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THE
PUBLIC HEALTH ACT 1872
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THE
PUBLIC HEALTH ACT,
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1872;

AND THE
RELATIVE ACTS OF THE SESSION
35 & 36 VICT.

WITH NOTES; AND THE ORDERS AND CIRCULARS OF
THE LOCAL GOVERNMENT BOARD.

BEING
A SUPPLEMENT TO THE SIXTH EDITION OF
THE LAW RELATING TO PUBLIC HEALTH AND LOCAL
GOVERNMENT.

BY
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PREFACE.

THE publication of this work, as a supplement to the sixth edition of the 'Law relating to Public Health and Local Government,' has been announced for some months past. Had I published it immediately after the passing of the Public Health Act, 1872, I could have done little more than string together the statutes which are contained in the work, and place an index at the end for convenience of reference. I preferred, however, to wait till I had had some experience of the working of the principal Act contained in the volume before placing my work in the hands of the printer, and I have thereby been enabled to give practical value to the notes which I have appended to the several new sanitary enactments.

There was another reason why I delayed the work, and that was that I might include in it the several orders that the Local Government Board have now issued under the Public Health Act, 1872. This I have done in the Appendix, and I have also added the circulars which that Board addressed to the Urban and Rural Sanitary Authorities shortly after the passing of that Act, and the Regulations issued under the Metropolis Water Act, 1871.

In order to facilitate reference, I have added, after the table of contents, a table of the cases decided by the Courts since the last edition of my principal work was published, with references to the various law reports in which they will be found.

W. C. G.

5, Elm Court, Temple,
25th February, 1873.

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THE PUBLIC HEALTH ACT, 1872.

35 & 36 VICT. c. 79.

An Act to amend the Law relating to Public Health.

[10th August, 1872.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

1. This Act may be cited for all purposes as the Public Health Act, 1872. Short title.

2. This Act shall not apply to Scotland or Ireland, nor, except in so far as is by this Act expressly provided, to the Metropolis. (1) Application of Act.

Sanitary Authorities.

3. From and after the passing of this Act England (2) shall be divided into sanitary districts to be called respectively— Urban and rural sanitary districts.

(1.) Urban sanitary districts ; (3) and

(2.) Rural sanitary districts ; (4)

and such urban and rural sanitary districts shall respectively be subject to the jurisdiction of local authorities, in this Act called urban sanitary authorities and rural sanitary authorities, invested with the powers in this Act mentioned. (5)

4. Urban sanitary districts shall consist of the places in that behalf mentioned in the first column of the table in this section contained, and urban sanitary authorities shall be the several bodies of persons specified in the second column of the said table in relation to the said places respectively. Description of urban sanitary districts and urban sanitary authorities.

(1) As regards the application of this Act to the Metropolis, see ss. 20 and 21, *post*.

(2) By the statute 20 Geo. II. c. 42, s. 3, "The Kingdom of England, or that part of Great Britain called England," comprehends and includes "the dominion

of Wales and Town of Berwick-upon-Tweed."

(3) See s. 4 as to urban sanitary districts and authorities.

(4) See s. 5 as to rural sanitary districts and authorities.

(5) See ss. 7 and 8, *post*.

Urban Sanitary District.	Urban Sanitary Authority.
Borough constituted such either before or after the passing of this Act.	The Mayor, Aldermen, and Burgesses, acting by the Council. (1)
Improvement Act district constituted such before the passing of this Act, and having no part of its area situated within a borough or Local Government district.	The Improvement Commissioners. (2)
Local Government district constituted such either before or after the passing of this Act, having no part of its area situated within a borough, and not coincident in area with a borough or Improvement Act district.	The Local Board. (2)

(1) The following is a list of municipal boroughs in England, corrected to the present time:—

Aberavon *	Chippenham	Hertford	Northampton
Aberystwyth	Chipping Norton	Honiton *	Norwich
Abingdon	Clitheroe	Huddersfield *	Nottingham
Andover	Colchester	Huntingdon	Oldham *
Arundel	Congleton	Hythe	Oswestry
Ashton-under-Lyne *	Coventry	Ipswich	† Oxford
Banbury	Darlington *	Kendal	Pembroke
Barnstaple *	Dartmouth	Kidderminster	Penryn
Barrow-in-Furness *	Daventry	Kingston-upon-Hull	Penzance
Basingstoke	Deal	Kingston-upon-Thames	Plymouth
Bath	Denbigh	King's Lynn	Pontefract
Batley *	Derby	Lancaster	Pool
Beaumaris	Devizes	Launceston	Portsmouth
Beccles	Devonport *	Leeds	Preston
Bedford	Dewsbury *	Leicester	Pwllheli
Berwick-on-Tweed	Doncaster	Lewes *	Reading
Beverley	Dorchester	Lichfield	Reigate *
Bewdley	Dover	Lincoln	Retford (East)
Bideford	Droitwich	Liskeard	Richmond
Birmingham *	Dudley *	Liverpool	Ripon
Blackburn *	Dunstable *	Llandoverly	Rochdale *
† Blandford Forum	Durham	Llandidloes	Rochester
Bodmin	Evesham	Longton *	Romsey
Bolton *	Exeter	Louth	Rotherham *
Bootle-cum-Linacre *	Eye	Ludlow	Ruthin
Boston *	Falmouth	Lyme Regis	Ryde *
Bradford	Faversham	Lymington	Rye
Brecon	Flint	Macclesfield	St. Alban's
Bridgenorth	† Folkestone	Maidenhead	St. Helens (Lancaster) *
Bridgwater	Gateshead	Maldon	St. Ives
Bridport	Glastonbury	Manchester *	Saffron Walden
Brighton *	Glossop *	Margate *	Salford *
Bristol	Gloucester	Marlborough	Sandwich
Buckingham	Godalming *	Middlesborough *	Sarum, New
Burnley *	Godmanchester	Monmouth	Scarborough
Bury St. Edmunds	Grantham	Morpeth	Shaftesbury
† Calne	Gravesend	Neath	Sheffield *
† Cambridge	Grimsbay	Newark	Shrewsbury
Canterbury	Guildford	Newbury	Southport *
Cardiff	Halifax *	Newcastle-under-Lyne	South Shields *
Cardigan	Hanley and Shelton *	Newcastle-upon-Tyne	Southampton
Carlisle	Hartlepool *	† Newport (I. of W.)	South Molton
Carmarthen	Harwich	Newport (Mon.)	Southwold
Carnarvon	Hastings		Stafford
Chard	Haverfordwest		Staleybridge *
Chester	Hedon *		Stamford
Chesterfield	Helston		Stockport
Chichester	Hereford		

(For the continuation of list, see opposite page.)

The boroughs marked with an asterisk have had charters granted to them constituting them municipal boroughs since the 5 & 6 W. IV. c. 76. As regards the boroughs marked †, see the last clause of

s. 4. As regards boroughs generally, see the opinion of the law officers, *post*, p. 3.

(2) "Improvement Act districts" and "Local Government districts" are too numerous to be here specified.

Provided that—

- (1.) Any borough, the whole of which is included in and forms part of a Local Government district or Improvement Act district, and any Improvement Act district which is included in and forms part of a Local Government district, and any Local Government district which is included in and forms part of an Improvement Act district, shall for sanitary purposes be deemed to be absorbed in the larger district in which it is included, or of which it forms part; and the improvement commissioners or local board, as the case may be, of such larger district, shall be the sanitary authority therein; and
- (2.) Where a Borough or an Improvement Act district is co-incident in area with a Local Government district, such Borough or Improvement Act district shall be an urban sanitary district, and the council or improvement commissioners, having jurisdiction over such borough or district, and not a local board, shall be the sanitary authority: (1)
- (3.) Where any part of an Improvement Act district is situated within a borough or Local Government district, or where any part of a Local Government district is situated within a borough, the remaining part of such Improvement Act district or Local Government district shall continue subject to the like jurisdiction for sanitary purposes as it would have been subject to if this Act had not passed, unless and until the Local Government Board by provisional order otherwise directs.

For the purposes of this Act, the boroughs of Oxford, Cambridge, Blandford, Calne, Wenlock, Folkestone, and Newport, Isle of Wight, shall not be deemed to be boroughs, and the borough of Cambridge shall be deemed to be an Improvement Act district, and the borough of Oxford to be included in the Local Government district of Oxford. The Cambridge Commissioners described in section thirty-one of the Public Health Act, 1848, shall not exercise any fresh powers of rating or borrowing conferred upon them by this Act until the expiration of one year after the passing thereof, unless with the assent of the University first specified in writing

List of Boroughs continued:—

Stockton	Thetford	Warrington *	Windsor
Stratford-on-Avon	Tiverton	Warwick	Wisbeach
Sudbury	Torrington	Welchpool	Worcester
Sunderland	Totnes	Wells	Wolverhampton
Swansea	Truro	† Wenlock	Wrexham *
Tamworth	Tynemouth *	Weymouth and Mel-	Wycombe Chepping
Tenby	Wakefield *	combe Regis	Yarmouth, Great
Tenterden	Wallingford	Wigan	Yeovil *
Tewkesbury	Walsall	Winchester	York

(1) When a town council and local board for a district were the same, the local board will cease as such, and the town council will henceforth be the urban sanitary authority for the district.

The separate action of the town council for municipal purposes and for sanitary purposes is henceforth to be discontinued. The Local Government Board submitted a case to the law officers of the Crown, upon the general question whether by the operation of the Public Health Act, commissioners under Local Acts having powers such as are comprised in any of the Local Government Acts are deprived of those powers in boroughs which have been constituted urban sani-

tary districts, and have been advised to the following effect: 1. That the commissioners who at the time of the passing of the Public Health Act, 1872, were empowered under a Local Act to pave or make sewers in any borough, and to make rates for the purposes of such works, have been deprived of their powers in these respects by reason of the town council of the boroughs being now constituted the urban sanitary authority. 2. That the powers above referred to have been transferred from the commissioners to the town council. 3. That the commissioners are no longer authorised to execute works of paving, sewerage, &c., under the Local Act.

under the hand of the Vice-Chancellor, and with the assent of the Town Council of Cambridge; (1) and so much of the borough of Folkestone as is not included within the Local Government district of Sandgate shall be an urban sanitary district, and shall be under the jurisdiction for sanitary purposes of the authority for executing "The Folkestone Improvement Act, 1855."

Description of rural sanitary districts and rural sanitary authorities.

5. A rural union in this section means any union (2) which is not coincident in area with an urban sanitary district, nor wholly included in an urban sanitary district.

The area of a rural union, with the exception of those portions (if any) of the area which are included in urban sanitary districts, shall form a rural sanitary district, and the guardians of the union shall form the rural sanitary authority of such district, with the following exceptions; that is to say,

- (1.) No elective guardian of any parish belonging to such union, and forming or being wholly included within an urban sanitary district, shall act or vote in any case in which guardians of such union act or vote in their capacity of members of the rural sanitary authority: (3)
- (2.) Where part of a parish belonging to a rural union forms or is situated in an urban sanitary district, the Local Government Board may, by order, divide such parish into separate wards and determine the number of guardians to be elected by such wards respectively in such manner as to provide for the due representation of the part of the parish lying within the rural sanitary district; but until such order has been made the guardian or guardians of such parish may act and vote as members of the rural sanitary authority in the same manner as if no part of such parish formed part of or was situated in an urban sanitary district: (4)
- (3.) An *ex-officio* guardian resident in any parish or part of a parish belonging to such union, which parish or part of a parish forms or is situated in an urban sanitary district, shall not act or vote in any case in which guardians of such union act or vote in their capacity of members of the rural sanitary authority unless he is the owner or occupier of property situated in the rural sanitary district of a value sufficient to qualify him as an elective guardian for the union. (5)

First meeting of sanitary authority.

6. The first meeting of a sanitary authority under this Act shall be held within twenty-eight days after the passing of this Act, or

(1) See 21 & 22 Vict. c. 63, s. 105, and 21 & 22 Vict. c. 98, s. 2.

(2) As to the word union, see s. 60, *post*.

(3) If the same person be elected guardian for two parishes in the same union, one in an urban district and the other in a rural district, he will be precluded from voting in any case in which the guardians vote in their capacity of members of the rural authority, even though he is also an elective guardian of a parish within the rural district. He could, however, qualify to act as a member of the rural authority by resigning his office of guardian in the parish in the urban district under 5 & 6 Vict. c. 57, s. 9. This proviso precludes elective guardians of an urban parish from acting on a sanitary committee appointed under s. 13, *post*, although no direct reference to such a case is in s. 13 itself. Disqualified members are nevertheless entitled to be

present at the meetings of the sanitary authority, and cannot be required to leave whilst sanitary questions are under discussion, though of course they cannot take part in the proceedings.

(4) When a parish is, under this section, divided into wards, the election of guardians will be conducted as in the case of a division into wards under the 7 & 8 Vict. c. 101. Of course the limit in s. 19 of that Act will not apply when the division into wards is made under this section.

(5) If the *ex-officio* guardian be owner of the property, it will suffice, for rating as well is not required.

The disqualification of an *ex-officio* guardian depends upon his residence within an urban sanitary district, and not upon his being a member of the urban sanitary authority.

at such other time as may be directed by order of the Local Government Board. (1)

7. Subject to the provisions of this Act, the Local Government Acts shall be deemed to be in force within the district of every urban sanitary authority, and from and after the first meeting of an urban sanitary authority in pursuance of this Act there shall be transferred and attach to an urban sanitary authority to the exclusion of any other authority which may have previously exercised or been subject to the same;—All powers, rights, duties, capacities, liabilities, and obligations within such district exercisable or attaching by and to a local board under the Local Government Acts, and by and to the sewer authority under the Sewage Utilization Acts, and by and to the nuisance authority under the Nuisances Removal Acts, and by and to the local authority under the Common Lodging Houses Acts, the Artizans and Labourers' Dwellings Act, (2) and the Bakehouse Regulation Act, or by and to any of the said authorities within any of such Acts, or any Acts amending such Acts. (3)

Powers and duties of urban sanitary authority.

Where the Baths and Washhouses Acts and the Labouring Classes Lodging Houses Acts or any of them are in force within the district of any urban sanitary authority, such authority shall have all powers, rights, duties, capacities, liabilities, and obligations in relation to such Acts exercisable by or attached to the council, incorporated commissioners, local board, improvement commissioners, and other commissioners or persons acting in the execution of the said Acts or any of them. (4)

Where the Baths and Washhouses Acts are not in force within the district of any urban sanitary authority, such urban sanitary

(1) This section applies to all sanitary authorities existing at the time of the passing of the Act.

After the first meeting of the urban sanitary authority was held pursuant to s. 6, they became *ipso facto* invested with all the powers of the Acts mentioned in s. 7, and no adoption of these Acts was necessary.

If a meeting be not held within the 28 days, the Local Government Board must issue an order for a meeting to be held, for otherwise there will not be a transfer of authority under ss. 8 or 9.

(2) The Artizans and Labourers' Dwellings Act will not be in force within an urban sanitary district which contains a population of less than 10,000 persons.

It will be noticed that the provisions of the general law with respect to the election of members of local boards are not incorporated by s. 7, and that therefore the elections of improvement commissioners under Local Acts will be as heretofore.

The Public Health Act, 1872, appears to take away the power of improvement commissioners, under s. 15 of the Local Government Act, 1858, to adopt any parts of that Act; but even if they did so, they would not thereby constitute the district a local board district; it would continue an improvement district as before, and the commissioners only be invested with certain additional powers.

The corporate names of local boards will remain to them as before the Public Health Act, 1872, but there is no objection to the words "urban sanitary authority" being added to the corporate name of the sanitary authority if thought desirable.

The guardians are incorporated by the 5 & 6 W. IV. c. 69, s. 7, and are, under the name of "the guardians of the union," constituted by 35 & 36 Vict. c. 79, s. 5, the authority for the rural part of the union; in all sanitary matters they continue to use the corporate name.

The seal of the sanitary authority may be inscribed the "Urban (or Rural) Sanitary Authority, District of —," as the case may be.

There will be no alteration in the style of the existing local boards of health who are by 29 & 30 Vict. c. 90, s. 46, incorporated, and are to be designated by such names as they may usually bear or adopt.

(3) There will be no distinction between the proceedings of a town council, according as their proceedings have reference to municipal or sanitary purposes, and when the municipal law prescribes special rules for the government of the town council in any particular matter, those rules must be followed in all cases in which they would be applicable.

All business transacted by the town council as an urban sanitary authority should be in the name of the corporation and under their seal where necessary.

All the clauses of the Acts incorporated with the 21 & 22 Vict. c. 98, are also in force within the district of the urban sanitary authority.

(4) All the powers, &c. here mentioned will be exercised by the urban sanitary authority to the exclusion of any other former authority within the district. S. 9, *post*, provides for the transfer to urban authorities of the property, &c. of the former authorities.

authority may adopt such Acts, and where the Labouring Classes Lodging Houses Acts are not in force within the district of any urban sanitary authority, such urban sanitary authority may adopt such Acts. (1)

Powers and duties of rural sanitary authority.

8. Subject to the provisions of this Act, and from and after the first meeting of a rural sanitary authority in pursuance of this Act, there shall be transferred and attach to a rural sanitary authority, to the exclusion of any other authority which may have previously exercised or been subject to the same, all powers, rights, duties, capacities, liabilities, and obligations within such district exercisable or attaching by and to the sewer authority under the Sewage Utilization Acts, and by and to the nuisance authority under the Nuisances Removal Acts, and by and to the local authority under the Common Lodging Houses Acts, the Diseases Prevention Act, and the Bakehouse Regulation Act, or by and to any of the said authorities under any of such Acts, or any Acts amending such Acts. (2)

Transfer of property to sanitary authority, and effect of transfer of property and powers.

9. From and after the first meeting of the sanitary authority of a sanitary district, (3) all such property, real and personal, including all interest, easements, and rights in, to, and out of property, real and personal (including things in action), as belongs to or is vested in, or would but for this Act have belonged to or been vested in, any authority whose powers, rights, duties, capacities, liabilities, and obligations are transferred to the sanitary authority, shall, so far as such property is applicable to and for the purposes of any such powers, rights, duties, liabilities, capacities, or obligations, pass to and vest in the sanitary authority, subject to all debts, liabilities, and obligations affecting the property so transferred.

All debts, liabilities, and obligations incurred by the authority whose powers, rights, duties, liabilities, capacities, and obligations are so transferred may be enforced against the sanitary authority to the same extent and in the same manner as they might have been enforced against the authority from which such transfer has taken place, and such last-mentioned authority shall be deemed to be discharged from such debts, liabilities, and obligations.

All property by this section transferred to a sanitary authority shall be held by it upon trust for the district or several parishes or places respectively within its jurisdiction to which such property belonged, or for the benefit of which such property was held previously to its transfer. (4)

Officer of health and other officers to be appointed by sanitary authorities.

10. It shall be the duty of every urban sanitary authority to appoint from time to time a medical officer of health, being a legally qualified medical practitioner. (5)

(1) The adoption of the Acts specified in this subsection will be by a resolution of the urban sanitary authority merely.

The several Acts referred to in this section are those specifically mentioned in s. 60, *post*.

S. 39, *post*, provides for the settlement of differences arising out of the transfer of powers to a sanitary authority.

(a) Urban sanitary authorities are by s. 7 invested with all powers, &c. attaching to a local board under the Sanitary Acts; but under s. 8 rural sanitary authorities are invested with only limited powers under those Acts.

The ordinary meetings of the guardians will be the meetings of the rural sanitary authority under the Act; and the chairman of the board of guardians will be the chairman of the rural sanitary authority at

their meetings unless he be disqualified for taking part in the proceedings.

The power to make by-laws given by 31 & 32 Vict. c. 115, s. 5, to sewer authorities is transferred by this section to the rural sanitary authority. By-laws so made must, however, be confirmed by the Local Government Board before they can have any validity.

(3) The first meeting is that specified in s. 6, *ante*.

(4) S. 9 deals with the transfer of property only. S. 7 provides for the transfer of liabilities and obligations. S. 39, *post*, enables the Local Government Board to settle any differences which may arise out of the transfer of powers or property to a sanitary authority.

(5) Whatever appointments were made by the town council for the purposes to

It shall be the duty of every rural sanitary authority to appoint from time to time a medical officer or officers of health, being qualified as aforesaid, an inspector or inspectors of nuisances, a clerk, and a treasurer, and such other officers and servants as it may deem necessary for the efficient execution of the purposes of the Sanitary Acts; and the appointments of medical officers of health and inspectors of nuisances first made after the passing of this Act shall be for a period not exceeding five years. (1)

which the Sanitary Acts apply will continue in force notwithstanding the Public Health Act, 1872; but no salaries will be repaid out of the parliamentary grant till the appointments are approved by the Local Government Board.

By 5 & 6 W. IV. c. 76, s. 28, no person shall be qualified to be elected or to be a councillor or alderman of any borough during such time as he shall hold any office or place of profit other than that of mayor, in the gift or disposal of the council, or during such time as he shall have directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the council. This enactment does not disqualify the partner of any member of the town council for the office of medical officer of health, whatever effect it may have upon the right of the councillor to act as such in the event of his partner being appointed medical officer.

A person who is town councillor would not be disqualified for appointment as medical officer of health; but if he should be appointed, 5 & 6 W. IV. c. 76, s. 28, and 11 & 12 Vict. c. 63, s. 19, and *Eales v. Cumberland Mining Company*, 6 H. and N. 481, show that he would vacate the office of town councillor.

(1) The limitation in s. 19 as to the appointment of medical officers, it is understood, was intended to apply to urban as well as to rural sanitary authorities.

In the event of a guardian being appointed a medical officer of health for a rural sanitary district, he will by operation of the 5 & 6 Vict. c. 57, s. 14, be incapacitated for acting as guardian.

If an urban sanitary authority appoint the same person as medical officer of health as the rural authority appoints, the sanction of the Local Government Board to the appointment will be necessary.

The rural sanitary authority should appoint a clerk and treasurer, but they can only appoint the clerk and treasurer of the union to those offices. It will be seen that the provisions in this respect in this section and in s. 12 are not quite consistent.

The 5 & 6 W. IV. c. 76, s. 69, provides for the calling of meetings of the town council; and "in every case a summons to attend the council specifying the business proposed to be transacted at such meeting, signed by the town clerk, shall be left at the usual place of abode of every member of the council, or at the premises in respect of which he is enrolled as a burgess, three clear days at least before such meeting, and no business shall be transacted at such meeting other than is specified in the notice." Meetings of the town council, for whatever purpose they are called, will be meetings of the council as such, and should therefore be called in the manner

provided for by the statute. Perhaps, however, meetings of committees of the council appointed for sanitary purposes may be summoned by the clerk to the previous local board if there has been one continued under s. 12, *post*.

The 35 & 36 Vict. c. 79, s. 10, which renders the appointment of inspectors of nuisances compulsory, applies to rural unions; and the 11 & 12 Vict. c. 63, s. 37, renders it obligatory upon an urban authority to appoint inspectors of nuisances also. It may here be stated that the Local Government Board will not assent to the appointment of a relieving officer as inspector of nuisances, now that the duties of the office have become so onerous.

Appointments of inspectors of nuisances which have been already made by guardians are not terminated by the Act. But the guardians can terminate such appointments according to the terms upon which each was originally made.

The Local Government Board consider that in those cases where inspectors of nuisances were appointed before the passing of the Public Health Act, 1872, the proper course to be pursued is to re-appoint those officers in conformity with the terms of the board's order of the 11th November, 1872. There may be instances, however, they say, in which, having regard to the terms of the existing appointments, the requirements of the regulations to the proceedings preliminary to an appointment, and the position of the officers, such a course would be attended with difficulty and hardship, and in those instances the board would be disposed to dispense with a formal reappointment provided the officer undertakes in writing to discharge the duties prescribed by the order, and to hold office upon the prescribed conditions. It would also be requisite, the board say, that the sanitary authority should by resolution adopt this arrangement under any circumstances; however, it is necessary that the local authority should submit to the board for their approval a statement in the form of a proposal showing the nature of the existing arrangements, the terms of the appointment, and the fitness of the officer. The board add that, in the case of continuing appointments, the limit of five years in respect of the duration of office will not be insisted upon if at variance with the terms of the contract existing between the local board and the officers referred to.

If the Local Government Board approve of the salary, duties, and terms of appointment of medical officers of health, it will not be necessary that the existing medical officers should be reappointed to entitle the sanitary authority to share in the parliamentary grant.

The bond given by the treasurer to the

The Local Government Board shall have the same powers as they have in the case of a district medical officer of a union with regard to the qualification, appointment, duties, salary, and tenure of office of a medical officer of health or other officer of a sanitary authority, any portion of whose salary is paid out of moneys voted by Parliament. (1)

The same person may, with the sanction of the Local Government Board, be appointed the medical officer of health or the inspector of nuisances for two or more sanitary districts, by the joint or several appointment of the sanitary authorities of such districts, and with the like sanction any district medical officer of a union may be appointed a medical officer of health. (2)

A medical officer of health may exercise any of the powers with which an inspector of nuisances is invested by the Sanitary Acts or any of them. (3)

Repeal of section 4 of Artizans and Labourers' Dwellings Act, 1868.

11. The fourth section of "The Artizans and Labourers' Dwellings Act, 1868," is hereby repealed, and all powers and duties conferred and imposed on officers of health under the said Act shall be exercised and performed by the medical officers of health from time to time appointed under the Sanitary Acts or this Act or any Local Act. (4)

Clerk and treasurer of certain authorities.

12. Where the council of a borough or improvement commissioners, having been previously to the passing of this Act a local board, have appointed, in their capacity of local board, a different person as clerk or treasurer from the person who is their clerk or treasurer in their capacity of council or improvement commissioners, the clerk or treasurer so appointed by them shall continue to hold his office upon the terms upon which he held the same at the passing of this Act, but on such clerk or treasurer vacating the office it shall be discontinued as a separate office, and the person for the time acting as clerk or treasurer to such council or improvement commissioners, in their capacity of council or improvement commissioners, shall perform the duties of clerk or treasurer under the Sanitary Acts, with such additional remuneration as the council or improvement commissioners may determine. (5)

guardians as a poor law authority will not be available in respect of money in his hands for sanitary purposes. It will be seen that for such purposes he is a distinct officer.

(1) The orders issued by the Local Government Board regulating the appointments and duties of medical officers of health and inspectors of nuisances in urban and rural sanitary districts will be found in the Appendix, *post*.

If a local board should be desirous of obtaining repayment of any portion of the salary of their medical officer of health from money which may be voted by Parliament for that purpose, it will be necessary that the appointments, salaries, and duties, should receive the sanction of the Local Government Board.

(2) The regulations issued by the Local Government Board under this section provide for the joint appointment of medical officers of health and inspectors of nuisances. (See these regulations in the Appendix, *post*.)

Those regulations contemplate that the salaries of the officers should be fixed on their appointment. The sanction of the board would necessarily have to be suspended till the salaries are fixed; and un-

less the salaries are sanctioned, no contributions will be made in aid of them out of the Imperial funds.

It is imperative that every urban authority should appoint a medical officer of health, but two or more authorities may unite in appointing the same person as their officer of health.

(3) For the powers of an inspector of nuisances, see the statutes 10 & 11 Vict. c. 34, s. 131; 11 & 12 Vict. c. 63, s. 59; 18 & 19 Vict. c. 121, ss. 10, 11; 29 & 30 Vict. c. 90, s. 20, in the author's principal work on 'The Law of Public Health and Local Government,' sixth edition.

(4) The repealed section of 31 & 32 Vict. c. 130, provided for the appointment of paid officers of health by the local authority of the place to which the Act applied.

(5) The usual municipal officers will carry out the provisions of the Sanitary Acts in the borough, which the town council are required to do in like manner as any other municipal business, for sanitary matters are an additional and not a separate function of town councils under the Sanitary Acts; consequently the town clerk will be the clerk for sanitary as well as for municipal business.

What functions will remain to the clerk

The clerk and treasurer of the union shall be the clerk and treasurer of the rural sanitary authority having jurisdiction in such union, but there may be awarded to such clerk and treasurer, in respect of their additional duties under the Sanitary Acts, such remuneration as the rural sanitary authority may, with the approval of the Local Government Board, determine. (1)

13. A rural sanitary authority may, at any meeting specially convened for the purpose, (2) delegate for the current year of its office all its powers to a committee consisting wholly of its own members; provided always, that one third at least of such committee shall consist of ex-officio guardians, but in case an adequate number of such ex-officio guardians shall not exist, then the numbers so deficient shall be made up of elected guardians; and any such committee shall have the powers by this Act vested in the rural sanitary authority by which it was formed, and shall be deemed to be during such year of office as aforesaid the rural sanitary authority of the district.

Appointment of committees by rural sanitary authority.

A rural sanitary authority (including any committee so formed as aforesaid) may at any meeting specially convened for the purpose form for any parish or contributory place within its district a parochial committee consisting wholly of members of such sanitary authority or committee, or partly of such members and partly of such other persons contributing to the rate levied for sanitary purposes in such parish or contributory place, (3) and qualified in such other manner (if any) as the authority forming such parochial committee may determine.

to improvement commissioners having authority within the borough in any other than sanitary purposes will depend upon the Local Act.

The word "clerk" in the latter part of this section does not include an assistant clerk to a board of guardians.

(1) The clerk to the guardians cannot resign his office of clerk to the sanitary authority which he holds by virtue of his office of clerk to the guardians. An assistant clerk may be appointed to assist him in his duties under the Sanitary Acts if they are more than one person can discharge properly.

(2) The notice calling the meeting at which it is proposed to appoint a committee should state the intention to make the appointment: it should not be a mere general notice calling a meeting. The meeting may be held immediately before or after the ordinary meeting of the guardians.

If there be no *ex-officio* guardians in the union, the committee must necessarily be composed entirely of elected guardians.

The committee cannot elect a clerk, but some arrangement may be made with the clerk of the union to render the committee such assistance as is usually rendered by a secretary or clerk.

A committee appointed under this section to whom all the powers of the rural sanitary authority have been delegated are the rural sanitary authority for the year, and are solely invested with power to appoint a parochial committee for any parish or contributory place within the district. It should be borne in mind that the appointment of the committee cannot be rescinded after it is made.

When a committee has been appointed, orders on the treasurer should be signed by the chairman and two of the members

of the sanitary authority, in the same way that the guardians sign orders on their treasurer in respect of Poor Law expenditure.

The proper designation of a committee appointed by a rural sanitary authority will be, "The Committee of the Guardians of the Poor of the ——— Union, in the County of ———, acting as the Rural Sanitary Authority for that Union." If an abbreviated designation be used, it may be, "The ——— Union Sanitary Committee."

(3) The words, "persons contributing to the rate levied for sanitary purposes," should be read, "persons liable to contribute." The intent of the provision is that parochial committees may be appointed in any parish.

A parochial committee, it will be seen, has no authority to appoint officers or to raise money for the overseers for sanitary purposes. Such a committee cannot exercise any powers except those which the rural sanitary authority could exercise within the parish.

If a sewage farm has been established by a sewer authority of a parish, the guardians, as the rural sanitary authority, should appoint a parochial committee, under s. 13, and restrict the functions of the committee to the superintendence of the works.

The appointment of an officer is not a power which can be exercised within a particular parish, and, therefore, cannot be delegated to a parochial committee under s. 13; but if the appointment of an assistant clerk be desired by such a committee, the appointment may be made under s. 10. His salary in that case would be chargeable as general expenses on the common fund under s. 17.

A parochial committee shall be subject to any regulations and restrictions which may be imposed by the authority which formed it: Provided that no jurisdiction shall be given to a parochial committee beyond the limits of the parish or contributory place for which it is formed, and that no powers shall be delegated to a parochial committee except powers which the rural sanitary authority could exercise within such parish or contributory place.

A rural sanitary authority (including any committee so formed as aforesaid) may from time to time add to or diminish the number of the members or otherwise alter the constitution of any parochial committee formed by it, or dissolve any parochial committee.

A parochial committee shall be deemed to be the agents of the authority which formed it, and the appointment of such committee shall not relieve that authority from any obligation imposed on it by Act of Parliament or otherwise.

A committee may elect a chairman of its meetings. If no chairman is elected, or if the chairman elected is not present at the time appointed for holding the meeting, the members present shall choose one of their number to be chairman of such meeting. A committee may meet and adjourn as it thinks proper. The quorum of a committee shall consist of such number of members as may be prescribed by the authority that appointed it, or, if no number be prescribed, of three members. Every question at a meeting shall be determined by a majority of votes of the members present and voting on that question; and in case of an equal division of votes the chairman shall have a second or casting vote. (1)

The proceedings of a committee shall not be invalidated by any vacancy or vacancies amongst its members.

14. The fourth section of "The Sanitary Act, 1866," is hereby repealed. (2)

15. Inspectors of the Local Government Board may attend any meetings of local boards, or rural sanitary authorities, when and as directed by the Local Government Board, and such inspectors shall, for the purposes of any inquiry directed by the Local Government Board, in relation to witnesses and their examination, the production of papers and accounts, the inspection of places and matters required to be inspected, have for the purposes of the Sanitary Acts similar powers to those which Poor Law inspectors have under the Acts relating to the poor law for the purposes of those Acts. The sanitary authority of the district of Oxford shall not, for the purposes of this section, be deemed to be a local board.

16. All expenses incurred or payable by an urban sanitary authority under the Sanitary Acts shall, if the Local Government Acts, or the provisions of those Acts with respect to rating, were at or immediately before the passing of this Act in force throughout the district of such authority, or within a Local Government district wholly within such district, be defrayed in manner provided by those Acts; and if the Local Government Acts were not so in force at or immediately before the passing of this Act be defrayed as follows; that is to say,

(1.) In the case of the council of a borough, out of the borough fund or borough rate:

(2.) In the case of improvement commissioners, out of any rate

(1) This paragraph applies generally to all committees appointed under the section.

(2) As s. 4 of the 29 & 30 Vict. c. 98, has been repealed by s. 14 of the Public Health Act, 1872, the town council, as

far as regards appointments of committees for purposes of the Sanitary Acts, must proceed under the Municipal Corporation Acts, or under the 11 & 12 Vict. c. 63, s. 36.

Repeal of section 4 of Sanitary Act, 1866.

Powers of Inspectors of Local Government Board.

Expenses of urban sanitary authority.

in the nature of a general district rate leviable by them as such commissioners throughout the whole of their district : Provided that where an urban sanitary authority had, before the passing of this Act, power to levy within its district a rate or rates for paving, sewerage, or other sanitary purposes, all expenses incurred by such authority in the performance of its duties under the Sanitary Acts shall be defrayed out of such rate or rates, except where at the time of the passing of this Act any such expenses were chargeable upon the borough fund or borough rate, in which case such expenses shall continue so chargeable. (1)

17. The expenses incurred by a rural sanitary authority under the Sanitary Acts shall be divided into general expenses and special expenses. Expenses of rural sanitary authority.

General expenses, other than those chargeable upon owners and occupiers under the Sanitary Acts, shall be the expenses of the establishment and officers of the sanitary authority, the expenses in relation to disinfection, the providing conveyance for infected persons, and all other expenses not determined by this Act or the order of the Local Government Board to be special expenses.

Special expenses shall be the expenses of the construction of sewers in any contributory place within the district, the providing a supply of water to any such place, and all other expenses incurred or payable by the sanitary authority in or in respect of any contributory place within the district, and determined by the order of the Local Government Board to be special expenses.

When the rural sanitary authority makes any sewers or provides any water supply or executes any other work under the Sanitary Acts for the common benefit of any two or more contributory places within its district, it may apportion the expense of constructing any such work, and of maintaining the same, in such proportions as it thinks just, between such contributory places, and any expense so apportioned to any such contributory place shall be deemed to be special expenses legally incurred in respect of such contributory place. (2)

The overseers of any contributory place if aggrieved by any such apportionment, may within twenty-one days after notice has been given to them of the apportionment, send or deliver a memorial to the Local Government Board stating their grounds of complaint, and the said Board may make such order in the matter as to it may seem equitable, and the order so made shall be binding and conclusive upon all parties concerned. (3)

General expenses shall be payable out of a common fund to be raised out of the poor rate of the parishes in the district according to the rateable value of each parish and contributory place in manner hereinafter mentioned.

Special expenses shall be a separate charge on each contributory place.

The following areas situated in a rural sanitary district shall

(1) This section provides for three cases. In regard to the first, the expenses are to be defrayed in the manner provided by the Local Government Acts; in the second, out of the borough fund or borough rate; in the third, out of rates leviable under Local Acts. The proviso applies to the latter only.

