



# Public Health Acts Amendment Act 1907

## 1907 CHAPTER 53

### PART I

#### GENERAL

#### **1 Division of Act into Parts**

This Act is divided into Parts as follows:—

- Part I.—General.
- Part II.—Streets and buildings.
- Part III.—Sanitary provisions.
- Part IV.—Infectious diseases.
- Part V.—Common lodging-houses.
- Part VI.—Recreation grounds.
- Part VII.—Police.
- Part VIII.—Fire brigade.
- Part IX.—Sky signs.
- Part X.—Miscellaneous.

#### **2 Short title, construction, and extent of Act**

- (1) This Act shall be construed as one with the Public Health Acts.
- (2) Part I. of this Act shall extend to England and Wales and Ireland exclusive of the administrative County of London, and all or any of the remaining Parts or all or any of the sections thereof shall extend to any district to which all or any of those Parts or sections are applied by an Order of the Local Government Board or of the Secretary of State as the case may be.
- (3) This Act may be cited as the Public Health Acts Amendment Act, 1907, and this Act and the Public Health Acts may together be cited as the Public Health Acts, 1875 to 1907.

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- (4) Any byelaws made under any enactment for which any provisions of this Act are substituted shall remain in force as if the byelaws had been made under the corresponding provisions of this Act.
- (5) This Act shall come into operation on the first day of January one thousand nine hundred and eight.

### **3 Applications of Parts or sections of Act**

- (1) The Local Government Board may, on the application of a local authority, by Order to be published in such manner as the Local Government Board direct, declare any Part or any section of this Act to be in force in the district of the local authority, or, where the local authority are a rural district council, in any contributory place within the district of the local authority, and may declare any enactments in any local Act which appear to the Local Government Board to contain provisions similar to or inconsistent with any such Part or section to be no longer in force in that district or contributory place.
- (2) The local authority shall, two weeks at least before applying for an Order, give notice of their intention to make such application by advertising the same once at least in one or more of the newspapers circulating in their district in each of two successive weeks, and no order shall be made under this section until proof of such advertisement has been given to the satisfaction of the Local Government Board, and until at least one month has elapsed after the date of such advertisement.
- (3) Any such Order may specify conditions subject to which any Part or any section of this Act shall be in force in the district or contributory place, and where, in the opinion of the Local Government Board, the circumstances so require, any such Order may, in relation to that district or contributory place, declare any Part or any section of this Act to be in force subject to such necessary adaptations as are specified in the Order.

A statement of the effect of each Order specifying conditions or adaptations as aforesaid shall be published in the London Gazette as well as in any other manner directed by the Local Government Board.

- (4) In regard to Part VII. (Police), Part VIII. (Fire Brigade), and Part IX. (Sky Signs) of this Act, the Secretary of State shall be deemed to be substituted in this section for the Local Government Board.

### **4 Expenses of local authority**

All expenses incurred or payable by a local authority in the execution of this Act and not otherwise provided for may be charged and defrayed in the case of an urban sanitary authority or urban district council, as the case may be, as part of the expenses incurred by them in the execution of the Public Health Acts, and in the case of a rural district council shall, subject to any power of the Local Government Board under any Act to order the contrary, be charged and defrayed as a part of their general expenses under the Public Health Acts.

### **5 Enquiries by Local Government Board**

- (1) The Local Government Board may direct any enquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them under this Act, and the inspectors of the Local Government Board shall for

the purposes of any such enquiry have all such powers as they have for the purposes of enquiries directed by that Board under the Public Health Act, 1875.

- (2) The local authority shall pay to the Local Government Board any expenses incurred by that Board in relation to any enquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the enquiry, and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.
- (3) The Secretary of State may order that a local enquiry be held in regard to the exercise of any powers conferred on him under this Act. The person holding any such enquiry shall receive such remuneration as the Secretary of State may determine, and that remuneration and the expenses of the local enquiry shall be paid by the local authority.

## **6 Legal proceedings, &c**

Offences under this Act or under any byelaw made under the powers of this Act or under the powers of the Public Health Act, 1875, or any enactment amending or extending that Act, may be prosecuted, and penalties, forfeitures, costs, and expenses recovered, in like manner and subject to the same provisions as offences which may be prosecuted, and penalties, forfeitures, costs, and expenses which may be recovered, in a summary manner under the Public Health Acts.

## **7 Appeals to quarter sessions, &c**

- (1) Except where this Act otherwise expressly provides any person aggrieved—
  - (a) By any order, judgment, determination, or requirement of a local authority under this Act;
  - (b) By the withholding of any order, certificate, licence, consent, or approval, which may be made, granted, or given by a local authority under this Act;
  - (c) By any conviction or order of a court of summary jurisdiction under any provision of this Act;

may appeal, in manner provided by the Summary Jurisdiction Acts, to a court of quarter sessions.

- (2) Where any person deems himself aggrieved by the decision of the local authority in any case in which the local authority, under this Act, are empowered to recover in a summary manner any expenses incurred by them, or to declare the expenses to be private improvement expenses, section two hundred and sixty-eight of the Public Health Act, 1875, shall apply as it applies to cases under that Act, and subsection (1) of this section shall not apply in any such case, whether arising under the Public Health Act, 1875, or under this Act; but nothing in this subsection shall extend to any case in which an appeal to a court of summary jurisdiction in relation to any requirement of a local authority, or to any such expenses, is expressly authorised by this Act.

## **8 More than one sum in one summons**

Any information, complaint, warrant or summons made or issued for the purpose of this Act or of the Public Health Acts may contain in the body thereof or in a schedule thereto several sums.

## **9 Byelaws**

All the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, and any enactment amended or extended by those sections shall apply to all byelaws from time to time made by a local authority under the provisions of this Act, provided that the Secretary of State shall be the confirming authority for byelaws made under Part VII. (Police) of this Act.

## **10 Compensation, how determined**

Where 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.

## **11 Powers of Act cumulative**

All powers given to a local authority under this Act shall be deemed to be in addition to and not in derogation of any other powers conferred upon such local authority by any Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not been passed.

Nothing in this Act shall exempt any person from any penalty to which he would have been liable if this Act had not been passed, but no person shall be liable, except in the case of a daily penalty, to more than one penalty in respect of the same offence.

## **12 Crown rights**

Nothing in this Act affects prejudicially any estate, right, power, privilege, or exemption of the Crown, and in particular nothing herein contained authorises any local authority 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 right of whatsoever description belonging to His Majesty in right of His Crown, and under the management of the Commissioners of Woods or of the Board of Trade respectively, without the consent in writing of the Commissioners of Woods or the Board of Trade, as the case may be, on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

## **13 Interpretation**

In this Act, if not inconsistent with the context,—

The expression " local authority " means an urban sanitary authority, an urban district council, or a rural district council:

The expression " district of the local authority " means an urban sanitary district, an urban district, or a rural district:

The expression " daily penalty " means a penalty for each day on which an offence is continued after conviction therefor:

The expressions " lands," " premises," " owner, " " street, " " house, " " drain, " and " sewer " have respectively the same meaning as in the Public Health Acts :

The expressions " clerk, " " medical officer, " " surveyor, " and " inspector of nuisances " mean the clerk, medical officer of health, surveyor, and inspector of nuisances respectively of the district of the local authority :

The expression " dairy " includes any farm, farmhouse, cowshed, milk store, milk shop, or other place from which milk is supplied or in which milk is kept for the purposes of sale within (unless otherwise expressed) the district of the local authority :

The expression " dairyman " includes any cowkeeper, purveyor of milk, or occupier of a dairy within (unless otherwise expressed) the district of the local authority :

The expression " infectious disease " means any infectious disease to which the Infectious Disease (Notification) Act, 1889, for the time being applies within the district of the local authority :

The expressions " the commencement of this Part " and " the commencement of this section " used in relation to any Part or section of this Act mean respectively the date at which, by an Order made by the Local Government Board, or by the Secretary of State as the case may be, in pursuance of this Act, and subject to any conditions or adaptations specified in that Order, the Part or section is declared to be in force :

Other expressions to which a special meaning is assigned by the Public Health Act, 1875, have respectively the same meaning in this Act as they have in that Act.

## **14 Application of Act to Ireland**

In the application of this Act to Ireland .the following modifications shall have effect:

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- (1) This Act may be cited with the Public Health (Ireland) Acts, 1878 to 1900, as the Public Health (Ireland) Acts, 1878 to 1907 :
- (2) A reference to a place of abode in England shall be construed to be a reference to a place of abode in Ireland :
- (3) The Local Government Board for Ireland shall be substituted for the Local Government Board :
- (4) The Chief Secretary shall be substituted for the Secretary of State :
- (5) The Department of Agriculture and Technical Instruction for Ireland shall be substituted for the Board of Agriculture and Fisheries :
- (6) The Dublin Gazette shall be substituted for the London Gazette :
- (7) A court of summary jurisdiction constituted in accordance with the provisions of section two hundred and forty-nine of the Public Health (Ireland) Act, 1878, shall be substituted for a petty sessional court :
- (8) The Public Health (Ireland) Acts, 1878 to 1900, shall be substituted for the Public Health Acts, the Public Health (Ireland) Acts, 1878 to 1907, shall be substituted for the Public Health Acts, 1875 to 1907, and the Public Health (Ireland) Act, 1878, shall be substituted for the Public Health Act, 1875, and in particular references in this Act to the sections of the Public Health Act, 1875, mentioned in the first column of the schedule to this Act shall be construed as references to the corresponding sections

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of the Public Health (Ireland) Act, 1878, mentioned in the second column of that schedule :

- (9) In subsection (2) of section seventy-four of this Act, the words " and the sanitary authority may" shall be substituted for the words " and the local authority may " :
- (10) The provision with respect to section twenty-eight of the Town Police Clauses Act, 1847, shall extend to section seventy-two of the Towns Improvement (Ireland) Act, 1854.

