

REPORT
ON
PUBLIC HEALTH ENACTMENTS
FOR
IRELAND,
IN
SANITARY ACT, 1866,
AND
STATUTES INCORPORATED THEREWITH.
BY
W. NEILSON HANCOCK, LL.D.



DUBLIN:
PRINTED BY ALEXANDER THOM, 87 & 88, ABBEY-STREET,
FOR HER MAJESTY'S STATIONERY OFFICE.

1866.

REPORT

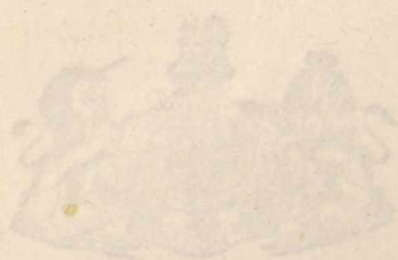
PUBLIC HEALTH ENACTMENTS

IRELAND,

1866.

STATUTES IN FORCE

W. KELSON HAZZARD, L.D.



DUBLIN:

PRINTED BY ALEXANDER THOM, 21, ABBEY STREET.

FOR THE SALE OF THE REPORT, SEE THE LIST OF BOOKS.

1866

CONTENTS.

	Page
INDEX, showing sections of Statutes, &c., with paragraph and page in	
Appendix, - - - - -	xi
REPORT, - - - - -	xv

APPENDIX OF ENACTMENTS, ARRANGED IN CLASSES.

CLASS I.—GENERAL PROVISIONS.

1 A. Meaning of "Lord Lieutenant in Council," - - -	1
1 B. Publication in Ireland to be made in <i>Dublin Gazette</i> , - -	1
1 C. Powers of Secretary of State in England to be exercised in Ireland by Lord Lieutenant, and Powers vested in Privy Council to be exercised by Lord Lieutenant in Council, - -	1
1 D. Repeal of Statutes applicable to Ireland, - - -	1
1 E. Statutes Repealed, - - - - -	2
1 F. Powers of Act cumulative, - - - - -	2

Powers of Inquiry as to Public Health.

1 G. Poor Law Commissioners to make Inquiries as to Public Health in Ireland, - - - - -	2
1 H. Guardians of Poor may procure Sanitary Reports, and pay for same, - - - - -	2

Medical Officers to assist in executing Sanitary Act, 1866.

1 J. Committee and Officers under Dispensaries Act to aid Local Authorities in execution of this Act, - - - - -	2
1 K. Provisions of Dispensary Act, 1851, as to Duties and Appointment of Medical Inspectors in Ireland, incorporated with this Act, - - - - -	3
1 L. Remuneration to Medical Practitioners for Services under directions and regulations of Poor Law Commissioners in Ireland, -	3

Provisions against Default of Sewer or Nuisance Authority.

1 M. Mode of Proceeding where Sewer Authority has made default in providing sufficient sewers, &c., - - - - -	3
---	---

General Provisions as to Procedure.

1 N. Appearance of Sewer or Nuisance Authorities in legal proceedings, -	4
--	---

CLASS II.—EXTENSION OF QUARANTINE LAWS TO COASTING VESSELS IN UNITED KINGDOM AND SPECIAL POWERS TO PRIVY COUNCIL IN ENGLAND TO GUARD AGAINST CHOLERA, EPIDEMIC, ENDEMIC, OR CONTAGIOUS DISEASES.

2 A. Description of Vessels within provisions of Quarantine Act (6 Geo. IV., c. 78), and power to Privy Council in England in case of Cholera, &c., - - - - -	4
2 B. Amendment of Quarantine Act, - - - - -	5

CLASS III.—SPECIAL OCCASIONAL PROVISIONS FOR PREVENTION OF DISEASE.

Constitution of Special Disease Prevention Authorities, and Expenses, &c.

3 A. Modifications necessary for application of Disease Prevention Act to Ireland, - - - - -	5
3 B. Guardians of the Poor to be the Local Disease Prevention Authority, except in special cases, - - - - -	5
3 C. Two or more Local Disease Prevention Authorities may be ordered by Lord Lieutenant in Council to act together, - - -	6
3 D. Board of Guardians, &c., may provide Carriages for Conveyance of Infected Persons, - - - - -	6
3 E. Power of Entry, - - - - -	6

Mode of putting Disease Prevention Powers in force.

