good order and condition and when necessary renew it.

(b) Any person who fails to comply with this subsection shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings.

(5) (a) A portable receptacle or ashtub used for the deposit of dust ashes or house refuse intended for removal by or on behalf of the Council shall not be used by any person for any other purpose and house refuse of a liquid or partly liquid character shall not be deposited in any such portable receptacle or ashtub.

(b) Any person who fails to comply with this subsection shall be liable to a penalty not exceeding ten shillings.

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(6) The owner or occupier of all premises in connection with which a portable receptacle for refuse has been or may hereafter be provided shall if so required by the Council pay to the Council on each first day of April after being so required such sum not exceeding three shillings as the Council may from time to time by resolution determine for or towards the maintenance repair and renewal by them of such receptacle. Such payments shall be in satisfaction of any obligation of such owner or occupier in regard to the maintenance and renewal of such receptacle and shall be recoverable summarily as a civil debt.

As to houses
&c. without
water
supply.

61.—(1) The owner of any dwelling-house or tenement separately occupied for human habitation which is situate within twenty-five yards of any legally accessible water main and is not provided with a proper and sufficient water supply within the same 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 :

Provided that the owner of any dwelling-house or tenement separately occupied for human habitation 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.

(2) 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."

Notice to be
given of
Part V of
Act.

62.—(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 and circulating in the district.

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

PART VI.

A.D. 1935.

TENTS AND VANS &C.

63.—(1) (a) No tent hut van shed boat or similar structure used or intended to be used for human habitation shall be placed or kept within the district on any land or foreshore or on any water adjoining the land or foreshore without the previous approval of the Council. Prohibition
of tents
vans &c.

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

(2) Any person aggrieved by the withholding by the Council of any approval or 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 that he gives written notice of such appeal and of the grounds thereof to the clerk before lodging his appeal and such court may 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.

(3) This section shall not apply to any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stall holder (not being a pedlar or hawker) nor to any tent or van or other similar structure temporarily used by shepherds labourers or other persons for farming agricultural or other like purposes or temporarily used for the service of the Council or other public authority nor to the supply company in relation to any van or similar vehicle belonging to that company or any trailers drawn by such van if and so long as the van and trailers are used by the supply company as travelling showrooms or for the purpose of giving exhibitions or demonstrations of the electrical appliances provided by that company and the manner in which such appliances can be used.

A.D. 1935.
—

(4) This section shall not apply to a canal boat or a vessel registered under the Merchant Shipping Act 1894 or any boat or vessel used for navigation.

(5) This section shall not apply to any tent hut van shed or similar structure—

(a) belonging to or occupied by any person whilst the same is used by him for holiday or recreational purposes only;

(b) provided by or belonging to and used by members of any other duly constituted association or society operating throughout Great Britain which by their rules undertake for the management of such tent hut van shed or similar structure while it is occupied or used by their members and for the good conduct of their members when in camp;

unless it is used or intended to be used as a sole or principal means of habitation for an unbroken period exceeding six weeks.

The exemption conferred by the foregoing paragraph (a) shall apply only for so long as the person to or by whom the tent hut van shed or similar structure belongs or is occupied shall continue to make reasonable arrangements for the maintenance of good order amongst the persons using such tent hut van shed or similar structure. The exemption conferred by the foregoing paragraph (b) shall apply only for so long as the association or society referred to therein continue to make and enforce reasonable arrangements for the maintenance of good order among their members and for the proper management and sanitary condition of such tent hut van shed or similar structure.

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

(a) any duly constituted religious or charitable association or society operating throughout Great Britain to the main objects of which the provision ownership or use of tents huts vans sheds or similar structures is merely subsidiary. Any question whether an association or society is a religious or charitable association or society

shall be determined by a court of summary jurisdiction; A.D. 1935.

- (b) any association incorporated by royal charter or any organisation constituted by any such last mentioned association in pursuance of their charter.

The exemption conferred by the foregoing provisions of this subsection in respect of any tent hut van shed or similar structure shall apply only for so long as the association society or organisation by or to which such tent hut van shed or similar structure is provided or belongs or is used shall continue to make and enforce reasonable arrangements for the maintenance of good order amongst the persons using the tent hut van shed or similar structure and for the proper management and sanitary condition of the ground occupied by such tent hut van shed or similar structure.

(7) This section shall not apply to any tent hut van shed or similar structure provided by or belonging to and used by any cadet unit of the British National Cadet Association officially recognised by the Army Council.