## PART II

### STREETS AND BUILDINGS

#### **15 Deposit of plan to be of no effect after certain intervals**

The deposit of any plans or sections of any street or building, in pursuance of any byelaw in force in the district, may by notice in writing to the person by whom the plans or sections have been deposited be declared by the local authority to be of no effect if the work to which the plans or sections relate is not commenced—

As to plans and sections deposited before the commencement of this section, within three years from that date ;

As to plans and sections deposited on or after the commencement of this section, within three years of the deposit of the plans and sections.

When the deposit of any plans and sections has been declared to be of no effect, a fresh deposit shall be necessary before the work to which they relate is commenced.

The local authority shall give notice of the provisions of this section to every person intending to lay out a new street or erect a new building in relation to which plans and sections have been deposited before the commencement of this section, but the laying out of which street or erection of which building shall not have been commenced, and shall attach a similar notice to the approval of every such intended work in relation to which plans and sections have been deposited subsequent to the commencement of this section.

#### **16 As to plans deposited with local authority**

The local authority may retain any drawings, plans, elevations, sections, specifications, and written particulars, descriptions or details, deposited with and approved by them in pursuance of any enactment for the time being in force in the district or of any byelaw thereunder.

#### **17 Power to vary position or direction and to fix beginning and end of new streets**

- (1) The local authority may, on the deposit of a plan and sections of a new street in pursuance of a byelaw in force in the district, by order vary the intended position, direction or termination, or level of the new street so far as is necessary for the purpose of securing more direct, easier, or more convenient means of communication with any other street or intended street or for the purpose of securing an adequate opening at either end of the new street, or of securing compliance with any enactment or byelaw in force in the district for the regulation of streets and buildings.

The local authority may also by their order fix the points at which the new street shall be deemed to begin or end, and the limits of the new street as determined by the points so fixed shall have effect for the purposes of the Public Health Acts, 1875 to 1907, and of any byelaws made under those Acts and in force within the district.

- (2) The powers of the local authority under this section shall not be exercisable in any case in which it is shown, to their satisfaction, that compliance with their order will entail the purchase of additional lands by the owner of the lands on which the new street is intended to be laid out, or the execution of works elsewhere than on those lands.
- (3) Where the local authority make an order under this section a person shall not lay out or construct the new street otherwise than in compliance with the order. If any person acts in contravention of this provision, he shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding forty shillings.
- (4) The local authority shall pay compensation to any person injuriously affected by the exercise by the local authority of their powers under this section.

## **18 Crossing for cattle, &c, over footways**

The provision and use of new means of access for any cattle, any beast of draught or burden, any waggon, cart, or "other wheeled carriage exceeding four feet in width or two hundredweight in weight, to or from any premises fronting, adjoining, or abutting on any street which has become a highway repairable by the inhabitants at large, may, where that provision involves passage across or interference with any such part of the street as comprises a kerbed or paved footway, be allowed by the local authority subject to the following conditions (that is to say) :—

- (a) Every person who intends to provide the new means of access shall give notice in writing of his intention to the local authority, and shall at the same time submit, for the approval of the local authority, a plan showing the position, gradient, and mode of construction of the intended means of access ;
- (b) When the plan, with or without amendment, has been approved by the local authority, the person may, upon receiving notice of their approval, proceed to execute the necessary works, but those works shall be executed under the supervision and to the reasonable satisfaction of the local authority, and in accordance with the plan as approved by the local authority ;
- (c) After the completion of the works the new means of access may be used, subject to the conditions which, in pursuance of any provisions of the law relating to highways, attach to the use for the like purpose of any carriageway forming part of a highway repairable by the inhabitants at large.

## **19 As to urgent repairs to private streets**

- (1) Where repairs are required in the case of any street, not being a highway repairable by the inhabitants at large, to obviate or remove danger to any passenger or vehicle in the street, the local authority may give notice in writing to the owners of the lands and premises fronting, adjoining, or abutting on the street, and may require the owners to execute, within a time to be specified in the notice, such repairs as are described in the notice.
- (2) If, within the time specified in the notice, the repairs described in the notice are not executed, the local authority may execute the repairs, and may recover summarily, as

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a civil debt, the cost of the repairs so executed from the owners in default, and the amount recoverable from each owner shall be in the proportion which the extent of his lands and premises fronting, adjoining, or abutting on the street, bears to the total extent of all lands and premises so fronting, adjoining, or abutting.

- (3) Where the name or place of abode of an owner cannot be found by the local authority, a copy of the notice shall be sent by post to or left with the occupier of the lands and premises to which the notice relates, or, if there be no such occupier, shall be affixed upon some conspicuous part of the lands and premises.
- (4) In every case in which, within the time specified in the notice, the majority in number or rateable value of owners of lands and premises in the street, by a notice in writing, require the local authority to proceed, in relation to the street, under section one hundred and fifty of the Public Health Act, 1875, or, if the Private Street Works Act, 1892, is in force in the district, under that Act, the local authority shall so proceed ; and where the local authority so proceed they shall, on the completion of the necessary works, forthwith declare the street to be a highway repairable by the inhabitants at large, and on and after the date of the declaration the street shall become a highway so repairable.

## **20 Recovery of damages caused to footways by excavations**

If the footway of any street repairable by the inhabitants at large be injured by or in consequence of any excavations or other works on lands adjoining thereto the local authority may repair or replace the footway so injured, and all damages and expenses of or arising from such injury and repair or replacement shall be paid to the local authority by the owner of the lands on which such excavations or other works have been made, or by the person causing or responsible for the injury.

## **21 Power to alter names of streets**

The local authority may, with the consent of two-thirds in number and value of the ratepayers in any street, alter the name of such street - or any part of such street. The local authority may cause the name of any street or of any part of any street to be painted or otherwise marked on a conspicuous part of any building or other erection. Any person who shall wilfully and without the consent of the local authority, obliterate, deface, obscure, remove, or alter any such, name, shall be liable to a penalty not exceeding forty shillings.

## **22 Buildings at corner of streets**

The local authority may require the corner of any building intended to be erected at the corner of two streets to be rounded off or splayed off to the height of the first storey or to the full height of the building, and to such extent otherwise as they may determine and for any loss which may be sustained through the exercise of the powers by this section conferred upon the local authority they shall pay compensation.

## **23 What to be deemed new buildings**

For the purposes of this Act and the Public Health Acts, and any byelaws made thereunder, each of the following operations, namely:—

- (a) The re-erection, wholly or partially, of any building of which an outer wall is pulled down or burnt down to or within ten feet of the surface of the ground



adjoining the lowest storey of the building, and of any frame building so far pulled down or burnt down as to leave only the framework of the lowest storey ;

- (b) The conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only;
  - (c) The re-conversion into a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than that of a dwelling-house ;
  - (d) The making of any addition to an existing building by raising any part of the roof, by altering a wall, or making any projection from the building, but so far as regards the addition only ; and
  - (e) The roofing or covering over of an open space between walls or buildings ;
- shall be deemed to be the erection of a new building.

#### **24 Byelaws as to height of chimneys, &c**

Section one hundred and fifty-seven of the Public Health Act, 1875, shall be extended so as to empower the local authority to make byelaws—

with respect to the height of chimneys of buildings and with respect to the height of buildings ; and

with respect to the structure of chimney shafts for the furnaces of steam engines, breweries, distilleries, or manufactories.

Section one hundred and fifty-eight of the Public Health Act, 1875, shall also be in force in every district in which this section is in force.

#### **25 Yards to be paved, &c**

If any yard in connection with, and exclusively belonging to, a dwelling-house shall not be so formed, flagged, asphalted, or paved, or shall not be provided with such works on, above, or below the surface of the yard, as to allow of the effectual drainage of the subsoil or surface of the yard by safe and suitable means to a proper outfall, the local authority may, by notice in writing, require the owner of the dwelling-house, within twenty-one days after the service of the notice, to execute all such works as are necessary for the effectual drainage of the subsoil or surface of the yard to a proper outfall.

If, within the said period of twenty-one days, the owner has failed to complete the execution of the works specified in the notice, the local authority may execute the works, and may recover from the owner in a summary manner as a civil debt the expenses incurred by the local authority in the execution of the works.

#### **26 Entrances to courts, &c. not to be closed**

After the commencement of this section the entrances to any court shall not, except with the consent of the local authority, be closed or narrowed or otherwise altered or affected by any permanent structure so as to impede the free circulation of air, and the height of any such entrance shall not, except with that consent, be lowered. The consent of the local authority under this section maybe given subject to compliance with such conditions as the local authority by their consent prescribe with respect to

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the formation or provision of any other sufficient opening or means of access, or with respect to the provision of other sufficient means of securing free circulation of air throughout the court.