3 F. Power to Lord Lieutenant in Council to issue Orders that provisions herein contained for Prevention of Diseases may be put in force, - - - - -	7
3 G. Power to Poor Law Commissioners to issue Regulations to carry out provisions. Local extent and duration of Regulations of Poor Law Commissioners, - - - - -	7
3 H. Publication of such Regulations, - - - - -	7
3 J. Local Disease Prevention Authority to see to execution of Regulations, &c., - - - - -	7
3 K. And to direct Prosecutions for violating same, - - - - -	8
3 L. Orders in Council, &c., to be laid before Parliament, - - -	8
3 M. Orders in Council to extend to Parts and Arms of the Sea, - -	8
3 N. Medical Officers of Unions and others entitled to Costs of attending Sick on board Vessels, when required by Orders of Poor Law Commissioners, - - - - -	8
3 O. Authentication of Directions and Regulations of Poor Law Commissioners, - - - - -	9
3 P. Penalty for obstructing execution of Act, - - - - -	9
3 Q. Certain provisions of Nuisances Removal Act to apply to Disease Prevention Enactments, - - - - -	9

CLASS IV.—PART I.—EXTENSION OF NUISANCE REMOVAL ACTS TO IRELAND.

4 A. Definition of "Nuisances Removal Acts," - - - - -	9
4 B. Definition of "Nuisance Authority," - - - - -	9
4 C. Modifications necessary for application of Part II. of Sanitary Act, 1866, to Ireland, - - - - -	9

Expenses of Nuisance Authority in Ireland.

4 D. How Expenses to be defrayed in Ireland when Nuisance Authority not a Board of Guardians, - - - - -	10
4 E. When Board of Guardians is Nuisance Authority, how Expenses to be defrayed in Ireland, - - - - -	10

Penalties in Ireland.

4 F. Recovery of Penalties in Ireland, - - - - -	10
--	----

Sewer and Nuisance Authorities in Ireland.

4 G. Schedule I. showing Sewer and Nuisance Authorities in Ireland, with Districts, &c., - - - - -	11
---	----

CLASS IV.—PART II.—POWERS OF NUISANCE REMOVAL CREATED IN
1866.

Police Powers as to Nuisances.

4 H. Power of Police with respect to Nuisances, - - -	12
---	----

Duty of Nuisance Authority to Inspect.

4 J. Duties of Nuisance Authorities with respect to Inspection of Nuisances, &c., - - - - -	12
4 K. Appointment of Inspectors of Nuisances, - - -	12

*Disinfection of Houses, Clothes, and Carriages, and Penalties in connexion
therewith.*

4 L. Power to cause Premises to be Cleansed or otherwise disinfected,	12
4 M. Power to provide means of Disinfection, - - -	13
4 N. Nuisance Authorities may provide Carriages for conveyance of Infected Persons, - - - - -	13
4 O. Penalty on Person suffering from Infectious Disorder entering Public Conveyance without notifying to Driver that he is so suffering, - - - - -	13
4 P. Removal of Persons Sick of Infectious Disorders and without proper Lodging, in any District, - - - - -	13
4 Q. Penalty on any Person with Infectious Disorder exposing him- self, or on any Person in charge of such sufferer causing such exposure, - - - - -	14
4 R. Penalty on Persons letting Houses in which Infected Persons have been lodging, - - - - -	14

Provision of Places for the Reception of the Dead.

4 S. Places for the Reception of Dead Bodies may be provided at the Public Expense, - - - - -	14
4 T. Places for Reception of Dead Bodies during time required for Post-mortem Examination may be provided, - - -	15

Extension of Jurisdiction of Nuisance Authorities to Ships.

4 U. Power to Remove to Hospital Sick Persons brought by Ships, -	15
4 W. Provisions as to District of Nuisance Authority extending to Places where Ships are lying, - - - - -	15
4 X. Provisions as to Ships within Jurisdiction of Nuisance Authority,	15

Owner's liability recoverable through Occupier.

4 Y. Nuisance Authority may require Payment of Costs or Expenses from Owner or Occupier, and Occupier paying to deduct from Rent, - - - - -	16
---	----

CLASS V.—NUISANCE REMOVAL POWERS UNDER ACT OF 1855, AS
AMENDED AND MODIFIED IN 1860 AND 1866.

5 A. Interpretation of certain Terms used in "Nuisances, &c., Act," 1855, - - - - -	16
--	----

Power to appoint Committees, &c.

5 B. Board of Guardians may appoint Committees for particular Parishes, - - - - -	17
5 C. Power to Nuisance Authority to appoint Committees, - - -	17

Definition of Nuisances.