(8) The placing upon the foreshore of any tent van shed boat or similar structure used or intended to be used for human habitation shall be subject to the provisions of the section of this Act of which the marginal note is "Works below high-water mark not to be constructed without consent of Board of Trade."

(9) 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.

PART VII.

PARKS AND RECREATION GROUNDS SEASHORE BATHS &c.

64.—(1) For the purposes of—

- (a) section 82 of the Public Health Acts Amendment Act 1907 in its application to the district; and
(b) this Part of this Act;

"seashore" means and includes the sea-banks and the caves therein and thereunder sea-walls beach sands seashore and foreshore for the time being vested in or leased to the Council.

Meaning of expressions "seashore" and "public park or pleasure ground."

A.D. 1935.

(2) For the purposes of Part VI (Recreation grounds) of the Public Health Acts Amendment Act 1907 and Part VI (Recreation grounds) of the Public Health Act 1925 the sea-walls and so much of the sea-banks and lands adjoining as are for the time being vested in or leased to the Council shall be deemed to be a public park or pleasure ground provided by the Council.

Bathing
pools.

65.—(1) Subject to the provisions of this Act the Council may on any part of the seashore or on any land belonging or leased to them construct maintain alter extend enlarge improve repair furnish and equip any 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 pools authorised by this Act to be constructed or any part thereof or any works appliances or conveniences provided in connection therewith and the Council may if they think fit let any such works appliances conveniences and buildings.

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

Byelaws as
to bathing
pools.

66.—(1) Subject to the provisions of this Act the Council may make and enforce byelaws for the management use and control of any bathing pools provided by them and for controlling the conduct of the persons resorting thereto and for the enforcement of such byelaws by the servants of the Council.

(2) The Council may also lay down and provide within the district such intake pipes apparatus and fittings as may be incidental to or necessary for supplying sea or fresh water to any bathing pools belonging to them.

Use of
bathing
pools for
swimming
contests &c.

67. The Council may close to the public and may reserve the exclusive use of any bathing pool belonging to them and may grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises 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 pool or for admission of persons thereto as they may think fit.

A.D. 1935.

68. 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.

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Power to charge for admission.

69.—(1) The Council may provide or arrange for the provision or carrying on of suitable concerts entertainments and lectures (not being of a political character) athletic meetings and contests in any assembly-room room for social purposes bandstand or other building provided by them or in any bathing pools belonging to them or in any park or recreation ground for the time being vested in them or under their control and may make such charges as they may think fit for admission thereto :

Provision of concerts entertainments &c.

Provided that nothing in this subsection shall enable the Council themselves to use any assembly room or other building provided by them under the powers of this Act for the purposes of a cinematograph theatre :

Provided also that the concerts and entertainments which the Council may provide under the powers of this section shall include concert and pierrot entertainments and other like entertainments whether costume is or is not used in connection therewith and either with or without appropriate scenery but the Council shall not themselves provide or arrange for the provision or carrying on of stage plays performed by persons other than members (resident in or near the district) of any amateur dramatic society or any entertainment for which scenery or theatrical costume is used and which forms a complete programme of variety entertainment as usually given at a music hall.

(2) The Council may in any bathing pools park or recreation ground provided by them enclose an area for the purpose of any such concerts entertainments lectures athletic meetings and contests as aforesaid.

(3) The Council may provide and sell or authorise any person or persons to provide and sell programmes of any concerts entertainments or performances given in pursuance of this section.

(4) The Council may make byelaws for securing good and orderly conduct during any concerts entertainments athletic meetings or contests provided or carried on in pursuance of this section.

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(5) The Council may pay or contribute towards the cost of providing and maintaining in public places and on public service vehicles plying in the district or between the district and other places in the county of Durham and in newspapers and other publications published in that county or in any county adjoining that county advertisements relating to any concerts entertainments lectures athletic meetings or contests given or provided in pursuance of this section.

(6) Any expenses incurred by the Council under the provisions of this section may be paid by the Council out of the general rate fund Provided always that the net amount of any payments or expenses made and incurred by the Council under the provisions of (a) this section and (b) section 56 of the Public Health Act 1925 after deducting any moneys received by them under the provisions of such sections shall not in any one year exceed the amount (calculated in accordance with the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925) which would be produced by a rate of one penny 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 subsection (3) of section 56 of the Public Health Act 1925 and of section 75 of the Local Government Act 1929.