(2) It will be seen from the next paragraph that notice of the appointment must be given to the overseers of the contri-

butory place before the appointment will be binding.

(3) The overseers (including the churchwardens and a majority of the whole) only can memorialise the Local Government Board. No particular form of memorial is required: a succinct statement of the facts, put in the form of a memorial, will suffice. The order of the board will be removable by *certiorari*, as the writ is not taken away by the statute.

be contributory places for the purposes of this Act; that is to say,

- (1.) Every parish not having any part of its area within the limits of a special drainage district or of an urban sanitary district; and
- (2.) Every special drainage district; (1) and
- (3.) In the case of a parish wholly situated in a rural sanitary district and part of which forms or is part of a special drainage district, such portion of that parish as is not comprised within such special drainage district; and
- (4.) In the case of a parish a part of which is situated within the limits of an urban sanitary district, such portion of that parish as is not comprised within such urban sanitary district, or within a special drainage district.

Mode of raising contributions in rural sanitary district.

18. For the purpose of obtaining payment from the several parishes and contributory places within its district of the sum to be contributed by them, the rural sanitary authority shall issue its precept to the overseers of each parish and contributory place (2) situated within its district requiring such overseers to pay, within a time limited by the precept, the amount specified in such precept to the rural sanitary authority, or to some person appointed by it, care being taken to issue separate precepts in respect of contributions for general expenses and special expenses, or to make such expenses respectively separate items in any precept including both classes of expenses. (3)

Where a contributory place or part of a contributory place is part of a parish as defined by this Act, the overseers of such parish shall for the purposes of this Act be deemed to be the overseers of such contributory place or such part thereof.

The overseers shall comply with the requisitions of such precept by paying the contribution required in respect of general expenses out of the poor rate of their respective parishes, and with respect to special expenses by raising the contribution required by the levy (in the case of an entire parish on the whole of such parish, and in the case of a contributory place or part of a contributory place forming part of a parish, by the levy on such place or such part thereof, exclusive of the rest of the parish) of a separate rate in the same manner and with the same exemption in every respect as if it were a rate levied in pursuance of the seventeenth section of the Sewage Utilization Act, 1867, for the purpose of satisfying the requisitions of a precept of such sewer authority as is in the said section mentioned. (4)

A separate rate under this Act shall, as respects the powers of the overseers in relation to making, assessing, and levying such rate, and as respects the appeal against such rate, and all other incidents thereof except the purposes to which it is applicable, and

(2) The term, "special drainage district," is not defined in the Act, but it must be confined to districts formed under the Sanitary Acts (see p. 367 of Glen's 'Law of Public Health,' &c., 6th edition); and it does not extend to districts formed under Local Acts for the surface drainage and improvement of land.

(3) If there be more than one parish in a "contributory place," separate precepts will be issued to the overseers of each.

(4) The rural sanitary authority must provide themselves with funds under the powers conferred upon them by this sec-

tion: and it will not be a correct proceeding for the guardians of the union to place money from their funds in the treasurer's hands to the credit of the sanitary authority for sanitary purposes.

Orders for the payment of money will be signed by a rural sanitary authority in the same way as orders of the guardians upon their treasurer for Poor Law purposes are signed.

(4) A rate made under s. 17 of Sewage Act, 1867, and s. 18 of 35 & 36 Vict. c. 79, should be made separately for the poor rate and be kept distinct therefrom.

such exemption as aforesaid, and except the allowance of justices, (1) which shall not be required, be subject to the same provisions as apply in law to a rate levied for the relief of the poor; and the overseers of a parish shall have the same powers of levying such separate rate in a contributory place or part of a contributory place, forming part of their parish, as they would have if such contributory place or such part thereof constituted the whole of their parish.

Where a contribution for general expenses is required from a contributory place or part of a contributory place which is part of a parish, the overseers shall from time to time levy such increase of rate from the contributory place or such part thereof as may be sufficient to recoup the parish for the sum it has paid on account of the contributory place or such part thereof in respect of general expenses under this Act, and carry the same to the general account of the parish, and such increase of rate shall be raised in such contributory place or part of a contributory place by an addition to the poor rate, or by a separate rate to be assessed, made, allowed, published, collected, and levied in the same manner as a poor rate. The officers ordinarily employed in the collection of the poor rate shall, if required by the overseers, collect any separate rate made under this section, and receive such remuneration for the additional duty as the overseers with the consent of the vestry may determine.

The overseers shall at the expiration of their term of office pay any surplus in their hands arising from any separate rate levied in pursuance of this Act above the amount for which the rate was made to the rural sanitary authority or to such person as it may appoint, to the credit of the contributory place within which or within part of which such rate was made, and such surplus shall go in reduction of the next call that may be made on such contributory place or such part thereof for the purpose of defraying the expenses incurred by the rural sanitary authority.

19. If the amount required by any precept of a rural sanitary authority to be paid by the overseers of any parish be not paid in manner directed by such precept and within the time therein specified for that purpose, the rural sanitary authority shall have the like remedy for recovery from the overseers of such amount as is not paid as guardians have for the time being for recovery from overseers of contributions of parishes, (2) and for that purpose the precept of the rural sanitary authority requiring the payment shall be conclusive evidence of the amount thereof.

Remedy for non-payment by overseers of amount required by precept of sanitary authority.

Port Sanitary Authorities.

20. The Local Government Board may, by provisional order, permanently constitute any sanitary authority whose district or part of whose district forms part of or abuts upon any part of a port in England, or the waters of such port, or any conservators, commissioners, or other persons having authority in or over such port or any part thereof, (which sanitary authority, conservators, commissioners, or other persons are in this Act referred to as a "riparian authority," the sanitary authority of the whole of such port, or of any part thereof, and may by such order assign to it (in this Act referred to as the "port sanitary authority") any powers, rights, duties, capacities, liabilities, and obligations under the Sanitary

Sanitary authorities of ports to be constituted.

(1) Note that the allowance of justices is dispensed with.

(2) See 2 & 3 Vict. c. 84, s. 1.

Acts, or any of them, and direct the mode in which the expenses of such port sanitary authority are to be paid; and until such provisional order has been made and confirmed by Parliament, the Local Government Board may by order temporarily constitute any such riparian authority as aforesaid the port sanitary authority of the whole port, or of any part thereof, for the purposes of the Sanitary Acts, or any provisions thereof.

A port shall mean a port as established for the purposes of the laws relating to the Customs of the United Kingdom.

The order of the Local Government Board constituting a port sanitary authority shall be deemed to give such authority jurisdiction over all waters within the limits of such port, and also over the whole of such portions of the district within the jurisdiction of any riparian authority as may be specified in the order.

A port sanitary authority may, with the sanction of the Local Government Board, delegate to any other riparian authority within or bordering upon its district the exercise of any powers conferred on such port sanitary authority by the order of the Local Government Board, but except in so far as such delegation may extend no other sanitary authority shall exercise any powers conferred on a port sanitary authority by the order of the Local Government Board within the district of such port sanitary authority.

The Local Government Board may, in pursuance of this section, constitute a port sanitary authority by uniting two or more riparian authorities instead of making one riparian authority only a port sanitary authority, as hereinafter provided with reference to the formation of sanitary district or united district, and may assign to the port sanitary authority so constituted any of the powers, rights, duties, capacities, liabilities, and obligations aforesaid.

This section shall extend to the port of London, but the mayor, aldermen, and commons of the City of London shall be deemed to be the sanitary authority of the port of London, and shall pay out of their corporate funds all their expenses as such port sanitary authority. (1)

(1) The Local Government Board, by order dated 7th September, 1872, have, until the 25th March, 1873, constituted the mayor, aldermen, and commons of the City of London the sanitary authority of the Port of London.

The limits of the Port of London were defined by the Lords of the Treasury as follows:—"We, the undersigned Lords Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, do hereby, under the authority of The Customs' Consolidation Act, 1853, appoint London to be a port in that part of the United Kingdom called England. And we do hereby declare that the limits of the said port for Customs purposes only shall be as follows (that is to say): That *seaward and eastward* they shall commence at a distance of four miles north of the North Foreland Lighthouse, on the coast of Kent, and extend from thence in a direct northerly line towards the Naze Tower, on the coast of Essex, until it reaches the distance of three miles from the said tower. That *northward* the said limits shall commence at the said last-mentioned point or distance of three miles from the said tower, and extend from thence in a direct westerly line until intersected by another direct line drawn from St. Osyth's Point, on the coast of Essex, to the

Shoe Beacon, at the south-east point of the Maplin Sands, and which point of intersection is three miles and a half south of St. Osyth's Point; and from which point of intersection the said limits shall extend southwardly in a direct line to the Shoe Beacon aforesaid, and from thence in a direct westerly line to the buoy one mile south of Shoeburyness Point, in the County of Essex, and from thence in a direct north-westerly line to the point of land called Scars, on the east side of Holy Haven Creek, and from thence along the shore at high-water mark to Tilbury Fort, at the west side of Bilmerey Creek, in the said County of Essex, and shall include all bays, harbours, rivers, and creeks between the point of Scars and Bilmerey Creek aforesaid. And that *southward* the said limits shall commence at the said point or distance of four miles from the North Foreland Lighthouse, on the coast of Kent aforesaid, and extend from thence in a direct north-westerly line towards a place in the Isle of Sheppey called Land's End, until it reaches the distance of four miles from thence in a direct north-westerly line to the north side of Yaullet Island, on the north side of the Isle of Grain, in the County of Kent, and from thence along the shore at low-water mark until it reaches that part of the shore which bears due north of a tree formerly

21. Any expenses incurred by a port sanitary authority constituted temporarily in carrying into effect any sanitary purposes, shall be defrayed out of a common fund to be contributed by the riparian sanitary authorities in such proportions as the Local Government Board thinks just. Expenses of port sanitary authority how to be defrayed.

Such port sanitary authority, if itself a sanitary authority independently of its character of a port authority, shall raise the proportion of expenses due in respect of its own district in the same manner as if such expenses had been incurred by it in the ordinary manner for the purposes of this Act.

For the purpose of obtaining payment from the contributory riparian sanitary authorities of the sums to be contributed by them, such port sanitary authority shall issue its precept to each such authority requiring it, within a time limited by the precept, to pay the amount therein mentioned to such port sanitary authority, or to such person as such port sanitary authority may direct.

Any contribution payable by a riparian sanitary authority to such port sanitary authority shall be a debt due from it, and may be recovered accordingly, such contribution in the case of a rural sanitary authority being deemed general expenses of that authority. If any riparian sanitary authority makes default in complying with the precept addressed to it by such port sanitary authority, such port sanitary authority may, instead of instituting proceedings for the recovery of the debt, or in addition to such proceedings, as to any part of the debt which may for the time being be unpaid, proceed in a summary manner, as hereinafter mentioned, (1) to raise within the district of the defaulting authority such sum as may be sufficient to pay the debt due.

Alteration of Areas.

22. The following regulations shall be made as to the alteration of areas and local authorities : Alteration of areas and local authorities.

(1.) The Local Government Board, by provisional order, may dissolve any Local Government district, and may merge any such district in some other sanitary district or districts, or it may, by provisional order, declare any portion of a local government or a rural sanitary district immediately adjoining a local government district to be included in such last-mentioned district, and thereupon such included portion shall, for all sanitary purposes, be deemed to form part of such last-mentioned district; and the remaining part of such local government district or rural sanitary district shall continue subject to the like jurisdiction for sanitary purposes as it would have been subject to if such order had not been made unless and until the Local Government Board by provisional order otherwise directs :

(2.) In the case of a borough comprising within its area the whole of an Improvement Act district, or having an area co-extensive with such district, the Local Government

known and laid down on charts as 'Round Tree,' in the parish of Milton-next-Gravesend, in the County of Kent, and from thence in a southerly direction to high-water mark. And we do hereby further declare that the limits of the said port shall extend westward from Tilbury Fort, on the west side of Bilmerey Creek, on the north side

of the river Thames, and from that part of the said shore north of the 'Round Tree' aforesaid, on the south side of the said river, throughout the said river Thames at high-water mark, including all channels, creeks, streams, and rivers within the said last-mentioned distance."

(1) See s. 54, *post*.

Board may, by provisional order, dissolve such district and transfer to the council of the borough the jurisdiction and powers of the Improvement Commissioners of such district : (1)

- (3.) Where a special drainage district has been formed under the *Sewage Utilization Acts* previously to the passing of this Act, but no works have been executed therein in respect of which a loan has been raised, such district may, by order of the Local Government Board, be dissolved :
- (4.) Where a special drainage district has been formed under the *Sewage Utilization Acts* previously to the passing of this Act, and works have been executed therein in respect of which a loan has been raised, the Local Government Board may, by provisional order, dissolve such district and merge it in the parish or parishes in which it is situated.

Any order made in pursuance of this section may, if necessary, provide for the settlement of any differences, or the adjustment of any accounts or apportionment of any liabilities arising between districts, parishes, or other places in consequence of the exercise of any powers conferred by this section, and direct the persons by whom and to whom any moneys found to be due are to be paid, and the mode of raising such moneys ; and where any local government district is diminished or increased in extent under this section, the provisional order shall prescribe the number of members to be elected for the district when altered. (2)

Application of urban sanitary provisions to rural sanitary district.

23. The Local Government Board may, on the application of the authority of any rural sanitary district, or of ratepayers, the assessment of whose hereditaments amounts at the least to one-tenth of the net rateable value of such district, or of any contributory place therein, by order, to be published in the *London Gazette*, or in such other manner as the Local Government Board may direct, invest such authority with all or any of the powers, rights, duties, capacities, liabilities, and obligations of an urban sanitary authority, and such investment may be made either unconditionally or subject to any conditions to be specified by the Board as to the time, portion of its district, or manner during, at, and in which such powers, rights, duties, liabilities, capacities, and obligations are to be exercised and attach : Provided that an order of the Local Government Board made in pursuance of an application from one-tenth of the persons rated to the relief of the poor in any contributory place shall not invest the rural sanitary authority with any new powers beyond the limits of such contributory place.

Power for Local Government Board to constitute Local Government districts.

24. The Local Government Board may, by provisional order, declare any rural sanitary district, or any portion of any rural sanitary district or districts, to be an urban sanitary district ; and, upon such order being confirmed by Parliament, the district or portion of the district or districts referred to therein shall become a local government district, and shall be subject to the jurisdiction of a

(1) By s. 7, *ante*, all sanitary powers are transferred to the urban sanitary authority, but some other powers may remain in the commissioners, and the local government board may dissolve the commissioners and transfer their powers, such as they possess at the time of the dissolution, to the town council. This section does not control the general powers conferred by s. 7, *ante*, and render that section nugatory.

(2) As regards the making of provisional orders by the Local Government Board,

and their confirmation by Parliament, see page 69 of Glen's 'Law of Public Health and Local Government,' 6th edition. The cost of the preparation of a provisional order and the submission of it for confirmation by Parliament would, so far as ordinary expenses are concerned, be borne by the Local Government Board ; but if there should be opposition to the confirming bill, a question may then arise as to who is to bear the cost of the opposition.

local board, and the expenses incurred by such board in the performance of its duties under the Sanitary Acts shall be defrayed in manner provided by the Local Government Acts. (1)

25. After the passing of this Act, the Local Government Acts shall not, nor shall any provision thereof, be adopted in or by any place without the consent of the Local Government Board, and it shall be lawful for a rural sanitary authority, with the consent of the Local Government Board, but not otherwise, to constitute any portion of the area within its jurisdiction a special drainage district; and thereupon such area shall become a separate contributory place. (2)

As to adoption of Local Government Acts, and constitution of special drainage district.

Union of Districts.

26. Where it appears to the Local Government Board on the application of the sanitary authorities of any sanitary districts, or of any of such authorities, and after due inquiry, (3) that it would be for the advantage of such sanitary districts, or any of them, or any parts thereof, or of any contributory places (4) in any rural sanitary district or districts, to be formed into a united district for all or any of the purposes following; that is to say,

Formation of united district.

(1.) The procuring a common supply of water; (5) or

(2.) The making a main sewer or carrying into effect a system of sewerage for the use of all such districts or contributory places; (6) or

(3.) For any other purposes of the Sanitary Acts; the Local Government Board may, by provisional order, form such districts or contributory places (4) into a united district.

27. The following enactments shall take effect in relation to making a provisional order forming a united district; that is to say, Mode of forming united district.

(1.) Notice of the provisional order shall be published in some newspaper circulating in the district to which it relates, and in such other manner as the Local Government Board may direct:

(2.) All costs, charges, and expenses of and incidental to the formation of a united district shall, in the event of the united district being formed, be a first charge on the rates leviable in the united district in pursuance of this Act:

(3.) The making of a provisional order shall be *prima facie* evidence that all the requirements of this Act in respect of

(1) This section is not governed by s. 23, and it is open both to the rural authority and to the inhabitants of the locality to make application on the subject to the Local Government Board.

There are obvious objections to investing a board of guardians with urban powers as to highways, but the same objections do not exist to giving the guardians power to regulate buildings in populous districts.

(2) Before the Local Government Board would assent to the adoption of the Local Government Act by a parish, or issue a provisional order constituting the parish an urban sanitary district, they would require to be satisfied that the district was of an urban character, and of sufficient population and rateable value to justify the constitution of a separate sanitary authority invested with urban powers.

Though the consent of the board is necessary, in other respects the proceed-

ings to be taken with a view to the adoption of the Local Government Act, 1858, remain as before.

Section 2 only applies to those places which are within rural sanitary districts, and do not constitute urban districts. In the latter, the Acts are in force by operation of s. 7, *ante*.

(3) As regards inquiries directed by the Local Government Board, see 11 & 12 Vict. c. 63, s. 121, and 21 & 22 Vict. c. 98, s. 80.

(4) As regards contributory places, see s. 17 (1.) to (4.), *ante*.

(5) For the powers of sanitary authorities to provide their districts with a supply of water, see the chapter "Water Supply," in Glen's 'Law of Public Health and Local Government,' p. 231, 6th edition.

(6) As to the construction of public sewers in the district of a sanitary authority, see chap. ii. of Glen's 'Law of Public Health, &c.,' p. 90, 6th edition.

proceedings required to be taken previously to the making of such provisional order have been complied with.

Governing body
of united district.

28. The governing body of a united district shall be a joint board consisting of such ex-officio members (1) and of such number of elective members as the Local Government Board may by the provisional order forming the district determine.

A joint board shall be a body corporate by such name as may be determined by the provisional order, having a perpetual succession and a common seal, with power to acquire and hold lands for the purposes of its constitution, without any licence in mortmain.

No act or proceeding of a joint board shall be questioned on account of any vacancy or vacancies therein.

No defect in the qualification or election of any person or persons acting as a member or members of a joint board shall be deemed to vitiate any proceedings of such board in which he or they has or have taken part.

Any minute made of proceedings at a meeting of a joint board, if signed either at the meeting at which such proceedings took place, or at the next ensuing meeting, by any person purporting for the time being to be the chairman of the board, shall be receivable in evidence of such proceedings in all legal proceedings without further proof; and until the contrary is proved every meeting of a joint board where minutes have been so made of the proceedings shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified.

No member of a joint board by being party to, or executing in his capacity of member, any contract or other instrument on behalf of the board, or otherwise exercising any of the powers given to the board, shall be subject individually to any action, suit, trial, prosecution, or other legal proceeding; and a joint board may apply any moneys from time to time coming into its hands for the purpose of paying any costs of legal proceedings or damages it may incur in the exercise of the powers granted to it: (2) Provided that nothing in this section shall exempt any member of a joint board from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of such joint board, and which such member authorised or joined in authorising. (3)

Regulation as to
constitution of
joint board.

29. The provisional order forming a united district under this Act shall define the purposes for which such united district is formed, and the powers, rights, duties, capacities, liabilities, and obligations under the Sanitary Acts which the joint board is authorised to exercise or perform or is made subject to, and shall contain regulations as to the qualification and mode of election of elective members of the joint board, as to their continuance in office, as to casual vacancies in the joint board, as to its meetings and officers, and any other matter or thing, including the adjustment of present and future liabilities and property with respect to which the Local Government Board may think fit to make any regulations for the better carrying into effect the provisions of this Act with respect to united districts.

Upon the constitution of a joint board the sanitary authorities

(1) With regard to *ex-officio* members, see s. 5 (3.), *ante*, and as to elective members, see s. 29.

(2) If the legal proceedings or damages do not arise out of the exercise of the powers granted to the governing body of the united district, the costs cannot legally be defrayed out of the public funds of such

body. The proviso enables the district auditor to surcharge any member of the joint board with the illegal payment. As to the auditor's powers in this respect, see s. 49, *post*, p. 26.

(3) The audit clause, s. 49, *post*, p. 26, does not mention joint boards.

having jurisdiction in the component districts or contributory places shall cease to exercise therein any powers, or to perform any duties, or to be subject to any liabilities or obligations, which the joint board is authorised to exercise or perform or is made subject to; nevertheless, the said joint board may delegate to the sanitary authority of any component district the exercise of any of its powers or the performance of any of its duties.

30. Any expenses incurred by a joint board in pursuance of this Act, unless otherwise determined by the provisional order, shall be defrayed out of a common fund, to be contributed by the component districts or contributory places in proportion to the rateable value of the property in each district or contributory place, such value to be ascertained according to the valuation list in force for the time being.

Expenses incurred by joint board how to be defrayed.

A joint board may borrow and take up at interest on the credit of such common fund any sums of money necessary for defraying any such expenses, subject to the regulations of the Local Government Acts with respect to borrowing by local boards under those Acts. (1)

31. For the purpose of obtaining payment from component districts of the sum to be contributed by them, the joint board shall issue its precept to the sanitary authority of each component district stating the sum to be contributed by it, and requiring such authority, within a time limited by the precept, to pay the sums therein mentioned to the joint board, or to such person as the joint board may direct.

Payment of contributions to joint board.

Any sum mentioned in a precept addressed by a joint board to a sanitary authority as aforesaid shall be a debt due from it, and may be recovered accordingly, such contribution in the case of a rural sanitary authority being deemed to be general expenses. (2)

If any sanitary authority makes default in complying with the precept addressed to it, the joint board may, instead of instituting proceedings for the recovery of a debt or in addition to such proceedings as to any part of a debt which may for the time being be unpaid, proceed in a summary manner as hereinafter mentioned to raise within the district of the defaulting authority such sum as may be sufficient to pay the sum due. (3)

For the purpose of obtaining payment from contributory places of the sums to be contributed by them, the joint board shall have the same powers of issuing precepts and of recovering the amounts named therein as if such contributory places formed a rural sanitary district and the joint board were the sanitary authority thereof. (4)

32. A sanitary authority unto whose district the district of another sanitary authority is subjacent may, by agreement with the last-mentioned authority, and with the sanction of the Local Government Board, given on the application of the first-named authority after public inquiry, if the Local Government Board think such inquiry necessary, cause the sewers of its district to communicate for the purpose of outfall with the sewers of the subjacent district, and for the purpose of reception, disinfection, distribution, and disposal of the sewage of such first-named authority by the authority of the subjacent district, or for all, any, or either

Use of sewer of subjacent district for outfall of district above it.

(1) As to the mortgage of rates under the Local Government Acts, see 21 & 22 Vict. c. 98, s. 57, and the chapter on mortgage of rates in Glen's 'Law of Public Health, &c.', 6th edition, p. 425. See, however, s. 40, *post*, p. 23, incorporating with this Act the Commissioners' Clauses Act,

1847, with respect to mortgages.

(2) See s. 17, *ante*, p. 11, as to general expenses.

(3) See ss. 53 & 54, *post*, as to legal proceedings.

(4) See s. 18, *ante*.

of those purposes, upon such terms as to payment or otherwise, in such manner as to making and maintaining the outfall, and with and subject to such conditions, precautions, and restrictions as shall be agreed upon between the sanitary authorities, or, in case of dispute, shall be settled by the Local Government Board : Provided that so far as practicable storm waters shall be prevented from flowing from the sewers of the higher into the sewers of the subjacent district, and that the sewage of other districts or places shall not be permitted by the sanitary authority of the higher district to pass into their sewers so as to be discharged through such outfall into the sewers of the subjacent district without the consent of such last-mentioned district ; and all expenses incurred in pursuance of this section by the said sanitary authorities, or either of them, shall be deemed to be expenses incurred by them respectively in performance of their duties under the Sanitary Acts, and be respectively payable accordingly out of the rates of which such expenses are by this Act made payable, or out of moneys duly borrowed on the credit of such rates. (1)

Repeal of Acts.

Repeal of Local Acts.

33. The Local Government Board may, on the application of the sanitary authority of any district, by provisional order, wholly or partially repeal, alter, or amend any Local Acts, (2) other than Acts for the conservancy of rivers, in force in such district, and not conferring powers or privileges upon corporations, companies, undertakers, or individuals for their own pecuniary benefit, which relate to the same subject-matters as the Sanitary Acts.

If any officer of any trustees, commissioners, or other body of persons intrusted with the execution of any such Local Act, and whether acting exclusively under the Local Act or partly under the Local Act and partly under provisions of the Local Government Act, is, by or in pursuance of any such provisional order or of this Act, removed from his office, or deprived of the whole or part of the emoluments of his office, and is not employed in an office of equal value by the authority of any sanitary district, the Local Government Board may by order award to such officer such compensation as the said Board may think just, and such compensation may be by way of annuity or otherwise, and shall be paid by the authority of the sanitary district in which such officer held his office out of any rates applicable to sanitary purposes within that district.

Miscellaneous.

As to consent of Local Government Board required in certain cases.

34. Where in any Local Acts the consent, sanction, or confirmation of one of Her Majesty's Principal Secretaries of State is required with respect to the borrowing of any money, to the giving effect to any byelaws, or to the appointment of any officer for sanitary purposes, the consent, sanction, or confirmation of the Local Government Board shall, after the passing of this Act, be required instead of that of the Secretary of State. (3)

(1) Local boards were, by 24 & 25 Vict. c. 61, ss. 4-7, empowered to exercise their powers for purposes of outfall or distribution of sewage without their district, if necessary. See Glen's 'Law of Public Health, &c.', p. 98, 6th edition.

(2) See s. 4, *ante*.

(3) This section appears to apply to all

Local Acts, whether the authority constituted by them is a private company, as a market company, or a public sanitary authority. This provision was necessary in consequence of the approval of the Secretary of State being required by numerous Local Acts to the proceedings of the local sanitary authorities.

The consent of the Local Government Board, and not that of the Treasury, shall be required to the borrowing of money for the purposes of the Baths and Washhouses Acts. (1)

The approval of the Local Government Board, and not that of one of Her Majesty's Principal Secretaries of State, shall be required for the appointment and removal of analysts under an Act of the session holden in the twenty-third and twenty-fourth years of the reign of Her Majesty, intituled "An Act for preventing the adulteration of articles of food or drink." (2)

If any question arises as to what are sanitary purposes within the meaning of this section, the determination of the Local Government Board on such question shall be conclusive.

35. It shall be lawful for Her Majesty by Order in Council, or any time before the first day of January one thousand eight hundred and seventy-three, to direct that the powers and duties of the Board of Trade under the Alkali Act, 1863, (3) and any Act amending the same, and under the Metropolis Water Acts, 1852 and 1871, (4) shall be transferred to the Local Government Board, and from and after the date of such order, or if no such order shall be made then from and after the said first day of January one thousand eight hundred and seventy-three, the powers and duties of the Board of Trade under the said Acts shall be transferred to and be exercisable and performed by the Local Government Board, and "the Local Government Board" shall be deemed to be substituted for "the Board of Trade" wherever the latter expression occurs in the said Acts.

Transfer of powers and duties of Board of Trade under Alkali Act, 1863, and Metropolis Water Acts, 1852 and 1871, to Local Government Board.

36. From and after the passing of this Act, all powers, duties, and acts vested in, imposed on, or required to be done by or to one of Her Majesty's Principal Secretaries of State by the several Acts of Parliament relating to highways in England and Wales, and to turnpike roads and trusts, and bridges in England and Wales, shall be transferred to, imposed on, and be done by or to the Local Government Board, subject to the conditions, liabilities, and incidents to which such powers, duties, and acts were respectively subject immediately before the passing of this Act or as near thereto as circumstances admit. (5)

Transfer of powers and duties of Secretary of State under Highway and Turnpike Acts to Local Government Board.

37. All inspectors, clerks, and other officers employed in or about the execution of the powers and duties transferred by virtue of the provisions of this Act to the Local Government Board shall, from and after such transfer, be attached to and under the control of the Local Government Board. (6)

Transfer of officers to Local Government Board.

The officers so attached shall in other respects hold their offices and places upon the same terms and conditions, and shall have the same powers, privileges, and immunities with

(1) See 9 & 10 Vict. c. 74, s. 21, as to the power to borrow money for purposes of the Baths and Washhouses Acts; and chap. x. pt. ii. of Glen's 'Law of Public Health, &c.', p. 252, 6th edition. A Parliamentary Return (No. 383, Session 1865) contains the names of the places in which the Acts had then been adopted. The financial results of these establishments have not been satisfactory, so far as I have investigated them.—*W. C. G.*

(2) See that Act (s. 2), and also 31 & 32 Vict. c. 121; 35 & 36 Vict. c. 74; and 35 & 36 Vict. c. 94, ss. 19-22, *post*.

(3) See 26 & 27 Vict. c. 124, and 31 & 32 Vict. c. 36, *post*.

(4) See 15 & 16 Vict. c. 84, and 34 & 35

Vict. c. 113, *post*.

(5) The law relating to highways and bridges is much too extensive to be made to form a part of this work. The whole subject will be found treated of at length in Glen's 'Law of Highways,' and edition, and the subject of turnpike laws in Oke's 'Law of Turnpike Trusts.' Both works are published by Butterworths.

(6) The inspectors and other officers referred to in this section are not local officers, but officers connected with the public departments in London which are transferred to the Local Government Board. See the relative provision in 34 & 35 Vict. c. 70, s. 6.

respect to the performance of their duties, as if this Act had not passed.

The Local Government Board may by order distribute the business to be performed under the Local Government Board amongst the several officers and persons transferred by this Act to the Board in such manner as the Local Government Board may think expedient.

Salary of medical officer.

38. Whereas the medical officer of the Privy Council has under and by virtue of the sixth section of the Local Government Board Act, 1871, been attached to the Local Government Board in manner therein provided, and it is expedient to make provision as to the salary of such medical officer: Be it enacted, that notwithstanding anything contained in any Act of Parliament now in force there shall be paid out of moneys to be provided by Parliament to such medical officer such salary as the Treasury may from time to time determine, and this section shall be deemed to have taken effect as from the first day of April one thousand eight hundred and seventy. (1)

Settlement of differences arising out of transfer of powers or property to sanitary authority.

39. Upon the application of any authority from whom or to whom any powers, rights, duties, capacities, liabilities, obligations, and property, or any of them, are transferred, or alleged or claimed to be transferred, in pursuance of this Act, or of any person affected by such transfer, the Local Government Board may by order settle any doubt or difference and adjust any accounts arising out of or incidental to such powers, rights, duties, capacities, liabilities, obligations, or property, or to the transfer thereof, and direct the parties by whom and to whom any moneys found to be due are to be paid, and the mode of raising such moneys, and any provisions contained in any order so made shall be deemed to have been made in pursuance of and to be within the powers conferred by this section, subject to this proviso, that where any such order directs any rate to be made, or other act or thing to be done, which the party required to make or do would not, apart from the provisions of this Act, have been enabled to make or do by law, such order shall be provisional only until it has been confirmed by Parliament. (2)

Power of raising money on credit of rates.

40. Any sanitary authority may, for the purpose of defraying any costs, charges, and expenses incurred or to be incurred by it in the performance of its duties under the Sanitary Acts, borrow and take up at interest any sums of money necessary for defraying any such costs, charges, and expenses, subject to the regulations in the Sanitary Acts. (3)

An urban sanitary authority may borrow and take up at interest such money on the credit of all or any rates or rate out of which it is authorised by the Sanitary Acts to pay any expenses incurred by it for sanitary purposes, and may mortgage any such rate or rates to persons by or on behalf of whom such money is advanced for securing the repayment to them of the sums borrowed, with interest thereon. (4)

A rural sanitary authority may borrow and take up at interest such money, if intended to be applied to purposes constituting the

(1) By 21 & 22 Vict. c. 97, s. 4, "there shall be paid to the medical officer such salary not exceeding fifteen hundred pounds per annum . . . as the Commissioners of Her Majesty's Treasury may direct."

(2) As regards the transfer of powers, &c., see ss. 7 and 9, *ante*. The section applies only to the adjustment of the

change when it has been ascertained, not to the settlement of disputed claims.

(3) As to borrowing on mortgage of rates, see the chapter on the subject in Glen's 'Law of Public Health, &c.', p. 425, 6th edition.

(4) See s. 16, *ante*, as to the rates out of which the expenses of urban sanitary authorities are to be paid.

general expenses of such authority on the credit of the common fund out of which such expenses are payable, (1) and if intended to be applied to purposes constituting the special expenses of such authority on the credit of any rate or rates out of which such expenses are payable, (2) and may mortgage any such rate or rates to the persons by or on behalf of whom such money is advanced for securing the repayment to them of the sums borrowed, with interest thereon.

The words "permanent works" in the Local Government Act, 1858, shall include any works the cost of which in the opinion of the Local Government Board ought to be spread over a term of years. (3)

The clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners shall be incorporated with this Act, and in the construction of that Act "the special Act" shall mean this Act; "the Commissioners" shall mean any authority authorised to borrow by this Act; "the clerk of the Commissioners" shall include any officer appointed for the purpose by any such authority. (4)

The mortgagees or assignees of any mortgage made in pursuance of this Act may enforce payment of the arrears of principal and interest due to them by the appointment of a receiver. (5)

41. Where any sanitary authority or joint board (6) is possessed of any land, works, or other property in pursuance and for the purposes of the Sewage Utilization Act, 1867, (7) such authority or joint board may borrow any moneys on the credit of such lands, works, or other property, and may mortgage such lands, works, or other property to any person advancing such moneys, in the same manner in all respects as if such sanitary authority or joint board were the absolute owner, both at law and in equity, of the lands, works, or other property so mortgaged. The moneys so borrowed shall be applied for purposes for which moneys may be borrowed under the Sanitary Acts; (8) but it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they be responsible for any misapplication thereof.

Power of raising money on credit of sewage land and plant.

The powers of borrowing conferred by this section shall, where the sums borrowed do not exceed three fourths of the purchase money of such lands (but not otherwise), be deemed to be distinct from and in addition to the general borrowing powers conferred on a sanitary authority or joint board by the Sanitary Acts. (9) The sanitary authority or joint board may pay out of any rates leviable by it for sanitary purposes the interest on any moneys borrowed by such authority or joint board in pursuance of this section. (10)

(1) See s. 17, *ante*, as to "General Expenses" and "Common Fund," and also s. 30 as to the "Common Fund" of a united district.

(2) See ss. 17 and 18, *ante*.

(3) By 21 & 22 Vict. c. 98, s. 57 (1.), "the money shall not be borrowed except for permanent works, nor without the sanction of the Local Government Board." See p. 426 of Glen's "Law of Public Health, &c.," 6th edition.

(4) Looking at the provisions in the Public Health Act, 1848, and Local Government Acts, with respect to mortgages, some difficult questions may possibly arise out of this incorporation of the Commissioners' Clauses Act, 1847, but they need not be here anticipated.

(5) See 11 & 12 Vict. c. 63, s. 114. Query how is a receiver to be appointed under this section, and how, if appointed, is he to enforce the making of rates?

(6) See s. 4, *ante*, and s. 28, *ante*.

(7) Note the limitation of the powers given by this section to raise money on the credit of land, &c., possessed by the sanitary authority for the purposes of the Sewage Utilization Act, 1867. They cannot mortgage any other land or works which they may possess.

(8) That is, for any "permanent works." See s. 40, *supra*; and 21 & 22 Vict. c. 98, s. 57 (1.).

(9) As to the extent of the borrowing powers of a local board, see 21 & 22 Vict. c. 98, ss. 57 (2.) and 78, and 24 & 25 Vict. c. 61, s. 19, pp. 426 and 428 of Glen's "Law of Public Health, &c." 6th edition.

(10) The rates will not have to bear the charge of the interest unless the profits derived from the disposal of the sewage fall short of the charge for interest on the amount for which the land, &c., is mortgaged.

Repeal of section
151 of Public
Health Act, 1848.