5 D. Addition by Act of 1866 to definition of Nuisances, - - -	18
5 E. What are deemed Nuisances under Act of 1855, - - -	18

Powers of Entry and Notices.

5 F. Notice of Nuisances to be given to Nuisance Authority, &c., to ground Proceedings, - - - - -	19
5 G. Power of entry to Nuisance Authority or their Officer, - - -	19
5 H. Do. Do. - - - - -	19

Orders for Removal of Nuisances.

5 J. Proceedings of Nuisance Authority, - - - - -	20
5 K. Proceedings by Nuisance Authority before Justices in case of Nuisances likely to recur, &c. If proved to Justices that Nuisance exists, they shall issue order for abatement, &c., -	21
5 L. Justices, on application of Householders, may order removal of Nuisances, - - - - -	21
5 M. Justices' Order for Abatement. Prohibitive Order against future Nuisance, - - - - -	22
5 N. Penalty for contravention of Order of Abatement, &c. Nuisance Authority may enter and remove or abate Nuisance, - - -	22
5 O. Appeal against Order of Prohibition, - - - - -	23
5 P. Appeal against Order of Abatement when Structural Works required. - - - - -	23
5 Q. If person causing Nuisance cannot be found, Nuisance Authority to execute Order at once, - - - - -	23
5 R. Manure, &c., to be sold, - - - - -	23
5 S. Costs and Expenses of Works to be paid by person on whom Order is made, or Owner or Occupier, - - - - -	23
5 T. Proceedings before Justices to recover Expenses, - - -	24

Power of Cleansing and Covering open Ditches.

5 U. Surveyors of Highways to cleanse Ditches, &c., paying Owners, &c., for Damages, - - - - -	24
5 W. Power to Nuisance Authority to cover and improve open Ditches, &c., - - - - -	25

Special Nuisances.—Corrupting Water.

5 X.	Penalty for fouling Water,	-	-	-	-	25
5 Y.	Penalty for causing Water to be corrupted by Gas Washings,	-	-	-	-	26
5 Z.	Penalty to be sued for in Superior Courts within Six months,	-	-	-	-	26
5 AA.	Daily Penalty during Continuance of Offence,	-	-	-	-	26

Special Nuisances.—Sale of Unwholesome Meat.

5 BB.	Penalty on Sale of unwholesome Meat, &c.,	-	-	-	-	26
-------	---	---	---	---	---	----

Special Nuisances.—Noxious Trades and Manufactures.

5 CC.	Requisition of Ten Inhabitants equivalent to Certificate of Medical Officer,	-	-	-	-	27
5 DD.	As to Nuisances arising in cases of Noxious Trades, &c.,	-	-	-	-	27
5 EE.	Reference to Superior Court at option of party complained against,	-	-	-	-	28

Special Nuisances.—Overcrowded Houses occupied by more than One Family.

5 FF.	On Certificate of Medical Officer to Nuisance Authority that House is overcrowded, Proceedings may be taken to abate same,	-	-	-	-	28
-------	--	---	---	---	---	----

Special Nuisances.—Manure in Mews and Stables.

5 GG.	Power of ordering periodical removal of Manure in Mews, &c.,	-	-	-	-	28
-------	--	---	---	---	---	----

Procedure.

5 HH.	No Justice to be incapable of acting because Member of Body authorized to execute Act or liable to contribute,	-	-	-	-	29
5 JJ.	Nuisance Authority to order Costs of Prosecution to be paid out of Rates,	-	-	-	-	29
5 KK.	Service of Notices, &c.,	-	-	-	-	29
5 LL.	Proof of Resolutions of Nuisance Authority,	-	-	-	-	29
5 MM.	As to Proceedings taken against several Persons for same Offence,	-	-	-	-	29
5 NN.	One or more joint Owners or Occupiers may be proceeded against alone,	-	-	-	-	29
5 OO.	Designation of "Owner" or "Occupier,"	-	-	-	-	30
5 PP.	Penalty for obstructing execution of Enactments,	-	-	-	-	30
5 QQ.	Penalty on Occupier obstructing Owner,	-	-	-	-	30
5 RR.	Proceedings not to be quashed for want of Form,	-	-	-	-	30
5 SS.	Appeals under Act to be to Quarter Sessions,	-	-	-	-	30
5 TT.	Forms to be used as in Schedule,	-	-	-	-	31
5 UU.	As to Protection of Nuisance Authority and their Officers,	-	-	-	-	31
5 VV.	Act not to impair Jurisdiction of Sewers Commissioners, &c.,	-	-	-	-	31
5 WW.	Act not to affect Navigation of Rivers or Canals,	-	-	-	-	32
5 XX.	Saving as to rights of Mill Owners, &c.,	-	-	-	-	32
5 YY.	Short Title of Nuisances, &c., Act, 1855,	-	-	-	-	32
5 ZZ.	Evidence of Family in case of overcrowded Houses,	-	-	-	-	32

Schedule of Forms.