Nothing in this section shall have effect in relation to any court which by reason of its situation, use, architectural features, or other characteristics is, either wholly or in part, necessary for an ancillary to the ornament or amenity of any lands or premises.

Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

## **27 As to temporary buildings**

- (1) Before any person erects or sets up a temporary building he shall apply to the local authority for permission so to do.

The application shall be accompanied by a plan and sections of the proposed building drawn to a scale of not less than one inch to every eight feet, and a block plan, drawn to a convenient scale, showing the intended situation and surroundings of the proposed building, together with a specification describing the materials proposed to be used in the construction of the building, and the purpose for which the building is intended.

- (2) The local authority shall, within one month after the delivery of the plans and sections and specification, signify in writing their approval or disapproval of the building to the person proposing to erect or set up the building.
- (3) The local authority may attach to their approval any condition which they deem proper with regard to the sanitary arrangements of the building, the ingress thereto and the egress therefrom, protection against fire, and the period during which the building shall be allowed to stand.
- (4) If any such building is begun, erected, or set up without such application accompanied by such plan, sections, and specification as this section requires, or after the disapproval of the local authority or before the expiration of one month without their approval, or is in any respect not in conformity with any condition attached by the local authority to their approval, the person who began, erected, or set up the building, or, if any such building is not removed within the period allowed by the local authority, the owner of the building shall for every such offence be liable to a penalty not exceeding forty shillings, and to a daily penalty not exceeding the like amount; and the local authority may cause the building to be pulled down or removed, and any expense incurred by them in and about the pulling down or removal of the building may, at their discretion, be recovered summarily as a civil debt from the owner of the building or from the person erecting or setting up the building.
- (5) Where any such building is pulled down or removed by the local authority under the powers of this section the local authority may sell the materials or any part of the materials, and shall apply the proceeds of the sale in or towards payment of the costs and expenses incurred by them in relation to the pulling down or removal of the building, and shall pay the balance to the owner of the building.
- (6) The following buildings shall be exempt from the operation of this section :—
- (a) Any building expressly exempt from the operation of the Public Health Acts or the byelaws made under those Acts and in force for the time being within the district;

- (b) Any building erected or set up for the purpose of protecting or of preventing the acquisition of rights to light;
- (c) Any temporary building set up as part of the plant to be used in or about or in connection with the construction, alteration, or repair of any building or other work; but so far as regards only so much of this section as relates to plans, sections, and specifications.

## **28 Removal of materials in streets**

The local authority may remove, appropriate, use, and dispose of all old materials existing in any street at the time of the execution by the local authority of any works in such street unless the owners of buildings and lands in such street within forty-eight hours after notice so to do served on them by the surveyor remove such materials or their respective proportions thereof, and the local authority shall allow such sum as may be the reasonable value thereof to such owners for any materials which have been used or removed by the local authority, and in case of dispute the amount to be allowed shall be settled in the manner provided by the Public Health Act, 1875, with respect to compensation for damage sustained by reason of the exercise of any powers of that Act.

## **29 Deposit of building materials or excavations not to be made without consent**

It shall not be lawful for any person without the consent of the local authority in writing first obtained to lay any building materials, rubbish, or other thing, or make any excavation on or in any street repairable by the inhabitants at large, and when with such consent any person lays any building materials, rubbish, or other thing, or makes any excavation on or in any street, he shall, at his own expense, cause the same to be sufficiently fenced and a sufficient light to be fixed in a proper place on or near the same and to be continued every night from sunset to sunrise, and shall remove such materials, rubbish, or thing or fill up such excavation (as the case may be) when required by the local authority; and, if any person fails to comply in any respect with the requirements of this enactment, he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings, and the local authority may remove any such materials, rubbish, or thing, or fill up such excavation (as the case may be), and recover the expenses from the offender summarily as a civil debt.

## **30 Dangerous places to be repaired or enclosed**

With respect to the repairing or enclosing of dangerous places the following provisions shall have effect (namely):—

- (1) If in any situation fronting, adjoining, or abutting on any street or public footpath, any building, wall, fence, steps, structure or other thing, or any well, excavation, reservoir, pond, stream, dam or bank is, for want of sufficient repair, protection, or enclosure dangerous to the persons lawfully using the street or footpath, the local authority may by notice in writing served upon the owner, require him, within the period specified in the notice and herein-after in this section referred to as the "prescribed period," to repair, remove, protect, or enclose the same so as to prevent any danger therefrom :
- (2) If, after service of the notice on the owner, he shall neglect to comply with the requirements thereof within the prescribed period, the local authority may cause such works as they think proper to be done for effecting such repair, removal, protection,

or enclosure, and the expenses thereof shall be payable by the owner, and may be recovered summarily as a civil debt.

### **31 Fencing lands adjoining streets**

If any land (other than land forming part of any common) adjoining any street is allowed to remain unfenced or if the fences of any such land are allowed to be or remain out of repair, and such land is, owing to the absence or inadequate repair of any such fence, a source of danger to passengers, or is used for any immoral or indecent purposes, or for any purpose causing inconvenience or annoyance to the public, the Local Government Board on the application of the local authority may by Order empower the local authority to proceed under this section, and, in that case, at any time after the expiration of fourteen days from the service upon the owner or occupier of notice in writing by the local authority requiring the land to be fenced or any fence of the land to be repaired, the local authority may cause the land to be fenced or may cause the fences to be repaired in such manner as they think fit, and the reasonable expenses thereby incurred shall be recoverable from such owner or occupier summarily as a civil debt.

### **32 Hoards to be securely erected**

- (1) A person shall not use any hoarding or similar structure which is in, or abuts on, or adjoins any street, for any purpose, unless it is securely fixed to the satisfaction of the local authority.
- (2) If any person acts in contravention of this section he shall be liable, in respect of each offence, to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

### **33 Exemption of buildings of railway companies and others**

Nothing in this Part or in any byelaws to be made under any enactment extended by this Part shall apply to a building (other than a dwelling-house) belonging to a railway company, or to any company or other public body authorised to construct, maintain, or improve a harbour, pier or dock, or to the owners of any canal or inland navigation, and used by the company, public body, or owners as a part of or in connection with their railway, harbour, pier, dock, canal or inland navigation.

## **PART III**

### **SANITARY PROVISIONS**

### **34 Extension of section 41 of 38 & 39 Vict. c.55**

Section forty-one of the Public Health Act, 1875, shall have effect as if for the words " (but not otherwise) " there were substituted the words " or where on the report in writing of their surveyor or inspector of nuisances the local authority have reason to suspect that any such drain, water-closet, earth-closet, privy, ashpit, or cesspool is a nuisance or injurious to health. "

### **35 As to nuisances**

For the purposes of the Public Health Act, 1875—

- (1) Any cistern used for the supply of water for domestic purposes so placed, constructed, or kept as to render the water therein liable to contamination, causing or likely to cause risk to health ;
- (2) Any gutter, drain, shoot, stack-pipe, or down-spout of a building which by reason of its insufficiency or its defective condition shall cause damp in such building or in an adjoining building ; and
- (3) Any deposit of material in or on any building or land, which shall cause damp in such building or in an adjoining building so as to be dangerous or injurious; to health ; shall be deemed to be a nuisance within the meaning of the said Act.

### **36 Rain-water pipes not to be used as soil pipes**

No pipe used for the carrying off of rain water from any roof shall be used for the purpose of carrying off the soil or drainage from any privy or water-closet. Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

### **37 Water or stack pipes not to be used as ventilating shafts**

No water-pipe, stack-pipe, or down-spout in existence at the commencement of this section, used for conveying surface water from any premises, shall be used or be permitted to serve or to act as a ventilating shaft to any drain. Any person who shall offend against this section after fourteen days from the service upon him by the local authority of notice of such offence shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

### **38 Local authority may require old drains to be laid open for examination by surveyor before communicating with sewers**

Before any drain existing at the commencement of this section and then not communicating with any sewer of the local authority shall be made to communicate with any sewer of the local authority, the local authority may require the same to be ' laid open for examination by the surveyor, and no such communication shall be made until the surveyor shall certify that such drain may be properly made to communicate with such sewer.

### **39 Provision and conversion of closet accommodation**

- (1) In this section unless the context otherwise, requires—

The expression " closet accommodation " includes a receptacle for human excreta, together with the structure comprising such receptacle and the fittings and apparatus connected therewith;

The expression " pail closet " means closet accommodation including a moveable receptacle for human excreta ;

The expression " water-closet " means closet accommodation used or adapted or intended to be used in connection with the water carriage system,

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and comprising provision for the flushing of the receptacle by means of a fresh water supply, and having proper communication with a sewer ;

The expression " slop-closet " means closet accommodation used or adapted or intended to be used in connection with the water carriage system, and comprising provision for the flushing of the receptacle by means of slops or waste liquids of the household or rain water, and having proper communication with a sewer ;

The expression " a sufficient water supply and sewer " means a water supply and a sewer which are sufficient and reasonably available for use in, or in connection with, the efficient hushing and cleansing of, and the efficient removal of excreta from such number of proper and sufficient water-closets and slop-closets, or from such one or more of either class of closet as, in pursuance of this section, may be required to be provided in any particular case.