42. From and after the passing of this Act, section one hundred and fifty-one of the Public Health Act, 1848, shall be repealed: Provided always, that any deed or other instrument actually executed prior to the passing of this Act by or in favour of any municipal corporation or other body acting as and being a Local Board of Health or Local Board, and exempt from stamp duty under the said Act, shall be valid for all intents and purposes although the same has not been stamped. (1)

Limit of rating
under Local Acts
not to apply to
expenses for sani-
tary purposes.

43. Any limit imposed on or in respect of any rate by any Local Act of Parliament shall not apply to any rate required to be levied for the purpose of defraying any expenses incurred by a sanitary authority for sanitary purposes. (2)

Public Works
Loan Commis-
sioners may lend
to sanitary autho-
rity on security
of rates.

44. The Public Works Loan Commissioners may, on the recommendation of the Local Government Board, make any loan to any sanitary authority in pursuance of any powers of borrowing conferred by the Sanitary Acts, whether for works already executed or yet to be executed, and such loan to be repaid within a period not exceeding thirty or fifty years, as provided by those Acts, and to bear interest at the rate of three and a half per centum per annum, or such other rates as may, in the judgment of the Lords Commissioners of the Treasury, be necessary, in order to enable the loan to be made without loss to the Exchequer, on the security of any fund or rate applicable to sanitary purposes, and without requiring any further or other security: (3)

Provided as follows:

- (1.) That in determining the time when a loan under this section shall be repayable the Local Government Board shall have regard to the probable duration and continuing utility of the works in respect of which the same is required:
- (2.) That in the case of any loan already made to any sanitary authority in pursuance of any powers conferred by the Sanitary Acts, the Public Works Loan Commissioners may reduce the interest payable thereon to the rate of not less than three and a half per centum per annum:
- (3.) That this section shall not extend to any loan under "The Sanitary Loans Act, 1869," required for the purpose of defraying the expenses incurred or to be incurred by the Local Government Board in the performance of the duty of a defaulting local authority after the passing of this Act. (4)

(1) Orders for the payment of money made upon their treasurer by boards of guardians acting in the capacity of rural sanitary authorities, and also receipts given by guardians so acting when receiving sums of money amounting to 2*l.* or upwards, are liable to stamp duty, and are not exempt by 4 & 5 W. IV. c. 76, s. 86.

Bonds executed by a local board before the repeal of the exemption from stamp duty in 11 & 12 Vict. c. 63, s. 151, will continue exempt from stamp duty; that is to say, they need not be stamped before being put in suit. Conveyances and other deeds exempt from stamp duty at the time of execution will continue their exemption.

(2) This section will not remove the limitation as to the amount of rates in Portsmouth (27 & 28 Vict. c. 83, s. 2), Canterbury (29 Vict. c. 24, s. 2), or Ramsgate (29 & 30 Vict. c. 107, s. 2), as these Acts are public and not local Acts.

(3) According to this section, the Public Works Loan Commissioners may make loans to any sanitary authority in pur-

suance of any powers of borrowing conferred by the Sanitary Acts. The 11 & 12 Vict. c. 63, s. 108, enables the commissioners to make advances for the purposes of that Act, and s. 109 expressly enables the local board to borrow money at lower rates to pay off the loan. The 21 & 22 Vict. c. 98, s. 78, also gives power to reborrow. As these Acts confer powers of borrowing to redeem existing loans, there appears to be no reason why s. 44 of 35 & 36 Vict. c. 79, should not refer to such powers as well as to the original power of borrowing.

The provisions of the Public Health Act, 1872, with regard to loans are limited to loans for the purposes of the Sanitary Acts, and do not extend to other loans raised by municipal corporations; or to loans under local acts.

(4) With regard to defaulting local authorities, see s. 49 of the Sanitary Act, 1866 (29 & 30 Vict. c. 90); pp. 91, 231, 485, 497, and 572 of Glen's 'Law of Public Health, &c.,' 6th edition.

45. The Local Government Board shall not make any provisional order under this Act (1) unless public notice shall have been previously given by advertisement in two successive weeks in some newspaper published or circulating in the district to which such provisional order relates, and after hearing any objections which may be made thereto by any persons affected thereby, and in cases where the subject-matter is one to which a local inquiry is applicable, until it has made, by one of its inspectors, a local inquiry of which public notice has been given, and at which all persons interested have been permitted to attend and make objections.

Confirmation of provisional orders by Parliament.

The Local Government Board may submit to Parliament for confirmation any provisional order made by it in pursuance of this Act, but any such provisional order shall be of no force whatever unless and until it is confirmed by Parliament. If while the Bill confirming such order is pending in either House of Parliament a petition is presented against any provisional order comprised therein, the Bill, so far as it relates to such order, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act. (2)

Any Act confirming any provisional order issued in pursuance of the Sanitary Acts or any of them may be repealed, altered, or amended by any provisional order made by the Local Government Board and duly confirmed by Parliament. The Local Government Board may revoke, either wholly or partially, any provisional order made by them before the same is confirmed by Parliament; but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament.

46. Where by any provisional order under the Sanitary Acts extending the borrowing powers of a Local Board, and confirmed by Act of Parliament, it is directed that the sums borrowed shall be repaid within a period of fifty years from the date of the borrowing thereof, any security which has been given for a sum so borrowed shall not be invalid by reason of the same having been made repayable within a period of less than fifty years from the borrowing thereof. (3)

Securities under certain provisional orders to be valid.

47. The reasonable costs of any sanitary authority in respect of provisional orders made in pursuance of the Sanitary Acts, or any of such Acts, and of the inquiry preliminary thereto, as sanctioned by the Local Government Board, whether in promoting or opposing the same, shall be deemed to be expenses properly incurred for sanitary purposes by the sanitary authority interested in or affected by such provisional orders, and such costs shall be paid accordingly; and if thought expedient by the Local Government Board the sanitary authority may contract a loan for the purpose of defraying such costs. (4)

Costs of provisional orders.

(1) As to provisional orders under this Act, see ss. 20, 22, 24, 26, 27, and 33, *ante*.

(2) See the Standing Orders (1872) of the House of Lords with regard to provisional orders, p. 23, 178, ss. 11, 14, 15; p. 25, 181, s. 1; p. 32, 182, s. 8. See also the House of Commons Standing Orders (1872), 150 and 235.

(3) This section applies retrospectively to cases where provisional orders had been issued which required the loan to be repaid within a period of fifty years. It has no other application. The law as to rebor-

rowing money to redeem existing loans remains as it was before.

(4) This section, it will be noticed, provides for the payment of costs incurred by sanitary authorities in procuring provisional orders from the Local Government Board; it does not, however, in express terms meet the case of a Bill confirming a provisional order being opposed in Parliament; probably the first part of the section would apply to the costs incurred by the sanitary authority in such a case.

Orders of the
Local Govern-
ment Board how
to be published.

48. Every order of the Local Government Board under the Sanitary Acts (unless otherwise prescribed by the said Acts) (1) shall be published in such manner as that Board may direct; and every general order of the Local Government Board, made in pursuance of the Poor Law Amendment Act, 1834, and the several Acts amending the same, shall be published in the London Gazette, and when so published shall take effect in like manner and shall be of as much force and validity as any general order of the Poor Law Board made and sent in the manner prescribed by the last-mentioned Acts, and no further proceeding shall be necessary in such behalf; and as regards any single order of the said Board, made in pursuance of the said last-mentioned Acts, it shall not be necessary henceforth to send a copy thereof to the clerk to the justices of the petty sessions. (2)

Audit of ac-
counts.

49. The accounts of every sanitary authority shall be made up in such form and to such day or days in every year as may be appointed by the Local Government Board; the accounts of every rural sanitary authority shall be audited in every respect in the same manner as their accounts are audited in their capacity of guardians. (3)

The accounts of the overseers collecting or paying any money for the purposes of the Sanitary Acts shall be audited in the same manner as the accounts of overseers collecting or paying any money for the purposes of the Acts relating to the relief of the poor.

An auditor shall, with respect to the accounts audited under this section, have the like powers and be subject to the like obligations in every respect as in the case of an audit under the Acts relating to the relief of the poor, and any person aggrieved by the decision of the auditor shall have the like rights and remedies as in the case of such last-mentioned audit. (4)

Taxation of bill
of solicitor or
attorney.

50. On the application of any sanitary authority whose accounts are required by the Sanitary Acts to be audited to the clerk of the peace of the county in which the area under the jurisdiction of such authority is wholly or in part situated, his deputy shall tax any bill due to any solicitor or attorney in respect of legal business performed on behalf of such authority; and the allowance of any sum on such taxation shall be *prima facie* evidence of the reasonableness of the amount, but not of the legality of the charge.

The clerk of the peace shall be allowed for such taxation a remuneration after the rate to be fixed by the master of the Crown Office, and declared by an order of the Local Government Board.

If any such bill is not taxed by the clerk of the peace or some other duly authorised taxing officer before being presented to the auditor, the auditor's decision upon the reasonableness and the legality of the charge shall be final. (5)

(1) Orders of the Local Government Board under the Diseases Prevention Act are to be published in the *London Gazette*, 18 & 19 Vict. c. 116, s. 7. See Glen's 'Law of Public Health, &c.' p. 581, 6th edition.

(2) See 4 & 5 W. IV. c. 76, ss. 15-18, 109, and 10 & 11 Vict. c. 109, ss. 14-18, in Glen's 'Poor Law Statutes', 43 Eliz. to 35 & 36 Vict.' pp. 538, 868.

(3) The accounts of urban sanitary authorities that are town councils will be audited and examined by the auditors of the borough, and published in like manner and at the same time as the municipal accounts, for the provisions as to audit in 21 & 22 Vict. c. 98, s. 60, are not extended to those accounts. See p. 438 of Glen's

'Law of Public Health, &c.' 6th edition.

Urban sanitary authorities who are improvement commissions, by force of s. 7, *ante*, it is considered, will have to submit their accounts for audit to the district auditor in like manner as local boards.

(4) The provisions as to the audit of Poor Law accounts and appeals will be found in 7 & 8 Vict. c. 101, ss. 32, 33, 35, and 36.

(5) The provision in this section does not apply to the taxation of law bills incurred for municipal purposes, but only to bills incurred for sanitary purposes under the Sanitary Acts.

The Local Government Board, on the 29th November, 1872, issued an order fixing the rate of allowance on taxation of

51. Every sanitary authority shall have power to direct the destruction of any bedding, clothing, or other articles which have been exposed to infection from any dangerous infectious disorder, and to give compensation for the same. (1)

Sanitary authority may order destruction of infectious bedding, etc., and give compensation for same.

52. Any person wilfully neglecting, or refusing to obey or carry out, or obstructing the execution of any rule, order, or regulation made by the Local Government Board under section fifty-two of the Sanitary Act, 1866, (2) shall be guilty of an offence punishable on summary conviction before two justices, and be liable to a penalty not exceeding fifty pounds. (3)

Penalty on breach of rules made under s. 52 of 29 & 30 Vict. c. 90.

Legal Proceedings.

53. Subject to the provisions of this Act, every sanitary authority shall, as respects the service of notices in pursuance of the Sanitary Acts, by or on behalf of, or on such authority, and as respects all legal proceedings, matters, and things to be taken or done in pursuance of the Sanitary Acts, by or on behalf of or to such authority, stand in the same position in all respects in which, previously to the passing of this Act, any authority stood whose powers, rights, duties, capacities, liabilities, and obligations are transferred to such authority; and for the purposes of this section a joint board shall be deemed to be a sanitary authority. (4)

Legal position of sanitary authority.

54. Where any port sanitary authority, joint board, or other authority is authorised in pursuance of the Sanitary Acts to proceed in a summary manner to raise within the district of a defaulting authority such sum as may be sufficient to pay any debt due to it, the authority so authorised for the purpose of raising such sum shall within the district of the defaulting authority have, so far as relates to the raising such sum, the same powers as if it were the defaulting authority, and as if such sum were expenses properly incurred by the defaulting authority within its district. (5)

Proceedings for raising a sum for payment of debt within district of a defaulting authority.

Where the defaulting authority has power to raise any moneys due for its expenses by levy of a rate from individual ratepayers, the authority so authorised as aforesaid shall have power to levy such a rate by any officer appointed by it, and the officer so appointed shall have the same powers, and the rate shall be levied in the same manner and be subject to the same incidents in all respects as if it were being levied by the officer of the defaulting authority for the payment of the expenses of that authority, and where the defaulting authority has power to raise moneys due for its expenses by issuing precepts, or otherwise requiring payments from any other authorities, the authority so authorised as aforesaid shall have the same power as the defaulting authority would have of issuing precepts, or otherwise requiring payment from such other authorities.

Any precepts issued by the authority so authorised as aforesaid for raising the sum due to it may be enforced in the same manner in all respects as if they had been issued by the defaulting authority.

bills by the clerk of the peace under this section at *4d.* per folio. The order will be found in the Appendix, *post*.

(1) Previous to this enactment, provision as to the destruction of infected bedding was only made in the case of such bedding being in a common lodging-house. See 16 & 17 Vict. c. 41, s. 7, in Glen's 'Law of Public Health, &c.,' p. 270, 6th edition. As to providing means of disinfection, see 29 & 30 Vict. c. 90, s. 22, *ibid.* p. 530; see also s. 38 as to the transmission and selling of infected bedding, &c., *ibid.* p. 592.

(2) The rules, orders, or regulations of the Local Government Board made under 29 & 30 Vict. c. 90, s. 52, relate to quarantine. See Glen's 'Law of Public Health, &c.,' p. 589, 6th edition.

(3) The proceedings for a summary conviction under this provision will be taken under Jervis' Act, 11 & 12 Vict. c. 43.

(4) As to joint boards, see s. 28, *ante*, p. 18.

(5) With regard to this section, see ss. 21 and 31, *ante*.

The authority so authorised as aforesaid may, in making an estimate of the sum to be raised for the purpose of paying the debt due to it, add such sums as it thinks sufficient, not exceeding ten per cent. on the debt due, and may defray thereout all costs, charges, and expenses (including compensation to any persons it may employ) to be incurred by such authority by reason of the default of the defaulting authority; and the authority so authorised as aforesaid shall apply all moneys raised by it in payment of the debt due to it, and such costs, charges, and expenses as aforesaid, and shall render the balance, if any, remaining in its hands after such application to the defaulting authority.

Saving Clauses.

Relation of Local Acts to general Acts.

55. Where in any sanitary district any Local Act is in force, providing for objects the same as or similar to the objects of any enactment of the Sanitary Acts, proceedings may be instituted, at the discretion of the authority or person instituting the same, either under the Local Act or the Sanitary Acts, or under both, subject to these qualifications :

- (1.) That no person shall be punished for the same offence both under a Local Act and the Sanitary Acts ; and,
- (2.) That the sanitary authority shall not, by reason of any Local Act in force within its jurisdiction, be exempted from the performance of any duty or obligation to which it may be subject under the Sanitary Acts, or any of them. (1)

Saving for collegiate bodies and Government departments.

56. Any collegiate or other corporate body required or authorised by or in pursuance of any Act of Parliament to divert its sewers or drains from any river, or to construct new sewers, and any public department of the Government shall have the same powers and be subject to the same obligations under and in pursuance of the Sewage Utilization Act, 1867, as if this Act had not passed. (2)

Saving for Metropolitan Board of Works.

57. Nothing in or done under this Act shall affect any outfall or other works of the Metropolitan Board of Works (although beyond the metropolis) executed under the Metropolis Management Acts, or take away, abridge, or prejudicially affect any right, power, authority, jurisdiction or privilege of the Metropolitan Board of Works.

The Metropolis Management Acts means "The Metropolis Management Act, 1855," and the Acts amending or extending the same.

Saving for main sewerage districts under 11 & 12 Vict. c. 63.

58. Where any district has been constituted in pursuance of the provisions of the Public Health Act, 1848, for the purposes of main sewerage only, the authority of such district shall have the same powers, and be subject to the same obligations under that Act, and any Act amending the same, as if this Act had not passed : Provided that the Local Government Board may by provisional order dissolve such district, or may invest the authority of such district with any powers, rights, duties, capacities, liabilities, and obligations exercisable by or attaching to a sanitary authority under the Sanitary Acts. (3)

(1) Query the application of this section to the case of an urban sanitary district of which a town council is the urban sanitary authority, to the exclusion of commissioners within the same district under a Local Act.

(2) See 30 & 31 Vict. c. 113, s. 2, in Glen's 'Law of Public Health, &c.,' p. 564,

6th edition.

(3) This section refers to districts constituted under 11 & 12 Vict. c. 63, s. 10 (see Glen's 'Law of Public Health, &c.,' p. 9, 6th edition), such as the Wisbeach and Walsoken district, constituted by Provisional Order dated 14th May, 1852, and confirmed by 15 & 16 Vict. c. 69.

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

Powers given by this Act to be cumulative.

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Definitions.

60. In this Act, if not inconsistent with the context, the following terms have the meanings hereinafter respectively assigned to them ; that is to say, Definitions.

“Borough” means any place for the time being subject to the Act of the session of the fifth and six years of the reign of King William the Fourth, chapter seventy-six, intituled “An Act to provide for the Regulation of Municipal Corporations in England and Wales,” and any Act amending the same:

“The metropolis” means all parishes and places in which the Metropolitan Board of Works have power to levy a main drainage rate:

“Local Government District” means any area subject to the jurisdiction of a local board constituted in pursuance of the Local Government Act, 1858, as defined by section eight of the Local Government Act Amendment Act, 1863, and “local board” means any board so constituted:

“Improvement Act district” means any area for the time being subject to the jurisdiction of any commissioners, trustees, or other persons invested by any Local Act with powers of town government and rating, and empowered under the Local Government Acts to adopt those Acts or any part or parts thereof:

“Improvement Commissioners” means the commissioners, trustees, or other persons invested by any Local Act with powers of town government and rating, and empowered under the Local Government Acts to adopt those Acts or any part or parts thereof:

“Parish” means a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed:

“Union” means a union of parishes incorporated or united for the relief or maintenance of the poor under any public or local Act of Parliament, and includes any parish subject to the jurisdiction of a separate board of guardians:

“Guardians” means any persons or body of persons by whom the relief of the poor is administered in any union:

“Person” includes any body of persons, whether corporate or unincorporate:

“Local Government Acts” means 11 & 12 Vict. c. 63. (Public Health Act, 1848); 21 & 22 Vict. c. 98. (Local Government Act, 1858); 24 & 25 Vict. c. 61. (Local Government Act (1858) Amendment Act, 1861); 26 Vict. c. 17. (The Local Government Act Amendment Act, 1863), and any enactments amending the same:

“Labouring Classes Lodging Houses Acts” means 14 & 15 Vict. c. 34. (Labouring Classes Lodging Houses Act, 1851); 29 & 30 Vict. c. 28. (Labouring Classes Dwelling Houses Act, 1866); 30 & 31 Vict. c. 28. (Labouring Classes Dwelling Houses Act, 1867):

“Artizans and Labourers’ Dwellings Act” means 31 & 32 Vict. c. 130. (Artizans and Labourers Dwellings Act, 1868):

- "Bakehouse Regulation Act" means 26 & 27 Vict. c. 40. (Bakehouse Regulation Act, 1863) :
- "Diseases Prevention Act" means 18 & 19 Vict. c. 116. (Diseases Prevention Act, 1855), as amended by 23 and 24 Vict. c. 77. ss. 10-12. (An Act to amend the Acts for the Removal of Nuisances and the Prevention of Diseases) :
- "Baths and Washhouses Acts" means 9 & 10 Vict. c. 74. (An Act to encourage the establishment of Public Baths and Washhouses) ; 10 & 11 Vict. c. 61. (An Act to amend the Act for the establishment of Public Baths and Washhouses) :
- "Common Lodging Houses Acts" means 14 & 15 Vict. c. 28, (Common Lodging Houses Act, 1851) ; 16 & 17 Vict. c. 41. (Common Lodging Houses Act, 1853) :
- "Sewage Utilization Acts" means 28 & 29 Vict. c. 75. (The Sewage Utilization Act, 1865) ; 29 & 30 Vict. c. 90. (The Sanitary Act, 1866) ; 30 & 31 Vict. c. 113. (The Sewage Utilization Act, 1867) ; 31 & 32 Vict. c. 115. (The Sanitary Act, 1868) ; 32 & 33 Vict. c. 100. (The Sanitary Loans Act, 1869) ; 33 & 34 Vict. c. 53. (The Sanitary Act, 1870) :
- "Nuisances Removal Acts" means 18 & 19 Vict. c. 121. (The Nuisances Removal Act for England, 1855) ; 23 & 24 Vict. c. 77. (An Act to amend the Acts for the Removal of Nuisances and the Prevention of Diseases) ; 26 & 27 Vict. c. 117. (The Nuisances Removal Act for England (Amendment) Act, 1863) ; 29 & 30 Vict. c. 41. (The Nuisances Removal Act (No. 1) 1866) ; 29 & 30 Vict. c. 90. (The Sanitary Act, 1866) :
- "Sanitary Acts" means all the above-mentioned Acts and this Act, and includes any enactments of such Acts :
- "Sanitary purposes" means any objects or purposes of the Sanitary Acts :
- "Sanitary authority" means "urban and rural sanitary authority."
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THE MUNICIPAL CORPORATIONS FUND ACT.

35 & 36 VICT. c. 91.

An Act to authorise the Application of Funds of Municipal Corporations and other Governing Bodies in certain cases.

[10th August, 1872.]

WHEREAS by the Act passed in the session holden in the twentieth^{20 & 21 Vict.} and twenty-first years of the reign of Her Majesty, intituled an Act^{c. 50.} to amend the Acts concerning the Municipal Corporations, the trustees acting under any Act of Parliament for supplying any borough, or any district within or in certain cases beyond the limits of a borough, with water or gas, or having powers for providing or maintaining any cemetery or market in or for any borough, or otherwise improving the same, are authorised and empowered to transfer to the body corporate of such borough all their rights, estates, properties, and liabilities :

And whereas by the ninety-second section of the Act passed in the session holden in the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, to provide for the regulation of Municipal Corporations in England and Wales, in each borough the annual proceeds of all property and hereditaments belonging to the body corporate, and fines and rates levied in the borough, are directed to form the borough fund, and such fund is directed to be applied in the payment of certain salaries and certain expenses and the expenses necessarily incurred in carrying into effect the provisions of the said Act, and the surplus (if any) of such fund is directed to be applied, under the direction of the council, for the public benefit of the inhabitants and the improvement of the borough :

And whereas the Public Health Act, 1848, the Local Government Act, 1858, and various Local Acts of Parliament, have conferred powers of improving, cleansing, paving, lighting, and otherwise governing places or districts upon boards of health, commissioners, trustees, or other persons :

And whereas it is expedient to extend the powers of governing bodies so as to enable them to apply the borough or other funds under the control of such governing body towards such costs, charges, and expenses as may be incurred for the purposes and in the manner herein provided :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Interpretation of terms.

1. The term "governing body" in this Act shall mean the council of any municipal borough, (1) the board of health, local board, (2) commissioners, trustees, or other body acting under any general or local Act of Parliament for the management, improvement, cleansing, paving, lighting, and otherwise governing places or districts, (3) and the term "district" shall mean the borough, place, township, or district within which the governing body may for the time being have jurisdiction : Provided, however, that in the borough of Cambridge, in any matters affecting the constitution, power, or functions of the Board of Cambridge Improvement Commissioners, as defined in the several Acts of Parliament relating thereto, the term "governing body" shall mean such board of improvement commissioners, and not the council of the borough of Cambridge. (4)

Costs of promoting or opposing Parliamentary and other proceedings for benefit of inhabitants to be charged on borough and local funds, except in certain cases.

2. When in the judgment of a governing body in any district it is expedient for such governing body to promote or oppose any local and personal Bill or Bills in Parliament, or to prosecute or defend any legal proceedings necessary for the promotion or protection of the interests of the inhabitants of the district, (5) it shall be lawful for such governing body to apply the borough fund, borough rate, or other the public funds or rates under the control of such governing body to the payment of the costs and expenses attending the same ; (6) and when there are several funds or rates under the control of the governing body, such governing body shall determine out of which fund or funds, rate or rates, such expense shall be payable, and in what proportions : (7) Provided that nothing in this Act contained shall authorise any governing body to promote any Bill in Parliament for the establishment of any gas or water works to compete with any existing gas or water company established under any Act of Parliament : (8) Provided that no powers contained in this clause shall apply in any case where the promotion of or opposition to a Bill by a governing body has been decided by a Committee of either House of Parliament to be unreasonable or vexatious. (9)

No payment

3. No payment to any member of a governing body for acting as

(1) The council of any municipal borough are here referred to as acting as an urban sanitary authority (35 & 36 Vict. c. 79, s. 4, *ante*, p. 1), as well as in a municipal capacity.

(2) "Board of health" and "Local board" mean boards constituted under the Public Health Act, 1848, or the Local Government Act, 1858. As to such boards being sanitary authorities, see *ante*, p. 2.

(3) See also 35 & 36 Vict. c. 79, s. 4, p. 1, as to such commissioners being urban sanitary authorities. The words, "otherwise governing places or districts," seem to convey an extensive, though undefined, meaning. Perhaps they mean, "powers of town government," as in 35 & 36 Vict. c. 79, s. 60. But as the Act applies to Scotland, the interpretation clause applies to governing bodies there as well as in England.

(4) The Cambridge Commissioners are constituted under the 34 Geo. III. c. 4. See Glen's 'Law of Public Health, &c.,'

pp. 27, 28, 6th edition.

(5) This will apply to proceedings in Chancery in the matter of injunctions by or against the governing body, and also to proceedings in any of the courts of common law by or against such body.

(6) The taxation of costs of proceedings in Parliament is provided for by the 10 & 11 Vict. c. 69 (House of Commons), and 12 & 13 Vict. c. 78 (House of Lords). See 'Shelford's Law of Railways,' by Glen, 4th edition, pp. 115, 122 ; but s. 6 of this Act provides for these costs as well as others.

(7) See 35 & 36 Vict. c. 79, s. 16.

(8) As regards the establishment of waterworks by sanitary authorities, see the subject treated of at length in Glen's 'Law of Public Health, &c.,' 6th edition, p. 231.

(9) The costs in that case will fall upon the individual promoters or opposers who ever they may be.

counsel or agent in promoting or opposing any such Bill shall be charged as aforesaid. (1)

to member of governing body to be so charged.

4. No expense in relation to promoting or opposing any Bill or Bills in Parliament shall be charged as aforesaid unless incurred in pursuance of a resolution of an absolute majority of the whole number of the governing body at a meeting of the governing body, (2) after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in some local newspaper published or circulating in the district, such notice to be in addition to the ordinary notices required for summoning such meeting, (3) nor unless such resolution shall have been published twice in some newspaper or newspapers circulating in the district, and shall have received, in respect of matters within the jurisdiction of the Local Government Board, the approval of such Board, (4) and in respect of other matters, the approval of one of Her Majesty's Secretaries of State, (5) and in case of the promotion of a Bill in Parliament no further expense shall be incurred or charged as aforesaid after the deposit of the Bill, unless the propriety of such promotion shall be confirmed by such absolute majority at a further special meeting to be held in pursuance of a similar notice not less than fourteen days after the deposit of the Bill in Parliament: Provided further that no expense in promoting or opposing any Bill in Parliament shall be charged as aforesaid unless such promotion or opposition shall have had the consent of the owners and ratepayers of that district, to be expressed by resolution in the manner provided in the Local Government Act (1858) for the adoption of that Act. (6)

Costs of promoting or opposing Bills to require sanction of special meetings.

5. The approval of the Local Government Board or one of Her Majesty's Principal Secretaries of State, as the case may be, shall not be given to any such resolution as aforesaid until the expiration of seven days after the second publication thereof, as provided by this Act (7), and in the meantime any ratepayer within the district of the governing body may give notice in writing to the Local Government Board or Secretary of State objecting to such approval. (8)

Proviso as to approval of Local Government Board, etc. to any such resolution.

(1) Nevertheless, the member may be summoned as a witness, and paid as such.

(2) There must be an absolute majority of the whole number of the governing body, and not merely of the number present at the meeting.

(3) In the case of a borough, the meetings are called as stated *ante*, p. 7 (note 1); and as regards improvement commissioners, as may be regulated by their Local Act or by-laws; and as regards local boards, by their by-laws, and 11 & 12 Vict. c. 63, s. 34. See Glen's 'Law of Public Health, &c.', 6th edition, p. 60.

(4) The board are only to give their consent, but not until seven days (see s. 5, *infra*) after the second publication; and in cases within the Act there should be a statutory declaration by some official person capable of making it, showing that the consents have been obtained. In transmitting such declaration to the board, it should be accompanied with copies of the newspapers containing the advertisements, and there should be a general statement of what is proposed to be done, and whether it is opposed or not by the ratepayers or inhabitants or others. If it be opposed, the persons opposing and the grounds of opposition should be stated.

Matters within the jurisdiction of the Local Government Board may be said generally to be all those matters within

the Acts mentioned in ss. 7 and 8 of 35 & 36 Vict. c. 70, *ante*.

The Local Government Board will not assent to any Bill having for its purpose objects which might clearly be attained under provisional orders (see s. 10, *post*), or which are already provided for by the Sanitary Acts; and if the proposal be to oppose a Local Bill, the Board give no approval to the opposition till the meeting of the owners and ratepayers has been held.

(5) If the proceeding concerns a gas bill, the Local Government Board will have no jurisdiction under this Act. The matter in that case should be brought before the Secretary of State.

(6) As to the manner in which the consent shall be obtained, see p. 13 of Glen's 'Law of Public Health, &c.', 6th edition.

There must in all cases be the consent of a meeting of the ratepayers and owners of property, and the provision applies to municipal boroughs as well as to other places.

(7) See s. 4, *supra*.

(8) The legal effect of the notice, if given, is not stated. Without such a provision there would have been nothing in the law to prevent any ratepayer giving such a notice as is referred to. No doubt the object of it is to inform the Local Government Board.

Costs to be examined.

6. All costs, charges, and expenses incurred under the provisions of this Act shall, before the same become chargeable, be examined and allowed by some person to be authorised by one of Her Majesty's Principal Secretaries of State or by the Local Government Board, as the case may be. (1)

Power to direct local inquiry.

7. The Local Government Board, or one of Her Majesty's Principal Secretaries of State, shall have power to direct a local inquiry to be held upon any application under this Act, by any person or persons whom they may respectively nominate for the purpose, and to charge the costs and expenses of such local inquiry upon the governing body or the person by whom such application shall be made. (2)

Saving clause.

8. Nothing in this Act shall extend or be construed to alter or affect any special provision which is or shall be contained in any other Act for the payment of the costs, charges, and expenses intended to be provided for by this Act, or to take away or diminish any rights or powers now possessed or enjoyed by any governing body, or which are or shall be vested in or exercisable by the inhabitants of any district under any general or special Act.

Towns Improvement Clauses Act, 1847, s. 142, repealed.

9. The one hundred and forty-second section of "The Towns Improvement Clauses Act, 1847" is hereby repealed so far as the same is inconsistent with the provisions of this Act. (3)

Act not to extend to bills if object attainable by Provisional Order.

10. The provisions of this Act shall not extend to applications for any Bill in Parliament for any object which would, for the time being, be attainable by Provisional Order. (4)

Act not to apply to the Metropolis.

11. This Act shall not extend or apply to Ireland or the city of London or the metropolitan area as defined by the Metropolitan Local Management Act, 1855. (5)

(1) No doubt the taxation of costs of bills in Parliament will be regulated by the practice with regard to the taxation of other parliamentary costs, as to which see 'Shelford's Railway Law,' 4th edition, by Glen, vol. i. p. 655. As to the taxation of other costs, it will no doubt also be regulated by the established practice.

(2) The person appointed to hold the inquiry need not be an officer of the Local Government Board or of the Secretary of State; the power to appoint is quite general, and the person appointed, it will be seen, is not authorised by the Act to take evidence upon oath.

Costs awarded under this section will be paid as directed by s. 2, *ante*; and it seems that they should be examined by the person authorised under s. 6, *supra*.

(3) By s. 142 of the Towns Improvement Clauses Act, 1847 (10 & 11 Vict. c. 34), the commissioners were empowered to make application to Parliament if additional powers were necessary. That section is not incorporated with the Public Health and Local Government Acts, and it applied only where there was some other Act giving powers to a "governing body" in which it was incorporated.

(4) As to matters to which a provisional order can be made to apply, see ss. 22, 24, 26, 33 of the Public Health Act, 1872, *ante*, and Glen's 'Law of Public Health,' 6th edition, pp. 69, 434.

(5) The Act it will be seen applies to Scotland, and the 1st section of it interprets who are the "governing bodies" there.

STEAM WHISTLES ACT.

35 & 36 VICT. C. 61.

*An Act to regulate the Use of Steam Whistles in certain
Manufactories.*

[6th August, 1872.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act shall not apply to Scotland.

Not to apply to
Scotland.

2. No person shall use or employ in any manufactory, or any other place, any steam whistle or steam trumpet for the purpose of summoning or dismissing workmen or persons employed without the sanction of the sanitary authority, and every person offending against this section shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such offence continues : Provided always, that the sanitary authority, in case they have sanctioned the use of any such instrument as aforesaid, may at any time revoke such sanction on giving one month's notice to the person using the same : Provided also, that it shall be lawful for the Local Government Board, on representation made to them by any person that he is prejudicially affected by such sanction, to revoke the same, and such revocation shall have the same force and effect as if it had been made by the sanitary authority. (1)

Use of steam
whistles and
trumpets.

3. "Sanitary authority" means the authority at the time being empowered to execute the Nuisance Removal Acts, as defined and extended by the Sanitary Act, 1866. (2)

Definition.

4. All offences and penalties under this Act may be prosecuted and recovered in England in manner directed by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, and any Acts amending the same, and in Ireland, in the police district of Dublin metropolis, in manner directed by the Acts regulating the powers and duties of justices of the peace for such district, or of the police of that district, and elsewhere in manner directed by the Petty Sessions (Ireland) Act, 1851, and any Act amending the same.

Legal procedure.

(1) It will suffice if the appellant furnishes the Local Government Board under his own signature with a statement of the facts of the case, and the grounds upon which he considers that he is prejudicially affected by the sanction to the use of steam whistles given by the local authority.

The Act does not apply to railway loco-

motive steam whistles used for the purpose of regulating the traffic of the railway.

(2) As to the sanitary authorities who now execute the Nuisances Removal Acts, see ss. 4 and 5 of the Public Health Act, 1872, *ante*, pp. 2, 4. Also Glen's 'Law of Public Health, &c.' 6th edition, page 494.

ADULTERATION OF FOOD, &c., ACTS.

35 & 36 VICT. C. 74.

*An Act to amend the Law for the prevention of Adulteration
of Food and Drink and of Drugs.*

[10th August, 1872.]

WHEREAS the practice of adulterating articles of food and drink and drugs for sale, in fraud of Her Majesty's subjects, and to the great hurt of their health and danger to their lives, requires to be repressed by more effectual laws than those which are now in force for that purpose :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows :

Penalty on persons adulterating articles of food or drink or drugs.

1. Every person who shall wilfully admix, and every person who shall order any other person or persons to admix, with any article of food or drink, any injurious or poisonous ingredient (1) or material to adulterate the same for sale, and every person who shall wilfully admix, and every person who shall order any other person or persons to admix, any ingredient or material with any drug to adulterate the same for sale, shall for the first offence forfeit and pay a penalty not exceeding fifty pounds, together with the costs attending such conviction, and for the second offence shall be guilty of a misdemeanour, and be imprisoned for a period not exceeding six calendar months, with hard labour.

Penalty on persons selling articles of food or drink or drugs which they know to have been adulterated.

2. Every person who shall sell any article of food or drink with which to the knowledge of such person any ingredient or material injurious to the health of persons eating or drinking such article has been mixed, and every person who shall sell as unadulterated any article of food or drink, or any drug which is adulterated, shall for every such offence, on a summary conviction of the same before two justices of the peace at petty sessions in England, or before two justices of the peace in the justices of the peace court, or before the sheriff substitute of the county, or before any magistrate acting under any general or local Police Act in Scotland, or before justices at petty sessions or a divisional justice in Ireland, forfeit and pay a penalty not exceeding twenty pounds, together with such costs attending such conviction as to the said justices, sheriff substitute, magistrate, or divisional justice shall seem reasonable ; and if any person so convicted shall afterwards commit the like offence, such justices, sheriff substitute, magistrate, or divisional justice shall cause such offender's name, place of abode, and offence to be pub-

(1) This seems to point to a felonious offence and not merely to one punishable by

fine or imprisonment under the summary jurisdiction of Justices of the Peace.

lished, at the expense of such offender, in such newspaper or in such other manner as to the said justices shall seem desirable.