5 AAA.	Schedule, &c.,	-	-	-	-	33
--------	----------------	---	---	---	---	----

CLASS VI.—MISCELLANEOUS PROVISIONS IN SANITARY ACT, 1866.

Modifications for application to Ireland.

6 A.	Modifications necessary for application of Part III. of Sanitary Act, 1866, to Ireland,	-	-	-	-	40
------	---	---	---	---	---	----

Regulation of Lodging Houses.

- 6 B. In Cities, &c., Lord Lieutenant in Council, on application of Nuisance Authority, may empower them to make Regulations as to Lodging Houses, - - - - - 40

Power to close Cellars and Overcrowded Houses.

- 6 C. Cases in which two Convictions have occurred within Three Months, 41

Power to provide Hospitals.

- 6 D. Power to provide Hospitals, - - - - - 41

Restriction of use of Cellar Dwellings.

- 6 E. Extension to whole of England and Ireland of s. 67 of Public Health Act, 1848, - - - - - 42

- 6 F. Cellars, &c., newly built not to be let as Dwelling-rooms. No Cellars, &c., to be let except under certain Conditions. Act not to come into operation until expiration of a certain time, in case of Cellars, &c., already occupied as Dwellings. Churchwardens, &c., to give notice of Enactment, - - - - - 42

Power to adopt Baths and Washhouses Acts.

- 6 G. Nuisance Authorities, except Guardians, may adopt Baths and Washhouses Acts, - - - - - 43

Protection of Works of Local Authorities.

- 6 H. Penalty for wilful Damage of Works, - - - - - 43

- 6 J. Incorporation of Sanitary Authorities, - - - - - 43

- 6 K. Extent of Authority to make provisional Orders respecting Lands under Local Government Act (1858), s. 75, - - - - - 44

CLASS VII.—POWERS OF SEWER AUTHORITY AS TO SEWAGE.

Preliminary and application to Ireland.

- 7 A. Construction of this part of Act, - - - - - 45

- 7 B. Modifications necessary for application of Part I. to Ireland, - - - - - 45

Constitution of Sewer Authorities.

- 7 C. Definition of Sewer Authority, - - - - - 45

- 7 D. Description of Sewer Authorities, &c., in Ireland, - - - - - 46

- 7 E. Power to Sewer Authority to form Committee of its own Members and others, - - - - - 46

Power to private parties to use Sewers.

- 7 F. Power to drain into Sewers of Sewer Authority, - - - - - 47

- 7 G. Use of Sewers by persons beyond District, - - - - - 47

Arbitration Clauses.

- 7 H. Mode of referring to Arbitration, - - - - - 47

- 7 J. Death, &c., of one of several Arbitrators, or of single Arbitrator, 48

- 7 K. Appointment of Umpire by the Parties or by Quarter Sessions, 48

- 7 L. Time within which Award must be made, - - - - - 49

- 7 M. Power to Arbitrator to require production of Documents. Costs of Reference. Submission may be made a rule of Court, - - - - - 49