- (2) Within one month after the deposit of any plan by a person intending to erect a new building, the local authority, where there are a sufficient water supply and sewer, may by written notice to that person require the new building to be provided with such number of proper and sufficient waterclosets and slop-closets, or with such one or more of either class of closet as the circumstances of the case may render necessary.

Any person who fails to comply with any requirement of the local authority under this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

- (3) If, on the report of the medical officer or the surveyor or the inspector of nuisances, the local authority are satisfied that sufficient closet accommodation has not been provided at or in connection with a building and the case is not one in which sufficient closet accommodation can be provided by the alteration of any existing closet accommodation in pursuance of this section, the local authority, where there are a sufficient water supply and sewer, may by written notice to the owner or owners of the building require the building to be provided with such number of proper and sufficient water-closets and slop-closets, or with such one or more of either class of closet as the circumstances of the case may render necessary.

If the owner or owners of the building fail to comply with any requirement of the local authority under this subsection, the local authority may at the expiration of a time which shall be specified in the notice and shall be not less than fourteen days after the service of the notice, do the work required by the notice, and may recover summarily as a civil debt from the owner or owners the expenses incurred by the local authority in so doing.

- (4) The local authority, where there are a sufficient water supply and sewer, may by written notice to the owner or owners of a building require any existing closet accommodation (other than a water-closet or a slop-closet) provided at or in connection with the building to be altered, so as to be converted into a water-closet or slop-closet.

If the owner or owners of the building fail to comply with any requirement of the local authority under this subsection, the local authority may, at the expiration of a time which shall be specified in the notice and shall not be less than fourteen days after the service of the notice, do the work required by the notice.

Where in pursuance of this subsection any work of alteration is done by the local authority in default of the owner or owners in respect of a pail closet, the expenses of the work shall be borne by the local authority, and where in pursuance of this

subsection any work of alteration is done by the local authority in default of the owner or owners in respect of any existing closet accommodation other than a pail closet, one half of the expenses of the work shall be borne by the local authority, and the remainder of the said expenses shall be borne by the owner or owners and shall be recoverable summarily as a civil debt.

Every notice in pursuance of this subsection shall state the effect of the subsection.

- (5) Nothing in this section shall have effect with respect to a slop-closet, unless or until the Local Government Board have been satisfied by the local authority, and have by order declared that the circumstances of the district of the local authority are such as to render it necessary or expedient that this section shall have effect with respect to a slop-closet.

Any order in pursuance of this subsection shall be published in such manner as the Local Government Board direct.

#### **40 Payment for works of common benefit. Expenses Private improvement expenses**

- (1) Where under section thirty-nine of this Act. the local authority do any work for the common benefit of two or more buildings belonging to different owners, the expenses which under that section are recoverable by the local authority from the owners shall be paid by the owners of those buildings in such proportions as shall be determined by the surveyor, or in case of dispute by a petty sessional court.
- (2) Any moneys expended by the local authority for the purposes of section thirty-nine of this Act shall, so far as they are not recoverable from the owner or owners, be part of the expenses of the local authority in the execution of the Public Health Act, 1875.
- (3) The local authority may by order declare any expenses incurred by them under section thirty-nine of this Act, which are recoverable summarily as a civil debt from the owner or owners, to be expenses to which the provisions of section two hundred and fifty-seven of the Public Health Act, 1875, shall apply, and thereupon those provisions shall apply, with the necessary modifications, as -if they were herein re-enacted and in terms made applicable to the said expenses.

#### **41 Entry on premises**

Any person duly authorised in writing by the local authority shall, on production of his authorisation, be admitted into any premises for the purposes of section thirty-nine of this Act, and the provisions of sections one hundred and two and one hundred and three of the Public Health Act, 1875, shall, with the necessary modifications, apply to his admission.

#### **42 Appeals**

- (1) Where any person deems himself aggrieved by any requirement of the local authority under section thirty-nine of this Act, or objects to the reasonableness of any expenses wholly or partially recoverable from him under that section, that person may, within fourteen days after the service of notice of the requirement or of a demand for payment of the expenses, appeal to a court of summary jurisdiction, and the court may make such order in the matter as to them may seem equitable, and the order so made shall be binding and conclusive on all parties :

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Provided nevertheless that the right of appeal, subsequent to the service of a demand for payment, shall be restricted to the ground of the reasonableness of the amount of the expenses, and the appellant shall be precluded from raising at that stage any other question.

- (2) Pending the decision of the court upon the appeal the local authority shall not be empowered to execute any works to which the notice relates, and any proceeding which may have been commenced for the recovery of the expenses shall be stayed.

#### **43 Local authority may require removal or alteration- of urinals**

- (1) If any urinal or other sanitary convenience opening on any street (whether erected before or after the commencement of this section) is so placed or constructed as to be a nuisance or offensive to public decency, the local authority, by notice in writing, may require the owner to remove it within a reasonable time fixed by the local authority.
- (2) If the owner fails to comply with the notice, he shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

#### **44 Urinals to be attached to refreshment houses, &c**

- (1) Where any inn, public-house, beer-house, eating-house, refreshment-house, or place of public entertainment, whether built before or after the commencement of this section, has no urinal belonging or attached thereto, the local authority may, by notice in writing, require the owner of the premises to provide and maintain thereon one or more proper and sufficient urinals in a suitable position.
- (2) If the owner fails within a reasonable time to comply with a notice under this section he shall be liable in respect of each offence to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

#### **45 Testing of drains on report of defects**

- (1) If the medical officer, surveyor, or inspector of nuisances reports to the local authority that he has reasonable grounds for believing that any drains of any building are so defective as to be injurious or dangerous to health, the local authority may authorise their medical officer, surveyor, or inspector of nuisances to apply the smoke or coloured water test, or other similar test (not including a test by water under pressure), to the drains, subject to the condition that either the consent of the owner or occupier of the building must be given to the application of the test, or an order of a court of summary jurisdiction having jurisdiction in the place where the building is situated must be obtained, authorising the application of the test.
- (2) If on the application of the test the drains are found to be defective, the local authority may, by notice specifying generally the defect, require the owner of the premises to do all works necessary for remedying it within a reasonable time named in the notice, and if the owner fails so to do the work the local authority may themselves do the work, and the expense of so doing the work may either be recovered from the owner of the building summarily as a civil debt or may be declared by the local authority to be private improvement expenses, and may be recoverable accordingly.
- (3) The owner and occupier of any building shall give all reasonable facilities for the application of any test which has been consented to or authorised in pursuance of this



section, and, if the owner or occupier fails to do so, he shall be liable in respect of each offence to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

#### **46 Provision for filling up cesspools, &c**

If it shall appear to the local authority by the report of the medical officer, surveyor, or inspector of nuisances that any cesspool or other receptacle used or formerly used as a receptacle for excreta or other obnoxious matter, or for the whole or any part of the drainage of a house, or that any ashpit or any well or disused well belonging to any such house or part of a house is prejudicial to health, or otherwise objectionable for sanitary reasons, and that it is desirable that the same should be filled up or removed, or so altered as to remove any such objection as aforesaid, the local authority may, if they think fit, by notice in writing, require the owner or occupier of such house or part of a house within a reasonable time, to be specified in the notice, to cause such cesspool, receptacle, ashpit, or well to be filled up or removed, and any drain communicating therewith to be effectually disconnected, destroyed, or taken away, or to cause such cesspool, receptacle, ashpit, or well to be so altered as to remove any such objection as aforesaid.

Where it appears that any such cesspool, receptacle, ashpit, or well is used in common by the occupiers of two or more houses, or parts of houses, the notice for filling up or removal of any such cesspool, receptacle, ashpit, or well may be served on any one or more of the owners or occupiers of such houses, and it shall not be necessary to serve such notice on all such owners or occupiers.

If default is made in complying with the requisitions of a notice under this section the local authority may themselves carry out the requisitions, and may recover the expenses incurred by them in so doing from the owners or occupiers in default in a summary manner as a civil debt, or, where the owners are the persons liable, as private improvement expenses are recoverable under the Public Health Acts.

#### **47 Public conveniences and lavatories**

The local authority may provide and maintain in proper and convenient situations sanitary conveniences in or under any street repairable by the inhabitants at large, and may provide and maintain in proper and convenient situations lavatories in or under any such street for the use of the public, and may employ and pay attendants and make reasonable charges for the use of any sanitary conveniences (other than a urinal) or of any lavatory so provided. The local authority may make byelaws for the management of the sanitary conveniences and lavatories, and as to the conduct of persons frequenting the same.

The local authority may let any such sanitary conveniences and any such lavatories for such periods, at such rents, and subject to such conditions as to the charges to be made for the use thereof and otherwise, as they think proper.

#### **48 Removal of trade refuse**

If the local authority are required by the owner or occupier of any premises to remove any trade refuse (other than sludge), the local authority shall do so, and the owner or occupier shall pay to them for doing so a reasonable sum, to be settled in case of dispute by order of a court of summary jurisdiction ; and if any question arises in any

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case as to what is to be considered as trade refuse, that question may be decided on the complaint of either party by a court of summary jurisdiction, whose decision shall be final.