3. Any person who shall sell any article of food or drink or any drug, knowing the same to have been mixed with any other substance with intent fraudulently to increase its weight or bulk, and who shall not declare such admixture to any purchaser thereof before delivering the same and no other, shall be deemed to have sold an adulterated article of food or drink or drug, as the case may be, under this Act.

Vendor to declare mixture at time of sale.

4. The Pharmacy Act, 1868 (1), and the Act twenty-third and twenty-fourth Victoria, chapter eighty-four (2), for preventing the adulteration of articles of food and drink, shall be deemed to be incorporated in this Act: Provided always, that in the application of this Act to Ireland the Act passed in the session of Parliament held in the thirty-third and thirty-fourth year of the reign of Her present Majesty, chapter twenty-six, intituled "An Act to regulate the sale of poisons in Ireland," shall be deemed to be incorporated in this Act instead of the Pharmacy Act, 1868.

Pharmacy Act, 1868, and 23 & 24 Vict. c. 84, incorporated with this Act. Proviso, 33 & 34 Vict. c. 26.

5. In the city of London and the liberties thereof the commissioners of sewers of the city of London and the liberties thereof, and in all other parts of the metropolis the vestries and district boards acting in execution of the Act for the better local management of the metropolis, in England the court of quarter sessions of every county, (3) and the town council of every borough having a separate court of quarter sessions, or having under every general or local Act of Parliament or otherwise a separate police establishment, in Ireland the grand jury of every county, county of a city, and county of a town, and town council of every borough, and in Scotland the commissioners of supply at their ordinary meetings for counties, and the commissioners or boards of police, or, where there are no such commissioners or boards, the town councils for boroughs, within their several jurisdictions, may, and when required so to do by the Local Government Board in England, or by one of Her Majesty's Principal Secretaries of State in Scotland, or by the Lord Lieutenant or other chief governor or governors in Ireland, shall, for their respective city, districts, counties, or boroughs, appoint and remove one or more persons possessing competent medical, chemical, and microscopical knowledge as analysts of all articles of food, drink, and drugs purchased within the said city, metropolitan districts, counties, or boroughs, and shall pay to such analysts such salary or allowances as they may think fit; but such appointments and removals shall at all times be subject in England to the approval of the Local Government Board, in Scotland of one of Her Majesty's principal Secretaries of State, and in Ireland of the Lord Lieutenant or other chief governor or governors. (3)

Appointment of analysts.

6. The inspector of nuisances or the inspector of weights and measures, or the inspector of markets, one or all of them, as the

Inspectors of nuisances, etc., may submit

(1) See *post*, p. 43. (2) See *post*, p. 39.

(3) It is desirable that all analysts should be appointed under this statute though they may have previously been appointed under the 23 & 24 Vict. c. 84, s. 2, *post*, p. 39.

The Act does not authorise the joint appointment of an analyst; but there is nothing to prevent two local authorities appointing the same person to be analyst for each district.

The law officers of the crown have advised that the words "medical, chemical, and microscopical knowledge" in s. 5

of the 35 & 36 Vict. c. 74, are not to be construed so as to limit the choice of analysts within that section to duly qualified medical practitioners only. The question whether the person to be appointed possesses such a competent knowledge is one for the local authority who makes the appointment, subject to the approval of the Local Government Board or Secretary of State, &c., as the case may be.

(3) This will apply to the Courts of Quarter Sessions for the Ridings of Yorkshire and parts of Lincolnshire.

articles to be analyzed.

local authority appointing them shall think fit to determine, in every district, county, city, or borough, shall procure and submit samples of articles of food or drink and drugs suspected to be adulterated to be analysed by the analysts appointed under this Act, and shall, upon receiving a certificate stating that the articles of food or drink or drugs are adulterated, cause a complaint of an offence against this Act by the party selling or adulterating such articles of food or drink or drugs to be made before a justice of the peace, and thereupon such justice shall issue a summons requiring the seller or the adulterator to appear before two justices of the peace at petty sessions in England, or before two justices of the peace in the justice of the peace court, or before the sheriff substitute of the county, or before any magistrate acting under any general or local police Act in Scotland, or before justices of petty sessions or divisional justices in Ireland, to answer such complaint, and such summons shall be served by delivering the same, or a true copy thereof, upon the premises where such samples were obtained or sold, and the expense of such prosecutions, if not ordered to be paid by the party complained against, shall be deemed part of the expense of executing this Act. (1)

Analysts to make reports quarterly to local authorities.

7. The analysts appointed under this Act shall report quarterly to the local authorities appointing them the number of articles of food, drink, or drugs analysed by them under this Act during the foregoing quarter, and shall specify the nature and kind of adulterations detected in such articles of food, drink, and drugs, and all such reports shall be read at the meetings of the local authorities appointing such analysts.

Proof of identity of articles submitted to analysts.

8. On the hearing by the justices, sheriff substitute, magistrate, or divisional justice of any complaint under this Act in any district, county, city, or borough wherein analysts shall have been appointed under this Act, the purchaser, or inspector of nuisances, or the inspector of weights and measures, or the inspector of markets, as the case may be, shall prove to the satisfaction of such justices, sheriff substitute, magistrate, or divisional justice that the article of food or drink or drugs alleged to be adulterated was delivered to the analysts in the same condition as regards its purity or impurity as it was when received from the seller.

Purchaser of articles of food, etc., may require same to be analysed.

9. Any purchaser of any article of food or drink or drugs in any district, county, city, or borough where there is any analyst appointed under this Act shall be entitled, on payment to the inspector or inspectors appointed under this Act of a sum not less than two shillings and sixpence nor more than ten shillings and sixpence, which shall be accounted for to the local authority appointing such inspector or inspectors, to have any such article analysed by any analyst who may be appointed for such district, county, city, or borough, and to receive from such analyst a certificate of the result of his analysis, specifying whether, in his opinion, such article is adulterated, and also whether, if it be an article of food or drink, it is so adulterated as to be injurious to the health of persons eating or drinking the same, and such certificate, duly signed by such analyst, shall, in the absence of any evidence before the court to the contrary, be sufficient evidence of the matters therein certified, and the sum so directed to be paid for such certificate shall be deemed part of the costs.

Articles of food, etc., ordered for

10. All articles of food, drink, or drugs to be analysed by the

(1) It will be seen that the directions to inspectors under s. 6 can only be given by

the local authority by whom the inspectors are appointed.

analysts appointed under this Act shall be received by the inspectors appointed by the local authorities, and from all such articles of food, drink, or drugs samples shall be taken and sealed in the presence of the analysts by the inspectors, to be retained by them and produced in case the justices, sheriff substitute, magistrate, or divisional justice shall order other analyses to be made.

analysis to be received, and samples retained by inspectors.

11. The expense of executing this Act shall be borne, in the city of London and the liberties thereof, out of the consolidated rates raised by the commissioners of sewers of the city of London and the liberties thereof, and in the rest of the metropolis out of any rates or funds applicable to the purposes of the Act for the better local management of the metropolis, and in counties out of the county rate, or out of the grand jury cess in Ireland, and in boroughs out of the borough fund, and in Scotland out of the police money in counties and boroughs respectively.

As to expenses of executing Act.

12. Nothing in this Act contained shall be held to affect the power of proceeding by indictment, or to take away any other remedy against any offender under this Act.

Proceedings by indictment, etc., not to be affected.

23 & 24 VICT. C. 84.

An Act for preventing the Adulteration of Articles of Food or Drink.

[6th August, 1860.]

WHEREAS the practice of adulterating articles of food and drink for sale, in fraud of Her Majesty's subjects, and to the great hurt of their health, requires to be repressed by more effectual laws than those which are now in force for that purpose : Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Every person who shall sell any article of food or drink with which, to the knowledge of such person, any ingredient or material injurious to the health of persons eating or drinking such article has been mixed, and every person who shall sell as pure or unadulterated any article of food or drink which is adulterated or not pure, shall for every such offence, on a summary conviction of the same before two justices of the peace at petty sessions in *England*, and in *Scotland* before two justices of the peace in justice of the peace court, or before the sheriff substitute of the county, or before justices at petty sessions or a divisional justice in *Ireland*, forfeit and pay a penalty not exceeding five pounds together with such costs attending such conviction as to the said justices shall seem reasonable ; and if any person so convicted shall afterwards commit the like offence it shall be lawful for such justices to cause such offender's name, place of abode, and offence to be published, at the expense of such offender, in such newspaper or in such other manner as to such justices shall seem desirable.

Penalty on persons selling articles of food or drink knowing the same to be injurious to health.

2. In the city of *London* and the liberties thereof the commissioners of sewers of the city of *London* and the liberties thereof, and in all other parts of the metropolis the vestries and district boards acting in execution of the Act for the better local management of the metropolis in *England* and *Ireland* the court of quarter

Power to appoint analysts.

sessions of every county, and the town council of every borough having a separate court of quarter sessions, and in *Scotland* the commissioners of supply at their ordinary meetings for counties, and town councils within their several jurisdictions, may, from time to time for their respective city, districts, counties, or boroughs, appoint and remove one or more persons possessing competent medical, chemical, and microscopical knowledge as analysts of all articles of food and drink purchased within the said city, metropolitan districts, counties, or boroughs, and may pay to such analysts such salary or allowances as they may think fit; but such appointments and removals shall at all times be subject in *Great Britain* to the approval of one of Her Majesty's Principal Secretaries of State, (1) and in *Ireland* to that of the Lord Lieutenant.

Protection against articles of food and drink being tampered with by purchaser.

3. On the hearing by the justices of any complaint under this Act in any district, county, or borough wherein any analyst shall have been appointed, the purchaser shall prove to the satisfaction of such justices that the seller of the article of food or drink alleged to be adulterated, or his servants, had such notice of the intention of the purchaser to have such article analysed, and also such opportunity of accompanying the purchaser to an analyst appointed by this Act, as the justices shall think reasonable, in order to secure such article from being tampered with by the purchaser.

Power to purchasers of articles of food and drink to have them analysed.

4. Any purchaser of any article of food or drink in any district, county, city, or borough where there is any analyst appointed under this Act shall be entitled, on payment to the analyst of a sum not less than two shillings and sixpence nor more than ten shillings and sixpence, to have any such article analysed by any analyst who may be appointed for such district, county, city, or borough, and to receive from such analyst a certificate of the result of his analysis, specifying whether in his opinion such article is adulterated, and also whether it is so adulterated as to be injurious to the health of persons eating or drinking the same; and such certificate duly signed by such analyst shall, in the absence of any evidence to the contrary, be sufficient evidence before the justices or in any court of justice of the matters therein certified, and the sum so directed to be paid for such certificate shall be deemed part of the costs.

Certificate of analyst made evidence.

Power to justices to have articles of food and drink analysed.

5. The justices before whom any complaint may be made under this Act may, in their discretion, cause any article of food or drink to be examined and analysed by such skilled person as they may appoint for that purpose, who may be required to give evidence of the same at the hearing of the case; and the expense thereof, and of such examination and analysis, if not paid by the complainant or party complained against, shall be deemed part of the expenses of executing this Act, but nevertheless such expense may be ordered by such justices to be paid by the party so complaining or complained against, as they shall think proper.

Appeal to Quarter Sessions.

6. Any person who has been convicted of any offence punishable by this Act by any justices may appeal to the next general or quarter sessions of the peace which shall be held for the city, county, town, or place wherein such judgment or conviction shall have been made, or in the case of the conviction having been before a sheriff substitute in *Scotland*, then the appeal shall be to the sheriff of the county, provided that such person enter into a recognisance within two days next after such conviction, with two sufficient sureties, conditioned to try such appeal, and to be forthcoming to abide the

(1) See 35 & 36 Vict. c. 79, s. 34, *ante*, p. 21.

judgment and determination of the court at such general or quarter sessions, or sheriff, and to pay such costs as shall be by such court awarded; and the justices before whom such conviction shall be had are hereby empowered and required to take such recognisance; and the court at such general or quarter sessions, or sheriff, are hereby authorised and required to hear and finally determine the matter of every such appeal, and may award such costs to the party appealing or appealed against as they shall think proper.

7. If any such conviction or judgment or order of forfeiture shall happen to be made within six days before any general or quarter sessions of the peace shall be held for the city, county, town, or place wherein such conviction shall have been made, the person who shall think himself aggrieved by any such conviction may, on entering into a recognisance in manner and for the purposes before directed, be at liberty to appeal either to the then next or next following general or quarter sessions of the peace which shall be held for any such city, county, town, or place wherein any such conviction shall have been made, on giving six days' notice to the complainant of his intention to appeal.

Where conviction within six days of Quarter Sessions, time allowed for appeal.

8. Any person who shall have been convicted by any justices or sheriff substitute of any offence punishable by this Act, in respect of the selling of any article of food or drink which shall have been manufactured according to any process patented before the passing of this Act, either by the patentee or owner of the patent, or by any person carrying on his business or otherwise claiming under him during the continuance of such patent, may, instead of appealing to the general or quarter sessions of the peace or sheriff of the county, apply in writing within five days after such conviction to the justices or sheriff substitute, to state and sign a case for the opinion of one of the superior courts of law thereon, in like manner as under the statute of the twentieth and twenty-first years of Her Majesty, chapter forty-three, he might have applied to the justices to state and sign a case, and thereupon all such proceedings shall take place upon and in relation to such application, and all such provisions shall be applicable thereto as would have taken place upon and in relation thereto, and been applicable thereto, under the provisions of the said last-mentioned Act.

Persons convicted of selling adulterated patented article may have a case stated for opinion of Superior Court.

9. In *England* the provisions in the Nuisances Removal Act for *England*, 1855, as to procedure, and the provisions of the Act of the eleventh and twelfth years of the reign of her present Majesty, intituled "An Act to facilitate the performance of the duties of Justices of the Peace and of Session within *England and Wales* with respect to summary Convictions and Orders, and in *Scotland*" the ordinary rules regulating the procedure of justices of the peace, so far as the same are respectively applicable, shall extend and apply to cases arising under this Act in *England* or *Scotland*; and all monies arising from penalties under this Act in any county, city, district, or borough where there are analysts appointed under this Act shall, when paid or recovered, be paid in *England* and *Ireland* to the vestry, district board, commissioners, county treasurer, or town council for such county, city, district, or borough respectively, to be applied for the general purposes of such vestry, district board, commissioners, county, city, or borough respectively, and to the collector of rogue money for each county in *Scotland*.

Procedure in cases under this Act.

Application of monies.

10. All proceedings under this Act in *Ireland* as to compelling the appearance of any such person or of any witness, and as to the hearing and determination of such complaints, and as to the making and executing of such orders, and as to the applications of fines,

Proceedings in Ireland as to complaints, etc., to be subject to provisions of

14 & 15 Vict.
c. 93, and 21 & 22
Vict. c. 100.

amerciaments, and forfeited recognisances imposed or levied under this Act at petty sessions, shall be subject in all respects to the provisions of the Petty Sessions (*Ireland*) Act, 1851, as the same is amended by the Petty Sessions Clerk (*Ireland*) Act, 1858 (when the case shall be heard in any petty sessions district), and to the provisions of the Acts relating to the divisional police offices (when the case shall be heard in the police district of *Dublin* metropolis), so far as the said provisions shall be consistent with any special provisions of this Act; and when any fine or penalty is imposed at any of the divisional police offices of *Dublin* metropolis, or by the justices in any corporate town, under the provisions of this Act, such fines and penalties shall be paid over to the same purposes and appropriated and applied in the same manner as is now by law authorised in respect of fines and penalties imposed at such divisional police offices, or by the justices in any such corporate town respectively.

Appeal to
Quarter Sessions.

11. In *Ireland* any person who has been convicted of any offence punishable by this Act may appeal to the next court of quarter sessions to be held in the same division of the county where the order shall be made by any justice or justices in any petty sessions district, or to the recorder at his next sessions where the order shall be made by the divisional justices in the police district of *Dublin* metropolis, or to the recorder of any corporate or borough town when the order shall be made by any justice or justices in such corporate or borough town (unless when any such sessions shall commence within seven days from the date of any such order, in which case, if the appellant sees fit, the appeal may be made to the next succeeding sessions to be held for such division or town); and it shall be lawful for such court of quarter sessions or recorder, as the case may be, to decide such appeal, if made in such form and manner, and with such notices, as are required by the Petty Sessions Acts respectively hereinbefore mentioned as to appeals against orders made by justices at petty sessions; and all the provisions of the said Petty Sessions Acts respectively as to making appeals and as to executing the orders made on appeal, or the original orders where the appeals shall not be duly prosecuted, shall also apply to any appeal or like order to be made under the provisions of this Act.

As to expenses of
executing Act.

12. The expense of executing this Act shall be borne, in the city of *London* and the liberties thereof, out of the consolidated rates raised by the Commissioners of Sewers of the City of *London* and the liberties thereof, and in the rest of the metropolis out of any rates or funds applicable to the purposes of the Act for the better local management of the metropolis, and in counties out of the county rate, and in boroughs out of the borough fund, or out of the rogue money, in counties in *Scotland*.

Indictment or
other remedy
affected.

13. Nothing in this Act contained shall be held to affect the power of proceeding by indictment, or to take away any other remedy against any offender under this Act.

Interpretation of
terms.

14. In the construction of this Act the words "Articles of Food or Drink" shall (if not inconsistent with the context or subject-matter) include not only all alimentary substances, whether solids or liquids, but also all eatables or drinkables whatsoever not being medical drugs or articles usually taken or sold as medicines, (1) but this Act shall not be construed so as to affect the ordinary reduction of the strength of foreign, *British*, or colonial spirits by persons licensed and paying duties under the Excise.

(1) See 31 & 32 Vict. c. 121, s. 24, *post*, p. 48.

31 & 32 VICT. C. 121.

*An Act to regulate the Sale of Poisons, and alter and amend
the Pharmacy Act, 1852.*

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[31st July, 1868.]

WHEREAS it is expedient for the safety of the public that persons keeping open shop for the retailing, dispensing, or compounding of poisons, and persons known as chemists and druggists, should possess a competent practical knowledge of their business, and to that end that from and after the day herein named all persons not already engaged in such business should, before commencing such business, be duly examined as to their practical knowledge, and that a Register should be kept as herein provided, and also that the Act passed in the fifteenth and sixteenth years of the reign of Her present Majesty, intituled "An Act for regulating the qualification of Pharmaceutical Chemists," hereinafter described as the Pharmacy Act, should be amended: 15 & 16 Vict.
c. 56.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, as follows:

1. From and after the thirty-first day of *December* one thousand eight hundred and sixty-eight it shall be unlawful for any person to sell or keep open shop for retailing, dispensing, or compounding poisons, or to assume or use the title "chemist and druggist," or chemist or druggist, or pharmacist, or dispensing chemist or druggist, in any part of *Great Britain*, unless such person shall be a pharmaceutical chemist, or a chemist and druggist within the meaning of this Act, and be registered under this Act, and conform to such regulations as to the keeping, dispensing, and selling of such poisons as may from time to time be prescribed by the Pharmaceutical Society with the consent of the Privy Council. Persons selling
or compounding
poisons, or
assuming the
title of chemist
and druggist, to
be qualified.

2. The several articles named or described in the Schedule (A.) shall be deemed to be poisons within the meaning of this Act, and the council of the Pharmaceutical Society of *Great Britain* (hereinafter referred to as the Pharmaceutical Society) may from time to time, by resolution, declare that any article in such resolution named ought to be deemed a poison within the meaning of this Act; and thereupon the said society shall submit the same for the approval of the Privy Council, and if such approval shall be given, then such resolution and approval shall be advertised in the *London Gazette*, and on the expiration of one month from such advertisement the article named in such resolution shall be deemed to be a poison within the meaning of this Act. Articles named
in Schedule (A.)
to be deemed
poisons within
the meaning of
this Act.

3. Chemists and druggists within the meaning of this Act shall consist of all persons who at any time before the passing of this Act have carried on in *Great Britain* the business of a chemist and druggist, in the keeping of open shop for the compounding of the prescriptions of duly qualified medical practitioners, also of all assistants and associates who before the passing of this Act shall have been duly registered under or according to the provisions of the Pharmacy Act, and also of all such persons as may be duly registered under this Act. Chemists and
druggists within
meaning of this
Act.

4. Any person who at the time of the passing of this Act shall be of full age, and shall produce to the registrar, on or before Assistants to be
registered.

the thirty-first day of *December* one thousand eight hundred and sixty-eight, certificates according to Schedule (E.) to this Act that he had been for a period of not less than three years actually engaged and employed in the dispensing and compounding of prescriptions as an assistant to a pharmaceutical chemist, or to a chemist and druggist as defined by Clause Three of this Act, shall, on passing such a modified examination as the council of the Pharmaceutical Society with the consent of the Privy Council may declare to be sufficient evidence of his skill and competency to conduct the business of a chemist and druggist, be registered as a chemist and druggist under this Act.

Registration of chemists and druggists.

5. The persons who at the time of the passing of this Act shall have been duly admitted pharmaceutical chemists, or shall be chemists and druggists within the meaning of the Act, shall be entitled to be registered under the Act without paying any fee for such registration : Provided, however, as regards any such chemist and druggist, that his claim to be registered must be by notice in writing, signed by him, and given to the registrar, with certificates according to the Schedules (C.) and (D.) to this Act ; and provided also, that for any such registration of a chemist and druggist, unless it be duly claimed by him on or before the thirty-first day of *December* one thousand eight hundred and sixty-eight, the person registered shall pay the same fee as persons admitted to the register after examination under this Act.

Examiners under Pharmacy Act to be the examiners under this Act.

6. All such persons as shall from time to time have been appointed to conduct examinations under the Pharmacy Act shall be and are hereby declared to be examiners for the purposes of this Act, and are hereby empowered and required to examine all such persons as shall tender themselves for examination under the provisions of this Act ; and every person who shall have been examined by such examiners, and shall have obtained from them a certificate of competent skill and knowledge and qualification, shall be entitled to be registered as a chemist and druggist under this Act ; and the examination aforesaid shall be such as is provided under the Pharmacy Act for the purposes of a qualification to be registered as assistant under that Act, or as the same may be varied from time to time by any byelaw to be made in accordance with the Pharmacy Act as amended by this Act ; provided that no person shall conduct any examination for the purposes of this Act until his appointment has been approved by the Privy Council ; and such appointment and approval shall not in any case be in force for more than five years ; moreover it shall be the duty of the said Pharmaceutical Society to allow any officer appointed by the said Privy Council to be present during the progress of any examination held for the purposes of this Act.

Certificate of competent skill, etc.

Application of fees to purposes of Pharmaceutical Society.

7. Upon every such examination and registration as aforesaid such fees shall be payable as shall from time to time be fixed and determined by any byelaw to be made in accordance with the Pharmacy Act as amended by this Act, and shall be paid to the treasurer of the said society for the purposes of the said society.

Registrar under Pharmacy Act to be so under this Act.

8. The registrar appointed or to be appointed under or by virtue of the Pharmacy Act shall be registrar for the purposes of this Act.

Council of Pharmaceutical Society to make orders for regulating register to be kept.

9. The council of the Pharmaceutical Society shall, with all convenient speed after the passing of this Act, and from time to time as occasion may require, make orders or regulations for regulating the register to be kept under this Act as nearly as conveniently may be in accordance with the form set forth in the Schedule (B.) to

this Act or to the like effect, and such register shall be called the register of chemists and druggists.

10. It shall be the duty of the registrar to make and keep a correct register, in accordance with the provisions of this Act, of all persons who shall be entitled to be registered under this Act, and to erase the names of all registered persons who shall have died, and from time to time to make the necessary alterations in the addresses of the persons registered under this Act : to enable the registrar duly to fulfil the duties imposed upon him, it shall be lawful for the registrar to write a letter to any registered person, addressed to him according to his address on the register, to inquire whether he has ceased to carry on business or has changed his residence, such letter to be forwarded by post as a registered letter, according to the Post Office regulations for the time being, and if no answer shall be returned to such letter within the period of six months from the sending of the letter, a second, of similar purport, shall be sent in like manner, and if no answer be given thereto within three months from the date thereof it shall be lawful to erase the name of such person from the register : Provided always, that the same may be restored by direction of the council of the Pharmaceutical Society should they think fit to make an order to that effect.

Duty of registrar to make and keep register.

11. Every registrar of deaths in *Great Britain*, on receiving notice of the death of any pharmaceutical chemist, or chemist and druggist, shall forthwith transmit by post to the registrar under the Pharmacy Act a certificate under his own hand of such death, with the particulars of the time and place of death, and on the receipt of such certificate the said registrar under the Pharmacy Act shall erase the name of such deceased pharmaceutical chemist, or chemist and druggist, from the register, and shall transmit to the said registrar of deaths the cost of such certificate and transmission, and may charge the cost thereof as an expense of his office.

Notice of death of pharmaceutical chemist or chemist and druggist to be given by registrars.

12. No name shall be entered in the register, except of persons authorised by this Act to be registered, nor unless the registrar be satisfied by the proper evidence that the person claiming is entitled to be registered ; and any appeal from the decision of the registrar may be decided by the council of the Pharmaceutical Society ; and any entry which shall be proved to the satisfaction of such council to have been fraudulently or incorrectly made may be erased from or amended in the register by order in writing of such council.

Evidence of qualification to be given before registration.

13. The registrar shall, in the month of *January* in every year, cause to be printed, published, and sold a correct register of the names of all pharmaceutical chemists, and a correct register of all persons registered as chemists and druggists, and in such registers respectively the names shall be in alphabetical order according to the surnames, with the respective residences, in the form set forth in Schedule (B.) to this Act, or to the like effect, of all persons appearing on the register of pharmaceutical chemists, and on the register of chemists and druggists, on the thirty-first day of *December* last preceding, and such printed registers shall be called "The Registers of Pharmaceutical Chemists and Chemists and Druggists," and a printed copy of such registers for the time being, purporting to be so printed and published as aforesaid, or any certificate under the hand of the said registrar, and countersigned by the president or two members of the Council of the Pharmaceutical Society, shall be evidence in all courts, and before

Annual register to be published and be evidence.

all justices of the peace and others, that the persons therein specified are registered according to the provisions of the Pharmacy Act or of this Act, as the case may be, and the absence of the name of any person from such printed register shall be evidence, until the contrary shall be made to appear, that such person is not registered according to the provisions of the Pharmacy Act or of this Act.

Penalty on wilful falsification of register, or for obtaining registration by false representation.

14. Any registrar who shall wilfully make or cause to be made any falsification in any matter relating to the said registers, and any person who shall wilfully procure or attempt to procure himself to be registered under the Pharmacy Act or under this Act, by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding or assisting him therein, shall be deemed guilty of a misdemeanour in *England*, and in *Scotland* of a crime or offence punishable by fine or imprisonment, and shall on conviction thereof be sentenced to be imprisoned for any term not exceeding twelve months.

Protection of titles, and restrictions on sale of poisons.

15. From and after the thirty-first day of *December* One thousand eight hundred and sixty-eight, any person who shall sell or keep an open shop for the retailing, dispensing, or compounding poisons, or who shall take, use, or exhibit the name or title of chemist and druggist, or chemist or druggist, not being a duly registered pharmaceutical chemist, or chemist and druggist, or who shall take, use, or exhibit the name or title pharmaceutical chemist, pharmacist, or pharmacist, not being a pharmaceutical chemist, or shall fail to conform with any regulation as to the keeping or selling of poisons made in pursuance of this Act, or who shall compound any medicines of the British pharmacopeia, except according to the formularies of the said pharmacopeia, shall for every such offence be liable to pay a penalty or sum of five pounds, and the same may be sued for, recovered, and dealt with in the manner provided by the Pharmacy Act for the recovery of penalties under that Act; but nothing in this Act contained shall prevent any person from being liable to any other penalty, damages, or punishment to which he would have been subject if this Act had not passed.

Reserving rights of certain persons.

16. Nothing hereinbefore contained shall extend to or interfere with the business of any legally qualified apothecary or of any member of the Royal College of Veterinary Surgeons of *Great Britain*, nor with the making or dealing in patent medicines, nor with the business of wholesale dealers in supplying poisons in the ordinary course of wholesale dealing; and upon the decease of any pharmaceutical chemist or chemist and druggist actually in business at the time of his death it shall be lawful for any executor, administrator, or trustee of the estate of such pharmaceutical chemist or chemist and druggist to continue such business if and so long only as such business shall be *bona fide* conducted by a duly qualified assistant, and a duly qualified assistant within the meaning of this clause shall be a pharmaceutical chemist or a chemist and druggist registered by the registrar under the Pharmacy Act or this Act: provided always, that registration under this Act shall not entitle any person so registered to practise medicine or surgery, or any branch of medicine or surgery.

Regulations to be observed in the sale of poisons.

17. It shall be unlawful to sell any poison, either by wholesale or by retail, unless the box, bottle, vessel, wrapper or cover in which such poison is contained be distinctly labelled with the name of the article and the word poison, and with the name and address of the seller of the poison; and it shall be unlawful to sell any poison

of those which are in the first part of Schedule (A.) to this Act, or may hereafter be added thereto under Section Two of this Act, to any person unknown to the seller, unless introduced by some person known to the seller; and on every sale of any such article the seller shall, before delivery, make or cause to be made an entry in a book to be kept for that purpose stating, in the form set forth in Schedule (F.) to this Act, the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, and the purpose for which it is stated by the purchaser to be required, to which entry the signature of the purchaser and of the person, if any, who introduced him shall be affixed; and any person selling poison otherwise than is herein provided shall, upon a summary conviction before two justices of the peace in *England* or the sheriff in *Scotland*, be liable to a penalty not exceeding five pounds for the first offence, and to a penalty not exceeding ten pounds for the second or any subsequent offence, and for the purposes of this section the person on whose behalf any sale is made by any apprentice or servant shall be deemed to be the seller; but the provisions of this section, which are solely applicable to poisons in the first part of the Schedule (A.) to this Act, or which require that the label shall contain the name and address of the seller, shall not apply to articles to be exported from *Great Britain* by wholesale dealers, nor to sales by wholesale to retail dealers in the ordinary course of wholesale dealing, nor shall any of the provisions of this section apply to any medicine supplied by a legally qualified apothecary to his patient, nor apply to any article when forming part of the ingredients of any medicine dispensed by a person registered under this Act; provided such medicine be labelled in the manner aforesaid, with the name and address of the seller, and the ingredients thereof be entered, with the name of the person to whom it is sold or delivered, in a book to be kept by the seller for that purpose; and nothing in this Act contained shall repeal or affect any of the provisions of an Act of the session holden in the fourteenth and fifteenth years in the reign of her present Majesty, intituled "An Act to regulate the Sale of Arsenic."

18. Every person who at the time of the passing of this Act is or has been in business on his own account as a chemist and druggist as aforesaid, and who shall be registered as a chemist and druggist, shall be eligible to be elected and continue a member of the Pharmaceutical Society according to the byelaws thereof; but no person shall, in right of membership acquired pursuant to this clause, be placed on the register of pharmaceutical chemists, nor, save as is hereinafter expressly provided, be eligible for election to the council of the Pharmaceutical Society.

Chemists and druggists in business prior to passing of Act eligible for election as members of Pharmaceutical Society.

19. Every person who is or has been in business on his own account as a chemist and druggist as aforesaid at the time of the passing of this Act, and who shall become a member of the Pharmaceutical Society, shall be eligible for election to the council of the Pharmaceutical Society; but the said council shall not at any time contain more than seven members who are not on the register of pharmaceutical chemists.

Council of Pharmaceutical Society.

20. Every person who shall have been registered as a chemist and druggist under this Act by reason of having obtained a certificate of qualification from the Board of Examiners shall be eligible to be elected an associate of the Pharmaceutical Society, and every such person so elected and continuing as such associate,

Chemists and druggists registered eligible to be elected associates, and, being in business, have the privi-

lege of voting in the Society, on paying the same subscriptions as members.

Voting papers for election of council.

Benevolent fund may be applied to past members and associates, also to pharmaceutical chemists and registered chemists and druggists.

Registration under "Medical Act."

Adulteration of Food or Drink Act to extend to medicines.

Acts of Privy Council.

Power to Privy Council to erase names of persons from register.

Extent of Act. Short title.

being in business on his own account, shall have the privilege of attending all meetings of the said society and of voting thereat, and otherwise taking part in the proceedings of such meetings, in the same manner as members of the said society: Provided always, that such associates contribute to the funds of the said society the same fees or subscriptions as members contribute for the time being under the byelaws thereof.

21. At all meetings of the Pharmaceutical Society at which votes shall be given for the election of officers all or any of the votes may be given either personally or by voting papers in a form to be defined in the byelaws of the said society, or in a form to the like effect, such voting papers being transmitted under cover to the secretary not less than one clear day prior to the day on which the election is to take place.

22. And whereas by the charter of incorporation of the said Pharmaceutical Society it is provided that the council of the said society shall have the sole control and management of the real and personal property of the said society, subject to the byelaws thereof, and shall make provision thereout, or out of such part thereof as they shall think proper, for the relief of the distressed members or associates of the said society, and their widows and orphans, subject to the regulations and byelaws of the said society: and whereas, for extending the benefits which have resulted from the said provision in the said charter of incorporation, it is desirable that additional power should be granted to the said council: be it enacted, that from and after the passing of this Act the said council may make provision out of the real and personal property aforesaid, and out of any special fund known as the Benevolent Fund, not only for the relief of the distressed members or associates of the said society and their widows and orphans, subject to the said regulations and byelaws, but also for all persons who may have been and have ceased to be members or associates of the said society, or who may be or have been duly registered as "pharmaceutical chemists" or "chemists and druggists," and the widows and orphans of such persons, subject to the regulations and byelaws of the said society.

23. Persons registered under "The Medical Act" shall not be or continue to be registered under this Act.

24. The provisions of the Act of the twenty-third and twenty-fourth of *Victoria*, chapter eighty-four, intituled "An Act for Preventing the Adulteration of Articles of Food or Drink," shall extend to all articles usually taken or sold as medicines, and every adulteration of any such article shall be deemed an admixture injurious to health; and any person registered under this Act who sells any such article adulterated shall, unless the contrary be proved, be deemed to have knowledge of such adulteration.

25. On and after the passing of this Act all powers vested by the Pharmacy Act in one of Her Majesty's principal Secretaries of State shall be vested in the Privy Council, and the seventh section of the Public Health Act, 1858, shall apply to all proceedings and acts of the Privy Council herein authorised.

26. The Privy Council may direct the name of any person who is convicted of any offence against this Act which in their opinion renders him unfit to be on the register under this Act to be erased from such register, and it shall be the duty of the registrar to erase the same accordingly.

27. This Act shall not extend to *Ireland*.

28. This Act may be cited as The Pharmacy Act, 1868.

SCHEDULES.

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SCHEDULE (A).

PART 1.

Arsenic and its Preparations.
Prussic Acid.
Cyanides of Potassium and all metallic Cyanides.
Strychnine and all poisonous vegetable Alkaloids and their Salts.
Aconite and its Preparations.
Emetic Tartar.
Corrosive Sublimate.
Cantharides.
Savin and its Oil.
Ergot of Rye and its Preparations.

PART 2.

Oxalic Acid.
Chloroform.
Belladonna and its Preparations.
Essential Oil of Almonds unless deprived of its Prussic Acid.
Opium and all Preparations of Opium or of Poppies.

SCHEDULE (B).

Name.	Residence.	Qualification.
<i>A.B.</i>	<i>Oxford Street, London.</i>	In Business prior to Pharmacy Act, 1868.
<i>C.D.</i>	<i>George Street, Edinburgh.</i>	Examined and certified.
<i>E.F.</i>	<i>Cheapside, London.</i>	Assistant prior to Pharmacy Act, 1868.

SCHEDULE (C).

DECLARATION BY A PERSON WHO WAS IN BUSINESS AS A CHEMIST AND DRUGGIST IN GREAT BRITAIN BEFORE THE PHARMACY ACT, 1868.

To the Registrar of the Pharmaceutical Society of Great Britain.

I , residing at in the County of ,
hereby declare that I was in Business as a Chemist and Druggist, in the
keeping of open Shop for the compounding of the Prescriptions of
duly qualified Medical Practitioners at in the County
of , on or before the Day of 186 .

Signed (Name.)

Dated this Day of 18 .

SCHEDULE (D).

DECLARATION TO BE SIGNED BY A DULY QUALIFIED MEDICAL PRACTITIONER, OR MAGISTRATE, RESPECTING A PERSON WHO WAS IN BUSINESS [AS A] CHEMIST AND DRUGGIST IN GREAT BRITAIN BEFORE THE PHARMACY ACT, 1868.

To the Registrar of the Pharmaceutical Society of Great Britain.