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

70.—(1) Subject to the provisions of this Act the Council may erect provide furnish equip and repair and may let to or may permit any person subject to such charges and upon such terms and conditions as the Council think fit to occupy any site upon the seashore and thereon to use or carry on booths tents chairs sheds bathing huts shops stalls or stands for the sale of refreshments or of articles or commodities of any kind or for the giving of entertainments exhibitions and amusements and for any other purpose tending to promote the recreation health or pleasure of the public.

(2) The Council may let for such periods and upon such terms and conditions as they think fit any booths tents chairs sheds bathing huts shops stalls or stands erected or provided by them under this section.

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(3) The Council may upon such terms and conditions as they think fit permit any person by whom any booths tents chairs sheds bathing huts shops stalls or stands are used or carried on under this section to make charges for the use of the same or for admission to entertainments exhibitions and amusements therein.

(4) The Council may provide and let for hire bathing tents chairs huts and vans and towels costumes and other apparatus for bathing purposes and may provide construct and maintain upon the pleasure grounds belonging or let to them and upon the seashore sheds and other conveniences for the storing of the same.

71. If any person shall erect provide or place or maintain on the seashore any booth tent chair shed bathing hut shop stall stand or other erection or obstruction or shall use or carry on the same except in pursuance of the provisions of this or some other Act of Parliament or except with the consent in writing of the Council he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Penalty for unauthorised erection of booths &c.

72. The Council may employ and pay bathing attendants and boatmen for the purpose of protecting persons whilst bathing on or from the seashore and may provide any boats and life-saving appliances for that purpose.

Protection of bathers.

73. The Council may make byelaws under section 92 of the Public Health Acts Amendment Act 1907 with regard to public bathing and for prohibiting bathing or attempting to bathe from the seashore during such periods as the Council shall cause to be displayed in a conspicuous manner on the seashore by means of flags or similar means notices that bathing in the sea or attempting to bathe therein is prohibited on account of danger.

Regulation of bathing.

74.—(1) No person shall in any public garden open space or place of recreation or on the seashore—

Prohibition of touting hawking &c. in public gardens &c.

(a) importune any person by touting;

(b) without the consent of the Council—

(i) hawk sell or offer for sale or hire out any article or commodity or by way of trade or business take for reward any photograph of any person or group of persons;

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—

(ii) with a view to gaining or receiving profit or reward sing or play any instrument or conduct or take part in any entertainment exhibition or performance :

Provided that nothing herein contained shall prevent fishermen or boatmen from exercising their respective callings or fishermen from selling fish freshly caught by them in their boats upon the seashore.

(2) The Council may give any consent under paragraph (b) of subsection (1) of this section upon such terms and conditions as they may think fit Provided that in the case of the sale of newspapers and periodicals the said consent shall be given to such reasonable number of persons and upon such terms and conditions as the Council may think fit.

(3) Any person offending against the provisions of this section or contravening the terms or conditions upon which any consent is given thereunder shall be liable for every such offence to a penalty not exceeding twenty shillings.

(4) (a) Any person aggrieved by the withholding by the Council of any consent under the provisions of this section or by any terms or conditions attached to such consent may within fourteen days from the date of the decision of the Council appeal to a court of summary jurisdiction.

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

(5) This section shall not apply to any person who is a travelling showman roundabout proprietor or travelling stallholder (not being a pedlar or hawker) except in regard to the seashore and the lands described in the section of this Act of which the marginal note is "Power to acquire lands."

75.—(1) The provisions of section 68 of the Public Health Act 1925 shall extend to enable the Council from time to time to utilise as lands which may lawfully be appropriated as a parking place or as parking places for vehicles such part or parts of the lands to be acquired

Power to
set apart
parts of
certain
lands as
parking

under the provisions of this Act not exceeding in each case one acre as they may think fit and the provisions of the said section relating to the utilisation for parking places of land not forming part of a street shall *mutatis mutandis* apply and have effect for the purposes of this subsection. A.D. 1935.
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places for vehicles and stations for public service vehicles.

(2) The provisions of section 90 of the Road Traffic Act 1930 except subsections (1) (7) and (9) thereof shall apply to any parking place provided under this section.

76. 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. Power to appoint officers.