**49 Summary power to provide sinks and drains for buildings**

In addition to all other powers vested in a local authority, the local authority, if it shall appear to them on the report of the surveyor, medical officer, or inspector of nuisances, that any building built before or after the commencement of this section of this Act is not provided with a proper sink or drain or other necessary appliances for carrying off refuse water from such building, may give notice in writing to the owner or occupier of such building requiring him in the manner and within the time to be specified in such notice, not being less than twenty-eight days, to provide such sink, drain, or other appliances. If the owner or occupier makes default in complying with such requirement to the satisfaction of the local authority within the time specified in such notice he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings, and in case of default the local authority may, if they think fit, themselves provide such sink, drain, or other appliances, and the expenses incurred by them, in so doing shall be repaid to them by such owner or occupier, and may be recovered summarily as a civil debt.

**50 Local authority may provide an ambulance**

The local authority may provide and maintain an ambulance for use in any case of accident, or other sudden or urgent disability, together with suitable attendants, and means of traction, and other requisites ; and may allow the ambulance to be used by any other local authority or person subject to such terms and conditions as may be agreed upon.

**51 Power to declare a business to be an offensive business**

- (1) The words "any other trade, business, or manufacture, which the local authority declare by order confirmed " by the Local Government Board, and published in such manner " as the Board direct, to be an offensive trade," shall be substituted for the words " any other noxious or offensive trade, business, or manufacture, " in section one hundred and twelve of the Public Health Act, 1875.
- (2) The local authority may make byelaws with respect to any trade which is an offensive trade under section one hundred and twelve of the Public Health Act, 1875, as amended by this Act, whether established before or after the commencement of this Act, in order to prevent or diminish any noxious or injurious effects of the trade.

**PART IV**

INFECTIOUS DISEASES

**52 Infected person not to carry on occupation**

- (1) If any person knows that he is suffering from an infectious disease, he shall not engage in any occupation or carry on any trade or business unless he can do so without risk of spreading the infectious disease.

- (2) If any person acts in contravention of this section, he shall be liable in respect of each offence to a penalty not exceeding forty shillings.

### **53 Power to require dairymen to furnish list of sources of supply**

- (1) If the medical officer certifies to the local authority that any person in the district is suffering from infectious disease which the medical officer has reason to suspect is attributable to milk supplied within the district, the local authority may require the dairyman supplying the milk to furnish to the medical officer within a reasonable time fixed by them a complete list of all the farms, dairies, or places from which his supply of milk is derived or has been derived during the last six weeks, and, if the supply, or any part of it, is obtained through any other dairyman, may make a similar requisition upon that dairyman.
- (2) The local authority shall pay to the dairyman for every list furnished by him under this section the sum of sixpence, and, if the list contains not less than twenty-five names, a further sum of sixpence for every twenty-five names contained in the list.
- (3) Every dairyman shall comply with the requisition of the local authority under this section, and, if he fails to do so, shall be liable in respect of each offence to a penalty not exceeding five pounds and a daily penalty not exceeding forty shillings.

### **54 Dairymen to notify infectious diseases resisting among their servants**

- (1) Every dairyman supplying milk within the district of the local authority from premises whether within or beyond the district aforesaid shall notify to the medical officer all cases of infectious disease among persons engaged in or in connection with his dairy as soon as he becomes aware or has reason to suspect that such infectious disease exists.
- (2) Any dairyman who shall fail to comply with this section shall for every such offence be liable to a penalty not exceeding forty shillings.

### **55 Infected clothes not to be sent to laundry**

- (1) A person shall not take or send to any public washhouse or to any laundry, for the purpose of being washed, any bedding, clothes, or other things which he knows to have been exposed to infection from any infectious disease, unless they have been disinfected by or to the satisfaction of the local authority or their medical officer, or of a legally qualified medical practitioner, or are sent to a laundry with proper precautions for the purpose of disinfection, with notice that they have been exposed to infection.
- (2) If any person acts in contravention of the foregoing provision of this section he shall be liable in respect of each offence to a penalty not exceeding forty shillings.
- (3) The local authority may, on the application of any person, pay the expenses of the disinfection of any such bedding, clothes, or other things, if carried out by them or under their direction.

### **56 Filthy and dangerous articles to be purified**

Where the local authority on the certificate of the medical officer are satisfied that the cleansing, purification, or destruction of any article in a dwelling-house is, by reason of the filthy condition of the article, necessary to prevent injury or to remove or obviate

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risk of injury to the health of any person in the dwelling-house, the local authority may cause the article to be cleansed, purified, or destroyed at their expense.

Where a person sustains damage in consequence of the exercise by the local authority of their powers under this section, and the condition of the article with respect to which those powers have been exercised is not 'attributable to his act or default, the local authority shall make reasonable compensation to that person.

#### **57 Child suffering from infectious disease not to attend school**

- (1) No person being the parent or having the care or charge of a child within the district of the local authority who is or has been suffering from infectious disease or has been exposed to infection shall, after a notice from the medical officer that the child is not to be sent to school, permit such child to attend school without having procured from the medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend without undue risk of communicating stich disease to others.
- (2) Any person who shall offend against this section shall for every such offence be liable to a penalty not exceeding forty shillings.

#### **58 List of scholars to be furnished where scholar in a school is suffering, from an infectious disease**

- (1) The principal of a school in which any scholar is suffering from an infectious disease shall, if required by the local authority, furnish to them within a reasonable time fixed by them a complete list of the names and addresses of the scholars in or attending at the school or any specified department thereof other than boarders.
- (2) The local authority of the district shall pay to the principal of the school for every list furnished by him under this section the sum of sixpence, and, if the list contains not less than twenty-five names, a further sum of sixpence for every twenty-five names contained in the list.
- (3) If the principal of a school fails to comply with any of the provisions of this section he shall be liable in respect of each offence to a penalty not exceeding forty shillings.
- (4) In this section the expression "the principal" used in relation to a school means the person in charge of the school, and includes, where the school is divided into departments and there is no single person at the head of the whole school, as respects each department the head of that department.

#### **59 Provisions as to library books**

- (1) If any person knows that he is suffering from an infectious disease he shall not take any book or use or cause any book to be taken for his use from any public or circulating library.
- (2) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from an infectious disease.
- (3) A person shall not return to any public or circulating library any book which he knows to have been exposed to infection from any infectious disease, or permit any such book which is under his control to be so returned, but shall give notice to the local authority

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that the book has been so exposed to infection, and the local authority shall cause the book to be disinfected and returned to the library, Or to be destroyed.

- (4) The local authority shall pay to the proprietor of the library from which the book is procured the value of any book destroyed under the power given by this section.
- (5) If any person acts in contravention of or fails to comply with this section, he shall be liable in respect of each offence to a penalty not exceeding forty shillings.

## **60 Local authority may pay expenses of person in hospital**

Nothing in section one hundred and thirty-two of the Public Health Act, 1875, with respect to the recovery of the cost of maintenance in a hospital shall require the local authority to recover the cost of maintenance from a patient who is not a pauper where the local authority have satisfied themselves that the circumstances of the case are such as to justify the remission of the debt.

## **61 Removal of person from infected premises**

- (1) The local authority may exercise the powers of section fifteen of the Infectious Disease (Prevention) Act, 1890, whether that section has or has not been adopted in the district, and, where the local authority so determine, those powers may be exercised for providing temporary shelter or house accommodation with any necessary attendants for any person who, in any case to which this section applies, leaves a house after any infectious disease has appeared therein, and the local authority may borrow, subject to the provisions of the Public Health Acts, for the purpose of providing shelter or house accommodation under section fifteen of the Infectious Disease (Prevention) Act, 1890, or under this section.

Where the local authority in pursuance of the aforesaid powers have provided a temporary shelter or house accommodation, they may, on the appearance of any infectious disease in a house, and on the certificate of the medical officer, cause any person who is not himself sick and who consents to leave the house, or whose parent or guardian (where the person is a child) consents to his leaving the house, to be removed therefrom to any such temporary shelter or house accommodation, and in the like case on the like certificate may cause any such person who does not consent to leave the house to be removed therefrom to any such temporary shelter or house accommodation, where two justices, on the application of the local authority and on being satisfied of the necessity of the removal, make an order for the removal, subject to such conditions (if any) as are imposed by the

The local authority shall in every case cause the removal to be effected and the conditions of any order to be satisfied without charge to the person removed or to the parent or guardian of that person.

- (2) Any person who wilfully disobeys or obstructs the execution of an order under this section, shall be liable to a penalty not exceeding five pounds.
- (3) For the purpose of this section the word "house" includes any tent, van, shed, or similar structure used for human habitation or any boat lying in any canal or other water within the district of the local authority and used for the like purpose.

**62 Amendment of section 126 of 38 & 39 Vict. c.55**

Paragraph two of section one hundred and twenty-six of the Public Health Act, 1875 (which imposes a penalty on the exposure of infected persons and things), shall be read as if the words " or causes or permits such sufferer to be so exposed " were added after the word " sufferer. "

**63 Prohibiting conveyance of infected persons in public vehicles**

The owner or driver of a public vehicle within the district of the local authority used for the carrying of passengers at separate fares shall not knowingly convey or any other person shall not knowingly place in any such public vehicle a person suffering from any infectious disease, or a person suffering from any such disease shall not enter any such vehicle, and every person who shall offend against this section shall for every such offence be liable to a penalty not exceeding forty shillings.