I , residing at in the County of , hereby declare that I am a duly qualified Medical Practitioner [or Magistrate], and that to my Knowledge , residing at in the County of , was in Business as a Chemist and Druggist, in the keeping of open Shop for the compounding of the Prescriptions of duly qualified Medical Practitioners before the Day of 186 .

(Signed.)

SCHEDULE (E).

DECLARATIONS TO BE SIGNED BY AND ON BEHALF OF ANY ASSISTANT CLAIMING TO BE REGISTERED UNDER THE PHARMACY ACT, 1868.

To the Registrar of the Pharmaceutical Society of Great Britain.

I hereby declare that the undersigned residing at in the County of had for Three Years immediately before the passing of the Pharmacy Act, 1868, been employed in dispensing and compounding Prescriptions as an Assistant to a Pharmaceutical Chemist or Chemist and Druggist, and attained the Age of Twenty-one Years.

As witness my Hand, this Day of 186 .
A.B., duly qualified Medical Practitioner.
C.D., Pharmaceutical Chemist.
E.F., Chemist and Druggist.
G.H., Magistrate.

(To be signed by One of the Four Parties named.)

I hereby declare that I was an Assistant to of in the County of in the Year , and was for Three Years immediately before the passing of this Act actually engaged in dispensing and compounding Prescriptions, and that I had attained the full Age of Twenty-one Years at the Time of the passing of the Pharmacy Act, 1868.

N.O., Assistant.

SCHEDULE (F).

Date.	Name of Purchaser.	Name and Quantity of Poison sold.	Purpose for which it is required.	Signature of Purchaser.	Signature of Person introducing Purchaser.

35 & 36 VICT. C. 94.

An Act for regulating the Sale of Intoxicating Liquors.

www. [10th August, 1872.]

Adulteration.

19.

- (1.) Every person who mixes or causes to be mixed with any intoxicating liquor sold or exposed for sale by him any deleterious ingredient, that is to say, any of the ingredients specified in the First Schedule to this Act, (1) or added to such schedule by any Order in Council made under this Act, or any ingredient deleterious to health; and

Penalty on
adulteration of
intoxicating
liquor.

(2.) Every person who knowingly sells or keeps or exposes for sale any intoxicating liquor mixed with any deleterious ingredients (in this Act referred to as adulterated liquor), shall be liable for the first offence to a penalty not exceeding twenty pounds, or to imprisonment for a term not exceeding one month, with or without hard labour; and for the second and any subsequent offence to a penalty not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, with or without hard labour, and to be declared to be a disqualified person for a period of not less than two years nor exceeding ten years, and shall also in the case of the first as well as any subsequent offence forfeit all adulterated liquor in his possession, with the vessels containing the same.

Where the person so convicted is a licensed person, he shall further, in the case of a second or any subsequent offence, be liable to forfeit his license, and the premises in respect of which such license is granted shall be liable to be declared to be disqualified premises for a period of not less than two years nor exceeding five years.

In the case of a first offence and any subsequent offence until the license is forfeited, the conviction shall be recorded on the license of the person convicted.

Where a licensed person is convicted of any offence under this section and his license is not forfeited for such offence, the police authority of the district shall cause a placard stating such conviction to be affixed to the premises. Such placard shall be of such size and form, and shall be printed with such letters, and shall contain such particulars, and shall be affixed to such part of the licensed premises as the police authority may think fit, and such licensed person shall keep the same affixed during two weeks after the same is first affixed; and if he fails to comply with the provisions of this section with respect to keeping affixed such placard, or defaces or allows such placard to be defaced, or if the same is defaced and he fails forthwith to renew the same, he shall be liable to a penalty not exceeding forty shillings for every day on which the same is not so undefaced, and any constable may affix or re-affix such placard during the said two weeks, or such further time as may be directed by a court of summary jurisdiction.

20. Every licensed person who has in his possession or in any part of his premises any adulterated liquor knowing it to be adulterated, or any deleterious ingredient, specified in the First Schedule hereto, or added to such schedule by Order of Her Majesty in

Possession of
adulterated
liquor or dele-
terious ingre-
dients.

(1) See *post*, p. 53.

Council, for the possession of which he is unable to account to the satisfaction of the court, shall be deemed knowingly to have exposed for sale adulterated liquor on such premises.

Schedule of deleterious ingredients.

21. It shall be lawful for Her Majesty by Order in Council from time to time to add to the First Schedule to this Act any ingredient which appears to Her Majesty in Council to be deleterious to health, and to remove any ingredient from the said schedule, and to revoke or alter any Order previously made.

Every such Order shall be published in the London Gazette, and shall take effect at the expiration of seven days from the date of such publication or at any later date mentioned in the Order, and shall have effect as if it were enacted in this Act.

Every such order shall be laid before both Houses of Parliament within three weeks after it is made, or if Parliament be not then sitting, within three weeks after the commencement of the then next session of Parliament.

Analysis of intoxicating liquor.

22. Any of the following officers, that is to say, any superintendent of police or other constable authorised in writing by the police authority so to do, and any officer of Inland Revenue, may procure samples of any intoxicating liquor from any person selling or keeping or exposing the same for sale (in this section referred to as the vendor); he may procure such samples either by purchasing the same, or by requiring the vendor to show him and allow him to inspect all or any of the vessels in which any intoxicating liquor in the possession of the vendor is stored, and the place of the storage thereof, and to give him samples of such intoxicating liquor on payment or tender of the value of such samples.

If the vendor or his agent or servant, when required in pursuance of this section, refuses or fails to admit the officer, or refuses or wilfully omits to show all or any of the vessels in which intoxicating liquor is stored, or the place of the storage thereof, or to permit the officer to inspect the same, or to give any samples thereof, or to furnish the officer with such light or assistance as he may require, he shall be liable to the same penalty, forfeiture, and disqualification as if he knowingly sold or exposed for sale adulterated liquor.

When the officer has by either of the means aforesaid procured samples of intoxicating liquor, he shall cause the same to be analysed, at such convenient place and time and by such person as the Commissioners of Inland Revenue may appoint; provided always, that a reasonable notice shall have been given by such officer to the vendor by whom such sample was furnished, to enable such vendor, if he think fit, to attend at the time when such sample is open for analysis; and if it appear to the person so analysing that the said samples of intoxicating liquor are adulterated liquor within the meaning of this Act, he shall certify such fact, and the certificate so given shall be receivable as evidence in any proceedings that may be taken against any person in pursuance of this Act, subject to the right of any person against whom proceedings are taken to require the attendance of the person making the analysis for the purpose of cross-examination.

The vendor may require the officer, in his presence, to annex to every vessel containing any samples for analysis the name and address of the vendor, and to secure with a seal or seals belonging to the vendor the vessel containing such samples, and the name and address annexed thereto, in such manner that the vessel cannot be opened, or the name and address taken off, without breaking such

seals ; and a corresponding sample sealed by such officer with his own seal shall, if required, be left with the vendor for reference in case of disputes as to the correctness of the analysis or otherwise ; and the certificate of the person who analyses such samples shall state the name and address of the vendor, and that the vessels were not open, and that the seals securing to the vessels the name and address of the vendor were not broken until such time as he opened the vessels for the purpose of making his analysis ; and in such case as aforesaid no certificate shall be receivable in evidence unless there is contained therein such statement as above, or to the like effect.

Any expenses incurred in analysing any intoxicating liquor of a vendor in pursuance of this section shall, if such vendor be convicted of selling or keeping, or exposing for sale, or having in his possession adulterated liquor in contravention of this Act, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly. In any other event such expenses shall be paid as part of the expenses of the officer who procured the sample.

* * * * *

FIRST SCHEDULE.

DELETERIOUS INGREDIENTS.

Cocculus indicus, chloride of sodium otherwise common salt, copperas, opium, Indian hemp, strychnine, tobacco, darnel seed, extract of logwood, salts of zinc or lead, alum, and any extract or compound of any of the above ingredients.

THE ALKALI ACTS.

26 & 27 VICT. C. 124.

An Act for the more effectual Condensation of Muriatic Acid Gas in Alkali Works.

[28th July, 1863.]

WHEREAS it is expedient to provide for the better condensation of the muriatic acid gas evolved in alkali works : Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

Short Title.
Commencement
of Act.
Interpretation
of terms.

1. This Act may be cited as the "Alkali Act, 1863."
2. This Act shall come into operation on the first day of *January*, one thousand eight hundred and sixty-four.
3. The term "Alkali Work," as hereinafter used, shall mean every work for the manufacture of alkali, sulphate of soda, or sulphate of potash in which muriatic acid gas is evolved :
The term "Owner," as hereinafter used, shall mean the lessee or occupier, or any other person carrying on any Alkali Work :
The term "the inspector," shall mean the inspector to be appointed under this Act.

Alkali Works.

As to the conduct of alkali works.

4. Every Alkali Work shall be carried on in such manner as to secure the condensation to the satisfaction of the inspector, derived from his own examination or from that of a sub-inspector of not less than ninety-five *per centum* of the muriatic acid gas evolved therein : Provided always, that nothing herein contained shall entitle the inspector to direct any alteration to be made in the process of manufacture or the apparatus used therein.

If any Alkali Work is carried on in contravention of this section, the owner of that work shall, on its being made to appear to the Court before which any proceedings for recovery of a penalty may be instituted that ninety-five *per centum* at least of the muriatic acid gas evolved in such work has not been condensed, be deemed to be guilty of an offence against this Act, and be subject in respect of the first conviction to a penalty not exceeding fifty pounds, and in respect of every offence after a previous conviction to a penalty not exceeding one hundred pounds : Provided always, that no such owner shall be convicted of more than one such offence in respect of any one day : Provided also, that no such penalty shall be inflicted unless the inspector shall produce before the Court having

cognizance of the matter a statement in writing of the facts on which he founds his opinion that ninety-five *per centum* of the muriatic acid gas evolved in the Alkali Work is not condensed therein, and serve a copy thereof with the process commencing the proceedings.

5. The owner of any Alkali Work in which any offence against this Act has been proved to have been committed, and for which a pecuniary penalty may be imposed, shall in every case be deemed to have committed the offence, and shall be liable to pay the penalty, unless he shall prove to the satisfaction of the Court before which any action shall be brought for the recovery of such penalty that he has used due diligence to comply with and to enforce the execution of this Act, and that the offence in question was committed by some agent, servant, or workman, whom he shall charge by name as the actual offender, without his knowledge, consent, or connivance, in which case such agent, servant, or workman shall be liable to and may be sued for the payment of the penalty, and of the costs of all proceedings which may be taken for the recovery thereof, either against himself or against the owner under this Act; provided that it shall be lawful for the inspector to proceed in the first instance against the person whom he shall believe to be the actual offender, without first proceeding against the owner, in any case in which it shall be made to appear to the satisfaction of such inspector that the owner has used all due diligence to comply with and to enforce the execution of this Act, and that the offence has been committed by the person whom he may charge therewith without the knowledge, consent, or connivance of the owner, and in contravention of his orders.

Owner to be liable for offences in the first instance, unless he prove that the offence was committed by some agent, etc., without his knowledge, in which case such agent, etc., to be liable.

6. No Alkali Work shall at any time after the expiration of three months after the appointment of the inspector be carried on or prosecuted until such work has been registered by the owner with the inspector. In every register hereby required to be made there shall be inserted the name in full of the owner, and of the parish or township in which the work is situate, and within one month after change of ownership in any such work the register of such work shall be amended by inserting the name of the new owner; and if any Alkali Work is carried on in contravention of this section, the owner thereof shall, on conviction, be deemed to be guilty of an offence against this Act, and shall be subject to a penalty not exceeding five pounds for every day during which such work shall have been so carried on.

As to the registration of alkali works.

Inspectors.

7. For the purpose of carrying into effect the provisions of this Act, the Board of Trade (1) may from time to time appoint any fit and proper person to be inspector of Alkali Works under this Act, and may from time to time remove any inspector so appointed, and appoint another person in his place. The Board of Trade (1) may also, on application of the inspector, from time to time appoint and remove such sub-inspector or sub-inspectors as the said board may deem necessary for the purpose of carrying this Act into effect. Notice of the appointment of such inspector and sub-inspectors shall be published in the *London Gazette*, and a copy of the gazette shall be evidence of the appointment made.

Appointment of inspectors.

8. No person either directly or indirectly acting or practising as a land agent, or directly or indirectly engaged in any manufacture,

What persons disqualified from

(1) See 35 & 36 Vict. c. 79, s. 35.

acting as inspector.

Duties and powers of inspector.

or interested in any patent in or according to which the decomposition of salt or the condensation of muriatic acid gas may be effected, shall act as an inspector or sub-inspector under this Act.

9. It shall be the duty of every inspector under this Act to ascertain from time to time that all the Alkali Works are carried on in conformity with the provisions of this Act, and to enforce the said provisions, and to cause notice to be given to every owner whose work shall be carried on in contravention of this Act of the commission of such offence as soon as conveniently may be after the commission thereof; and with a view to the performance of that duty he or any sub-inspector may at all reasonable times, by day and by night, without giving previous notice, but so as not to interrupt the process of the manufacture, enter upon and inspect any Alkali Work, and examine into the efficiency of the condensing apparatus, and the quantity of muriatic acid gas condensed, and generally into all matters and works tending to show compliance or non-compliance with the provisions of this Act. And the owner of such works, upon demand of the inspector, shall within a reasonable time furnish him with a plan, to be kept secret by such inspector, of those parts of such works in which the decomposition of salt or other process causing the evolution of muriatic acid gas or the condensation thereof is carried on.

It shall be lawful for the inspector or any sub-inspector under his direction, but so as not to interfere with the process of the manufacture, to apply any tests or make any experiments he may think proper for the purpose of ascertaining the efficiency of the condensing apparatus, or the quantity of gas condensed; and the owner or agent of the works shall be deemed to be guilty of an offence against this Act unless he renders to the said inspector or sub-inspector all necessary facilities for their entry, examination, and testing.

Salaries of inspectors and sub-inspectors.

10. Every inspector and sub-inspector appointed under this Act shall be paid such salary as may be determined by the Board of Trade, (1) with the consent of the Commissioners of Her Majesty's Treasury.

General penalties on violation of Act.

11. Every person who wilfully obstructs any inspector or sub-inspector in the execution of this Act, and every owner of any Alkali Work who refuses or neglects to afford to the inspector or sub-inspector the facilities necessary for making any entry, inspection, examination, or testing under this Act, or who neglects or wilfully violates any provision of this Act, for the neglect or violation of which no other penalty is by this Act imposed, shall be guilty of an offence within the meaning of this Act, and shall for every such offence incur a penalty not exceeding ten pounds.

Inspector to report to Parliament.

12. The inspector shall, on or before the first day of *March* in every year, make a report in writing to the Board of Trade (1) of his proceedings during the preceding year, and a copy of such report shall be laid before both Houses of Parliament.

Special Rules.

Power to owners of works to make special rules.

13. The owner of any Alkali Work may, with the sanction of the Board of Trade, make, alter, or repeal special rules for the guidance of such of his workmen as are employed in any process causing the evolution of muriatic acid gas, or whose duty it is to attend to the apparatus used in the condensation of that gas, and may annex penalties to any violation of such rules, so that no penalty exceeds two pounds for any one offence.

(1) See 35 & 36 Vict. c. 79, s. 35.

A printed copy of the special rules in force in any Alkali Work shall be given by the owner of the work to every person working or employed in or about that work affected thereby.

Penalties.

14. The following regulations shall be enacted with respect to the recovery in *England* of penalties for offences other than offences against a special rule :

As to recovery of penalties in England for other than offences against a special rule.

Every such penalty shall be recovered by action in the County Court having jurisdiction in the district in which the Alkali Works are situate in respect of which the penalty arises :

The action shall be brought, with the sanction of the Board of Trade, by the inspector appointed under this Act, within three months after the commission of the offence, and for the purposes of such action the penalty shall be deemed to be a debt due to such inspector :

The plaintiff in any action for a penalty under this Act shall be presumed to be the inspector appointed under this Act, until the contrary is proved by the defendant :

The Court may, upon the application of either party, appoint a person to take down in writing the evidence of the witnesses, and may award to that person such compensation as the Court thinks just :

The amount of compensation awarded by the judge shall be deemed to be costs in the cause :

If either party in any action for a penalty under this Act feels aggrieved by the decision of the Court in point of law, or on the merits, or in respect of the admission or rejection of any evidence, he may appeal from that decision to any of the Superior Courts of Common Law at *Westminster* :

The appeal shall be in the form of a special case to be agreed upon by both parties or their attorneys, and if they cannot agree, to be settled by the judge of the County Court upon the application of the parties or their attorneys :

The Court of Appeal may draw any inferences from the facts stated in the case that a jury might draw from facts stated by witnesses :

Subject to the provisions of this section, all the enactments, rules, and orders relating to proceedings in actions in County Courts, and to enforcing judgments in County Courts, and appeals from decisions of the County Court judges, and to the conditions of such appeals, and to the power of the Superior Courts on such appeals, shall apply to an action for a penalty under this Act, and to an appeal from such action, in the same manner as if such action and appeal related to a matter within the ordinary jurisdiction of the Court :

Within the City of *London* and the liberties thereof the Sheriffs Court, established by a Local Act passed in the eleventh year of the reign of Her present Majesty, chapter seventy-one, intituled "An Act for the more easy Recovery of Small Debts and Demands within the City of *London* and the Liberties thereof," shall be deemed to be the County Court having jurisdiction in the case.

15. In *Scotland* any offence under this Act, with the exception of offences against a special rule, shall be prosecuted at the instance of the inspector, with the sanction of the Board of Trade, before the sheriff or sheriff substitute of the county in which the offence has

As to recovery of general penalties in Scotland.

been committed, and the sheriff or sheriff substitute having cognizance of such offence may award costs to either party, and may sentence the offender to imprisonment for any period not exceeding six months, unless the penalty and costs be previously paid; and any decision or sentence of such sheriff or sheriff substitute shall be subject to review and appeal according to law.

As to recovery
of general
penalties in
Ireland.

16. In *Ireland* all penalties incurred under this Act, with the exception of penalties against a special rule, may be recovered by civil bill at the instance of the inspector, with the sanction of the Board of Trade, in the manner and with the appeal directed by an Act passed in the fourteenth and fifteenth years of Her Majesty, chapter fifty-seven, or any Act or Acts amending the law relating to civil bills.

Application of
penalties.

17. All penalties recovered under this Act, except in respect of offences against a special rule, shall be paid into the receipt of Her Majesty's exchequer in such manner as the Commissioners of the Treasury may determine.

As to recovery
of penalties for
offences against
a special rule.

18. All penalties incurred under this Act in respect of any offence against a special rule may be recovered summarily in *England* and *Ireland* before two or more justices; as to *England*, in manner directed by an Act passed in the Session holden in the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, chapter forty-three, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within *England* and *Wales* with respect to summary Convictions and Orders," or any Act amending the same; as to *Ireland*, in manner directed by the Act passed in the Session holden in the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, chapter ninety-three, intituled "An Act to Consolidate and Amend the Acts regulating the proceedings of Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in *Ireland*," or any Act amending the same; and in *Scotland*, before the sheriff or two justices in manner directed by "The Railways Clauses Consolidation, *Scotland*, Act, 1845," with respect to penalties imposed by that Act the recovery of which is not otherwise provided for.

Term of Act.

19. This Act shall continue in force to the first day of *July* one thousand eight hundred and sixty-eight, and no longer. (1)

31 & 32 VICT. C. 36.

An Act to make perpetual the Alkali Act, 1863.

[25th June 1868.]

26 & 27 Vict.
c. 124.

WHEREAS by the Alkali Act, 1863, twenty-six and twenty-seven Victoria, chapter one hundred and twenty-four, section nineteen, it was provided that the same should continue in force to the first day of *July* one thousand eight hundred and sixty-eight, and no longer:

And whereas it is expedient to make perpetual the said Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 19 of
recited Act
repealed.

1. The nineteenth section of the said Act is hereby repealed, and the said Act continued without any such limitation.

(1) See 31 & 32 Vict. c. 36, s. 1, *post*.

THE METROPOLIS WATER ACTS.

15 & 16 VICT. C. 84.

An Act to make better Provision respecting the Supply of Water to the Metropolis.

[1st July, 1852.]

WHEREAS it is expedient to make provision for securing the supply to the metropolis of pure and wholesome water, and otherwise to make further and better provision in relation to the water supply of the metropolis: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:

1. From and after the thirty-first day of *August* one thousand eight hundred and fifty-five it shall not be lawful for any company supplying the metropolis or any part thereof with water for domestic use, except the governor and company of *Chelsea Waterworks*, to take any water for such purpose from any part of the *River Thames* below *Teddington Lock*, or from any part of any of the tributary rivers or streams of the *River Thames* below the highest point where the tide flows in such tributary rivers and streams respectively; and from and after the thirty-first day of *August* one thousand eight hundred and fifty-six it shall not be lawful for the said governor and company of *Chelsea Waterworks* to take any water for domestic use from any part of the *River Thames* below *Teddington Lock*.

Restriction as to sources of supply of water to the metropolis.

2. From and after the thirty-first day of *August* one thousand eight hundred and fifty-five every reservoir within a distance in a straight line from *St. Paul's Cathedral* in the *City of London* of not more than five miles, in which water for the supply for domestic use of the metropolis or any part thereof is stored or kept by any company, shall be roofed in or otherwise covered over: Provided always, that this provision shall not extend to any reservoir the water from which is subjected by the company to efficient filtration after it is discharged from such reservoir, and before it is passed into the mains or pipes of the company for distribution, or to any reservoir the whole of the water from which is distributed through distinct mains or pipes for other than domestic purposes, nor to any reservoir whatever the water stored in which shall be used exclusively for other than domestic purposes.

Reservoirs within a limited distance, to be covered.

Water not to be brought within a limited distance in open aqueducts.

Every company to filter all water supplied by them for domestic use.

Company to give notice to Board of Trade before resorting to new sources of supply, who may thereupon appoint an inspector to report.

Inspector to give notice to companies of his intention to visit new sources.

Board of Trade to certify their approval or disapproval of new sources.

If Board of Trade disapprove, company not to use new source of supply.

On complaint as to quantity and quality Board of Trade may appoint a person to inquire and report.

3. From and after the thirty-first day of *December* one thousand eight hundred and fifty-five, no water shall be brought or conducted within the metropolis by any company for the purpose of domestic use otherwise than through pipes or through covered aqueducts, unless the same shall be afterwards filtered before distribution.

4. From and after the thirty-first day of *December* one thousand eight hundred and fifty-five, every company shall effectually filter all water supplied by them within the metropolis for domestic use, before the same shall pass into the pipes for distribution, excepting any water which may be pumped from wells into a covered reservoir or aqueduct, without exposure to the atmosphere, and which shall not be afterwards mixed with unfiltered water. (1)

5. Three months before any company shall resort to any new source of supply, such company shall give notice in writing thereof to the Lords of the Committee of Privy Council for Trade and Plantations, hereinafter called the Board of Trade, (2) and thereupon, within one month after receipt of such notice, the said Board of Trade shall, if they think fit, appoint a competent person as an inspector, who shall report with respect to any sources then specially authorised by Parliament, whether the directions of the special Act have been complied with in reference thereto, and with respect to any new sources not specially authorised by Parliament, whether the same are capable of supplying good and wholesome water for domestic purposes.

6. The inspector so appointed as aforesaid shall within ten days after such appointment give notice in writing to the company thereof, and of the time at which he proposes to visit and inspect the said sources, and thereupon, in order to enable him to make such report as aforesaid, it shall be lawful for the said inspector to enter the lands wherein such sources respectively are situate, and to examine and make inquiry touching the premises.

7. The Board of Trade (2) shall, within twenty-one days after the receipt from the said inspector of his report, send to such company with respect to any such new sources of supply not specially authorised by Parliament a certificate in writing of their approval or disapproval thereof, and with respect to any such sources as shall then be specially authorised by Parliament a notice in writing stating whether in the judgment of the said Board of Trade the directions of the special Act have in reference thereto been complied with.

8. After the company shall have received a certificate that the said Board of Trade (2) disapproves of any such new source of supply not specially authorised by Parliament as aforesaid, it shall not be lawful for the company to use the said source, and after receipt of such notice as aforesaid that in the judgment of the said Board of Trade (2) the directions of the special Act with reference to any sources then specially authorised by Parliament have not been complied with, it shall not be lawful for the company, before complying with such directions with reference to such source, to use the same.

9. If at any time complaint as to the quantity or quality of the water supplied by any company for domestic use be made to the Board of Trade (2) by memorial in writing signed by not less than twenty inhabitant householders paying rents for and supplied with water by the company, it shall be lawful for the Board of Trade, (2) at any time within one month after the receipt of such complaint, to

(1) See 34 & 35 Vict. c. 113, s. 36, *post*.

(2) See 35 & 36 Vict. c. 79, s. 35, *ante*.

appoint a competent person to inquire into and concerning the grounds of such complaint, and to report to the Board of Trade (1). thereon. (2)

10. The person so appointed as aforesaid shall, within three days after such appointment, give notice thereof in writing to the company, and after such notice as aforesaid he shall have power to inspect and examine the waterworks of the company, and to inquire into and concerning the grounds of such complaint; and the company and their officers shall afford all reasonable facilities for such inspection, examination, and inquiry. (2)

Powers of person appointed.

11. Any person obstructing such inspector in the due prosecution of such inspection, examination, or inquiry, shall forfeit and pay any sum not exceeding £10. (2)

Penalty for obstructing inspector.

12. If after receipt of such report it shall appear to the Board of Trade (1) that the said complaint is well founded, the Board of Trade (1) shall give notice thereof in writing to the company.

If complaint well founded, notice to be given to company.

13. After the receipt of such notice the company shall and they are hereby required within a reasonable time to remove the grounds of such complaint. (2)

Company to remove ground of complaint.

14. Every steam engine, furnace, or other work in which coals which produce smoke during combustion shall be consumed by any company for the purpose of the waterworks shall be constructed on the most effectual principle for consuming its own smoke.

Engines to consume their own smoke.

15. * * * Provided that neither the *Kent Waterworks Company* nor the *Hampstead Waterworks Company* shall be required to give such supply at any height exceeding one hundred and eighty feet above *Trinity* high-water mark, nor the *East London Waterworks Company* be required to give such supply at any height exceeding forty feet above the level of the pavement nearest the point at which such supply shall be required. (3)

Provision for constant supply of water by every company.

16. Any company which shall violate, refuse, or neglect to comply with any of the provisions hereinbefore contained shall forfeit to Her Majesty the sum of two hundred pounds, and the further sum of one hundred pounds for every month during which they shall continue to violate or to refuse or neglect to comply with the same after they shall have received notice in writing from the Board of Trade (1) to discontinue such violation, refusal, or neglect as aforesaid.

Penalty for non-compliance with the provisions of the Act.

17. Every company shall, within one year after the passing of this Act, cause a map to be made of the district within which any mains or *district mains* (4) shall have been laid down or formed by them on a scale not less than six inches to a mile, and shall cause to be marked thereon the course and situation of all existing mains and *district mains*, (4) and shall, within six months from the making of any alterations or additions, cause the said maps to be from time to time corrected, and such additions made thereto as may show the line and situation of all such mains and *district mains* (4) as may be laid down or formed by them from time to time after the passing of this Act; and such map or a copy thereof, with the date expressed thereon of the last time when the same shall have been so corrected as aforesaid, shall be kept in the principal office of each company, and shall be open to the inspection of all persons

Map of underground works of the companies to be made and kept at principal office of each company, and be open to inspection.

(1) See 35 & 36 Vict. c. 79, s. 35, *ante*.

(2) See 34 & 35 Vict. c. 113, s. 35, *post*.

(3) As to this section and the unrepealed

proviso, see 34 & 35, Vict. c. 113, s. 5, and Sch. B., *post*.

(4) "Pipes," see s. 49, *post*.

interested in the same within the said district, who shall be at liberty to take copies of or extracts from the same. (1)

Companies to furnish particulars of district mains when required.

18. Every company, on the application of any person supplied with water by such company, shall furnish to such person the particulars of any district main (2) from which such person is supplied, together with the names of the streets through which such district main (2) passes, and the commencement and termination thereof.

* * * * *

Cisterns, closets, and baths to be so constructed as to prevent waste or the flow or return of impure matter into the mains, etc.

23. Every cistern or other receptacle for water, and every closet, soil-pan, and private bath which shall be supplied with water by any company, shall be so constructed and used as effectually to prevent the waste, misuse, or undue consumption of water, and the flow or return of foul air or other noisome or impure matter into the mains or pipes of the company, or into any pipes connected or communicating therewith; and notwithstanding anything in "The Waterworks Clauses Act, 1847," or in this Act contained, no company shall be bound to supply water into any cistern or other receptacle for water, closet, soil-pan, or private bath, which shall not be so constructed and used.

Restricting communication with pipes of the Company.

24. No person shall make or lay down, or permit to be made or laid down, any pipe or other means or contrivance for taking, using, or obtaining water to communicate with any pipe or apparatus connected with any of the mains or pipes of any company without giving such notice, and except under such superintendence, and according to such direction as is provided by "The Waterworks Clauses Act, 1847," with respect to the communication pipes to be laid by the inhabitants. (4)

(1) Further with regard to this section, see 34 & 35 Vict. c. 123, s. 49, *post*.

(2) "Pipe," see s. 49, *post*.

(3) See 34 & 35 Vict. c. 123, s. 5, and Sch. B., *post*.

(4) With respect to communication pipes to be laid by the inhabitants, it is provided by the Act referred to (10 Vict. c. 17) as follows:—

Power to inhabitants to lay service pipes, giving the undertakers notice of the same.

"48. Any owner or occupier of any dwelling house or part of a dwelling house within the limits of the special act who shall wish to have water from the waterworks of the undertakers brought into his premises, and who shall have paid or tendered to the undertakers the portion of water rate in respect of such premises, by this or the special Act directed to be paid in advance, may open the ground between the pipes of the undertakers and his premises, having first obtained the consent of the owners and occupiers of such ground, and lay any leaden or other pipes from such premises, to communicate with the pipes of the undertakers, such pipes to be of a strength and material to be approved of by the undertakers, or, in case of dispute, to be settled in *England or Ireland* by two justices, and in *Scotland* by the sheriff, or in either case by the inspector to be appointed as aforesaid: Provided always, that every such owner or occupier shall, before he begins to lay any such pipe, give to the undertakers fourteen days' notice of his intention to do so.

Communication with the pipes of the undertakers to be made under the

"49. Before any pipe is made to communicate with the pipes of the undertakers, the person intending to lay such pipe shall give two days' notice to the undertakers of the day and hour when such pipe is in-

tended to be made to communicate with superintendence the pipes of the undertakers; and every tendence such pipe shall be so made to communicate of their under the superintendence and according surveyor. to the directions of the surveyor or other officer appointed for that purpose by the undertakers, unless such surveyor or officer fail to attend at the time mentioned in the said notice: and in case of any dispute as to the manner in which such pipe shall be so made to communicate, it shall in *England or Ireland* be settled by two justices, and in *Scotland* by the sheriff, or in either case by the inspector to be appointed as aforesaid.

As to the settling of disputes.

"50. The bore of any such pipe as last aforesaid shall not exceed the prescribed limits, and where no limit shall be prescribed it shall not exceed half an inch, except with the consent of the undertakers.

Bore of service pipes.

"51. Any person who shall have laid down any pipe or other works, or who shall have become the proprietor thereof, may remove the same, after having first given six days' notice in writing to the undertakers of his intention so to do, and of the time of such proposed removal; and every such person shall make compensation to the undertakers for any injury or damage to their pipes or works which may be caused by such removal; and every person who shall remove any such pipe or other works without giving such notice as aforesaid shall forfeit to the undertakers a sum not exceeding five pounds, over and above the damage which he may be found liable to pay in any action at law, at the suit of the undertakers, for the damage done to their pipes or works.

Service pipes may be removed, after giving notice of the same.

Penalty on removing pipes without notice.

25. If any person supplied with water by any company shall wilfully do or cause to be done any act, matter, or thing in contravention of the provisions of this Act, or of the special Act relating to such company, or of any Act incorporated therewith, or shall wilfully omit or neglect to do any matter or thing which under such provisions ought to be done for the prevention of the waste, misuse, or undue consumption, or the contamination of the water of the company, it shall be lawful for the company to turn off the water supplied by them to such person, and to cease to supply such person with water, and also to recover from such person by action or suit in any court of competent jurisdiction the amount of any loss, damage, or injury which such company may sustain by means or in consequence of any such Act, matter, or thing as aforesaid, or of any such wilful omission or neglect as aforesaid.

Water may be cut off in certain cases.

26. It shall be lawful for any company from time to time, with the approval of the Board of Trade, (1) to make such regulations as shall be necessary or expedient for the purpose of preventing the waste or misuse of water, and therein, amongst other things, to prescribe the size, nature, and strength of the pipes, cocks, cisterns, and other apparatus to be used, and to interdict any arrangements, and the use of any pipes, cocks, cisterns, or other apparatus which may tend to such waste or misuse as aforesaid. (2)

Regulations to be made, with approval of Board of Trade.

* * * * *

28. In citing this Act in other Acts and in legal instruments it shall be enough to use the expression "The Metropolis Water Act, 1852."

Short Title.

29. In the construction of this Act, the expression "company" shall mean and include any of the companies hereinafter enumerated; (that is to say), the Governor and Company of the *New River* brought from *Chadwell* and *Amwell* to *London*, commonly called "The *New River* Company;" the Company of Proprietors of the *East London* Waterworks; the *Southwark and Vauxhall* Water Company; the *West Middlesex* Waterworks Company; the *Lambeth* Waterworks Company; the Governor and Company of *Chelsea* Waterworks; the *Grand Junction* Waterworks Company; the Company of Proprietors of the *Kent* Waterworks; and the *Hampstead* Waterworks Company; and also any other Company, Board, Commissioner, Association, Person, or Partnership, corporate or unincorporate, for the time being supplying the Metropolis or any part thereof with water for domestic use; the expression "the Special Act" shall mean and include this Act, and every and any Act of Parliament relating to

Interpretation of terms.

Power to inhabitants to break up pavements, giving notice of the same.

"52. Any such owner or occupier may open or break up so much of the pavement of any street as shall be between the pipe of the undertakers and his house, building, or premises, and any sewer or drain therein, for any such purpose as aforesaid, doing as little damage as may be, and making compensation for any damage done in the execution of any such work: Provided always, that every such owner or occupier desiring to break up the pavement of any street, or any sewer or drain therein, shall be subject to the same necessity of giving previous notice, and shall be subject to the same control, restriction, and obligations in and during the time of breaking up the same, and also reinstating the same, and to the same penalties for any delay in regard thereto, as the undertakers are subject to

by virtue of this or the special Act.

"53. Every owner and occupier of any dwelling house or part of a dwelling house within the limits of the special Act shall, when he has laid such communication pipes as aforesaid, and paid or tendered the water rate payable in respect thereof, according to the provisions of this and the special Act, be entitled to demand and receive from the undertakers a sufficient supply of water for his domestic purposes."

Owners or occupiers entitled to demand a supply of water for domestic purposes.

(1) See 35 & 36 Vict. c. 79, s. 35, *ante*.

(2) See 34 & 35 Vict. c. 113, s. 17, *post*, by which this provision applies to the prevention of undue consumption or contamination of water. See also ss. 18-25.

(3) See 34 & 35 Vict. c. 113, s. 5, and Sch. B., *post*.

the company referred to ; and the expression "the Metropolis" shall mean and include all places described or referred to in the Schedule to this Act.

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THE SCHEDULE ABOVE REFERRED TO.

All such places lying on the north side or left bank of the river Thames as are within the exterior boundaries of and are within the ambit formed by the parishes of Fulham, Hammersmith, Kensington, Paddington, Hampstead, Hornsey, Tottenham, Saint Pancras, Islington, Stoke Newington, Hackney, Stratford-le-Bow, Bromley, Poplar, and Shadwell.

Such part of the parish of Chelsea as lies north of the said parish of Kensington.

And such parts and places lying on the south side or right bank of the said river as are within the exterior boundaries of and are within the ambit formed by the parishes of Woolwich, Charlton, Greenwich, Deptford, Lee, Lewisham, Camberwell, Lambeth, Streatham, Tooting, Wandsworth, and Putney. (1)

(1) With regard to this schedule, see 34 & 35 Vict. c. 113, s. 4, *post*.

THE METROPOLIS WATER ACT, 1871.

34 & 35 VICT. C. 113.