77. The provisions of this Part of this Act of which the marginal notes are "Bathing pools" "Byelaws as to bathing pools" "Use of bathing pools for swimming contests &c." "Power to charge for admission" "Provision of concerts entertainments &c." and "Power to set apart parts of certain lands as parking places for vehicles and stations for public service vehicles" shall only apply within the parish of Monk Hesleden in the district and in the parish of Thorpe Bulmer in the rural district of Hartlepool unless the said provisions or any of them shall be declared to be in force in any other area in the district by order of the Minister which order the Minister is hereby empowered to make on the application of the Council and any such order shall be published in the London Gazette or in such other manner as the Minister may direct. As to application of Part VII of Act.

78. No power conferred upon the Council under this Part of this Act with respect to any public park or recreation ground vested in leased to or used or enjoyed by the Council shall be exercised in such a manner as to be at variance with any trust or to contravene any covenant or condition subject to which such parks or recreation grounds have been given conveyed or leased to the Council without the consent of the donor grantor lessor or other person entitled in law to the benefit of such covenant or condition or in the case of a trust (except where the trust instrument reserves to the donor or any other person the power to vary the trust) without Saving for covenants and conditions affecting gifts conveyances and leases.

A.D. 1935. — an order of the High Court of Justice or in the case of a charitable trust without an order of the High Court of Justice or of the Charity Commissioners.

PART VIII.

FINANCE.

Power to borrow.

79.—(1) The Council shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all money so borrowed within such periods as the Council may determine not exceeding those respectively mentioned in the third column of the said table (namely) :—

Purpose.	Amount.	Period for repayment.
(1) For paying the costs charges and expenses of this Act as hereinafter defined.	The sum requisite.	Five years from the passing of this Act.
(2) For the purchase of lands - -	£17,000	Sixty years from the date or respective dates of borrowing.

(2) The provisions of Part IX of the Act of 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 purpose of the said Part IX.

Application of Act of 1933 to existing sinking funds.

80. Sections 213 and 214 of the Act of 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

under the Act of 1933 and the Council shall make such adjustments of any existing funds as may be proper. A.D. 1935.

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

Use of moneys forming part of sinking and other funds.

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

A.D. 1935.
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Closing of
registers.

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

Scheme for
equated
periods.

83.—(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 or the liability for which attaches to them under any enactment 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 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.

(2) No scheme made by the Council under this section shall have any force or effect until confirmed by 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) The Council may with the sanction of the Minister borrow such sums as may be necessary for the

purpose of giving effect to the scheme and for compensating the holders of securities of the Council for their consent thereto and any moneys so borrowed shall be repaid within such period as the Minister may sanction. A.D. 1935.

(6) 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.

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

- (a) all moneys borrowed by the Council whether by issue of stock or other security 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
- (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 stock or any other securities issued by the Council the purchase of 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:

A D. 1935. — And the moneys of the consolidated loans fund not used or applied in these ways or intended 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 the interest charges and the financing and other revenue expenses connected with the management of that fund and separate accounts shall be kept of these sums and their application.

(4) The Council may pay into the consolidated loans fund any moneys forming part of any reserve renewals depreciation superannuation capital 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 :—

- (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 stock or other securities of the Council 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.

A.D. 1935.

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

85.—(1) The Council may if they think fit in any year apply from the general rate fund or from the proceeds of the general rate to a fund to be called the "renewal and repairs fund" any sum not exceeding the equivalent of the rate of twopence in the pound calculated according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925 and the maximum amount standing to the credit of the said fund shall not at any time exceed the equivalent of the rate of tenpence in the pound calculated according to the rules made pursuant to the said sections 9 and 58.

Renewal
and repairs
fund.

(2) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance and renewal of horses carts mechanically propelled vehicles stables depots buildings (other than buildings in respect of which the Council are required by the Housing Acts to keep a housing repairs account) boilers and equipment and apparatus in connection therewith which are not comprised in the undertakings of the Council from which revenue is derived 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.

(3) (a) Pending the application of the renewal and repairs fund to the purposes authorised by this section 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 moneys in the renewal and repairs fund in the 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 (1) of this section) an amount equivalent to such income shall be credited to the renewal and repairs fund.

A.D. 1935.

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Housing
repairs fund.

86.—(1) The Council may if they think fit in any year apply from the general rate fund or from the proceeds of the general rate or from rents accrued due from tenants of houses belonging to the Council to a fund to be called the "housing repairs fund" any sum not exceeding fifteen per centum of the gross estimated rental of such houses.

(2) The housing repairs fund shall be applicable only to meet the expenses requisite for the keeping in repair cleansing redecoration and maintenance of houses provided and owned by or in possession of the Council.