- 7 N. Declaration to be made by Arbitrator and Umpire, - - - - - 49

	Page
<i>Power of requiring Houses to be Drained.</i>	
7 o. Drainage of Houses, - - - - -	49
<i>Proceedings of Sewer Authorities.</i>	
7 p. Powers of Sewer Authorities, - - - - -	50
7 q. Sewer Authorities may exercise powers of sect. 45, Public Health Act, 1848, - - - - -	50
7 r. Previous Notices of the intended Works before commencement, -	51
7 s. Form of service of Notice upon Owners and Occupiers, -	51
7 t. If objection be made by any party interested, the Works not to be proceeded with without sanction of Commissioners of Public Works, - - - - -	51
7 u. Powers for disposing of Sewage, - - - - -	52
7 v. Making alterations, and discontinuance of Sewers vested in Sewer Authority, - - - - -	52
7 w. As to cleansing and emptying Sewers, &c., &c., by Sewer Authority, - - - - -	52
7 x. Compensation in case of damage by Sewer Authority, - -	53
<i>Saving Clauses in Local Government Act, 1858.</i>	
7 y. Saving Clause as to rights of Proprietors of Canals, &c., -	53
7 z. Works not within preceding section, and which interfere with improvement of Rivers, Canals, &c., to be referred to Arbitration, - - - - -	54
7 AA. Effect of Arbitration, - - - - -	55
7 BB. Provisions as to transfer of Powers, &c., &c., - - - - -	55
7 CC. Power for Corporation to alter Sewers, - - - - -	55
7 DD. Preserving Water rights of Companies or Individuals, -	56
7 EE. Arbitration Questions under preceding Sections, - -	56
<i>Power of Entry by Sewer Authority.</i>	
7 FF. Power of Entry, - - - - -	56
7 GG. Entry upon Lands for the purposes of this Act, - -	57
<i>Sewer Authorities' powers of Rating and of Borrowing.</i>	
7 HH. Payment of Expenses, - - - - -	57
7 II. Extension of Borrowing Powers given by sect. 78 of Local Government Act, 1858, to cases in which Sewer Authorities incur Expenses for permanent Works, &c., &c., - -	57
7 KK. Extension of Borrowing Powers in certain cases, - -	58
7 LL. Power given for raising Money on credit of Rates, - -	58
7 MM. Rentcharge may be granted for advances made to meet first cost of private Improvements, - - - - -	59
7 NN. Form of Grant of Rentcharge referred to in preceding section, -	60
7 OO. Proportion of Private Improvement Rate may be deducted from Rent, - - - - -	60
7 PP. Redemption of Special District and Private Improvement Rates, -	60
7 QQ. Rentcharges to be Registered, - - - - -	61
7 RR. Register of Grants of Rentcharges referred to in preceding paragraphs, - - - - -	61
7 SS. Transfer of Rentcharge. Register of Transfers, - -	61
7 TT. Form of Transfer of Rentcharge, - - - - -	61

	Page
<i>Power to take Lands.</i>	
7 UU. Power to take Lands, - - - - -	62
7 VV. Purchase of Lands, - - - - -	62
7 WW. Compensation, - - - - -	64

<i>General Provisions as to Sewage matters.</i>	
7 XX. Power of Sewer Authorities to Combine, - - - - -	64
7 YY. Sewer Authority may take Proceedings to prevent Pollution of Streams, - - - - -	64
7 ZZ. Sewers not allowed to drain into any Stream, &c., &c., - - - - -	65
7 AAA. Power to Public Works Loan Commissioners to lend Money to Sewer Authorities, - - - - -	65
7 BBB. Powers of Act Cumulative, - - - - -	65
7 CCC. Sewer Authority may enter into Contract for supply of Sewage, - - - - -	65
7 DDD. Application of Land Improvement Act, 1864, to Works, &c., for Supply of Sewage, - - - - -	65
7 EEE. Board of Works in Ireland to have Power of Secretary of State in Sewage matters, - - - - -	65

CLASS VIII.—POWERS OF SEWER AUTHORITY AS TO WATER SUPPLY.

8 A. Supply of Water to District of Sewer Authority, - - - - -	66
8 B. Expenses of Sewer Authority in supplying Water, - - - - -	66
8 C. Agreements for terms of Water Supply in certain cases, - - - - -	66
8 D. Power of carrying Water Mains, - - - - -	66
8 E. Power to Directors of Waterworks or Market Company to sell Works, &c., to Sewer Authorities, - - - - -	67
8 F. Sewer Authority to provide sufficient supplies of Water, and may erect Waterworks, &c. In case of Waterworks constructed by Sewer Authority, the Water may be kept constantly under pressure. Sewer Authority not to construct Waterworks, &c., if any Waterworks Company within their District be able and willing to supply Water on terms, - - - - -	67
8 G. Water for Public Baths or Trading or Manufacturing Purposes, - - - - -	68
8 H. Maintenance and Construction of Public Cisterns, - - - - -	68
8 I. Penalty for injuring Waterworks, diverting Streams, or wasting Water, - - - - -	68
8 K. Penalties on Persons for causing Water in Reservoirs to be fouled, and on Proprietors of Gasworks, &c., - - - - -	68
8 L. Recovery of certain Expenses of Water Supply, - - - - -	70
8 M. Powers of Section 76 of Public Health Act, 1848, as to Water Supply, extended to this Act, - - - - -	70
8 N. Sewer Authority may require that Houses be supplied with Water, &c., in certain cases, - - - - -	70

Private Improvement Rates.