An Act to amend "The Metropolis Water Act, 1852;" and to make further provision for the due Supply of Water to the Metropolis and certain places in the neighbourhood thereof.

[21st August, 1871.]

WHEREAS it is expedient to amend "The Metropolis Water Act, 15 & 16 Vict. 1852;" and to make further provision for securing to the Metro-^{c. 84.}polis, and to certain places in the neighbourhood thereof, a constant supply of pure and wholesome water: (Public.)

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited for all purposes as "The Metropolis Short Title. Water Act, 1871."

2. This Act and the Metropolis Water Act, 1852, as the same This and recited is amended by this Act, shall be read and construed together as Act to be as one. one Act.

3. In this Act—

The expression "the metropolis" shall mean the metropolis as defined by the Metropolis Management Act, 1855: Interpretation of terms.

The term "Company" shall mean and include any of the companies following; that is to say,—

The Governor and Company of the New River brought from Chadwell and Amwell to London, commonly called "The New River Company;"

The East London Waterworks;

The Southwark and Vauxhall Water Company;

The Company of Proprietors of the West Middlesex Waterworks Company;

The Company of Proprietors of Lambeth Waterworks;

The Governor and Company of Chelsea Waterworks;

The Grand Junction Waterworks Company;

The Company of Proprietors of the Kent Waterworks; and also any other corporation, company, board, commis-

sioners, association, person, persons, or partnership, for the time being supplying water for domestic use within the limits of this Act;

The term "person" shall include a corporation aggregate or sole: www.libtool.com.cn

The expression "water limits" in relation to a company shall mean such parts of the limits within which such company is authorised to supply water as are within the limits of this Act:

The expression "the Special Act" in relation to a company shall mean and include every and any Act of Parliament relating to such company:

The expression "metropolitan authority" shall mean, in the places specified in the table in the Schedule (A.) to this Act annexed, the bodies or persons named in the same table:

The term "district" shall mean the area selected for the purpose of constant supply, such area being within the jurisdiction of a metropolitan authority, and also within the water limits of a company, and being conterminous with some one or more services of such company:

The term "premises" shall mean and include any dwelling-house and any part of a dwelling-house, and any stable, yard, or other offices used together or in connection with any dwelling-house or any part of a dwelling-house:

The term "prescribed" shall mean prescribed by any regulations made under the authority of this Act:

The term "court of summary jurisdiction" means and includes any justice or justices of the peace, metropolitan police magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Act passed in the session of Parliament held in the eleventh and twelfth years of the reign of Her present Majesty, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders," and any Acts amending the same: (1)

The term "fittings" includes communication pipes, and also all pipes, cocks, cisterns, and other apparatus used or intended for supply of water by a company to a consumer, and for that purpose placed in or about the premises of the consumer:

The term "owner" means the person who, for the time being, receives the rackrent of the premises with reference to which that term is used, whether on his own account or under or by virtue of any mortgage or charge, or as agent or trustee for any person, or who would so receive the same if the premises were let at a rackrent, and includes every successive owner from time to time of the premises, being such for any part of the time during which the enactment wherein that term is used operates in relation to the premises.

Premises shall be deemed to be on the same service, or on a service, when water is supplied to them by a company from the same service pipe.

Limits of Act.

4. The limits within which the provisions of this Act shall be in force and have effect (in this Act referred to as "the limits of this Act") shall include the metropolis and the several places set out

(1) See s. 45, *post*.

in the schedule to the Metropolis Water Act, 1852, which do not form part of the metropolis.

5. From and after the passing of this Act, the sections of the Metropolis Water Act, 1852, specified in the Schedule (B.) to this Act annexed, shall ~~be, and the same are~~ hereby repealed, so far as regards their operation within the limits of this Act: Provided always that no such repeal shall affect any Act, matter, or thing duly done or agreed upon before the passing of this Act, under the authority of any of the sections of the said Act hereby repealed.

Repeal of parts
of Metropolis
Water Act, 1852.

6. From and after the passing of this Act every company shall on Sundays as on other days supply sufficient pure and wholesome water for the domestic use of the inhabitants within their water limits.

Supply of water
on Sundays.

Constant Supply.

7. Subject to the provisions of this Act, every company may, and from and after the expiration of eight months from the passing of this Act every company shall, when required so to do, in the manner directed by this Act, provide and keep throughout their water limits, or throughout such parts of such limits as they may be required in manner aforesaid, a constant supply of pure and wholesome water sufficient for the domestic purposes of the inhabitants within such water limits constantly laid on at such pressure as will make such water reach the top storey of the highest houses within such water limits (but not exceeding the level prescribed by the special Act) of such company (which supply is in this Act referred to as a "constant supply"); and every such company shall, subject to the provisions of the special Act, as the same are amended by this Act, give and continue to give to such inhabitants a constant supply for domestic purposes in manner prescribed.

Companies to
provide constant
supply of water.

8. At any time after the expiration of six months from the passing of this Act, the metropolitan authority (1) shall, whenever they are of opinion that there should be in any district a constant supply, make application to the company within the water limits in which such district is situate, requiring a constant supply in such district, and any company may without any such application propose to the metropolitan authority to give a constant supply in any district.

Application for
constant supply.

9. When application has been made to any company requiring such company to provide a constant supply, or when any company has given notice to a metropolitan authority of a proposal to give a constant supply in any district, and the company so required, or the metropolitan authority upon whom notice of such proposal has been served, object to such requisition or proposal, it shall be lawful for such company or metropolitan authority, within one month after the making of such application or service of such notice, to present a memorial to the Board of Trade, (2) setting forth their objections to such requisition or proposal, and the party presenting such memorial, or such company, shall give notice to the other party of the presentation of such memorial, and shall transmit to such party a copy of the same. The Board of Trade (2) shall, as soon as conveniently may be after the receipt of such memorial, take the same into their consideration, and may, if they think fit,

Appeal to Board
of Trade.

(1) See s. 3, *ante*, and Sch. (A.), *post*.

(2) See 35 & 36 Vict. c. 79, s. 35, *ante*.

institute any inquiry in relation thereto, and may hear such company and authority desiring to be heard, and may make such order in reference thereto, and as to the costs thereof and incident to the same, as to them shall seem just.

Restriction as to compulsory supply by Companies.

10. ~~No company shall be~~ compelled to give a constant supply to any premises in any district until the regulations provided for by this Act are made and are in operation within such district, or if it can be shown by such company that at any time after the expiration of two months from the time of the service of any requisition for constant supply more than one fifth of the premises in such district are not provided with the prescribed fittings, without prejudice nevertheless to any renewed requisition at a future period.

In any district in which any default in respect of the prescribed fittings shall be found, the metropolitan authority (1) may by notice in writing require the owner or occupier of any such premises, within a time to be specified in such notice, to provide the prescribed fittings, or to cause the fittings in such premises to be repaired, so as to prevent any waste of water, and if any person fail to comply with the terms of such notice the metropolitan authority may provide for such premises the prescribed fittings, or repair the fittings within the same, as the case may be.

The expenses incurred by the metropolitan authority in providing such fittings or in making such repairs, shall be paid to them by the person liable to pay the rate for the water supplied, or on whose credit the water is supplied, or by the owner of the premises.

All such expenses may be recovered, with costs, from the owner, and to the extent of any rent due by the occupier of the premises, from such occupier, by proceedings in a court of summary jurisdiction, or by action in any court having jurisdiction locally in the matter, as if the same were an ordinary simple contract debt; and any sum and costs so recovered from an occupier may be deducted by him from the rent payable by him to the owner, and shall be allowed by the owner and every other person interested in the rent, as if the same had been actually paid as rent; but if in any case an occupier fails to disclose the amount of rent due by him, or the name or address of the owner, he shall be liable to pay the full amount of such expenses and costs: Provided further, that as between any such owner and occupier nothing herein contained shall be taken to affect any contract made between them respecting the payment of the expenses of any such works as aforesaid.

Power to Board of Trade to require constant supply, in certain cases.

11. It shall be lawful for the Board of Trade (2) at any time after the expiration of six months from the passing of this Act, to require a constant supply to be provided in any district by the company within the water limits of which such district is situate, upon complaint made, and in case it appears to such Board, after due inquiry,—

That the metropolitan authority refuses to make or unreasonably delays making application for such constant supply, or

That, by reason of the insufficiency of the existing supply of water in such district, or the unwholesomeness of such water in consequence of its being improperly stored, the health of the inhabitants of such district is or is likely to be prejudicially affected.

(1) See s. 3, *ante*, and Sch. (A.), *post*.

(2) See 35 & 36 Vict. c. 79, s. 35, *ante*.

12. Where a constant supply is required in any district, notice to that effect shall be served, on behalf of the party requiring the same, upon the company required to provide such supply; and where a constant supply is proposed to be given in any district by any company, ~~notice to that effect shall be served~~ on behalf of such company upon the metropolitan authority. In every such notice shall be stated accurately the district in which such constant supply is required or proposed to be given, and the day (not being an earlier day than four months after the date of the service of such notice) upon and from which such supply is to commence.

Notice requiring or proposing constant supply to be served upon company or metropolitan authority.

13. Where a constant supply is required in any district, and the company is unable, from want of funds or other cause of any kind, to execute all the necessary works within the time prescribed by this Act, the Board of Trade, (1) if they think fit, may extend the time for the giving of such supply generally, or may extend the time, and direct such supply to be given at different times in succession, to the several parts of such district, in such manner as may be found most convenient: Provided that application be made by the company for such extension of time within one month after the notice referred to in the last preceding section has been served upon them.

Extension of time to companies.

14. With respect to cases where a group or number of dwelling-houses are situate in a court or passage, or otherwise in contiguity with or in close neighbourhood to one another, the following further provisions shall have effect; that is to say,

Provision for supply in courts, passages, etc.

- (1.) If at any time it appears to the Board of Trade (1) on the report of the nuisance authority, as defined by the Sanitary Act, 1866, (2) that a constant supply cannot be well and effectually provided for that group or number of dwelling-houses, except by means of a stand-pipe or other apparatus placed outside the dwelling-houses, the Board of Trade (1) may from time to time make an order to the effect that such group or number of dwelling-houses may be so supplied, and shall serve the same on the company within whose water limits the dwelling-houses are situate:
- (2.) If the requisite stand-pipe or other apparatus in accordance with the regulations of the company is provided, then the company shall give to those dwelling-houses a supply accordingly by means of the stand-pipe or other apparatus so provided, and on giving such supply shall be entitled to receive and recover water rates or rents from the owners or occupiers of such dwelling-houses as if the supply had been given in the premises. The expense of providing such stand-pipe or other apparatus shall be borne by the owner of the dwelling-houses, or if there is more than one owner then by the respective owners in such proportions as the Board of Trade (1) shall direct:
- (3.) The Board of Trade (1) may at any time abrogate, wholly or in part, the order, or may originally grant it only for a limited period.

15. Notwithstanding anything in this Act, a company shall not be subject to any liability for not giving a constant supply if the want of such supply arises from frost, unusual drought, or other unavoidable cause or accident.

Provision for case of frost, etc.

1) See 35 & 36 Vict. c. 79, s. 35, *ante*. (2) See 35 & 36 Vict. c. 79, ss. 4, 7, and 8, *ante*.

Penalties for non-compliance with preceding provisions.

16. Any company which violates, refuses, or neglects to comply with any of the preceding provisions of this Act shall be liable to a penalty not exceeding two hundred pounds, and to a further penalty not exceeding one hundred pounds for every month during which such violation or refusal or neglect to comply with the said provisions continues after they shall have received notice in writing from the Board of Trade (1) to discontinue such violation, refusal, or neglect as aforesaid.

Regulations.

Company may make regulations.

17. Every company shall, within six months after the passing of this Act, make regulations for the purposes for which regulations may be made under the authority of section 26 of the Metropolis Water Act, 1852, and the provisions of that section shall apply also to the preventing of undue consumption or contamination of water. (2)

Amendment of regulations.

18. Any company, if it thinks fit, or if requested so to do by the Board of Trade, (1) may repeal or alter any of the regulations made for the purposes aforesaid, or make new regulations instead of any of the same.

In case of default by Companies, Board of Trade may appoint person to report as to regulations, and may make same.

19. In case any company does not make regulations within the time specified in this Act, or in case any company, on being requested in writing by the metropolitan authority, or by any ten consumers of the water supplied by that company, to repeal or alter any of the regulations for the time being in force, or to make new regulations instead of any of the same, refuses so to do, the Board of Trade (1) may, if they think fit, appoint a competent and impartial person of engineering knowledge and experience to report to them as to such regulations as may be necessary for the execution of this Act, or as to the expediency of altering or repealing such regulations, or of making new regulations, in conformity with such request as aforesaid, and on the report of such person the Board of Trade (1) may make such regulations, repeal, or alterations as they think fit.

Penalties for offences against regulations.

20. By any regulations made under the authority of the Metropolis Water Act, 1852, (3) or of this Act, penalties may be imposed for offences against the same not exceeding in respect of any offence the sum of five pounds, so that every such regulation be so framed as to allow part only of the maximum penalty being inflicted, and any such penalty shall be recoverable as penalties under this Act are recoverable.

Notice of regulations to be delivered to metropolitan authority.

21. Within four days after the making of any regulation, or of any repeal or alteration in any regulation, notice of the same shall be served upon the metropolitan authority by the company or person making the same.

Confirmation of regulations.

22. No regulation, and no repeal or alteration of any regulation, made under the authority of the Metropolis Water Act, 1852, or of this Act, by a company, (2) shall be of any force or effect unless and until the same be submitted to and confirmed by the Board of Trade (1), who may institute such inquiry in relation thereto as they shall think fit, and who at such inquiry shall hear the metropolitan authority, and the company, if desiring to be heard, and the said Board shall, if they think fit, or if requested, nominate and have

(1) See 35 & 36 Vict. c. 79, s. 35, *ante*.
(3) See 15 & 16 Vict. c. 84, s. 26, *ante*.

(2) See these regulations in the Appendix, *post*, p. 112.

present at such inquiry to advise and assist them a competent and impartial waterworks engineer. The Board of Trade (1) may, after such inquiry, confirm or disallow any such regulation, repeal, or alteration, in whole or in part, or may confirm the same with such modification or alteration as they may think proper; and no such regulation, repeal, or alteration shall be made by the Board of Trade on any such report as aforesaid, except after a like inquiry and hearing, with the like advice and assistance as aforesaid: Provided that no such regulation, repeal, or alteration shall be confirmed or made (as the case may be) by the Board of Trade (1) unless notice in that behalf shall have been given by the company to which the same relates, or by such person as the Board of Trade (1) direct, in the *London Gazette* and in two daily morning newspapers circulated within the limits of this Act, one month at least before the inquiry; and one month at least before any such inquiry is held a copy of the regulation, repeal, or alteration in question shall be sent by such company or person to the office of the metropolitan authority, and the same shall for one month be kept open during office hours at the respective offices of the metropolitan authority and of the said company to the inspection of all persons, without fee or reward, and a copy of the same or of any part thereof shall be furnished to every person who shall apply for the same, on payment of sixpence for every one hundred words contained in such copy.

23. A printed copy of all regulations in force for the time being shall be kept at the office of the metropolitan authority and of every company within the limits of this Act, and all persons may at all reasonable times inspect such copy without payment, and each company shall cause to be delivered a printed copy, authenticated by their seal, of all regulations for the time being in force to every person applying for the same, on payment of any sum not exceeding one shilling and sixpence for every such copy, and a printed copy of the regulations for the time being in force relative to any particular district only to every person applying for the same, on payment of any sum not exceeding threepence for every such copy.

Publication of regulations.

24. All regulations, and every repeal of or alteration in any regulation made, shall, after publication in manner by the last preceding section of this Act directed, be binding upon and be observed by all parties, and shall be sufficient warrant for all persons acting under the same, and a company shall not be bound under any agreement to supply or continue to supply water to any premises unless such regulations as are for the time being in force are duly observed in respect of those premises.

Regulations to be binding upon all parties.

25. A printed copy of regulations relating to any company, dated and purporting to be made as aforesaid, and to be authenticated by the seal of such company, shall be conclusive evidence of the existence and of the due making, confirmation, and publication of such regulations in all prosecutions or proceedings under the same, without adducing proof of such seals, or of the fact of such confirmation or publication of such regulations or of any of the requirements of this Act relative thereto having been complied with.

Evidence of regulations.

(1) See 35 & 36 Vict. c. 79, s. 35, *ante*.

Supply of prescribed fittings.

Notice relating to constant supply to be published in *London Gazette*, etc.

26. When notice in relation to a constant supply in any district has been served upon or by any company, the party by whom or on whose behalf such notice shall be served shall, within five days after the service thereof, cause to be published a copy of the same once in the *London Gazette*, and copies of the same once at least in each of two successive weeks in any two daily newspapers circulated within the limits of this Act.

Company may issue notice upon owners and occupiers to provide prescribed fittings.

27. Where in any district any company is required or has proposed to provide a constant supply, such company may, at any time after the expiration of one month after the publication in the *London Gazette* of a copy of the notice requiring or proposing such constant supply, unless a memorial or application has been presented or made to the Board of Trade (1) objecting to such constant supply or seeking an extension of time, and if any such memorial or application has been presented or made, then at such time after the determination of the Board of Trade (1) in relation to such memorial or application as such Board shall approve and order, cause to be served on the owner or occupier of any premises within such district a notice requiring such owner or occupier to supply such premises with the prescribed fittings.

Owner or occupier to provide prescribed fittings.

28. Every owner or occupier of premises upon whom notice to that effect has been served shall, within two months after the date of the service of such notice, provide the prescribed fittings, and shall from time to time keep the same in proper repair.

In case of default by owner or occupier, company may provide or repair prescribed fittings.

29. Where in any district any company is required or has proposed to provide a constant supply, and

Any owner or occupier of premises upon whom notice to provide prescribed fittings has been served by such company makes default in providing the prescribed fittings, such company, if they think fit, may provide such fittings; or

Where in any such district the fittings of any person are out of order, and not as prescribed, such company may by notice in writing require such person, within twenty-four hours after the date of the service of such notice, to cause the same to be repaired, so as to prevent any waste of water; and if any person fail to comply with the terms of such notice such company (if they think fit) may repair the fittings of such person.

The expenses incurred by such company in providing such fittings or in making such repairs shall be paid to them by the person liable to pay the rate for the water supplied or on whose credit the water is supplied by means of such fittings, or by the owner of the premises.

All such expenses may be recovered, with costs, from the owner, and to the extent of any rent due by the occupier of the premises from such occupier, by proceedings in a court of summary jurisdiction, or by action in any court having jurisdiction locally in the matter, as if the same were an ordinary simple contract debt; and any sum and costs so recovered from an occupier may be deducted by him from the rent payable by him to the owner, and shall be allowed by the owner and every other person interested in the rent, as if the same had been actually paid as rent; but if in any case an occupier fails to disclose the amount of rent due by him, or the name or address of the owner, he shall be liable to pay the whole amount

(1) See 35 & 36 Vict. c. 79, s. 35, *ante*.

of such expenses and costs: Provided, that as between any such owner and occupier nothing herein contained shall be taken to affect any contract made between them respecting the payment of the expenses of any such works as aforesaid.

30. Where in any district any company is required or has proposed to provide a constant supply, the officers or agents of such company, or of the party requiring such supply, or any person appointed for such purpose by the Board of Trade (1) may, at all reasonable times, enter any premises within such district, in order to inspect the premises for the purposes of this Act, and examine the same with a view to ascertain whether there are in or about the same the prescribed fittings, or, where authorised under the provisions of this Act, to provide or repair the fittings; and if any person hinder any such officer, agent, or person from entering and making such inspection or examination, or providing or repairing such fittings, every person so offending shall for every such offence be liable to a penalty not exceeding five pounds.

Power to enter premises for inspection and repair of fittings.

31. In the event of any dispute as to whether the fittings of any person are as prescribed, such dispute shall be settled by the court of summary jurisdiction, on the application of either party, which court may make such order as to the amount of the costs of the proceedings before such court as seems just, and the decision of such court shall be final and binding on all parties.

Settlement of disputes as to sufficiency, etc. of fittings.

32. Where in any district any company is required or has proposed to provide a constant supply,—

Penalties for non-compliance with the provisions of Act.

If any person supplied with water by such company wilfully or negligently causes or suffers any fittings to be out of repair, or to be so used or contrived as that the water supplied to him by such company is or is likely to be wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the return of foul air or other noisome or impure matter into any pipe belonging to or connected with the pipes of such company, he shall for every such offence be liable to a penalty not exceeding five pounds; or

If any person supplied with water by such company wrongfully does or causes or permits to be done anything in contravention of any of the provisions of the special Act or this Act, or wrongfully fails to do anything which, under any of those provisions, ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of such company, they may (without prejudice to any remedy against him in respect thereof) cut off any of the pipes by or through which water is supplied by them to him or for his use, and may cease to supply him with water, so long as the cause of injury remains or is not remedied; and in every case of so cutting off or ceasing to supply, the company shall within twenty-four hours thereafter give to the nuisance authority, as defined by the Sanitary Act, 1866, (2) notice thereof.

33. The absence in respect of any premises of the prescribed fittings after the prescribed time shall be a nuisance, within section 11 and sections 12–19 (inclusive) (3) of the Nuisances Removal Act for England, 1855, and within all provisions of the same or any other Act applying, amending, or otherwise relating to those sections; and that nuisance, if in any case proved to exist,

Absence of proper water fittings in premises to be a nuisance.

(1) See 35 & 36 Vict. c. 79, s. 35, *ante*.

(2) See 35 & 36 Vict. c. 79, ss. 4, 7, 8, *ante*.

(3) See pp. 508–510, 515, 516, of Glen's 'Law of Public Health, &c.,' 6th edit.

shall be presumed to be such as to render the premises unfit for human habitation within section 13 of the Nuisances Removal Act for England, 1855, unless and until the contrary is shown to the satisfaction of the justices acting under that section.

Provision
respecting fire-
plugs.

34. Section 32 of the Metropolitan Fire Brigade Act, 1865, (1) shall operate, subject and according to the provisions following (that is to say) :

- (1.) In that section and in this provision the term "fire-plug" and the term "plug" shall include hydrant and all other apparatus necessary or proper in connection with the company's pipes for supply of water in case of fire :
- (2.) Where a company give a constant supply in any part of their water limits they may, if they think fit, give notice thereof to the Metropolitan Board of Works :
- (3.) If the Metropolitan Board of Works do not within two months after receipt of any such notice specify, as regards that part of the company's water limits, what plugs for supply of water in case of fire, at what places, of what dimensions, and in what form they require the company to provide, then, at any time after the expiration of that time, the company may, if they think fit, provide in and for that part of their water limits such plugs for supply of water in case of fire, at such places, of such dimensions, and in such form as to the company seem necessary or proper :
- (4.) Thereupon, as regards that part of the company's water limits, the company shall be deemed to have fully discharged all obligations imposed on them by the said section 32 :
- (5.) All plugs provided by a company in pursuance of this provision may, for the purposes of the fire brigade, be used as if they had been provided on the requisition of the Metropolitan Board of Works under the said section 32 :
- (6.) The providing of plugs by a company under this provision shall be at the expense of the Metropolitan Board of Works, and the cost, charges, and expenses of the company in or about the providing of the same shall be paid to the company by the Metropolitan Board of Works, on demand, out of their general rate, and in default may be sued for and recovered, with costs, by the company in any court of competent jurisdiction for the recovery of any ordinary simple contract debt of the like amount.

(1) The following is the section of the 28 & 29 Vict. c. 90, here referred to:—

Transfer to
board of powers
of parishes as to
fire-plugs.

"32. All the powers now exercised by any local body or officer within the metropolis as respects fire-plugs shall henceforth be exercised by the board,* and the board shall be entitled to receive copies or extracts of all plans kept by any water company under the provision of the act of the session of the fifteenth and sixteenth years of her Majesty, chapter eighty-four; and every such water company shall provide at

the expense of the board in any mains or pipes within the metropolis plugs for the supply of water in case of fire at such places, of such dimensions, and in such form as the board may require, and the fire brigade shall be at liberty to make such use thereof as they may deem necessary for the purpose of extinguishing any fire; and every such company shall deposit keys of all their fire-plugs at such places as may be appointed by the board, and the board may put up on any house or building a public notice in some conspicuous place in each street in which a fire-plug is situated, showing its situation."

* *I.e.* the Metropolitan Board of Works.

Quality of Water.

35. The Board of Trade (1) may at any time, if and when they think fit, appoint a competent person to inquire into and report on the quality of the water furnished by any company, notwithstanding that no complaint has been made and signed by twenty inhabitant householders, as prescribed by section 9 of the Metropolis Water Act, 1852; (2) and sections 10 and 11 and 13, and the other provisions of that Act, shall apply in every respect as if such person were appointed under section 9 of that Act, and as if any matter reported to the Board of Trade as requiring alteration on the part of a company had been the subject of a complaint by such householders as aforesaid.

Power to Board to appoint persons to inquire and report as to quality of water.

36. There shall be a water examiner, being a competent and impartial person, from time to time appointed by and removable by the Board of Trade, (1) who shall from time to time, in such manner as the Board of Trade (1) direct, examine the water supplied by any company, in order to ascertain whether or not the company have complied with the requirements of section 4 of the Metropolis Water Act, 1852, and shall from time to time report the results of his several examinations to the Board of Trade; (1) and the Board of Trade (1) shall send a copy of every such report to the company to which the same relates, and the company may, if they think fit, on each occasion of such examination, be represented thereat by some officer, but such officer shall not interfere in the examination.

Appointment and duties of water examiner.

There shall be paid to such water examiner such remuneration by the companies and in such proportions as such Board appoints.

Accounts.

37. Every company shall, on or before the thirty-first day of July in each year, fill up and forward to the Board of Trade, (1) and to the town clerk of the city of London, and to the Metropolitan Board of Works, and to the vestry clerk of each parish within which water is supplied by each company respectively not within the city of London, a statement of account, made up to the end of their financial year then last passed, in such form and containing such particulars as may from time to time be prescribed by the Board of Trade. (1)

Accounts, etc.

Each company shall keep copies of such statement at their office for one year after the date thereof, and sell the same to any applicant at a price not exceeding one shilling for each such copy.

In case any company make default in complying with any of the provisions of this section, they shall be liable to a penalty not exceeding ten pounds for each day during which such default continues.

38. There shall be an auditor of the accounts of the companies, being a competent and impartial person, from time to time appointed by and removable by the Board of Trade. (1)

Auditor of accounts.

There shall be paid to such auditor such remuneration by the companies and in such proportions as such Board appoints.

39. The auditor shall, with all practicable speed after the passing of this Act, investigate the accounts of the companies, and ascertain and certify the amounts of their capitals, distinguishing share

Ascertainment of capital of Companies.

(1) See 35 & 36 Vict. c. 79, s. 35, *ante*.

(2) See 15 & 16 Vict. c. 84, *ante*, p. 60.

from loan capital, and shall ascertain and certify the capital of each company, and shall from time to time, as new capital shall be expended, in like manner ascertain and certify the amount of such new capital that has been bona fide expended for the purposes of the undertaking. Notwithstanding anything in this Act, the auditor shall not investigate the accounts of any company antecedent to the date mentioned in that behalf in relation to such company in the Schedule (C.) to this Act annexed.

Periodical audit
of accounts.

40. The auditor shall once in every half-year audit the accounts of the companies.

If he finds the accounts correct he shall certify the same, but if in any instance he finds the accounts of any company incorrect in principle or in detail, he shall require such company to correct such accounts in such manner as he thinks right, and no future dividend shall in any case be declared by any company until their accounts are certified by the auditor; provided that the suspension of a dividend under this section shall not operate until after the expiration of nine months from the date of the audit.

Facilities for
auditor.

41. Each company shall, during as well as subsequent to the close of that half-year to which the accounts relate, give to the auditor, his clerks and assistants, access to the books and documents of such company, and shall, when required, furnish to him and them all vouchers and information requisite for the purposes of the audit, and shall afford to him and them all facilities for the proper execution of his and their duty; and any company making default in complying with any of the provisions of this section shall, for every such default, be liable to a penalty not exceeding ten pounds.

Arbitration be-
tween auditor
and Company.

42. If any company think themselves aggrieved by any act or determination of the auditor, the matter in difference shall be referred to the determination of an arbitrator agreed on between such company and the auditor, or, in default of agreement, appointed, on the application of either party, by the Lord Chief Justice of the Court of Common Pleas; and the reference shall be subject and according to the provisions of the Common Law Procedure Act, 1854; (1) and the decision of the arbitrator shall be final and conclusive; and, subject to this provision, such company shall observe and abide by the directions and determinations of the auditor.

Arbitration.

Disputes may be
settled by arbi-
tration.

43. Where any dispute arises between any persons whatsoever in relation to the execution of this Act, or to any act, matter, or thing incident to or consequent upon the execution of the same, and where the method of determining any such question in dispute is not expressly provided for, such question may, if the parties so desire, be settled by arbitration in manner prescribed by the Companies Clauses Consolidation Act, 1845 (2) with respect to the settlement of disputes by arbitration.

Penalties.

Recovery and
application of
penalties.

44. Every penalty incurred by any company by reason of non-compliance with any of the provisions of this Act shall go and belong to the metropolitan authority within the jurisdiction of which

(1) 17 & 18 Vict. c. 125.

(2) 8 Vict. c. 16, ss. 128-134.

the same has been incurred, and may be sued for and recovered by such metropolitan authority in any court of competent jurisdiction for the recovery of any ordinary simple contract debt of the like amount, and shall be paid and applied as such metropolitan authority shall from time to time direct.

Every such penalty shall be borne and paid (to the satisfaction of the auditor appointed as in this Act provided) exclusively by and out of the divisible profits of the company by whom the penalty is incurred, and by way of reduction of dividend.

45. Except as is by the next preceding section expressly provided, all penalties under this Act may be sued for and recovered in the "Court of Summary Jurisdiction."⁽¹⁾

Summary proceedings for penalties, etc.

Miscellaneous.

46. Any instrument (including a notice, order, resolution, declaration, requisition, consent, approval, disapproval, or other document) made, given, delivered, or served under this Act, or any regulation thereunder, may be either in print or in writing (including lithograph), or partly in print and partly in writing (including lithograph), and, if the instrument of a company, shall be sufficiently authenticated by the name of their secretary being affixed thereto in print or writing, or by a stamp on behalf of the company; and it shall be sufficient in all cases where any such instrument is required to be given to or served on the owner or occupier of any premises to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which it is given or served, without further name or description; and any such instrument may be addressed to owners or occupiers of any number of contiguous or neighbouring premises collectively, and when so addressed may be served on more owners and occupiers than one (so that separate copies be served on the respective owners and occupiers of the several premises concerned); and any such instrument may be served on any owner, occupier, or other person either personally or by sending the same through the post in a letter addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or in case of an occupier to any inmate of the premises in respect of which it is given or served, or if the premises are unoccupied, and the place of abode of the person to be served is, after diligent inquiry, unknown, it shall be sufficient to affix it, or a copy thereof, on some conspicuous part of such premises.

Form and service, etc., of instruments.

47. Nothing in this Act shall be deemed to apply to any of the landed estate, houses, or property of the New River Company not directly used for or connected with their water supply, or to authorise or empower the auditor to investigate or audit any accounts of the New River Company other than those relating to their water supply.

Act not to apply to certain property and accounts of the New River Company.

48. In case any consumer leave the premises where water was supplied to him without paying to the company the rate due from him, the company shall not require from the next tenant of the premises payment of the arrears so left unpaid, unless the incoming tenant agreed with the defaulting consumer to pay the arrears, but the company shall, notwithstanding any such arrears, supply water to the incoming tenant, on being required by him so to do.

Incoming tenant not to pay arrears of outgoing tenant, unless by express agreement.

(1) See s. 3, *ante*.

Amendment of
sections 17 and
18 of Metropolis
Water Act, 1852.

49. Sections 17 and 18 of the Metropolis Water Act, 1852, shall be read as if instead of the words "district mains" and "district main" in the said sections the words "pipes" and "pipe" were substituted respectively; and every company shall, upon the map, and upon every alteration of the same made in conformity with the provisions of the said section 17, as amended by this section, cause to be marked every screw-cock or apparatus by means of which water is permitted to flow or is prevented from flowing from the main into any pipe within the water limits of such company.

Saving for ordi-
nary powers.

50. Except as in this Act provided, nothing in this Act shall take away, abridge, or prejudicially affect any right or power which a company would have had under their special Act or the Metropolis Water Act, 1852, or under any charter or otherwise, if this Act had not been passed.

Costs.

Expenses of Act.

51. All costs, charges, and expenses of or incidental to the preparing, applying for, and passing of this Act, and of promoting the Bill for the like purposes introduced previous to the same, shall be paid by the mayor, aldermen, and commons of the city of London, and the Metropolitan Board of Works, in such proportions and as and to whom the Board of Trade shall direct.

SCHEDULE A. (1.)

Places.	Description of Metropolitan Authority.
The City of London and the liberties thereof.	The Mayor, Aldermen, and Commons of the City of London.
The metropolis, except the City of London and the liberties thereof.	The Metropolitan Board of Works.
Any place within the limits of this Act not included in the above descriptions, and under the jurisdiction of commissioners, trustees, or other persons intrusted by any local Act with powers of improving, cleansing, or paving such place.	The commissioners, trustees, or other persons intrusted by the local Act with powers of improving, cleansing, or paving.
Any place within the limits of this Act not included in the above descriptions, and within the jurisdiction of local boards constituted in pursuance of the Public Health Act, 1848, and the Local Government Act, 1858, or one of such Acts.	The local board.
Any place or parish within the limits of this Act not within the above descriptions, and in which a rate is levied for the maintenance of the poor.	The vestry, select vestry, or other body of persons acting by virtue of any act of parliament, prescription, custom, or otherwise, as or instead of a vestry or select vestry.

SCHEDULE B.

Parts of the Metropolis Water Act, 1852, which are referred to in section 5 of the foregoing Act, viz. *Act, 1852, c. 113.*

Section 15, except so much thereof as prescribes the height at which the Kent Waterworks Company and the East London Waterworks Company are respectively required to give their supply, sections 19 to 22, both inclusive, and section 27.

SCHEDULE C. (1.)

Setting forth in relation to each Company the date antecedent to which the accounts of such Company shall not be investigated.

Name.	Date.
The Governor and Company of the New River brought from Chadwell and Amwell to London, commonly called the New River Company.	16th day of July 1866.
The Company of Proprietors of the East London Waterworks.	15th day of July 1867.
The Southwark and Vauxhall Water Company	12th day of April 1867.
The West Middlesex Waterworks Company ...	13th day of May 1869.
The Lambeth Waterworks Company ...	13th day of May 1869.
The Governor and Company of Chelsea Waterworks.	3rd day of June 1864.
The Grand Junction Waterworks Company ...	29th day of May 1868.
The Company of Proprietors of the Kent Waterworks.	30th day of June 1864.

(1) See s. 39, *ante*.

APPENDIX.

I. ORDERS OF THE LOCAL GOVERNMENT BOARD UNDER THE PUBLIC HEALTH ACT, 1872.

URBAN SANITARY AUTHORITIES.

*Appointments and duties of
Medical Officers of Health and
Inspectors of Nuisances.*

LOCAL GOVERNMENT BOARD.

WHITEHALL, S.W.,

12th November, 1872,

SIR,

Referring to the circular addressed to you on the 19th of August last, relative to the provisions of the Public Health Act, 1872, I am now directed, by the Local Government Board, to enclose a copy of the orders which the Board have just issued with respect to the appointments and duties of Medical Officers of Health and Inspectors of Nuisances in those cases where a portion of their salaries will be repaid from moneys voted by Parliament.

It is scarcely requisite that the Board should impress upon Urban Sanitary Authorities the necessity of selecting for these appointments persons who are thoroughly qualified to discharge the important duties which will devolve upon them; but the Board think it right to point out that this object will not be attained unless the salary which the authorities are enabled to offer is such as to afford an adequate remuneration for the services required.

In order to promote the appointment of competent officers, the Act has empowered Sanitary Authorities to unite in making joint appointments; an arrangement which will, in many instances, have the advantage of enabling the Authority to obtain the services of persons specially qualified for the work at a saving of cost to each locality.

It will be observed that the Board have made provision for these joint appointments in their orders; but as difficulties will often arise in the way of affecting the preliminary arrangements necessary for the purpose, the Board would invite those Sanitary Authorities, who may desire to make appointments under the order, to place themselves in communication with the inspector of the Board for the district, who will be at their disposal for the purpose of assisting

in the requisite negotiations, before any joint scheme is forwarded to the Board for their approval.