**64 Driver, &c, of infected person to give notice**

- (1) If any person suffering from any infectious disease is conveyed in any public vehicle within, the district of the local authority the owner or driver thereof as soon as it comes to his knowledge shall give notice to the medical officer, and- shall cause such vehicle to be disinfected, and, if he fails so to do, he shall be liable to a penalty not exceeding five pounds, and the owner or driver of such vehicle shall be entitled to recover in a summary manner from the person so conveyed, or from the person causing that person to be so conveyed, a sufficient sum to cover any loss and expense incurred by him in connection with such disinfection.
- (2) It shall be the duty of the local authority when so requested by the owner or driver of such public vehicle to provide for the disinfection of the same free of charge, except in cases where the owner or driver conveyed a person knowing that he was suffering from infectious disease.

**65 Section 124 of 38 & 39 Vict. c.55 to apply to persons who cannot be isolated**

Section one hundred and twenty-four of the Public Health Act, 1875, shall extend and apply to all cases of persons-suffering from any dangerous infectious disease, and being in or upon any house or premises where such persons cannot be effectually isolated so as to prevent the spread of the disease.

**66 Cleansing and disinfecting of premises**

- (1) If the medical officer, or any other legally qualified medical practitioner certifies that the cleansing and disinfecting-of any. house, or part of a house, and of any articles therein likely to retain infection, or the destruction of those articles would tend to prevent or check any dangerous infectious disease the local authority shall serve notice on the master, or, where the house or part is unoccupied, on the owner of the house or part, that the house or part, and any such articles therein, will be cleansed and disinfected or (as regards the articles) destroyed, by the local authority unless he informs the local authority within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the house or part and any such articles, or destroy the articles to the satisfaction of the medical officer or of any other legally qualified medical practitioner within a time fixed in the notice.

- (2) If either—
- (a) Within twenty-four hours from the receipt of the notice the person on whom the notice is served does not inform the local authority as aforesaid ; or
  - (b) Having so informed the local authority, he fails to have the house or part thereof and any such articles disinfected, or the articles destroyed as aforesaid, within the time fixed in. the notice ; or
  - (c) The master or owner without any such notice gives his consent;
- the house or part and articles shall be cleansed and disinfected, or the articles destroyed by the officers and at the cost of the local authority under the superintendence of the medical officer.
- (3) For the purpose of carrying into effect this section the local authority may enter by day on any premises.
- (4) When the local authority have disinfected any house, part of a house, or article, under the provisions of this section, they shall compensate the master or owner of the house, or part of a house, or the owner of the article, for any unnecessary damage thereby caused to the house, part of a house, or article; and when the local authority destroy any article under this section they shall compensate the owner thereof, and the amount of any such compensation shall be recoverable in a summary manner.
- (5) The expression "master" means the person in occupation of or having the charge, management, or control of the house or part of a house, and where the house is wholly let out in separate tenements, or is a lodging-house wholly let to lodgers, includes the person receiving the rent payable by the tenants or lodgers either on his own account, or as the agent of another person; and the expression "by day" means during the period between six o'clock in the morning and the succeeding nine o'clock in the evening.

#### **67 Provision of nursing attendance by local authority**

- (1) The local authority may provide nurses for attendance on patients suffering from any infectious disease in their district who, owing to want of accommodation at the hospital or danger of infection, cannot be removed to the hospital, or in cases where removal to the hospital is likely to endanger the patients' health.
- (2) The local authority may charge such reasonable sums for the services of nurses provided by them as they think fit.
- (3) Nothing in this section shall be deemed to take away or diminish the necessity of providing proper hospital accommodation for persons suffering from infectious disease.

#### **68 Wake not to be held over body of person dying of infectious disease**

It shall not be lawful to hold any wake over the body of any person who has died of infectious disease, and the occupier of any house or premises or part of a house or premises who permits or suffers any such wake to take place in such house or premises, or part of a house or premises, and every person who attends to take part in such wake shall be liable to a penalty not exceeding forty shillings.

## PART V

### COMMON LODGING-HOUSES

#### **69 Discretion as to registration, of lodging-house keeper**

- (1) The local authority may, at their discretion, refuse to register any person as a common lodging-house keeper, unless they are satisfied of his character and of his fitness for the position.
- (2) The registration of a person as a common lodging-house keeper shall, if that person is newly registered after the commencement of this section, remain in force only for such time not exceeding one year as may be fixed by the local authority, but may be renewed from time to time by the local authority.

#### **70 Obligation on common lodging-house keeper to provide for proper control of his house**

- (1) Either the keeper of a common lodging-house or a deputy registered under this Act shall manage and control the lodging-house and exercise supervision over those using it, and either the keeper or the deputy so registered shall be and remain at the lodging-house between the hours of nine in the evening and six in the morning of the following day.
- (2) If any provision of this section is not complied with in the case of any common lodging-house, the keeper of the house shall, unless he shows to the court that there was a reasonable excuse for the non-compliance, be liable in respect of each offence to a penalty not exceeding forty shillings, and to a daily penalty not exceeding twenty shillings.

#### **71 Deputy lodging-house keepers**

- (1) The local authority shall keep a register for the purposes of this section, and shall enter therein the name of any person whose name is submitted to them by a common lodging-house keeper as his deputy, and who is approved by them for the purpose.
- (2) The local authority may register more than one deputy for any common lodging-house keeper.
- (3) The local authority, if at any time they are of opinion that, any person registered as a deputy of a common lodging-house keeper is not a fit person for the purpose, may cancel the registration.

#### **72 Power of court convicting common lodging-house keeper to cancel registration**

Where the keeper of a common lodging-house is convicted of any offence against any provision of the Public Health Acts or this Act relating to common lodging-houses, or of any byelaw made thereunder, the court before whom he is convicted may cancel his registration as a common lodging-house keeper, and he shall cease to be registered accordingly.



**73 Unregistered lodging-house keepers liable to penalties under section 86 of 38 & 39 Vict. c.55**

If a person keeps a common lodging-house he shall, although he is not registered as a common lodging-house keeper under section seventy-seven of the Public Health Act, 1875, be liable to the penalties imposed under section eighty-six of that. Act for the offences named therein.

**74 Provision of proper sanitary conveniences in a common lodging-house**

- (1) Every common lodging-house, whether registered, before or after the commencement of this section, shall be provided—
  - (a) With sufficient and suitable sanitary conveniences, having regard to the number of persons who may be received in that house, and also, where persons of both sexes are received in the common lodging-house, with proper separate accommodation for persons of each sex ; and
  - (b) With a water supply laid on sufficient for flushing any water-closets or urinals which are used in the house.
- (2) If it appears to the local authority that, in the case of any common lodging-house, default is made in any respect in complying with the provisions of this section, the local authority may, by notice in writing specifying the default, require the keeper of the common lodging-house to remedy the default.
- (3) If within twenty-eight days of the notice being served the default is not remedied to the satisfaction of the local authority, they may themselves do the work required to be done, and may recover in a summary manner from the keeper of the common lodging-house the expenses incurred by them in so doing, or may by order declare these expenses to be private improvement expenses.

**75 Notice of commencement of Part V and repeal**

- (1) At a time not less than one month before the commencement of this Part of this Act the local authority shall give notice of the fact to the keeper of every common lodging-house in their district:
- (2) On and after the commencement of this Part of this Act section seventy-eight from the words " and the local authority may " to the end of the section, and section eighty-eight of the Public Health Act, 1875, shall be repealed as far as relates to the district.

## PART VI

### RECREATION GROUNDS

**76 Powers as to parks and pleasure gardens**

- (1) The Local Government Board, for the purposes of this section, may make rules prescribing restrictions or conditions subject to which any powers conferred by the section shall with respect to any area in a public park or pleasure ground be exercisable in relation to the enclosure or setting apart of the, area or in relation to the use of the area as the site of a building or convenience.