(3) This section shall cease to have effect on the passing during the present session of Parliament of any general Act relating to housing which authorises the establishment of a housing repairs account.

Receipts
and ex-
penses.

87.—(1) Notwithstanding anything contained in any enactment all money received by the Council whether on capital or revenue account (including all money received by the Council in respect of special services and on account of the water undertakings and any other undertaking of the Council as from time to time existing from which revenue is derived and the interest and other annual proceeds from time to time received by the Council on the investments forming part of any fund accumulated for the redemption of debt or as a reserve renewals depreciation capital contingency or other similar fund including any interest payable to such fund in pursuance of the sections of this Act of which the marginal notes respectively are "Use of moneys forming part of sinking and other funds" and "Consolidated loans fund") shall be carried to and form part of the general rate fund and all payments and expenses made and incurred by the Council in respect of any of the said special services or undertakings or in carrying into execution the powers and provisions of this or any other Act shall be paid out of the general rate fund :

Provided—

- (i) that in the accounts an amount equivalent to the interest and other annual proceeds as aforesaid shall (subject in the case of any of the said funds to any prescribed limit on the

amount thereof) be credited to the fund on the investments of which the same is received; A.D. 1935.

- (ii) that in the accounts an amount equivalent to the money received by the Council in respect of the special services shall be credited to and an amount equivalent to the payments and expenses made and incurred by the Council in respect of the special services shall be debited against the specified parishes.

(2) Nothing in this section shall authorise the Council to apply capital money to any purpose other than a purpose to which capital money is properly applicable or to levy any rate other than a special rate to meet expenses incurred in respect of special services.

(3) In this and the succeeding sections of this Act the expression "special services" means the services for the time being provided by the Council for and in connection with—

- (a) the water undertakings under the Public Health Acts unless and until the Council resolve in pursuance of the section of this Act of which the marginal note is "Water rates rents and charges" to constitute all the parishes in the district supplied by them with water one area for the purposes of water rates rents and charges;
- (b) the provision of works of sewerage and sewage disposal;
- (c) public lighting;
- (d) the removal of house refuse from premises and the cleansing of earthclosets privies and ashpits and the salaries and expenses of the administrative staff of the cleansing department; or
- (e) any other services the expenses of which are by section 190 of the Act of 1933 or any other enactment required to be a separate charge on one or more contributory places in the district;

except such services the expenses of which the Council may for the time being determine to defray as part of their expenditure for general purposes under section 190

A.D. 1935. — of the Act of 1933 under this or under any other enactment and the expression “specified parishes” shall mean the parishes or contributory places on which the expenses of the special services respectively are for the time being chargeable.

Accounts
of under-
takings and
special
services.

88.—(1) The Council shall keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings of the Council as from time to time existing (each of which is in this section separately referred to as “the undertaking”) and in respect of each of the special services on the one side all receipts in respect of the undertaking or special services (including the interest and other annual proceeds received by the Council on investments representing or forming part of any such fund provided in connection with any undertaking or services as are referred to in subsection (1) of the section of this Act of which the marginal note is “Receipts and expenses”) and on the other side all payments and expenses in respect of the undertaking or special services such payments and expenses being divided so as also to show in each case the amounts representing—

- (a) The working and establishment expenses and cost of maintenance of the undertaking or the provision of the special services;
- (b) The interest on moneys borrowed by the Council for the purposes of or connected with the undertaking or special services;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking or special services;
- (d) In the case of the water undertakings the repayment to the rate or fund out of which any deficiencies in the water undertakings in previous years may have been contributed of the amount of such deficiencies incurred after the first day of April one thousand nine hundred and thirty-five;
- (e) All other expenses (if any) of the undertaking and special services properly chargeable to revenue; and

(f) Any money expended on any of the purposes mentioned in the sections of this Act of which the marginal notes respectively are "Application of revenue of undertakings" and "Application of revenue in respect of special services." A.D. 1935.
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(2) Whenever the money received by the Council from the water undertakings on account of revenue in any year shall exceed the amount expended or set aside in connection with those undertakings in respect of the several purposes mentioned in subsection (1) of this section then the charges of the Council for the supply of water to be made and charged in the next succeeding year may be reduced in such manner as the Council think fit.