The proposals on the subject may be communicated to the Board in the enclosed forms.

I am, Sir,
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Your obedient Servant,
JOHN LAMBERT,
Secretary.

To the Clerk to the
Urban Sanitary Authority.

URBAN SANITARY AUTHORITY.

Regulations : Medical Officer of Health.

TO THE SEVERAL URBAN SANITARY AUTHORITIES in England and Wales, constituted by the Public Health Act, 1872 ;—

And to all others whom it may concern.

WHEREAS by section 10 of "The Public Health Act, 1872," it is enacted that it shall be the duty of every Urban Sanitary Authority to appoint from time to time a medical officer of health, being a legally qualified medical practitioner, and that the Local Government Board shall have the same powers as they have in the case of a district medical officer of a union, with regard to the qualification, appointment, duties, salary, and tenure of office of a medical officer of health, any portion of whose salary is paid out of moneys voted by Parliament ;

And whereas it is thereby further enacted, that the same person may, with the sanction of the Local Government Board, be appointed the medical officer of health for two or more sanitary districts, by the joint or several appointment of the Sanitary Authorities of such districts ;

Now we, the Local Government Board, deeming it expedient that regulations should be made with respect to the qualification, appointment, duties, salary, and tenure of office of medical officers of health, to be appointed by Urban Sanitary Authorities, in all those cases where any portion of the salary of any such officer is paid out of moneys voted by Parliament, do hereby order and direct as follows :

SECTION I.—*Qualification.*

Art. 1.—No person shall be qualified to be appointed to the office of medical officer of health under this order, unless he shall be registered under "The Medical Act of 1858," and shall be qualified by law to practise both medicine and surgery in England and Wales, such qualification being established by the production to the Sanitary Authority of a diploma, certificate of a degree, licence, or other instrument granted or issued by competent legal authority in Great Britain or Ireland, testifying to the medical or surgical, or medical and surgical, qualification or qualifications of the candidate for such office.

Provided that the Local Government Board may, upon the application of the Sanitary Authority, dispense with so much of this

regulation as requires that the medical officer of health shall be qualified to practise both medicine and surgery, if he is duly registered under the said Act to practise either medicine or surgery.

www.libtool.org SECTION II.—*Appointment.*

Art. 1.—A statement shall be submitted to the Local Government Board, showing the population and extent of the district for which the Sanitary Authority propose to appoint the medical officer of health, and the salary or remuneration intended to be assigned to him ; and where the circumstances render desirable the appointment of one medical officer of health for two or more sanitary districts, statements shall, in like manner, be submitted to the Local Government Board, showing the names of the districts to be combined for that purpose, the population and extent of each district, the mode in which it is intended that the appointment shall be made, whether jointly or severally by the Sanitary Authorities of those districts, and the amount of salary or remuneration proposed to be assigned to the officer appointed.

Art. 2.—When the approval of the Local Government Board has been given to the proposals submitted to them, the Sanitary Authority or Authorities shall proceed to the appointment of a medical officer of health accordingly.

Art. 3.—No appointment of a medical officer of health shall be made hereafter, unless an advertisement giving notice of the day when such appointment will be made shall have appeared in some public newspaper circulating in the district or districts, at least seven days before the day on which such appointment is made : Provided that no such advertisement shall be necessary for the appointment of a temporary substitute.

Art. 4.—Every such appointment hereafter made shall, within seven days after it is made, be reported to the Local Government Board by the clerk to the Sanitary Authority, or, in the case of a joint appointment, by the clerk to one of the Sanitary Authorities by whom the appointment is made.

Art. 5.—Upon the occurrence of a vacancy in such office, the Sanitary Authority or Authorities shall proceed to make a fresh appointment, which shall be reported to the Local Government Board as required by Sec. II. Art. 4. of this order ; but if the Sanitary Authority or Authorities desire to make any fresh arrangement with respect to the district or the terms of the appointment, they shall, before filling up the vacancy, supply the particulars of the arrangement to the Local Government Board in the manner prescribed by Sec. II. Art. 1, in regard to the first appointment, and if the approval of the Local Government Board be given, absolutely or with modifications, the Sanitary Authority or Authorities shall then proceed to fill up the vacancy according to the terms of the approval so given.

Art. 6.—If any officer appointed under this order be at any time prevented by sickness or accident, or other sufficient reason, from performing his duties, the Sanitary Authority or Authorities, as the case may be, may appoint a person qualified as aforesaid to act as his temporary substitute, and may pay him a reasonable compensation for his services ; and every such appointment shall be reported to the Local Government Board as soon as the same shall have been made.

SECTION III.—*Tenure of Office.*

Art. 1. Every officer appointed under this order shall continue to hold office for such period as the Sanitary Authority or Authorities appointing him may, with the approval of the Local Government Board, determine, or until he die, or resign, or be removed, by such Authority or Authorities with the assent of the Local Government Board, or by the Local Government Board.

Provided that the appointments first made under this order shall not be for a period exceeding five years.

Art. 2.—Where any such officer shall have been appointed after the passing of the Public Health Act, 1872, for one or more sanitary districts, and any change in the extent of the district or districts, or in the duties, salary, or remuneration, may be deemed necessary, and he shall decline to acquiesce therein, the Sanitary Authority or Authorities by whom he was so appointed may, with the consent of the Local Government Board, but not otherwise, and after six months' notice in writing, signed by their clerk or clerks, given to such officer, determine his office.

Art. 3.—No person shall be appointed who does not agree to give one month's notice previous to resigning the office, or to forfeit such sum as may be agreed upon as liquidated damages.

SECTION IV.—*Duties.*

The following shall be the duties of the medical officer of health in respect of the district for which he is appointed ; or if he shall be appointed for more than one district, then in respect of each of such districts :—

- (1.) He shall inform himself as far as practicable respecting all influences affecting or threatening to affect injuriously the public health within the district.
- (2.) He shall inquire into and ascertain by such means as are at his disposal the causes, origin, and distribution of diseases within the district, and ascertain to what extent the same have depended on conditions capable of removal or mitigation.
- (3.) He shall by inspection of the district, both systematically at certain periods, and at intervals as occasion may require, keep himself informed of the conditions injurious to health existing therein.
- (4.) He shall be prepared to advise the Sanitary Authority on all matters affecting the health of the district, and on all sanitary points involved in the action of the Sanitary Authority or Authorities ; and in cases requiring it, he shall certify, for the guidance of the Sanitary Authority or of the Justices, as to any matter in respect of which the certificate of a medical officer of health or a medical practitioner is required as the basis or in aid of sanitary action.
- (5.) He shall advise the Sanitary Authority on any question relating to health involved in the framing and subsequent working of such byelaws and regulations as they may have power to make.
- (6.) On receiving information of the outbreak of any contagious, infectious, or epidemic disease of a dangerous character

within the district, he shall visit the spot without delay and inquire into the causes and circumstances of such outbreak, and advise the persons competent to act as to the measures which may appear to him to be required to prevent the extension of the disease, and, so far as he may be lawfully authorised, assist in the execution of the same.

- (7.) On receiving information from the inspector of nuisances that his intervention is required in consequence of the existence of any nuisance injurious to health, or of any overcrowding in a house, he shall, as early as practicable, take such steps authorised by the Statutes in that behalf as the circumstances of the case may justify and require.
- (8.) In any case in which it may appear to him to be necessary or advisable, or in which he shall be so directed by the Sanitary Authority, he shall himself inspect and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour, exposed for sale, or deposited for the purpose of sale or of preparation for sale, and intended for the food of man, which is deemed to be diseased, or unsound, or unwholesome, or unfit for the food of man; and if he finds that such animal or article is diseased, or unsound, or unwholesome, or unfit for the food of man, he shall give such directions as may be necessary for causing the same to be seized, taken, and carried away, in order to be dealt with by a Justice according to the provisions of the Statutes applicable to the case.
- (9.) He shall perform all the duties imposed upon him by any byelaws and regulations of the Sanitary Authority, duly confirmed, in respect of any matter affecting the public health, and touching which they are authorised to frame byelaws and regulations.
- (10.) He shall inquire into any offensive process of trade carried on within the district, and report on the appropriate means for the prevention of any nuisance or injury to health therefrom.
- (11.) He shall attend at the office of the Sanitary Authority or at some other appointed place, at such stated times as they may direct.
- (12.) He shall from time to time report, in writing, to the Sanitary Authority, his proceedings, and the measures which may require to be adopted for the improvement or protection of the public health in the district. He shall in like manner report with respect to the sickness and mortality within the district, so far as he has been enabled to ascertain the same.
- (13.) He shall keep a book or books, to be provided by the Sanitary Authority, in which he shall make an entry of his visits, and notes of his observations and instructions thereon, and also the date and nature of applications made to him, the date and result of the action taken thereon and of any action taken on previous reports, and shall produce such book or books, whenever required, to the Sanitary Authority.
- (14.) He shall also prepare an annual report, to be made at the end of December in each year, comprising tabular state-

ments of the sickness and mortality within the district, classified according to diseases, ages, and localities, and a summary of the action taken during the year for preventing the spread of disease. The report shall also contain an account of the proceedings in which he has taken part or advised under the Sanitary Acts, so far as such proceedings relate to conditions dangerous or injurious to health, and also an account of the supervision exercised by him, or on his advice, for sanitary purposes, over places and houses that the Sanitary Authority has power to regulate, with the nature and results of any proceedings which may have been so required and taken in respect of the same during the year. It shall also record the action taken by him, or on his advice, during the year, in regard to offensive trades, bakehouses, and workshops.

- (15.) He shall give immediate information to the Local Government Board of any outbreak of dangerous epidemic disease within the district, and shall transmit to the Board, on forms to be provided by them, a Quarterly Return of the sickness and deaths within the district, and also a copy of each annual and of any special report.
- (16.) In matters not specifically provided for in this Order, he shall observe and execute the instructions of the Local Government Board on the duties of Medical Officers of Health, and all the lawful orders and directions of the Sanitary Authority applicable to his office.
- (17.) Whenever the Diseases Prevention Act of 1855 is in force within the district, he shall observe the directions and regulations issued under that Act by the Local Government Board, so far as the same relate to or concern his office.

SECTION V.—*Remuneration.*

Art. 1.—The Sanitary Authority or Authorities, as the case may be, shall pay to any officer appointed under this Order such salary or remuneration as may be approved by the Local Government Board; and where such officer is appointed for two or more districts, the salary shall be apportioned amongst the districts in such manner as the said Board shall approve.

Provided that the Sanitary Authority or Authorities, with the approval of the Local Government Board, may pay to any such officer a reasonable compensation on account of extraordinary services, or other unforeseen circumstances connected with his duties or the necessities of the district or districts for which he is appointed.

Art. 2.—The salary or remuneration of every such officer shall be payable up to the day on which he ceases to hold the office, and no longer, subject to any deduction which the Sanitary Authority or Authorities may be entitled to make in respect of Sect. III. Art. 3; and in case he shall die whilst holding such office, the proportion of salary (if any) remaining unpaid at his death shall be paid to his personal representatives.

Art. 3.—The salary or remuneration assigned to such officer shall be payable quarterly, according to the usual Feast Days in the year, namely, Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day; but the Sanitary Authority or Authorities may pay

to him at the expiration of every calendar month such proportion as they may think fit on account of the salary or remuneration to which he may become entitled at the termination of the quarter.

Given under our seal of office, this eleventh day of November,
 WW in the year One thousand eight hundred and seventy-two.

JAMES STANSFELD, *President.*

JOHN LAMBERT, *Secretary.*

URBAN SANITARY DISTRICT.

Proposal for Appointment of Medical Officer of Health.

1. Name of sanitary authority by whom the appointment is to be made; or if one medical officer of health is proposed to be appointed for two or more sanitary districts, the names of the sanitary authorities combining for that purpose.
2. Names of parishes either wholly or in part comprised in the district, or combined districts,—the districts (if more than one) being set forth separately, and the names (if any) affixed by which they are to be designated.
 The words "part of" should be prefixed in those cases where only a part of a parish is included.
3. Area of district (in acres).
 If combined districts, the area of each district.
 If the exact area is not known, it should be estimated as nearly as practicable, and the word "estimated" added.
4. Population of district.
 If combined districts, the population of each district.
 If the exact population is not known, it should be estimated as nearly as practicable, and the word "estimated" added.
5. If the appointment is for combined districts, state whether it is to be made jointly, or severally by the sanitary authorities of those districts.
6. Term for which the appointment is to be made.
7. Salary or remuneration.
8. State whether it is intended that the medical officer of health is to give his whole time to the performance of the duties of his office.

Signature _____

Clerk to the Sanitary Authority.

Date _____

URBAN SANITARY AUTHORITY.

Regulations : Inspector of Nuisances.

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TO THE SEVERAL URBAN SANITARY AUTHORITIES in England and Wales, constituted by the Public Health Act, 1872 ;—

And to all others whom it may concern.

WHEREAS by section 7 of "The Public Health Act, 1872," it is enacted that, subject to the provisions of that Act, the duties imposed by previous "Sanitary Acts," including that of appointing Inspectors of Nuisances for the purposes of those Acts, shall be transferred to Urban Sanitary Authorities constituted under the above-mentioned Act ;

And whereas it is enacted by section 10 of the said Act that the Local Government Board shall have the same powers as they have in the case of a district medical officer of a union, with regard to the qualification, appointment, duties, salary, and tenure of office of officers of Sanitary Authorities, any portion of whose salary is paid out of moneys voted by Parliament ;

And whereas it is further enacted by the last-mentioned section that the same person may, with the sanction of the Local Government Board, be appointed the inspector of nuisances for two or more sanitary districts, by the joint or several appointment of the Sanitary Authorities of such districts ;

Now we, the Local Government Board, deeming it expedient that regulations should be made with respect to the appointment, duties, salary, and tenure of office of inspectors of nuisances appointed by Urban Sanitary Authorities, in all those cases where any portion of the salary of any such officer is paid out of moneys voted by Parliament, do hereby order and direct as follows :

SECTION I.—Appointment.

Art. 1.—A statement shall be submitted to the Local Government Board, showing the population and extent of the district for which the Sanitary Authority propose to appoint the inspector of nuisances, and the salary or remuneration intended to be assigned to him ; and where the circumstances render desirable the appointment of one inspector of nuisances for two or more sanitary districts, statements shall, in like manner, be submitted to the Local Government Board, showing the names of the districts to be combined for that purpose, the population and extent of each district, the mode in which it is intended that the appointment shall be made, whether jointly or severally by the Sanitary Authorities of those districts, and the amount of salary or remuneration proposed to be assigned to the officer appointed.

Art. 2.—When the approval of the Local Government Board has been given to the proposals submitted to them, the Sanitary Authority or Authorities shall proceed to the appointment of an inspector of nuisances accordingly.

Art. 3.—No appointment of an inspector of nuisances shall be made under this order, unless an advertisement, giving notice of the day when such appointment will be made, shall have appeared

in some public newspaper circulating in the district or districts, at least seven days before the day on which such appointment is made : Provided that no such advertisement shall be necessary for the appointment of a temporary substitute.

Art. 4.—Every such appointment hereafter made shall, within seven days after it is made, be reported to the Local Government Board by the clerk to the Sanitary Authority, or, in the case of a joint appointment, by the clerk to one of the Sanitary Authorities by whom the appointment is made.

Art. 5.—Upon the occurrence of a vacancy in such office, the Sanitary Authority or Authorities shall proceed to make a fresh appointment, which shall be reported to the Local Government Board as required by Sect. I. Art. 4 of this order, but if the Sanitary Authority or Authorities desire to make any fresh arrangement with respect to the district or the terms of the appointment, they shall, before filling up the vacancy, supply the particulars of the arrangement to the Local Government Board in the manner prescribed by Sect. I. Art. 1 in regard to the first appointment ; and if the approval of the Local Government Board be given, absolutely or with modifications, the Sanitary Authority or Authorities shall then proceed to fill up the vacancy according to the terms of the approval so given.

Art. 6.—If any officer appointed under this order be at any time prevented by sickness or accident, or other sufficient reason, from performing his duties, the Sanitary Authority or Authorities, as the case may be, may appoint a fit person to act as his temporary substitute, and may pay him a reasonable compensation for his services ; and every such appointment shall be reported to the Local Government Board as soon as the same shall have been made.

SECTION II.—*Tenure of Office.*

Art. 1.—Every officer appointed under this order shall continue to hold office for such period as the Sanitary Authority or Authorities appointing him may, with the approval of the Local Government Board, determine, or until he die, or resign, or be removed, by such Authority or Authorities with the assent of the Local Government Board, or by the Local Government Board.

Provided that the appointments first made under this order shall not be for a period exceeding five years.

Art. 2.—Where any such officer shall have been appointed after the passing of the Public Health Act, 1872, for one or more sanitary districts, and any change in the extent of the district or districts, or in the duties, salary, or remuneration, may be deemed necessary, and he shall decline to acquiesce therein, the Sanitary Authority or Authorities by whom he was so appointed may, with the consent of the Local Government Board, but not otherwise, and after six months' notice in writing, signed by their clerk or clerks, given to such officer, determine his office.

Art. 3.—No person shall be appointed who does not agree to give one month's notice previous to resigning the office, or to forfeit such sum as may be agreed upon as liquidated damages.

SECTION III.—*Duties.*

The following shall be the duties of the inspector of nuisances in respect of the district for which he is appointed, or if he shall be

appointed for more than one district, then in respect of each of such districts :—

- (1.) He shall perform, either under the special directions of the Sanitary Authority, or (so far as authorised by the Sanitary Authority) under the directions of the Medical Officer of Health, or in cases where no such directions are required, without such directions, all the duties specially imposed upon an inspector of nuisances by the sanitary Acts, or by the orders of the Local Government Board.
- (2.) He shall attend all meetings of the Sanitary Authority when so required.
- (3.) He shall by inspection of the district, both systematically at certain periods, and at intervals as occasion may require, keep himself informed in respect of the nuisances existing therein that require abatement under the sanitary Acts.
- (4.) On receiving notice of the existence of any nuisance within the district, or of the breach of any byelaws or regulations made by the Sanitary Authority for the suppression of nuisances, he shall, as early as practicable, visit the spot, and inquire into such alleged nuisance or breach of byelaws or regulations.
- (5.) He shall report to the Sanitary Authority any, noxious or offensive businesses, trades, or manufactories established within the district, and the breach or non-observance of any byelaws or regulations made in respect of the same.
- (6.) He shall report to the Sanitary Authority any damage done to any works of water supply, or other works belonging to them, and also any case of wilful or negligent waste of water supplied by them, or any fouling by gas, filth, or otherwise, of water used for domestic purposes.
- (7.) He shall from time to time, and forthwith upon complaint, visit and inspect the shops and places kept or used for the sale of butchers' meat, poultry, fish, fruit, vegetables, corn, bread, or flour, or as a slaughter-house, and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour which may be therein ; and in case any such article appear to him to be intended for the food of man, and to be unfit for such food, he shall cause the same to be seized, and take such other proceedings as may be necessary in order to have the same dealt with by a Justice : Provided that in any case of doubt arising under this clause, he shall report the matter to the Medical Officer of Health, with the view of obtaining his advice thereon.
- (8.) He shall, when and as directed by the Sanitary Authority, procure and submit samples of food or drink, and drugs suspected to be adulterated, to be analysed by the analyst appointed under the Adulteration of Food Act, 1872, and upon receiving a certificate stating that the articles of food or drink, or drugs, are adulterated, cause a complaint to be made, and take the other proceedings prescribed by that Act.
- (9.) He shall give immediate notice to the Medical Officer of Health of the occurrence within his district of any contagious, infectious, or epidemic disease of a dangerous character ; and whenever it appears to him that the intervention of such officer is necessary in consequence of the

existence of any nuisance injurious to health, or of any overcrowding in a house, he shall forthwith inform the medical officer thereof.

- (10.) He shall, subject in all respects to the directions of the Sanitary Authority, attend to the instructions of the Medical Officer of Health with respect to any measures which can be lawfully taken by him under the sanitary Acts for preventing the spread of any contagious, infectious, or epidemic disease of a dangerous character.
- (11.) He shall enter from day to day, in a book to be provided by the Sanitary Authority, particulars of his inspections and of the action taken by him in the execution of his duties. He shall also keep a book or books, to be provided by the Sanitary Authority, so arranged as to form, as far as possible, a continuous record of the sanitary condition of each of the premises in respect of which any action has been taken under the sanitary Acts, and shall keep any other systematic records that the Sanitary Authority may require.
- (12.) He shall at all reasonable times, when applied to by the Medical Officer of Health, produce to him his books, or any of them, and render to him such information as he may be able to furnish with respect to any matter to which the duties of inspector of nuisances relate.
- (13.) He shall, if directed by the Sanitary Authority to do so, superintend and see to the due execution of all works which may be undertaken under their direction for the suppression or removal of nuisances within the district.
- (14.) In matters not specifically provided for in this order, he shall observe and execute all the lawful orders and directions of the Sanitary Authority, and the orders of the Local Government Board which may be hereafter issued, applicable to his office.

SECTION IV.—*Remuneration.*

Art. 1.—The Sanitary Authority or Authorities, as the case may be, shall pay to any officer appointed under this order such salary or remuneration as may be approved by the Local Government Board; and where such officer is appointed for two or more districts, the salary shall be apportioned amongst the districts in such manner as the said Board shall approve.

Provided that the Sanitary Authority or Authorities, with the approval of the Local Government Board, may pay to any such officer a reasonable compensation on account of extraordinary services, or other unforeseen circumstances connected with his duties or the necessities of the district or districts for which he is appointed.

Art. 2.—The salary or remuneration of every such officer shall be payable up to the day on which he ceases to hold the office, and no longer, subject to any deduction which the Sanitary Authority or Authorities may be entitled to make in respect of Sect. II. Art. 3; and in case he shall die whilst holding such office, the proportion of salary (if any) remaining unpaid at his death shall be paid to his personal representatives.

Art. 3.—The salary or remuneration assigned to such officer shall be payable quarterly, according to the usual Feast Days in the year,

namely, Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day ; but the Sanitary Authority or Authorities may pay to him at the expiration of every calendar month such proportion as they may think fit, on account of the salary or remuneration to which he may become entitled at the termination of the quarter.

Given under our seal of office, this eleventh day of November, in the year One thousand eight hundred and seventy-two.

JAMES STANSFELD, *President.*

JOHN LAMBERT, *Secretary.*

URBAN SANITARY DISTRICT.

Proposal for Appointment of Inspector of Nuisances.

1. Name of sanitary authority by whom the appointment is to be made ; or if one inspector of nuisances is proposed to be appointed for two or more sanitary districts, the names of the sanitary authorities combining for that purpose.
2. Names of parishes either wholly or in part comprised in the district or combined districts,—the districts (if more than one) being set forth separately, and the names (if any) affixed by which they are to be designated.
The words "part of" should be prefixed in those cases where only a part of a parish is included.
3. Area of district (in acres).
If combined districts, the area of each district.
If the exact area is not known, it should be estimated as nearly as practicable, and the word "estimated" added.
4. Population of district.
If combined districts, the population of each district.
If the exact population is not known, it should be estimated as nearly as practicable, and the word "estimated" added.
5. If the appointment is for combined districts, state whether it is to be made jointly or severally by the sanitary authorities of those districts.
6. Term for which the appointment is to be made.
7. Salary or remuneration.
8. State whether it is intended that the inspector of nuisances is to give his whole time to the performance of the duties of his office.

Signature _____

Clerk to the Sanitary Authority.

Date _____

RURAL SANITARY AUTHORITIES.

*Appointments and duties of
Medical Officers of Health and
Inspectors of Nuisances.*

LOCAL GOVERNMENT BOARD.

WHITEHALL, S.W.,

12th November, 1872.

SIR,

Referring to the circular addressed to you on the 19th of August last, relative to the provisions of the Public Health Act, 1872, I am now directed, by the Local Government Board, to enclose a copy of the Orders which the Board have just issued with respect to the appointments and duties of Medical Officers of Health and Inspectors of Nuisances, in those cases where a portion of their salaries will be repaid from moneys voted by Parliament.

It is scarcely requisite that the Board should impress upon Sanitary Authorities the necessity of selecting for these appointments persons who are thoroughly qualified to discharge the important duties which will devolve upon them; but the Board think it right to point out that this object will not be attained unless the salary which the Authorities are enabled to offer is such as to afford an adequate remuneration for the services required.

In order to promote the appointment of competent officers, the Act has empowered Sanitary Authorities to unite in making joint appointments; an arrangement which will, in many instances, have the advantage of enabling the Authority to obtain the services of persons specially qualified for the work at a saving of cost to each locality.

It will be observed that the Board have made provision for these joint appointments in their Orders; but as difficulties will often arise in the way of effecting the preliminary arrangements necessary for the purpose, the Board would invite those Sanitary Authorities, who may desire to make appointments under the Order, to place themselves in communication with the Inspector of the Board for the district, who will be at their disposal for the purpose of assisting in the requisite negotiations, before any joint scheme is forwarded to the Board for their approval.

The proposals on the subject may be communicated to the Board in the enclosed forms.

I am, Sir,

Your obedient Servant,

JOHN LAMBERT,
Secretary.

*To the Clerk to the
Rural Sanitary Authority.*

RURAL SANITARY AUTHORITY.

Regulations : Medical Officer of Health.

TO THE ~~GUARDIANS OF THE~~ POOR of the several UNIONS, PARISHES, and PLACES in England and Wales, in which such Guardians act as a Rural Sanitary Authority, under the Public Health Act, 1872 ;—

And to all others whom it may concern.

WHEREAS by Section 10 of "The Public Health Act, 1872," it is enacted that it shall be the duty of every Rural Sanitary Authority to appoint from time to time a medical officer or officers of health, being legally qualified medical practitioners, and that the Local Government Board shall have the same powers as they have in the case of a district medical officer of a union, with regard to the qualification, appointment, duties, salary, and tenure of office of a medical officer of health, any portion of whose salary is paid out of moneys voted by Parliament ;

And whereas it is thereby further enacted, that the same person may, with the sanction of the Local Government Board, be appointed the medical officer of health for two or more sanitary districts, by the joint or several appointment of the Sanitary Authorities of such districts :

Now we, the Local Government Board, deeming it expedient that regulations should be made with respect to the qualification, appointment, duties, salary, and tenure of office of medical officers of health, to be appointed by Rural Sanitary Authorities, in all those cases where any portion of the salary of any such officer is paid out of moneys voted by Parliament, do hereby order and direct as follows :

SECTION I.—*Qualification.*

Art. 1.—No person shall be qualified to be appointed to the office of medical officer of health under this order, unless he shall be registered under "The Medical Act of 1858," and shall be qualified by law to practise both medicine and surgery in England and Wales, such qualification being established by the production to the Sanitary Authority of a diploma, certificate of a degree, licence, or other instrument granted or issued by competent legal authority in Great Britain or Ireland, testifying to the medical or surgical, or medical and surgical, qualification or qualifications of the candidate for such office.

Provided that the Local Government Board may, upon the application of the Sanitary Authority, dispense with so much of this regulation as requires that the medical officer of health shall be qualified to practise both medicine and surgery, if he is duly registered under the said Act to practise either medicine or surgery.

SECTION II.—*Appointment.*

Art. 1.—A statement shall be submitted to the Local Government Board, showing the population and extent of the district for which the Sanitary Authority propose to appoint a medical officer or medical officers of health, and the salary or remuneration in-

tended to be assigned; and where the circumstances render desirable the appointment of one medical officer of health for two or more sanitary districts, statements shall, in like manner, be submitted to the Local Government Board, showing the names of the districts to be combined for that purpose, the population and extent of each district, the mode in which it is intended that the appointment shall be made, whether jointly or severally by the Sanitary Authorities of those districts, and the amount of salary or remuneration proposed to be assigned to the officer appointed.

Art. 2.—When the approval of the Local Government Board has been given to the proposals submitted to them, the Sanitary Authority or Authorities shall proceed to the appointment of a medical officer or medical officers of health accordingly.

Art. 3.—No appointment of a medical officer of health shall be made, unless notice has been given at one of the two ordinary meetings next preceding the meeting or meetings at which the appointment is to be made by the Sanitary Authority or Authorities, as the case may be, such notice being duly entered on the minutes, or unless an advertisement giving notice of the day when such appointment will be made shall have appeared in some public newspaper circulating in the district or districts, at least seven days before the day on which such appointment is made. Provided that no such notice or advertisement shall be necessary for the appointment of a temporary substitute.

Art. 4.—Every such appointment shall, within seven days after it is made, be reported to the Local Government Board by the clerk to the Sanitary Authority, or, in the case of a joint appointment, by the clerk to one of the Sanitary Authorities by whom the appointment is made.

Art. 5.—Upon the occurrence of a vacancy in such office, the Sanitary Authority or Authorities shall proceed to make a fresh appointment, which shall be reported to the Local Government Board as required by Sect. II. Art. 4 of this order; but if the Sanitary Authority or Authorities desire to make any fresh arrangement with respect to the district or the terms of the appointment, they shall, before filling up the vacancy, supply the particulars of the arrangement to the Local Government Board, in the manner prescribed by Sect. II. Art. 1 in regard to the first appointment, and if the approval of the Local Government Board be given, absolutely or with modifications, the Sanitary Authority or Authorities shall then proceed to fill up the vacancy according to the terms of the approval so given.

Art. 6.—If any officer appointed under this order be at any time prevented by sickness or accident, or other sufficient reason, from performing his duties, the Sanitary Authority or Authorities, as the case may be, may appoint a person, qualified as aforesaid, to act as his temporary substitute, and may pay him a reasonable compensation for his services; and every such appointment shall be reported to the Local Government Board as soon as the same shall have been made.

SECTION III.—*Tenure of Office.*

Art. 1.—Every officer appointed under this order shall continue to hold office for such period as the Sanitary Authority or Authorities appointing him may, with the approval of the Local Government Board, determine, or until he die, or resign, or be

removed, by such Authority or Authorities with the assent of the Local Government Board, or by the Local Government Board.

Provided that the appointments first made under this order shall not be for a period exceeding five years.

Art. 2.—Where any such officer shall be appointed for one or more sanitary districts, and any change in the extent of the district or districts, or in the duties, salary, or remuneration, shall be deemed necessary, and he shall decline to acquiesce therein, the Sanitary Authority or Authorities by whom he was so appointed may, with the consent of the Local Government Board, but not otherwise, and after six months' notice in writing, signed by their clerk or clerks, given to such officer, determine his office.

Art. 3.—No person shall be appointed who does not agree to give one month's notice previous to resigning the office, or to forfeit such sum as may be agreed upon as liquidated damages.

SECTION IV.—*Duties.*

The following shall be the duties of a medical officer of health in respect of the sanitary district for which he is appointed; or if he shall be appointed for more than one district, or for a part of a district, then in respect of each of such districts, or of such part:—

- (1.) He shall inform himself as far as practicable respecting all influences affecting or threatening to affect injuriously the public health within the district.
- (2.) He shall inquire into and ascertain by such means as are at his disposal the causes, origin, and distribution of diseases within the district, and ascertain to what extent the same have depended on conditions capable of removal or mitigation.
- (3.) He shall by inspection of the district, both systematically at certain periods, and at intervals as occasion may require, keep himself informed of the conditions injurious to health existing therein.
- (4.) He shall be prepared to advise the Sanitary Authority on all matters affecting the health of the district, and on all sanitary points involved in the action of the Sanitary Authority; and in cases requiring it, he shall certify, for the guidance of the Sanitary Authority, or of the Justices, as to any matter in respect of which the certificate of a medical officer of health or a medical practitioner is required as the basis or in aid of sanitary action.
- (5.) He shall advise the Sanitary Authority on any question relating to health involved in the framing and subsequent working of such byelaws and regulations as they may have power to make.
- (6.) On receiving information of the outbreak of any contagious, infectious, or epidemic disease of a dangerous character within the district, he shall visit the spot without delay and inquire into the causes and circumstances of such outbreak, and advise the persons competent to act as to the measures which may appear to him to be required to prevent the extension of the disease, and, so far as he may be lawfully authorised, assist in the execution of the same.
- (7.) On receiving information from the inspector of nuisances that his intervention is required in consequence of the

existence of any nuisance injurious to health or of any overcrowding in a house, he shall, as early as practicable, take such steps authorised by the statutes in that behalf as the circumstances of the case may justify and require.

- (8.) In any case in which it may appear to him to be necessary or advisable, or in which he shall be so directed by the Sanitary Authority, he shall himself inspect and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour, exposed for sale, or deposited for the purpose of sale or of preparation for sale, and intended for the food of man, which is deemed to be diseased, or unsound, or unwholesome, or unfit for the food of man; and if he finds that such animal or article is diseased, or unsound, or unwholesome, or unfit for the food of man, he shall give such directions as may be necessary for causing the same to be seized, taken, and carried away, in order to be dealt with by a justice according to the provisions of the statutes applicable to the case.
- (9.) He shall perform all the duties imposed upon him by any byelaws and regulations of the Sanitary Authority, duly confirmed, in respect of any matter affecting the public health, and touching which they are authorised to frame byelaws and regulations.
- (10.) He shall inquire into any offensive process of trade carried on within the district, and report on the appropriate means for the prevention of any nuisance or injury to health therefrom.
- (11.) He shall attend at the office of the Sanitary Authority, or at some other appointed place, at such stated times as they may direct.
- (12.) He shall from time to time report, in writing, to the Sanitary Authority his proceedings, and the measures which may require to be adopted for the improvement or protection of the public health in the district. He shall in like manner report with respect to the sickness and mortality within the district, so far as he has been enabled to ascertain the same.
- (13.) He shall keep a book or books, to be provided by the Sanitary Authority, in which he shall make an entry of his visits, and notes of his observations and instructions thereon, and also the date and nature of applications made to him, the date and result of the action taken thereon, and of any action taken on previous reports, and shall produce such book or books, whenever required, to the Sanitary Authority.
- (14.) He shall also prepare an annual report, to be made to the end of December in each year, comprising tabular statements of the sickness and mortality within the district, classified according to diseases, ages, and localities, and a summary of the action taken during the year for preventing the spread of disease. The report shall also contain an account of the proceedings in which he has taken part or advised under the Sanitary Acts, so far as such proceedings relate to conditions dangerous or injurious to health, and also an account of the supervision exercised by him, or on his advice, for sanitary purposes over places and houses that the Sanitary Au-

- thority has power to regulate, with the nature and results of any proceedings which may have been so required and taken in respect of the same during the year. It shall also record the action taken by him, or on his advice, during the year, in regard to offensive trades, bakehouses, and workshops.
- (15.) He shall give immediate information to the Local Government Board of any outbreak of dangerous epidemic disease within the district, and shall transmit to the Board, on forms to be provided by them, a quarterly return of the sickness and deaths within the district, and also a copy of each annual and of any special report.
 - (16.) In matters not specifically provided for in this order, he shall observe and execute, so far as the circumstances of the district may require, the instructions of the Local Government Board on the duties of medical officers of health, and all the lawful orders and directions of the Sanitary Authority applicable to his office.
 - (17.) Whenever the Diseases Prevention Act of 1855 is in force within the district, he shall observe the directions and regulations issued under that Act by the Local Government Board, so far as the same relate to or concern his office.
 - (18.) Where more than one medical officer of health shall be appointed by a Sanitary Authority, such Authority, with the approval of the Local Government Board, may either assign to each of the officers a portion of the district, or may distribute the duties of medical officer of health amongst such officers.

SECTION V.—*Remuneration.*

Art. 1.—The Sanitary Authority or Authorities, as the case may be, shall pay to any officer appointed under this order such salary or remuneration as may be approved by the Local Government Board; and, where such officer is appointed for two or more districts, the salary shall be apportioned amongst the districts in such manner as the said Board shall approve.

Provided that the Sanitary Authority or Authorities, with the approval of the Local Government Board, may pay to any such officer a reasonable compensation on account of extraordinary services, or other unforeseen circumstances connected with his duties or the necessities of the district or districts for which he is appointed.

Art. 2.—The salary or remuneration of every such officer shall be payable up to the day on which he ceases to hold the office, and no longer, subject to any deduction which the Sanitary Authority or Authorities may be entitled to make in respect of Sect. III. Art. 3; and in case he shall die whilst holding such office, the proportion of salary (if any) remaining unpaid at his death shall be paid to his personal representatives.

Art. 3.—The salary or remuneration assigned to such officer shall be payable quarterly, according to the usual Feast Days in the year, namely, Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day; but the Sanitary Authority or Authorities may pay to him at the expiration of every calendar month such pro-

portion as they may think fit on account of the salary or remuneration to which he may become entitled at the termination of the quarter.