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Subject to the restrictions or conditions prescribed by rules made under this section, the local authority shall, in addition to any powers under any general Act, have the following powers with respect to any public park or pleasure ground provided by them or under their management and control, namely, powers—

- (a) To enclose during time of frost any part of the park or ground for the purpose of protecting ice for skating, and charge admission to the part inclosed, but only on condition that at least three-quarters of the ice available for the purpose of skating is open to the use of the public free of charge ;
  - (b) To set apart any such part of the park or ground as may be fixed by the local authority, and may be described in a notice board affixed or set up in some conspicuous position in the park or ground for the purpose of cricket, football, or any other game or recreation, and to exclude the public from the part set apart while it is in actual use for that purpose ;
  - (c) To provide any apparatus for games and recreations, and charge for the use thereof, or let the right of providing any such apparatus for any term not exceeding three years to any person ;
  - (d) To provide or contribute towards the expenses of any band of music to perform in the park or ground ;
  - (e) To enclose any part of the park or ground, not exceeding one acre, for the convenience of persons listening to any band of music, and charge admission thereto ;
  - (f) To place, or authorise any person to place, chairs or seats in any such park or ground, and charge for, or authorise any person to charge for, the use of the chairs so provided ;
  - (g) To provide and maintain any reading rooms, pavilions, or other buildings and conveniences, and to charge for admission thereto, subject in the case of reading rooms to the limitation that such a charge shall not be made . on more than twelve days in any one year, nor on more than four consecutive days ;
  - (h) To let any pavilion or other building so provided by them to any person for the purpose of entertainments, and authorise that person to charge for admission thereto ;
  - (i) To provide and maintain refreshment rooms in any such park, and either manage them themselves, or, if they think fit, let them to any person for any term not exceeding three years.
- (2) Any expenses of the local authority incurred in the exercise of the powers given to them by this section shall be defrayed out of the fund or rate out of which the expenses of the park or ground as to which the powers are exercised are payable, and any receipts arising from the exercise of any such powers shall be carried to the credit of the same fund or rate.
  - (3) The expenses incurred by the council in the exercise of their power under this section to provide or contribute to a band shall not in any one year exceed an amount equal to that which would be produced by a rate of an amount which shall be approved by the Local Government Board and shall not exceed a penny on the property liable to be assessed for the purpose of the rate out of which the expenses of the park or ground are payable, as assessed for the time being for the purposes of that rate.
  - (4) No power given by this section shall be exercised in such a manner as to contravene any covenant or condition subject to which a gift or lease of a public park or pleasure ground has been accepted or made, without the consent of the donor, grantor, lessor, or other person or persons entitled in law to the benefit of such covenant or condition.

**77 Power to appoint officers**

The local authority may appoint officers for securing the observance of this Part of this Act, and of the regulations and byelaws made thereunder, and may procure such officers to be sworn in as constables for that purpose, but any such officer shall not act as a constable unless in uniform or provided with a warrant.

**PART VII****POLICE****78 Regulations as to street traffic**

The local authority may from time to time make regulations with respect to such streets, to be specified in the regulations, as are specially liable to be obstructed by reason of the amount and nature of the traffic :—

- (a) Prescribing the line to be kept at any street crossing by all persons riding or driving ;
- (b) Requiring the drivers of heavy and slow-moving vehicles to keep their vehicles to a particular portion of the street.

All regulations under this section shall be subject to the approval of the Secretary of State. Any person who shall contravene any such regulation after warning given by word or signal by a police constable stationed in the street to direct the traffic shall be liable to a penalty not exceeding forty shillings.

**79 Dangerous riding and driving**

Every person who shall ride or drive so as to endanger the life or limb of any person or to the common danger of the passengers in any thoroughfare shall be liable to a penalty not exceeding forty shillings and may be arrested without warrant by any constable who witnesses the offence.

**80 As to leading or driving animals**

The local authority may, by order, prescribe the streets in which, and the manner according to which, the leading or driving of animals shall be permitted within their district, provided that the route or routes which it shall be lawful for the local authority so to prescribe shall not be such as would prevent the passage of cattle between any market on the one hand, and any railway station or landing wharf in the district, or any place beyond the district, on the other hand, when such animals are merely passing between such market and railway station, landing wharf, or other place aforesaid, and the local authority shall be bound to allow at all times a reasonably short and efficient route or routes for the passage of such animals. Provided also that any such order shall only operate between the hours of nine in the morning and nine in the evening, and shall not prevent the owner of any animals driving the same to or from his own premises, and nothing in this enactment contained shall authorise the local authority to interfere with the leading or driving of any animals to any duly licensed slaughterhouse.

**81 Extending definition of public place and street for certain purposes**

Any place of public resort or recreation ground belonging to, or under the control of the local authority, and any unfenced ground adjoining or abutting upon any street in an urban district shall for the purpose of the Vagrancy Act, 1824, and of any Act for the time being in force altering or amending the same, be deemed to be an open and public place, and shall be deemed to be a street for the purposes of section twenty-nine of the Town Police Clauses Act, 1847, and also for the purposes of so much of section twenty-eight of that Act as relates to the following offences:—

Every person who suffers to be at large any unmuzzled ferocious dog, or urges any dog or other animal to attack, worry, or put in fear any person or animal:

Every person who rides or drives furiously any horse or carriage, or drives furiously any cattle :

Every common prostitute or night walker loitering and importuning passengers for the purpose of prostitution :

Every person who wilfully and indecently exposes his person :

Every person who publicly offers for sale or distribution, or exhibits to public view, any profane, indecent, or obscene book, paper, print, drawing, painting, or representation, or sings any profane or obscene song or ballad, or uses any profane or obscene language :

Every person who wantonly discharges any firearm or discharges any missile or makes any bonfire :

Every person who throws or lays any dirt, litter, ashes, or aright soil, or any carrion, fish, offal, or rubbish, on any street.

**82 Byelaws as to sea-shore**

The local authority for the prevention of danger, obstruction, or annoyance to persons using the seashore may make and enforce byelaws to—

- (1) Regulate the erection or placing on the seashore, or on such part or parts thereof as may be prescribed by such byelaws, of any booths, tents, sheds, stands, and stalls (whether fixed or movable), or vehicles for the sale or exposure of any article or thing, or any shows, exhibitions, performances, swings, roundabouts, or other erections, vans, photographic carts, or other vehicles, whether drawn or propelled by animals, persons, or any mechanical power, and the playing of any games on the seashore, and generally regulate the user of the seashore for such purposes as "shall be prescribed by such byelaws;
- (2) Regulate the user of the seashore for riding and driving ;
- (3) Regulate the selling and hawking of any article, commodity, or thing on the seashore ;
- (4) Provide for the preservation of order and good conduct among persons using the seashore. Provided that no byelaws affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been obtained.

**83 Byelaws as to promenades**

The local authority may, for the prevention of danger, obstruction, or annoyance to persons using the esplanades or promenades within the district, make byelaws prescribing the nature of the traffic for which they may be used, regulating the selling

and hawking of any article, commodity, or thing thereon, and for the preservation of order and good conduct among the persons using the same.

#### **84 Licences to porters**

- (1) The local authority may from time to time grant to any person whom they think fit a licence to carry on the calling of a luggage porter, light porter, public messenger, or commissionaire, and may charge a fee of one shilling for any such licence.
- (2) The local authority may from time to time make byelaws for regulating the conduct of any persons so licensed and for fixing the charges to be made by them.
- (3) Every such licence may be granted for a year or for any less period according as the local authority may think fit, and may be suspended or revoked or endorsed by the local authority for a breach of such byelaws or whenever they shall deem such suspension or revocation or endorsement to be necessary or desirable in the interests of the public: Provided that the existence of this power to suspend or revoke or endorse a licence shall be plainly set forth in the licence itself.
- (4) Every such licence whensoever issued shall expire on the thirty-first day of March next following the date of its issue, and may contain conditions as to the badge which the holder of any such licence shall wear.
- (5) If any person while unlicensed represents himself to be licensed, or wears any badge for the purpose of representing himself as licensed to carry on any of the callings specified in this section, he shall be liable to a penalty not exceeding twenty shillings.

#### **85 Registries for servants**

- (1) Every person who shall carry on for the purpose of private gain, the trade or business of keeper of a female domestic servants' registry shall register his name and place of abode, and also the premises in which such trade or business is carried on, in a book to be kept at the offices of the local authority for the purpose.
- (2) The local authority may make byelaws prescribing the books to be kept and the entries to be made therein, and any other matter which the local authority may deem necessary for the prevention of fraud or immorality in the conduct of such trade or business and for regulating any premises used for the purposes of or in connection with such trade or business.
- (3) The person registered shall keep a copy of the byelaws made by the local authority under this section hung up in a conspicuous place in the registered premises.
- (4) Any officer of the local authority or other person duly authorised in writing in that behalf by the local authority, and if so required exhibiting his authority, shall at all reasonable times be afforded by the person registered full and free power of entry into the registered premises for the purpose of inspecting the registered premises and the books required to be kept by such person.
- (5) Any person carrying on such trade or business as aforesaid whose name, place of abode, and premises in which such trade or business is carried on have not been registered in accordance with subsection one of this section, or whose registration has been cancelled or suspended as herein-after provided, or acting in contravention of any of the provisions of this section or of any byelaw made thereunder, shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings,

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and the court may (in lieu of or in addition to imposing a penalty) order the suspension or cancellation of the registration.

- (6) The local authority shall give public notice of the provisions of this section by advertisement in two newspapers circulating in the district, and by handbills and otherwise in such manner as they think sufficient.

## **86 As to dealers in old metal and marine stores**

- (1) Every person who shall carry on business as a dealer in old metal or as a marine store dealer shall register his name and place of abode and every place of business, warehouse, store, and place of deposit occupied or used by him for the purpose of such business, in a book to be kept for the purpose at the offices of the local authority.
- (2) Every person carrying on business as aforesaid shall correctly enter in a book to be kept by him for that purpose the description and price of all articles purchased or otherwise acquired by him, and the name, address, and occupation of the person from whom the same were purchased or otherwise acquired. ,
- (3) Every person who shall carry on such business without, having so registered or without keeping such book and making such entries as required by this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.
- (4) Any officer of the local authority or other person duly authorised in writing in that behalf by the local authority, and if so required exhibiting his authority, shall have free access at all reasonable times to every such place of business, warehouse, store, and place of deposit, to inspect the same and the books by this section required to be kept, and every person who shall prevent, hinder, or obstruct any officer or person so authorised in the execution of his duty under this subsection shall be liable to a penalty not exceeding five pounds.
- (5) The local authority shall give public notice of the provisions of this section by advertisement in two newspapers circulating in the district, and by handbills and otherwise in such manner as they think sufficient.