8 O. Private Improvement Rates, - - - - -	70
---	----

Provisions as to Public Wells, Pumps, &c.

8 P. Wells, &c., belonging to any place vested in Sewer Authority, &c., - - - - -	71
8 Q. Wells, &c., belonging to any place vested in Nuisance Authority, &c., - - - - -	71

INDEX

SHOWING

THE SECTIONS OF THE PARTS OF STATUTES INCORPORATED
WITH SANITARY ACT, 1866, WITH THE PARAGRAPH
AND PAGE IN THE APPENDIX TO THIS REPORT.

1848.—*Public Health Act (Stat. 11 & 12 Vic., cap. 63).*

Section.	Paragraph.	Page.	Section.	Paragraph.	Page.
45	7 V	52	111	7 RR	61
46	7 W	52	112	7 SS	61
67	6 F	42	123	7 H	47
75	8 F	67	124	7 I	48
76	8 N	70	125	7 K	48
77	8 G	68	126	7 L	49
78	8 H	68	127	7 M	49
79	8 I	68	128	7 N	49
80	8 K	68	143	7 GG	57
90	8 O	70	144	7 X	53
91	7 OO	60	150 (part of)	7 S	51
92	7 PP	60	Schedule c	7 TT	61

1855.—*Diseases Prevention Act, 1855 (Stat. 18 & 19 Vic., cap. 116).*

Section.	Paragraph.	Page.	Section.	Paragraph.	Page.
4	3 E	6	10	3 L	8
5	3 F	7	11	3 M	8
6	3 G	7	12	3 N	8
7	3 H	7	13	3 O	9
8	3 I	8	14	3 P	9
9	3 K	8	15	3 Q	9

1855.—*Nuisances, &c., Act, 1855 (Stat. 18 & 19 Vic., cap. 121).*

Section.	Paragraph.	Page.	Section.	Paragraph.	Page.
2	5 A	16	27	5 DD	27
5	5 C	17	28	5 EE	28
8	5 E	18	29	5 FF	28
10	5 F	19	30	5 II	28
11	5 H	19	31	5 KK	29
12	5 K	21	32	5 LL	29
13	5 M	22	33	5 MM	29
14	5 N	22	34	5 NN	29
15	5 O	23	35	5 OO	30
16	5 P	23	36	5 PP	30
17	5 Q	23	37	5 QQ	30
18	5 R	23	39	5 RR	30
19	5 S	23	40	5 SS	30
20	5 T	24	41	5 TT	31
21	5 U	24	42	5 UU	31
22	5 W	25	43	5 VV	31
23	5 Y	26	44	5 WW	32
24	5 Z	26	45	5 XX	32
25	5 AA	26	46	5 YY	32
26	5 BB	26	Schedule	5 AAA	33

1858.—*Local Government Act (Stat. 21 & 22 Vic., c. 98).*

Section.	Paragraph.	Page.	Section.	Paragraph.	Page.
30	7 U	52	70	7 AA	55
51	8 M	70	71	7 BB	55
52	8 D	66	72	7 CC	55
53	8 E	67	73	7 DD	56
57	7 LL	58	74	7 EE	56
58	7 MM	59	75	7 VV	62
59	7 QQ	61	78	7 KK	58
68	7 Y	54	Schedule, Form B.	7 NN	60
69	7 Z	54			

1860.—*Nuisance Removal and Disease Prevention Amendment Act (Stat. 23 & 24 Vic., cap. 77).*

Section.	Paragraph.	Page.	Section.	Paragraph.	Page.
5	5 B	17	11	3 B	5
7	8 Q	71	12	3 D	6
8	5 X	25	13	5 L	21
9	4 K	12	14	1 K	2

1861.—*Local Government Act (Stat. 24 & 25 Vic., cap. 61).*

Section.	Paragraph.	Page.	Section.	Paragraph.	Page.
4	7 Q	50	19	7 JJ	57
5	7 R	51	20	8 C	66
6	7 T	51			

1865.—*Sewage Utilization Act (Stat. 28 & 29 Vic., cap. 75).*

Section.	Paragraph.	Page.	Section.	Paragraph.	Page.
3	7 C	45	11	7 ZZ	64
4	7 P	50	12	7 AAA	64
5	7 FF	56	13	7 BBB	64
6	7 HH	57	14	7 CCC	64
7	7 UU	62	15	7 DDD	64
8	7 WW	64	16	7 EEE	65
9	7 XX	64	Schedule	7 D	46
10	7 YY	64			

1866.—*Nuisance Removal Act, No. 1 (Stat. 29 & 30 Vic., cap. 90).*

Section.	Paragraph.	Page.
2	5 HH	29

1866.—*Sanitary Act, 1866 (29 & 30 Vic., cap. 90).*

Part I.—Amendment of Sewage Utilization Act.