Given under our seal of office, this eleventh day of November, in the year One thousand eight hundred and seventy-two.

JAMES STANSFELD, *President.*

JOHN LAMBERT, *Secretary.*

RURAL SANITARY DISTRICT.

Proposal for Appointment of Medical Officer of Health.

1. Name of sanitary authority by whom the appointment is to be made; or if one medical officer of health is proposed to be appointed for two or more sanitary districts, the names of the sanitary authorities combining for that purpose.
2. (a) Names of parishes, either wholly or in part comprised in the district, or combined districts,—the districts (if more than one) being set forth separately, and the names (if any) affixed by which they are to be designated.
(b) If more than one medical officer of health is proposed to be appointed for the sanitary district, state the names of parishes, either wholly or in part comprised in the portion of the district to be assigned to each officer.
The words "part of" should be affixed in those cases where only a part of a parish is included.
3. Area of district (in acres).
If combined districts, the area of each district.
If a divided district, the area of each portion of the district.
If the exact area is not known, it should be estimated as nearly as practicable, and the word "estimated" added.
4. Population of district.
If combined districts, the population of each district.
If a divided district, the population of each portion of the district.
If the exact population is not known, it should be estimated as nearly as practicable, and the word "estimated" added.
5. If the appointment is for combined districts, state whether it is to be made jointly or severally by the sanitary authorities of those districts.
6. Term for which the appointment is to be made.
7. Salary or remuneration.

8. State whether it is intended that the medical officer of health is to give his whole time to the performance of the duties of his Office.

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Signature _____

Clerk to the Sanitary Authority.

Date _____

RURAL SANITARY AUTHORITY.

Regulations : Inspector of Nuisances.

TO THE GUARDIANS OF THE POOR of the several UNIONS, PARISHES, and PLACES in England and Wales, in which such Guardians act as a Rural Sanitary Authority under the Public Health Act, 1872 :—

And to all others whom it may concern.

WHEREAS by Section 10 of "The Public Health Act, 1872," it is enacted that it shall be the duty of every Rural Sanitary Authority to appoint from time to time an inspector or inspectors of nuisances, for the purposes of the Sanitary Acts ;

And whereas it is thereby further enacted that the Local Government Board shall have the same powers as they have in the case of a district medical officer of a union, with regard to the qualification, appointment, duties, salary, and tenure of office of officers of Sanitary Authorities, any portion of whose salary is paid out of moneys voted by Parliament ; and that the same person may, with the sanction of the Local Government Board, be appointed the inspector of nuisances for two or more sanitary districts, by the joint or several appointment of the Sanitary Authorities of such districts ;

Now we, the Local Government Board, deeming it expedient that regulations should be made with respect to the appointment, duties, salary, and tenure of office of inspectors of nuisances appointed by Rural Sanitary Authorities, in all those cases where any portion of the salary of any such officer is paid out of moneys voted by Parliament, do hereby order and direct as follows :

SECTION I.—*Appointment.*

Art. 1.—A statement shall be submitted to the Local Government Board, showing the population and extent of the district for which the Sanitary Authority propose to appoint the inspector or inspectors of nuisances, and the salary or remuneration intended to be assigned ; and where the circumstances render desirable the appointment of one inspector of nuisances for two or more sanitary districts, statements shall, in like manner, be submitted to the Local Government Board, showing the names of the districts to be combined for that purpose, the population and extent of each district, the mode in which it is intended that the appointment shall be made, whether jointly or severally by the Sanitary Authorities of those districts,

and the amount of salary or remuneration proposed to be assigned to the officer appointed.

Art. 2.—When the approval of the Local Government Board has been given to the proposals submitted to them, the Sanitary Authority or Authorities shall proceed to the appointment of an inspector or inspectors of nuisances accordingly.

Art. 3.—No appointment of an inspector of nuisances shall be made under this order unless notice has been given at one of the two ordinary meetings next preceding the meeting or meetings at which the appointment is to be made by the Sanitary Authority or Authorities, as the case may be, such notice being duly entered on the minutes, or unless an advertisement, giving notice of the day when such appointment will be made, shall have appeared in some public newspaper circulating in the district or districts, at least seven days before the day on which such appointment is made: Provided that no such notice or advertisement shall be necessary for the appointment of a temporary substitute.

Art. 4.—Every appointment hereafter made shall, within seven days after it is made, be reported to the Local Government Board by the clerk to the Sanitary Authority, or, in the case of a joint appointment, by the clerk to one of the Sanitary Authorities by whom the appointment is made.

Art. 5.—Upon the occurrence of a vacancy in such office, the Sanitary Authority or Authorities shall proceed to make a fresh appointment, which shall be reported to the Local Government Board as required by Section I. Art. 4 of this order; but if the Sanitary Authority or Authorities desire to make any fresh arrangement with respect to the district or the terms of the appointment, they shall, before filling up the vacancy, supply the particulars of the arrangement to the Local Government Board, in the manner prescribed by Section I. Art. 1 in regard to the first appointment, and if the approval of the Local Government Board be given, absolutely or with modifications, the Sanitary Authority or Authorities shall then proceed to fill up the vacancy according to the terms of the approval so given.

Art. 6.—If any officer appointed under this order be at any time prevented by sickness or accident, or other sufficient reason, from performing his duties, the Sanitary Authority or Authorities, as the case may be, may appoint a fit person to act as his temporary substitute, and may pay him a reasonable compensation for his services; and every such appointment shall be reported to the Local Government Board as soon as the same shall have been made.

SECTION II.—*Tenure of Office.*

Art. 1.—Every officer appointed under this order shall continue to hold office for such period as the Sanitary Authority or Authorities appointing him may, with the approval of the Local Government Board, determine, or until he die, or resign, or be removed, by such Authority or Authorities with the assent of the Local Government Board, or by the Local Government Board.

Provided that the appointments first made under this order shall not be for a period exceeding five years.

Art. 2.—Where any such officer shall be appointed for one or more sanitary districts, and any change in the extent of the district or districts, or in the duties, salary, or remuneration, shall be

deemed necessary, and he shall decline to acquiesce therein, the Sanitary Authority or Authorities by whom he was so appointed, may, with the consent of the Local Government Board, but not otherwise, and after six months' notice in writing, signed by their clerk or clerks, given to such officer, determine his office.

Art. 3.—No person shall be appointed who does not agree to give one month's notice previous to resigning the office, or to forfeit such sum as may be agreed upon as liquidated damages.

SECTION III.—*Duties.*

The following shall be the duties of an inspector of nuisances in respect of the sanitary district for which he is appointed, or if he shall be appointed for more than one district, or for a part of a district, then in respect of each of such districts, or of such part :—

- (1.) He shall perform, either under the special directions of the Sanitary Authority or (so far as authorised by the Sanitary Authority) under the directions of the Medical Officer of Health, or in cases where no such directions are required, without such directions, all the duties specially imposed upon an inspector of nuisances by the Sanitary Acts, so far as the same are in force in the district, or by the orders of the Local Government Board.
- (2.) He shall attend all meetings of the Sanitary Authority when so required.
- (3.) He shall by inspection of the district, both systematically at certain periods, and at intervals as occasion may require, keep himself informed in respect of the nuisances existing therein that require abatement under the Sanitary Acts.
- (4.) On receiving notice of the existence of any nuisance within the district, or of the breach of any byelaws or regulations made by the Sanitary Authority for the suppression of nuisances, he shall, as early as practicable, visit the spot, and inquire into such alleged nuisance or breach of byelaws or regulations.
- (5.) He shall report to the Sanitary Authority any noxious or offensive businesses, trades, or manufactories established within the district, and the breach or non-observance of any byelaws or regulations made in respect of the same.
- (6.) He shall report to the Sanitary Authority any damage done to any works of water supply, or other works belonging to them, and also any case of wilful or negligent waste of water supplied by them, or any fouling by gas, filth, or otherwise, of water used for domestic purposes.
- (7.) He shall from time to time, and forthwith upon complaint, visit and inspect the shops and places kept or used for the sale of butchers' meat, poultry, fish, fruit, vegetables, corn, bread, or flour, or as a slaughter-house, and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour which may be therein ; and in case any such article appear to him to be intended for the food of man, and to be unfit for such food, he shall cause the same to be seized, and take such other proceedings as may be necessary in order to have the same dealt with by a Justice : Provided, that in any case of doubt

arising under this clause, he shall report the matter to the medical officer of health, with the view of obtaining his advice thereon.

- (8.) He shall, when and as directed by the Sanitary Authority, procure and submit samples of food or drink, and drugs suspected to be adulterated, to be analysed by the analyst appointed under the Adulteration of Food Act, 1872, and upon receiving a certificate stating that the articles of food or drink, or drugs, are adulterated, cause a complaint to be made, and take the other proceedings prescribed by that Act.
- (9.) He shall give immediate notice to the Medical Officer of Health of the occurrence within his district of any contagious, infectious, or epidemic disease of a dangerous character; and whenever it appears to him that the intervention of such officer is necessary in consequence of the existence of any nuisance injurious to health, or of any overcrowding in a house, he shall forthwith inform the medical officer thereof.
- (10.) He shall, subject in all respects to the directions of the Sanitary Authority, attend to the instructions of the Medical Officer of Health with respect to any measures which can be lawfully taken by him under the Sanitary Acts for preventing the spread of any contagious, infectious, or epidemic disease of a dangerous character.
- (11.) He shall enter from day to day, in a book to be provided by the Sanitary Authority, particulars of his inspections and of the action taken by him in the execution of his duties. He shall also keep a book or books, to be provided by the Sanitary Authority, so arranged as to form, as far as possible, a continuous record of the sanitary condition of each of the premises in respect of which any action has been taken under the Sanitary Acts, and shall keep any other systematic records that the Sanitary Authority may require.
- (12.) He shall at all reasonable times when applied to by the Medical Officer of Health, produce to him his books, or any of them, and render to him such information as he may be able to furnish with respect to any matter to which the duties of inspector of nuisances relate.
- (13.) He shall, if directed by the Sanitary Authority to do so, superintend and see to the due execution of all works which may be undertaken under their direction for the suppression or removal of nuisances within the district.
- (14.) In matters not specifically provided for in this order, he shall observe and execute all the lawful orders and directions of the Sanitary Authority, and the orders which the Local Government Board may hereafter issue, applicable to his office.
- (15.) Where more than one inspector of nuisances shall be appointed by a Sanitary Authority, such Authority, with the approval of the Local Government Board, may either assign to each of the inspectors a portion of the district, or may distribute the duties of inspector of nuisances amongst such inspectors.

SECTION IV.—*Remuneration.*

Art. 1.—The Sanitary Authority or Authorities, as the case may be, shall pay to any officer appointed under this order such salary or remuneration as may be approved by the Local Government Board; and where such officer is appointed for two or more districts, the salary shall be apportioned amongst the districts in such manner as the said Board shall approve.

Provided that the Sanitary Authority or Authorities, with the approval of the Local Government Board, may pay to any such officer a reasonable compensation on account of extraordinary services, or other unforeseen circumstances connected with his duties or the necessities of the district or districts for which he is appointed.

Art. 2.—The salary or remuneration of every such officer shall be payable up to the day on which he ceases to hold the office, and no longer, subject to any deduction which the Sanitary Authority or Authorities may be entitled to make in respect of Sect. II. Art. 3; and in case he shall die whilst holding such office, the proportion of salary (if any) remaining unpaid at his death shall be paid to his personal representatives.

Art. 3.—The salary or remuneration assigned to such officer shall be payable quarterly, according to the usual feast days in the year, namely, Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day; but the Sanitary Authority or Authorities may pay to him at the expiration of every calendar month such proportion as they may think fit, on account of the salary or remuneration to which he may become entitled at the termination of the quarter.

Given under our Seal of Office, this eleventh day of November, in the year One thousand eight hundred and seventy-two.

JAMES STANSFELD, *President.*

JOHN LAMBERT, *Secretary.*

RURAL SANITARY DISTRICT.

Proposal for Appointment of Inspector of Nuisances.

1. Name of sanitary authority by whom the appointment is to be made; or if one inspector of nuisances is proposed to be appointed for two or more sanitary districts the names of the sanitary authorities combining for that purpose.
2. (a) Names of parishes, either wholly or in part comprised in the district, or combined districts,—the districts (if more than one) being set forth separately, and the names (if any) affixed by which they are to be designated.
- (b) If more than one inspector of nuisances is proposed to be appointed for the sanitary district, state the names of parishes, either wholly or in part comprised in the portion of the district to be assigned to each officer.

The words "part of" should be prefixed in those cases where only a part of a parish is included.

3. Area of district (in acres).
If combined districts, the area of each district.
If a divided district, the area of each portion of the district.
If the exact area is not known, it should be estimated as nearly as practicable, and the word "estimated" added.
4. Population of district.
If combined districts, the population of each district.
If a divided district, the population of each portion of the district.
If the exact population is not known, it should be estimated as nearly as practicable, and the word "estimated" added.
5. If the appointment is for combined districts, state whether it is to be made jointly or severally by the sanitary authorities of those districts.
6. Term for which the appointment is to be made.
7. Salary or remuneration.
8. State whether it is intended that the inspector of nuisances is to give his whole time to the performance of the duties of his office.

Signature _____

Clerk to the Sanitary Authority.

Date _____

TAXATION OF BILLS OF COSTS.

TO THE CLERKS OF THE PEACE of the several counties, ridings, divisions, and places in England and Wales :—

TO THE SEVERAL URBAN AND RURAL SANITARY AUTHORITIES in England and Wales constituted by "The Public Health Act, 1872" ;—

And to all others whom it may concern.

WHEREAS it was enacted by "The Public Health Act, 1872," that, on the application of any Sanitary Authority whose accounts are required by the Sanitary Acts to be audited to the Clerk of the Peace of the County in which the area under the jurisdiction of such authority is wholly or in part situated, his deputy should tax any bill due to any solicitor or attorney in respect of legal business performed on behalf of such Authority ; and that the allowance of any sum on such taxation should be *prima facie* evidence of the

reasonableness of the amount, but not of the legality of the charge : and that the Clerk of the Peace should be allowed for such taxation a remuneration after the rate to be fixed by the Master of the Crown Office, and declared by an order of the Local Government Board ;

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And whereas the Master of the Crown Office has fixed the rate of allowance to the Clerk of the Peace in respect of such taxation as herein declared :

Now therefore, we, the Local Government Board, in pursuance of the Statute aforesaid, hereby declare, that the Clerk of the Peace of every county or place in England and Wales shall be allowed for the taxation of every bill due to any solicitor or attorney, in respect of legal business performed on behalf of any Urban or Rural Sanitary Authority, after the rate of Four Pence per sheet, or folio of seventy-two words each.

Given under our Seal of Office, this twenty-ninth day of November in the year one thousand eight hundred and seventy-two.

JAMES STANSFELD,
President.

JOHN T. HIBBERT,
Secretary.

* * With regard to the above order of the Local Government Board, see 35 & 36 Vict. c. 79, s. 50, *ante*, p. 26.

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II. CIRCULARS ISSUED BY THE LOCAL GOVERNMENT BOARD WITH REFERENCE TO THE PUBLIC HEALTH ACT, 1872.

1. *To Boards of Guardians.*

LOCAL GOVERNMENT BOARD.

WHITEHALL, LONDON, S.W.,

17th August, 1872.

SIR,

I am directed by the Local Government Board to forward, for the information of the Guardians, a copy of the Public Health Act, 1872, which received the Royal Assent on the 10th instant.

The Guardians will observe that the Act divides the whole of England into two classes of sanitary districts, namely, Urban Sanitary Districts and Rural Sanitary Districts.

In the Urban Sanitary Districts there are three kinds of sanitary authorities—Town Councils, Improvement Commissioners, and Local Boards; and the Guardians will not act as the Sanitary Authority in any union which is coincident in area with an Urban Sanitary District, or which is wholly included in an Urban Sanitary District.

In every other union the Guardians will, in future, constitute the Rural Sanitary Authority; but if in any such union there are any portions of its area which are included in Urban Sanitary Districts, those portions will be excluded from the sanitary jurisdiction of the Guardians, and any individual Guardians, elective or *ex-officio*, who are connected with those portions in the manner pointed out by Section 5 of the Act, will be restrained from acting or voting with the other Guardians as the Sanitary Authority for the rest of the union. The word "Union," as here used, includes any single parish which is under a separate Board of Guardians (see Section 60).

It is provided by Section 6, that the first meeting of a Sanitary Authority under this Act shall be held within twenty-eight days after its passing, or at such other time as may be directed by order of the Local Government Board. As the meetings of Boards of Guardians occur at intervals not longer than a fortnight, probably the latter part of this section may have little, if any, practical application to rural sanitary authorities.

The Guardians are required by Section 10 to appoint from time to time a medical officer or officers of health, an inspector or inspectors of nuisances, a clerk, a treasurer, and such other officers and servants as they may deem necessary for the efficient execution of the purposes of the Sanitary Acts.

It is provided, however, by Section 12, that the clerk and the treasurer of the Union shall be the clerk and treasurer of the Guardians acting as the Rural Sanitary Authority, with such remuneration as may be determined by the Local Government Board.

neration for their additional duties as such authority may determine, with the approval of the Local Government Board.

With respect to the medical officers of health, the Board desire me to direct the attention of the Guardians to the provisions of Section 10, and to state that the Board will shortly issue an order containing regulations with regard to the qualification, appointment, duties, salary, and tenure of office of the medical officers of health who are to be appointed by the Sanitary Authorities; and the Board recommend the Guardians to wait until that order is issued, before they proceed to make any such appointments.

The Board, moreover, have instructed their inspectors, who, under Section 15 of the Act, are empowered to attend the meetings of the rural sanitary authorities, to communicate with the Guardians of the unions in their respective districts, and to afford the Guardians such advice and assistance in carrying into execution the provisions of the Act as they may be able to render. As the inspectors are in possession of the views of the Board upon the subject, the Board do not propose, in the present communication, to enter more fully into any explanation of the provisions of the Act, or of the course of proceeding which it may be advisable for the Guardians to adopt with the view of giving effect to those provisions. The Guardians will perceive that, under Section 8, they will in future exercise the powers of the Sewer Authority under the Sewage Utilization Acts, as well as those of the Local Authority under certain other Acts, in addition to the powers which they have hitherto possessed under the Nuisances Removal Acts.

The Guardians will observe that reference is made in Section 10 not only to medical officers of health, but to "other officers of a sanitary authority any portion of whose salary is paid out of moneys voted by Parliament." It is proposed that one-half of the remuneration of the medical officers of health, and also of the inspectors of nuisances, shall be repaid to the Sanitary Authorities, where the appointments are made in conformity with the regulations and with the approval of the Local Government Board.

I am, Sir,

Your obedient Servant,

JOHN LAMBERT,
Secretary.

To the Clerk to the Guardians.

2. To Town Councils.

LOCAL GOVERNMENT BOARD,
WHITEHALL, S.W.,
19th August, 1872.

SIR,

I am directed by the Local Government Board to forward, for the consideration of the town council, a copy of the Public Health Act, 1872, which received the Royal Assent on the 10th instant.

By Section 4 of the Act, the town councils are constituted the Urban Sanitary Authorities for boroughs, except where the whole of the borough is included in and forms part of a Local Government or Improvement Act District; and Sec. 10 enacts that it shall be

the duty of every Urban Sanitary Authority to appoint from time to time a medical officer of Health, being a legally qualified medical practitioner. Where such an officer is appointed in accordance with the regulations which the Local Government Board are empowered by the same Section to issue, and with the approval of the Board, it is proposed that one-half of his remuneration shall be repaid out of the money voted by Parliament for that purpose. A similar payment will also be made with respect to inspectors of nuisances appointed under the like regulations and with the like approval.

The Board will, as soon as practicable, issue an order prescribing the necessary regulations, and in those cases where the town council propose to avail themselves of the intended repayment, it is necessary that the appointments should be deferred until the regulations have been issued.

The town council will perceive, by reference to Sec. 10 of the Act, that two or more Sanitary Authorities may concur in the joint appointments of medical officers of health or inspectors of nuisances; and it is desirable that the town council should consider whether any such arrangement can conveniently be made in relation to their borough.

The Board direct me to refer the town council to the provisions in Sect. 4, with respect to improvement districts and local government districts, and to inquire whether there is any authority within the borough whose powers in sanitary matters have been transferred to the town council, and also whether any part of the district of such authority extends beyond the borough.

I am directed to add, that the Board will be prepared to instruct one of their inspectors to attend any meeting of the town council, when they deem it desirable that he should do so, for the purpose of affording any advice or assistance which he may be able to render in carrying into effect the provisions of the Sanitary Acts.

I am, Sir,

Your obedient Servant,

JOHN LAMBERT,

Secretary.

To the Town Clerk.

3. To Improvement Commissioners.

LOCAL GOVERNMENT BOARD,

WHITEHALL, S.W.,

19th August, 1872.

SIR,

I am directed by the Local Government Board to forward, for the consideration of the Improvement Commissioners, a copy of the Public Health Act, 1872, which received the Royal Assent on the 10th instant.

Improvement Commissioners are, by Section 4 of the Act, constituted the Urban Sanitary Authorities for the districts under their jurisdiction, except in those cases where the district is coincident in area with or wholly included in a borough, or is wholly included in and forms a part of a Local Government district, or is partly within a borough or Local Government district, in which case the jurisdiction of the Commissioners for sanitary purposes will only

continue for the portion of the district not within the borough or Local Government district.

It will be observed, by reference to Sect. 10, that it is the duty of every Urban Sanitary Authority to appoint from time to time a medical officer of health, being a legally qualified medical practitioner, and the Board direct me to state that where such an officer is appointed in accordance with the regulations which the Local Government Board are empowered by the same section to issue, and with the approval of the Board, it is proposed that one-half of his remuneration shall be repaid out of the money voted by Parliament for that purpose. A similar payment will also be made with respect to any inspectors of nuisances appointed under the like regulations and with the like approval.

The Board will, as soon as practicable, issue an order prescribing the necessary regulations, and in those cases where the Improvement Commissioners propose to avail themselves of the intended repayment, it is necessary that the appointments should be deferred until the regulations have been issued.

The Commissioners will perceive, by reference to Sec. 10 of the Act, that two or more Sanitary Authorities may concur in the joint appointments of medical officers of health or inspectors of nuisances; and it is desirable that the Commissioners should consider whether any such arrangement can conveniently be made in relation to their district.

The Board direct me to refer the Commissioners to the provisions in Sect. 4, with respect to improvement districts and Local Government districts, and to inquire whether there is any authority within the district whose powers in sanitary matters have been transferred to the Commissioners.

I am directed to add, that the Board will be prepared to instruct one of their inspectors to attend any meeting of the Commissioners, when they deem it desirable that he should do so, for the purpose of affording any advice or assistance which he may be able to render in carrying into effect the provisions of the Sanitary Acts.

I am, Sir,

Your obedient Servant,

JOHN LAMBERT,

Secretary.

*To the Clerk to the
Improvement Commissioners.*

4. *To Local Boards.*

LOCAL GOVERNMENT BOARD,
WHITEHALL, S.W.,
19th August, 1872.

SIR,

I am directed by the Local Government Board to forward, for the consideration of the Local Board, a copy of the Public Health Act, 1872, which received the Royal Assent on the 10th instant.

The Board think it right to call the attention of the Local Board to Section 15 of the Act, which provides that the inspectors of the Local Government Board may attend any meetings of Local Boards

when and as directed by the Local Government Board ; and they direct me to state that the inspector of the district will always be ready to afford to the Local Board any advice or assistance which he may be able to render in carrying into execution the provisions of the Sanitary Acts.

Local Boards are, by Section 4 of the Act, constituted as the Urban Sanitary Authorities for their present districts, except in those cases where the district is coincident in area with or wholly included in a borough, or Improvement Act district ; or where part of the district is within the limits of a borough, the district itself not including the whole borough, in which case the jurisdiction of the Local Board for sanitary purposes will only continue in those portions of the district which are not within the borough.

It will be observed by Section 10 that it is the duty of every Urban Sanitary Authority to appoint from time to time a medical officer of health, being a legally qualified medical practitioner, and the Board direct me to state that where such an officer is appointed in accordance with the regulations which the Local Government Board are empowered by the same Section to issue, and with the approval of the Board, it is proposed that one-half of his remuneration shall be repaid out of the money voted by Parliament for that purpose. A similar repayment will also be made with respect to inspectors of nuisances appointed under the like regulations, and with the like approval.

The Board will, as soon as practicable, issue an order prescribing the necessary regulations ; and in those cases where the Local Board propose to avail themselves of the intended repayment, the Board recommend that the appointments should be deferred until the regulations have been issued.

The Local Board will perceive that two or more Sanitary Authorities may concur in the joint appointment of medical officers of health or inspectors of nuisances ; and it is desirable that the Local Board should consider whether any such arrangement can conveniently be made in relation to their district.

I am, Sir,

Your obedient Servant,

JOHN LAMBERT,

Secretary.

To the Clerk to the Local Board.

5. *To Boards of Guardians relating to Accounts.*

LOCAL GOVERNMENT BOARD,

WHITEHALL, S.W.

16th September, 1872.

SIR,

I am directed by the Local Government Board to call the attention of the guardians to the 49th Section of the Public Health Act, 1872, which enacts that the accounts of every Sanitary Authority shall be made up in such form and to such day or days in every year as may be appointed by the Local Government Board, and that the accounts of every Rural Sanitary Authority shall be audited in every respect in the same manner as their accounts are audited in their capacity of guardians.

Looking at the nature of the duties which the guardians acting as the Rural Sanitary Authority will be required to discharge, and look-

ing also at the provisions of the 17th Section of the Act, which relate to the division of the expenditure into *general* and *special* expenses, and the mode in which the funds to meet those expenses shall be respectively raised, the Board are of opinion that the proceedings of the Rural Sanitary Authority, whether the guardians are themselves acting in that capacity, or have delegated their powers to a committee, should be recorded in a separate minute book, distinct from the ordinary minute book of the guardians; and that a separate ledger should also be kept, which should be confined to the pecuniary transactions of the guardians or committee, acting as the Rural Sanitary Authority. In so far as it may be necessary in order to authorise the adoption of this course of proceeding, the Board hereby assent to a departure from the regulations contained in the general order or any other orders of the Poor Law Board relating to accounts.

Under the 12th Section of the Act the treasurer of the guardians is to be the treasurer of the Rural Sanitary Authority, and the Board think that he should keep an account of his receipts and payments in the latter capacity separate and distinct from the general account which he keeps as the treasurer of the guardians under the consolidated order. The Board request that the guardians will inform their treasurer accordingly, and provide him with a proper book for the purpose. The Board are also of opinion that it will be convenient that the cheques drawn by the guardians in respect of their expenditure as a Sanitary Authority should be distinguished in some way from their other cheques.

The accounts should be closed, as they will be audited, half-yearly, at the same time as the other accounts of the guardians.

I am, Sir,

Your obedient Servant,

JOHN LAMBERT,
Secretary.

To the Clerk to the Guardians.

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III. REGULATIONS MADE UNDER THE METROPOLIS WATER ACT, 1871, at the Council Chamber, Whitehall, the 10th day of August, 1872.

Place of communication-pipe.

1. No "communication-pipe" for the conveyance of water from the waterworks of the Company into any premises shall hereafter be laid until after the point or place at which such "communication-pipe" is proposed to be brought into such premises shall have had the approval of the Company.

Weight of lead pipes.

2. No lead pipe shall hereafter be laid or fixed in or about any premises for the conveyance of or in connection with the water supplied by the Company (except when and as otherwise authorised by these regulations, or by the Company), unless the same shall be of equal thickness throughout, and of at least the weight following, that is to say :—

Internal Diameter of Pipe. in Inches.	Weight of Pipe in lbs. per lineal Yard.
$\frac{3}{4}$ -inch diameter.	5 lbs. per lineal yard.
" "	6 " "
" "	7 $\frac{1}{2}$ " "
" "	9 " "
1 " "	12 " "
1 $\frac{1}{4}$ " "	16 " "

Interior pipes.

3. Every pipe hereafter laid or fixed in the interior of any dwelling house for the conveyance of, or in connection with, the water of the Company, must, unless with the consent of the Company, if in contact with the ground, be of lead, but may otherwise be of lead, copper, or wrought iron at the option of the consumer.

Not more than one communication-pipe to each house.

4. No house shall, unless with the permission of the Company in writing, be hereafter fitted with more than one "communication-pipe."

Every house, with certain exceptions, to have its own communication-pipe.

5. Every house supplied with water by the Company (except in cases of stand pipes) shall have its own separate "communication-pipe." Provided that, as far as is consistent with the special Acts of the Company, in the case of a group or block of houses, the water-rates of which are paid by one owner, the said owner may, at his option, have one sufficient "communication-pipe" for such group or block.

No house to have connection with fittings of adjoining house.

6. No house supplied with water by the Company shall have any connection with the pipes or other fittings of any other premises, except in the case of groups or blocks of houses, referred to in the preceding Regulation.

Connection to be by ferrule or stop-cock.

7. The connection of every "communication-pipe" with any pipe of the Company shall hereafter be made by means of a sound and suitable brass screwed ferrule or stop-cock with union, and such ferrule or stop-cock shall be so made as to have a clear area of waterway equal to that of a half-inch pipe. The connection of every "communication-pipe" with the pipes of the Company shall be made by the Company's workmen, and the Company shall be paid in advance the reasonable costs and charges of and incident to the making of such connection.

Material and joints of external pipes.

8. Every "communication-pipe" and every pipe external to the house and through the external walls thereof, hereafter respectively laid or fixed, in connection with the water of the Company, shall be of lead, and every joint thereof shall be of the kind called a "plumbing" or "wiped" joint.

No pipe to be laid through drains, &c.

9. No pipe shall be used for the conveyance of, or in connection with, water supplied by the Company, which is laid or fixed through, in, or into any drain, ashpit, sink, or manure-hole, or through, in, or into any place where the water conveyed through such pipe may be liable to become fouled, except where such drain, ashpit, sink, or manure-hole, or other such place, shall be in the unavoidable course of such pipe, and then in every such case such pipe shall be passed through an exterior cast-iron pipe or jacket of sufficient length and strength, and of such construction as to afford due protection to the water-pipe.

Depth of pipes under ground.

10. Every pipe hereafter laid for the conveyance of, or in connection with, water supplied by the Company, shall, when laid in open ground, be laid at least two feet six inches below the surface, and shall in every exposed situation be properly protected against the effects of frost.

No connection with rain-water receptacle.

11. No pipe for the conveyance of, or in connection with, water supplied by the Company, shall communicate with any cistern, butt, or other receptacle used or intended to be used for rain-water.

Stop-valve.

12. Every "communication-pipe" for the conveyance of water to be supplied by the Company into any premises shall have at or near its point of entrance into such premises, and if desired by the consumer within such premises, a sound and suitable stop-valve of the screw-down kind, with an area of waterway not less than that of a half-inch pipe, and not greater than that of the "communication-pipe," the size of the valve within these limits being at the option of the consumer.

If placed in the ground such "stop-valve" shall be protected by a proper cover and "guard-box."

Character of cisterns and ball-taps.

13. Every cistern used in connection with the water supplied by the Company shall be made and at all times maintained watertight, and be properly covered and placed in such a position that it may be inspected and cleansed. Every such existing cistern, if not already provided with an efficient "ball-tap," and every such future cistern shall be provided with a sound and suitable "ball-tap" of the valve kind for the inlet of water.

Waste pipes to be removed or converted into warning-pipes.

14. No overflow or waste-pipe other than a "warning-pipe" shall be attached to any cistern supplied with water by the Company, and every such overflow or waste-pipe existing at the time when these regulations come into operation shall be removed, or at the option of the consumer shall be converted into an efficient "warning-pipe," within two calendar months next after the Company shall have given to the occupier of, or left at the premises in which such cistern is situate, a notice in writing requiring such alteration to be made.

Arrangement of warning-pipes.

15. Every "warning-pipe" shall be placed in such a situation as will admit of the discharge of the water from such "warning-pipe" being readily ascertained by the officers of the Company. And the position of such "warning-pipe" shall not be changed without previous notice to and approval by the Company.

Buried cisterns prohibited.

16. No cistern buried or excavated in the ground shall be used for the storage or reception of water supplied by the Company, unless the use of such cistern shall be allowed in writing by the Company.

Butts prohibited.

17. No wooden receptacle without a proper metallic lining shall be hereafter brought into use for the storage of any water supplied by the Company. www.libtool.com.cn

Ordinary draw-tap.

18. No draw-tap shall in future be fixed unless the same shall be sound and suitable and of the "screw-down" kind.

Draw-taps in connection with stand-pipes.

19. Every draw-tap in connection with any "stand-pipe" or other apparatus outside any dwelling-house in a court or other public place, to supply any group or number of such dwelling-houses, shall be sound and suitable and of the "waste-preventer" kind, and be protected as far as possible from injury by frost, theft, or mischief.

Boilers, water-closets, and urinals to have cisterns.

20. Every boiler, urinal, and water-closet, in which water supplied by the Company is used (other than water-closets in which hand flushing is employed), shall, within three months after these regulations come into operation, be served only through a cistern or service-box and without a stool-cock, and there shall be no direct communication from the pipes of the Company to any boiler, urinal, or water-closet.

Water-closet apparatus.

21. Every water-closet cistern or water-closet service-box hereafter fitted or fixed in which water supplied by the Company is to be used, shall have an efficient waste-preventing apparatus, so constructed as not to be capable of discharging more than two gallons of water at each flush.

Urinal-cistern apparatus.

22. Every urinal-cistern in which water supplied by the Company is used other than public urinal-cisterns, or cisterns having attached to them a self-closing apparatus, shall have an efficient "waste-preventing" apparatus, so constructed as not to be capable of discharging more than one gallon of water at each flush.

Water-closet down-pipes.

23. Every "down-pipe" hereafter fixed for the discharge of water into the pan or basin of any water-closet shall have an internal diameter of not less than one inch and a quarter, and if of lead shall weigh not less than nine pounds to every lineal yard.

Pipes supplying water-closet to communicate with cistern only.

24. No pipe by which water is supplied by the Company to any water-closet shall communicate with any part of such water-closet,

or with any apparatus connected therewith, except the service-cistern thereof.

Bath to be without overflow-pipe.

25. No bath supplied with water by the Company shall have any overflow waste pipe, except it be so arranged as to act as a "warning pipe."

Bath apparatus.

26. In every bath hereafter fitted or fixed the outlet shall be distinct from, and unconnected with, the inlet or inlets; and the inlet or inlets must be placed so that the orifice or orifices shall be above the highest water level of the bath. The outlet of every such bath shall be provided with a perfectly water-tight plug, valve, or cock.

Alteration of fittings.

27. No alteration shall be made in any fittings in connection with the supply of water by the Company without two days' previous notice in writing to the Company.

Waterway of fittings.

28. Except with the written consent of the consumer, no cock, ferrule, joint, union, valve, or other fitting, in the course of any "communication-pipe," shall have a waterway of less area than that of the "communication-pipe," so that the waterway from the water in the district-pipe or other supply-pipe of the Company up to and through the stop-valve prescribed by Regulation No. 12, shall not in any part be of less area than that of the "communication pipe" itself, which pipe shall not be of less than a half-inch bore in all its course.

Weight of lead pipes having open ends.

29. All lead "warning-pipes" and other lead pipes of which the ends are open, so that such pipes cannot remain charged with water, may be of the following minimum weights, that is to say:—

$\frac{1}{2}$ -inch (internal diameter)		3 lbs. per yard.
$\frac{3}{4}$ " " "		5 " "
1 " " "		7 " "

Definition of "communication-pipe."

30. In these Regulations the term "communication-pipe" shall mean the pipe which extends from the district pipe or other supply pipe of the Company up to the "stop-valve" prescribed in the Regulation No. 12.

Penalties.

31. Every person who shall wilfully violate, refuse, or neglect to comply with, or shall wilfully do or cause to be done any act, matter, or thing, in contravention of these Regulations, or any part thereof, shall, for every such offence, be liable to a penalty in a sum not exceeding 5*l*.

Authorised officer may act for Company.

32. Where under the foregoing Regulations any act is required or authorised to be done by the Company, the same may be done on behalf of the Company by an authorised officer or servant of the Company, and ~~where under such Regulations~~ any notice is required to be given by the Company, the same shall be sufficiently authenticated if it be signed by an authorised officer or servant of the Company.

Existing fittings.

33. All existing fittings, which shall be sound and efficient, and are not required to be removed or altered under these Regulations, shall be deemed to be prescribed fittings under the "Metropolis Water Act, 1871."

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