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

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

89. If in any year the moneys received by the Council on account of the revenue of any undertaking of the Council as from time to time existing (not being a special service) exceed the moneys expended by the Council in respect of that undertaking in respect of the expenses mentioned in paragraphs (a) (b) (c) and (e) of subsection (1) of the section of this Act of which the marginal note is "Accounts of undertakings and special services" the Council may in that year (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess in any of the following ways:—

Application of revenue of undertakings.

- (a) In reduction of capital moneys borrowed for the purposes of the undertaking;
- (b) In the construction renewal extension or improvement of the works and conveniences for the purposes of the undertaking;

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—

- (c) In providing a reserve fund in respect of each of the undertakings by setting aside such an amount as they may from time to time think reasonable and (unless applied in any other manner authorised by this Act) investing the same in statutory securities until the fund so formed amounts to the maximum from time to time prescribed by the Council but not exceeding a sum equal to one-tenth of the aggregate capital expended for the time being upon that undertaking.

Application
of revenue
in respect of
special
services.

90. If in any year the moneys received by the Council on account of the revenue from any of the special services exceed the moneys expended by the Council in respect of that special service in respect of the expenses mentioned in paragraphs (a) (b) (c) and (e) of subsection (1) of the section of this Act of which the marginal note is "Accounts of undertakings and special services" the Council may in that year (if they think fit) apply out of the general rate fund a sum equal to the amount of such excess in any of the following ways:—

- (a) In reduction of capital moneys borrowed for the purposes of the special service;
- (b) In the construction renewal extension and improvement of the works and conveniences provided for the purposes of the special service;
- (c) In providing a reserve fund for any special service in respect of which moneys may have been borrowed by setting aside such an amount as they may from time to time think reasonable and (unless applied in any other manner authorised by this Act) investing the same in statutory securities until the fund so formed amounts to the maximum from time to time prescribed by the Council but not exceeding one-tenth of the aggregate capital expended for the time being upon the special service:

Provided that the powers referred to in paragraphs (a) and (b) of this section shall not be available in the case of the water undertakings.

Provisions
as to reserve
funds &c.

91.—(1) Any reserve or contingency or depreciation fund which has been formed for the purpose of any undertaking of the Council or special service which is in

existence at the passing of this Act shall be deemed to be part of a reserve fund formed under paragraph (c) of the section of this Act of which the marginal note is "Application of revenue of undertakings" or paragraph (c) of the section of this Act of which the marginal note is "Application of revenue in respect of special services" as the case may be. A.D. 1935.

(2) Any such reserve fund shall be applicable to answer any deficiency at any time happening in the income of the Council from the undertaking or special service in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Council in respect of that undertaking or special service or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of that undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(3) Resort may be had to any such reserve fund although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

92.—(1) If in any year the accounts of the special services kept under the section of this Act of which the marginal note is "Accounts of undertakings and special services" shall show that the revenue of any of the special services in respect of that year (including the interest and other annual proceeds received by the Council in respect of that year on the investments forming part of any reserve fund established in connection with that special service) has exceeded the total amount of the payments and expenses in respect of the year for the several purposes mentioned in paragraphs (a) to (f) of subsection (1) of the last-mentioned section then such amount of the said excess as the Council may think fit shall be deemed for the purposes of the section of this Act of which the marginal note is "Accounts of undertakings and special services" to be the revenue of the said special service for the next following year and the said amount shall be carried forward in the said accounts to the credit of the specified parishes in the said year. Provisions as to excess or deficiency of revenue for special services.

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(2) If in any year the accounts of the special services kept under the last-mentioned section of this Act shall show that the revenue of any of the special services in respect of that year (including the interest and other annual proceeds received by the Council in respect of that year on the investments forming part of any reserve fund established in connection with that special service) has been less than the total amount of the payments and expenses in respect of the year for the several purposes mentioned in paragraphs (a) to (e) of subsection (1) of the last-mentioned section then the amount of the deficiency shall (subject to the provisions of section 190 of the Act of 1933) be carried forward in the said accounts to the debit of the specified parishes in the next following year.

Date of
operation
of certain
sections.

93. The sections of this Act of which the marginal notes are—

- “Receipts and expenses”;
- “Accounts of undertakings and special services”;
- “Application of revenue of undertakings”;
- “Application of revenue in respect of special services”;
- “Provisions as to reserve funds &c.”; and
- “Provisions as to excess or deficiency of revenue for special services”

shall be deemed to have come into operation on the first day of April one thousand nine hundred and thirty-five.

Special
rates.