## **PART VIII**

### **FIRE BRIGADE**

## **87 Power to police constable to enter and break open premises in case of lire**

Any police constable acting under the orders of his superior officer, and any member of the fire brigade of the local authority being on duty, and any officer of the local authority, may enter and if necessary break into any building in the district being or reasonably supposed to be on fire, or any building or land adjoining or, near thereto, without the consent of the owner or occupier thereof respectively, and may do all such acts and things as they may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

**88 Power to police officer to control street traffic at fires**

The officer in charge of the police at any fire in the district shall have power to stop or regulate the traffic in any street whenever in his opinion it is necessary or desirable to stop or regulate such traffic for the purpose of extinguishing the fire or for the safety or protection of life or property, and any person who wilfully disobeys any order given by such officer in pursuance of this section shall be liable to a penalty not exceeding five pounds.

**89 Captain of fire brigade or other officer to have control of operations**

The captain or superintendent of the fire brigade of the local authority or other officer of such fire brigade for the time being in charge of the engine or other apparatus for -extinguishing fires attending at any fire within the district shall from the time of his arrival and during his presence thereat have the sole charge and control of all operations for the putting out of such fire, whether by the fire brigade of the local authority or any other fire brigade, including the fixing of the positions of fire engines and apparatus, the attaching of hose to any water pipes or water supply, and the selection of the parts of the building on fire or of adjoining buildings against which the water is to be directed.

**90 Agreements with local authorities for common use of fire appliances**

The local authority of the district and the local authority of any borough or urban or rural district or the parish council of any parish may enter into and carry into effect agreements for the common use of any fire engines with their appurtenances and firemen or for mutual assistance in case of fire.

**PART IX**

**SKY SIGNS**

**91 Sky signs**

- (1) (a) It shall not be lawful to erect or fix to, upon, Or in connection with any building or erection any sky sign, and it shall not be lawful to retain any existing sky sign so erected or fixed for a longer period than three years after the commencement of this section, nor during that period except with the licence of the local authority, and in the event of such licence being granted then only for such period not exceeding three years from the commencement of this section and under and subject to such terms and conditions as shall be therein prescribed.
- (b) Provided that in any of the following cases a licence of the local authority under this subsection shall become void (namely):—
  - (i) If any addition to any sky sign be made except for the purpose of making it secure under the direction of the surveyor;
  - (ii) If any change be made in the sky sign or any part thereof ;
  - (iii) If the sky sign or any part thereof fall either through accident, decay, or any other cause ;
  - (iv) If any addition or alteration be made to or in the house, building, or structure on, over, or to which any sky sign is placed or attached if

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such addition or alteration involves the disturbance of the sky sign or any part thereof ; or

- (v) If the house, building, or structure over, on, or to which the sky sign is placed or attached become unoccupied or be demolished or destroyed.
- (c) Provided also that if any sky sign be erected or retained contrary to the provisions of this Act, or after the licence for the erection, maintenance, or retention thereof for any period shall have expired or become void, it shall be lawful for the local authority to take proceedings for the taking down and removal of the sky sign in the same manner and with the same consequence as to recovery of expenses and otherwise in all respects as if it were an obstruction within the meaning of section sixty-nine (Future projections of houses, &c, to be removed on notice) of the Towns Improvement Clauses Act, 1847.
- (2) Any person acting in contravention of any of the provisions of this section, or of the terms and conditions (if any) of any approval, licence, or consent under this section, shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.
- (3) For the purposes of this section—
- " Sky sign " means—
- Any word, letter, model, sign, device, or representation in the nature of an advertisement, announcement, or direction supported on or attached to any post, pole, standard, frame-work, or other support wholly or in part upon, over, or above any house, building or structure which or any part of which sky sign shall be visible against the sky from some point in any street or public way, and includes all and every part of any such post, pole, standard, frame-work, or other support.
- The expression " sky sign " shall also include—
- Any balloon, parachute, or other similar device employed wholly or in part for the purposes of any advertisement or announcement on, over, or above any house, building, structure, or erection of any kind, or on or over any street or public way ;
- But shall not include—
- (a) Any flagstaff, pole, vane, or weathercock unless adapted or used wholly or in part for the purpose of any advertisement or announcement;
- (b) Any sign or any board, frame, or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to the ridge of a roof: Provided that such board, frame, or other contrivance be of one continuous face and not open work, and do not extend in height more than three feet above any part of the wall or parapet or ridge to, against, or on which it is fixed or supported;
- (c) Any word, letter, model, sign, device, or representation as aforesaid relating exclusively to the business of a railway or canal company, and placed wholly upon or over any railway, canal, railway station, wharf, quay, yard, platform, or station or wharf or quay approach belonging to a railway or canal company, and so placed that it cannot fall into any street or public place.



## PART X

### MISCELLANEOUS

#### 92 Bathing places

The local authority—

- (a) may make byelaws with regard to any public bathing, whether from bathing machines or not, for any of the purposes mentioned in section sixty-nine of the Town Police Clauses Act, 1847, and also for the purpose of regulating the hours of bathing and enforcing the provision and maintenance of any life-saving apparatus or other means of protecting bathers from danger by persons providing accommodation for public bathing ; and
- (b) may, if they think fit, provide and maintain on or at any place within their district which abuts on the sea or any river, bathing-sheds or other conveniences with all necessary appliances, and may charge for the use thereof.

#### 93 Provision of life-saving appliances

The local authority of any district may provide and maintain life-saving appliances at any place in their district where they think those appliances are likely to be of use.

#### 94 Power to license pleasure boats

- (1) The local authority may grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire, and to the boatmen or persons assisting in the charge or navigation of such boats and vessels, and may charge annual fees for such licences, for a boat or vessel a fee not exceeding the sum of five shillings, and for a boatman or other person a fee not exceeding the sum of one shilling.
- (2) Any such licence may be granted for such period as the local authority may think fit, and may be suspended or revoked by the local authority whenever they shall deem such suspension or revocation to be necessary or desirable in the interests of the public : Provided that the existence of the power to suspend or revoke the licence shall be plainly set forth in the licence itself.
- (3) No person shall let for hire any pleasure boat or pleasure vessel not So licensed or at any time during the suspension of the licence for the boat or vessel, nor shall any person carry or permit to be carried passengers for hire in any pleasure boat or vessel not so licensed or at any time during the suspension of the licence for the boat or vessel.
- (4) A licence under this section shall not be required for any boat or vessel duly licensed by or under any regulations of the, Board of Trade.
- (5) No person shall carry or permit to be carried in any pleasure boat Or pleasure vessel a greater number of passengers for hire than shall be specified in the licence applying to such boat or vessel, and every owner of any such boat or vessel shall, before permitting the same to be used for carrying passengers for hire, paint or cause to be painted, in letters and figures not less than one inch in height and three-quarters of an inch in breadth, on a conspicuous part of the said boat or vessel, his own name and also

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the number of persons which it is licensed to carry, in the form " Licensed to carry persons."

- (6) Every person who shall act in contravention of the provisions of this section shall for each offence be liable to a penalty not exceeding forty shillings.
- (7) Any person deeming himself aggrieved by the withholdings suspension, or revocation of any licence under the provisions of this section may appeal to a petty sessional court held after the expiration of two clear days after such withholding, suspension, or revocation : Provided that the person so aggrieved shall give twenty-four hours' written notice of such appeal, and the ground thereof, to the clerk, and the court shall have power to make such, order as they see fit and to award costs, such costs to be recoverable summarily as a civil debt. .

**95 Extension and amendment of section 175 and section 176 of 38 & 39 Vict. c.55**

The powers of a local authority under sections one hundred and seventy-five and one hundred and seventy-six of the Public Health Act, 1875, shall extend to highway purposes, and notwithstanding anything in section one hundred and seventy-five of the Public Health Act, 1875, or any general provision in any local Act, any lands acquired by a local authority and not required for the purposes for which those lands have been' acquired may be appropriated for any purpose approved by the Local Government Board, subject, nevertheless, to any special covenant or condition affecting the use of the lands attached thereto at the time of the purchase by the local authority, or to any special provision affecting the use of the lands contained in any local Act: Provided that the local authority shall not, on any lands so appropriated, create or permit any nuisance ; and that the local authority shall not, on any such lands, sink any well for the public supply of water, or construct any cemetery, burial ground, destructor, station for generating electricity, sewage farm, or hospital for infectious disease, unless after local inquiry and consideration of any objections made by persons affected, the Local Government Board, subject to such conditions as they think fit, authorise the work or construction.

Nothing in this section shall affect any rights acquired before the commencement of this section under any judgment or order of a court of competent jurisdiction, or under any agreement in writing, but if a dispute, one of the parties to which is a local authority, arises under such an agreement as to any such right, the dispute shall, if either party so require, be settled by the Local Government Board as if it were a doubt or difference within the meaning of section three hundred and four of the Public Health Act, 1875, and the Local Government Board may for that purpose deal by Order with any matters which may be dealt with by an Order or Provisional Order under the said section.