Section.	Paragraph.	Page.	Section.	Paragraph.	Page.
2 (part of)	1 A	1	10	7 O	49
3	7 A	45	11	8 A	66
4	7 E	46	12	8 B	66
8	7 F	47	13	8 P	71
9	7 G	47			

Part II.—Amendment of Nuisances Removal Act.

Section.	Paragraph.	Page.	Section.	Paragraph.	Page.
14	4 A	9	25	4 O	13
15	4 B	9	26	4 P	13
16	4 H	12	27	4 S	14
18	5 CC	27	28	4 T	14
19	5 D	18	29	4 U	15
20	4 J	12	30	4 W	15
21	5 J	20	31	5 G	19
22	4 L	12	32	4 X	15
23	4 M	13	34	4 Y	16
24	4 N	13			

Part III.—Miscellaneous.

Section.	Paragraph.	Page.	Section.	Paragraph.	Page.
35	6 B	41	46	6 I	44
36	6 C	41	47	6 K	44
37	6 D	41	48	1 N	4
38	4 Q	13	49	1 M	3
39	4 R	14	50	8 L	70
40	3 C	6	51	2 B	4
41	5 ZZ	32	52	2 A	4
42	6 E	42	53	5 GG	28
43	6 G	43	55	1 F	2
45	6 H	44			

Part IV.—Application of Act to Ireland.

Section.	Paragraph.	Page.	Section.	Paragraph.	Page.
56	7 B	45	65	1 L	3
57	4 C	9	66	1 G	2
58	4 D	10	67	1 B	1
59	4 E	10	68	1 C	1
60	4 F	10	69	1 D	1
61	6 A	40			
62	3 A	5	Schedule I.,	4 G	11
63	1 J	2	Schedule II.,	1 E	2
64	1 K	3			

Houses of the Oireachtas

REPORT.

STATISTICS OFFICE, FOUR COURTS, DUBLIN,
16th August, 1866.

MY LORD,

In pursuance of your Lordship's instructions I have classified, in the form of a code, the Public Health enactments for Ireland which are included in the Sanitary Act, 1866, and in the Statutes incorporated with that Act, and have prepared the following report, giving a brief explanation of the enactments.

*History of the Sanitary Act, 1866, so far as relates to
Ireland.*

More than a year ago the attention of Sir Robert Peel, as Chief Secretary, was called to the defective state of the Laws as to Public Health by the Town Council of Dublin, enclosing the report of Dr. Mapother, their Medical Officer of Health, upon the subject. Sir Robert Peel directed an inquiry into the matter, with a view to legislation. Other local authorities made representations to the Government, and the Poor Law Commissioners intimated their opinion of the unsatisfactory state of the law, so far as it devolved on them to administer it.

To illustrate the defects complained of, it is sufficient to refer to what happened only one week before the recent Act received the Royal assent. In England precautions against cholera were taken by the Privy Council there putting in force the provisions of the Disease Prevention Act of 1855. In Ireland the Privy Council had

to meet the same emergency by issuing orders for putting in force the provisions of the Nuisance Removal and Disease Prevention Acts of 1848 and 1849.

The provisions thus put in force in Ireland within the last ten days were all repealed for England in 1855, on the grounds, as stated in the recital of the Act of that year, "That the provisions of the Acts of 1848 and 1849, "so far as the same relate to the prevention or mitigation "of epidemic, endemic, or contagious diseases, are defective, and it is expedient to substitute other provisions "more effectual in that behalf."

Ireland was thus, ten days ago, as to the official powers of meeting the cholera, under the defective provisions of 1848-49, whilst in England the more effectual provisions of 1855 were in force.

Upon the report to Sir Robert Peel, instructions were given by the late Government to prepare legislation that would put an end to this unsatisfactory state of affairs, and give Ireland the benefit of all the latest improvements in the law of public health in England.

Accordingly, a Bill was drawn extending to Ireland in one Statute, arranged in the form of a code, the English Statutes up to 1865.

Before this Bill was introduced into Parliament it was ascertained that a new code of public health was preparing for England. A copy of this was obtained, and the Irish Bill recast to include all the latest improvements. The time spent on political matters prevented the English code being introduced, but instead thereof an Amendment Bill was prepared for England.