94. Notwithstanding anything in any Act or Order relating to the Council the Council may at any time after the passing of this Act by resolution determine that as from a date to be specified in such resolution (a) in lieu of any rate in respect of expenditure under the Lighting and Watching Act 1833 by agreement with the parishes or (b) in lieu of any rate in respect of any of the special services referred to in subsection (3) of the section of this Act of which the marginal note is “Receipts and expenses” under the Public Health Acts the amount of such expenditure and special expenses shall not be levied as a special rate but shall be levied as a general rate over the whole district and shall be

charged on all hereditaments in the district proportionally to the rateable values thereof. A.D. 1935.

95. If a justice is satisfied on complaint by any rating officer that any person is quitting or about to quit any premises in the district and has failed to pay on demand any general or special rate or water rate or charge 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 rating officer or other authorised officer to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons. Recovery of rate from persons removing.

96. For the purposes of section 15 of the Rating and Valuation Act 1925 the rates due from the person rated for any hereditament within the district shall be deemed to be in arrear if such rates are not paid within two months after lawful demand in writing has been made for the same. As to recovery of rates from tenants and lodgers.

97. The Council may pay out of the general rate fund and general rate to an amount not exceeding the equivalent of the rate of one halfpenny in the pound calculated according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925— Subscriptions to local government associations and other expenses.

(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.

A.D. 1935.

—
Power to
grant allow-
ances or
gratuities in
certain
cases.

98.—(1) The Council may if they think fit in cases not within the Workmen's Compensation Act 1925 and not entitled to benefits under a scheme established under the Local Government and other Officers' Superannuation Act 1922 grant a weekly or other periodical allowance (not exceeding one-half of his salary or wages) or in lieu thereof a gratuity of any sum (not exceeding two years' pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

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

PART IX.

MISCELLANEOUS.

As to
cleansing
of street
or road
gullies.

99. The Council on the one hand and the county council of the administrative county of Durham on the other hand may enter and carry into effect agreements for and with respect to the sweeping and cleansing of street or road gullies choked by silt washed from the highways and by litter and other refuse and the Council may contribute towards the cost of such sweeping and cleansing such sum as may be agreed.

Penalty for
throwing
rubbish into
streams.

100. 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 either singly or in combination with other similar acts of the same or any other person to interfere with the due flow of the water shall be liable to a penalty not exceeding five pounds :

Provided that nothing in this section shall prejudice or affect the right of the county council of the administrative county of Durham to discharge surface water from any county road or to cause or permit the same to flow into any such river stream or watercourse.

101.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any main meter or other instrument for measuring electricity or any fitting belonging to the Council or who fraudulently alters the index to or tampers with any such meter or other instrument for measuring electricity or prevents any such meter or other instrument for measuring electricity from duly registering the quantity of electricity supplied shall (without prejudice to any other right or remedy for the protection of the Council) be liable to a penalty not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained.

A.D. 1935.

—
Injuring
electric
meters &c.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any main meter instrument or fitting belonging to the Council or has fraudulently altered the index to any such meter or other instrument for measuring electricity or prevented the same from duly registering the quantity of electricity supplied the Council may enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter or instrument of the quantity of electricity supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Council by the person so offending and may be recovered by them.

(3) The existence of artificial means for causing such injury alteration or prevention in properties belonging to the Council or proof of such tampering with any such meter instrument or fitting when the same is under the custody or control of the consumer shall be prima facie evidence that such injury alteration or prevention (as the case may be) has been fraudulently knowingly and wilfully caused by the consumer using such meter instrument or fitting.

(4) Nothing in this section shall prejudice or affect any of the rights powers privileges and obligations of the supply company as authorised undertakers for the supply of electricity within the district with respect to meters or other instruments for measuring electricity or fittings in the event of any supplies of electricity within the district now afforded by bodies or persons other than the supply

A.D. 1935.

company through or by means of the meters instruments and fittings belonging to the Council referred to in this section being hereafter afforded by the supply company.

For protection of supply company.

102. For the protection of the supply company the following provisions shall unless otherwise agreed in writing between the Council and the supply company apply and have effect (that is to say) :—

Nothing in the sections of this Act of which the marginal notes are respectively “ As to repair of drains ” and “ Byelaws as to bathing pools ” shall authorise any interference with electric lines and wires of the supply company to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section and such provisions shall be deemed to extend to and include any electric lines and works of the supply company placed upon or above the level of the ground.

As to prizes for garden competitions.

