



Towns Improvement Clauses Act 1847

CHAPTER 34

TOWNS IMPROVEMENT CLAUSES ACT 1847

[1.] Extent of Act.

Interpretations in this Act

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

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

Citing the Act

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

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

Officers

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

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

Surveys and plans

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

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

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

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

Lands

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

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

Sewers

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

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

House drains

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

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

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

Paving

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

New streets

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

Naming streets

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

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Ruinous or dangerous buildings

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

Objections to works

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

Cleansing streets

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

Nuisances

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

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Fire

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

Ventilation

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

Lodging houses

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

Lighting

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

Water

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

Slaughter-houses

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

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

Special order

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

Clocks

- 143 Power to commissioners to provide public clocks.

Execution of works by commissioners

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

Execution of works by owners

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

Rates

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

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

Appeal

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

Recovery of rates

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

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

Recovery of damages and penalties

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

Access to special Act

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

SCHEDULES referred to by the foregoing Act

SCHEDULE (A) — *Form of Rate*

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

SCHEDULE (B) —

Form of Warrant of Distress for the recovery of a Rate

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

Changes to legislation:

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