103. The Council may expend on the provision of cups and other prizes in connection with any competition they may hold relating to their tenants’ gardens such sums as they may from time to time think fit not exceeding in any one year the sum of twenty pounds.

Power to purchase and lend furniture.

104. The Council for a period of five years from the passing of this Act may after notice to the Minister expend on the provision of articles of furniture such sums as they may from time to time think fit not exceeding in any one year the sum of one hundred pounds and they may lend any such articles of furniture to any person whose furniture is being cleansed or disinfected in accordance with the provisions of section 45 of the Public Health Act 1925.

As to caves abutting on seashore.

105.—(1) No caves or excavations in the cliff near or adjacent to the seashore shall be used for the purposes of habitation by any person.

(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 twenty shillings.

Power to Council to pay costs of certain hospital treatment.

106. The Council may pay to hospitals without the district the proper cost of the treatment for infectious disease of any persons domiciled in but temporarily residing without the district.

107. The exercise of the powers of Parts II and VII of this Act by the Council with regard to such parts of the lands described in the section of this Act of which the marginal note is "Power to acquire lands" as are situate within the area referred to in the resolution of the Hartlepoons Joint Town Planning Committee dated the fifth day of November one thousand nine hundred and twenty-eight shall be subject to the Town and Country Planning (General Interim Development) Order 1933 and any scheme or other order made under and by virtue of the provisions of the Town and Country Planning Act 1932 relating to the said area.

A.D. 1935.
—
For protec-
tion of
Hartlepoons
Joint Town
Planning
Committee.

108. 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 IV. (Streets buildings sewers and drains) and Part V (Infectious disease and sanitary provisions) of this Act as if those purposes had been mentioned in the said section 102.

Power of
entry.

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

Apportion-
ment of
expenses in
case of joint
owners.

110. As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Act of 1933 shall be the Minister.

Byelaws.

111. 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.

112. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the

Recovery of
demands.

A.D. 1935. matter provided that the demand does not exceed the amount recoverable in that court in a personal action.
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As to
appeals.

113.—(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.

(2) Any person aggrieved by any 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 IV (Streets buildings sewers and drains) or Part V (Infectious disease and sanitary provisions) 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 appeal shall be given to the Council and to the clerk of the peace.

Several
sums in one
summons.

114. 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.

Evidence of
appoint-
ments
authority
&c.

115. 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.

116.—(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.

A.D. 1935.

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Authenti-
cation and
service of
notices &c.

(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.

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

Consents of
Council.

118. 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.

Recovery of
penalties
&c.

119. All penalties recovered on the prosecution of the Council or any officer of the Council on their behalf under this Act or any byelaw thereunder shall be paid to the clerk or accountant of the Council 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 clerk or
accountant.

120. 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.

Compensa-
tion how to
be deter-
mined.

A.D. 1935.

—
Powers of
Act cumu-
lative.

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

Saving for
indictments
&c.

122. 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.

Inquiries by
Minister.

123. 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 Act of 1933 shall apply accordingly.

Application of
section 265 of
Public Health
Act 1875.

124. 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.

Judges not
disqualified.

125. 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.

Works
below high-
water mark
not to be
constructed
without
consent of
Board of
Trade.

126. The Council shall not under the powers of this Act construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries under secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions

and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Council shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Council and the amount of such costs and charges shall be a debt due from the Council to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt. A.D. 1935.

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

128. Notwithstanding the provisions contained in the section of this Act of which the marginal note is "Crown rights" or in any public statute His Majesty and His lessees for their respective interests may work any minerals belonging to His Majesty in right of His Crown under or adjacent to lands and works of the Council authorised to be taken or constructed by this Act but in the event of any such right being at any time intended to be exercised sections 77 to 85 (both inclusive) of the Railways Clauses Consolidation Act 1845 as amended by the Mines (Working Facilities and Support) Act 1923 and the First Second and Third Schedules to such last-mentioned Act shall apply as if the same were in relation to such minerals incorporated in this Act and as if the Council were a railway company and the said lands and works were the railway and works of such railway company and as if the Commissioners of Crown Lands Crown minerals.

A.D. 1935. — were the mine owners or royalty owners as the case may be and so that any compensation payable by the Council to or for the benefit of His Majesty as the mine owner or royalty owner or payable to the Council by His Majesty as such owner shall be payable to or by the Commissioners of Crown Lands as the case may be.

Costs of Act. **129.** 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 out of the general rate fund and the general rate or out of moneys to be borrowed under this Act for that purpose.

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