At the period of the session when this Amendment Bill was prepared it became obvious that the only way in which Ireland could by possibility be brought up to the level of English legislation on sanitary matters was by adapting this Bill and all the Acts incorporated to Ireland.

Mr. Fortescue proposed this course to the Home Office authorities, and the Irish clauses were added to the Amendment Bill, and a number of Irishmen were placed on the Special Committee to consider the Bill—Lord Robert

Montague, Sir Frederick Heygate, Sir Colman O'Loughlen, Sir John Gray, Mr. Fortescue, and your Lordship.

Upon the present Government succeeding to office, your Lordship in the Commons, and the Earl of Belmore in the Lords, took charge of the Irish clauses, and though the general clauses underwent lengthened discussion on the recommittal of the Bill in the Commons, there was no opposition whatever to any of the clauses relating to Ireland, and it is a matter of thankfulness, in the calamity with which we are threatened, that so far as imperial legislation is concerned, the central and local authorities in Ireland have now all the same powers and authorities as have been granted by the legislature to the most favoured portion of the empire.

If the form in which the measure has been passed is not as perfect as it would have been if a Health Code had been passed for England, it is better for Ireland to have the Act that has been passed, than to have a measure more perfect in form, but to have lost the whole of the increased powers conferred by the Act of 1866, which would have been the case, if the Irish Code as prepared at the commencement of the Session had alone been passed for Ireland.

The object of the classification of enactments attempted in the Appendix to this Report, is to get over the inevitable defects of form in the Sanitary Act of 1866, and to enable the law to be understood by the central and local authorities, with some approach to the clearness that would have been attained in a complete code.

I have divided the enactments into eight classes:—

- I. General provisions.
- II. Extension of Quarantine Laws to coasting vessels.
- III. Special occasional provisions for the prevention of disease.
- IV. Part I.—Extension of the Nuisance Removal Acts to Ireland.
Part II.—New powers of Nuisance Removal created in 1866.

V. Nuisance Removal powers under Act of 1855,
as amended.

VI. Miscellaneous provisions in Sanitary Act, 1866,
viz.:—

Regulation of lodging houses;
Restriction on use of cellars;
Provisions against overcrowding;
Power to provide hospitals.

VII. Powers as to Sewage.

VIII. Powers as to Water Supply.

CLASS I.—GENERAL PROVISIONS.

Repeal of Statutes.

The obsolete powers under the Act of 1818, for establishing Local Boards of Health, and the Officers of Health appointed by Vestries under an Act of 1819, are *expressly* abolished. The former were virtually abolished in 1848, and the latter on the passing of the Vestry Cess Abolition Act in 1864.

The Nuisances, &c., Acts of 1848 and 1849, repealed for England in 1855, and for Scotland in 1856, are now repealed for Ireland.

Powers of Inquiry as to Public Health.

In England there have been efficient powers of inquiry as to public health since 1848. They are now, for the first time, extended to Ireland. Until recently Ireland had not the statistics of mortality to form the basis of such inquiries.

General powers of inquiry are to be exercised by the directions of the Privy Council in Ireland, thus placing that body at the head of the public health arrangements in Ireland, as the corresponding body is in England.

The carrying out of the inquiries is to be intrusted to the Poor Law Commissioners. From their connexion with medical relief and dispensaries, and from their power of employing any medical staff which may become neces-

sary, they are more closely connected with the subject than the Poor Law Board in England.

As the Privy Council may employ the staff of the Poor Law Commission for general inquiries, the Guardians of each Union may employ any of their own medical officers for inquiries in their own localities. This important provision enables Guardians not only to deal with the effects of disease, but to investigate—what is often of more importance to the community—those large general causes of disease which are beyond individual control.

Provisions against Default of Sewer or Nuisance Authorities.

One defect in all preceding legislation as to public health has been a want of power of compelling local authorities to exercise the powers intrusted to them. This is now obviated, and the Lord Lieutenant is enabled, upon complaint made against sewer or nuisance authorities for neglect of duty, to institute inquiries and to make an order limiting the time for the performance of the duty, and in default to appoint some person to perform the duty and to recover the expenses ordered with costs from the local authority.

By this provision very simple but at the same time most effectual means are provided for securing that the large powers for the public good intrusted to local authorities shall not be allowed to remain a dead letter.

Another important circumstance to be borne in mind is that all the powers given in these enactments are cumulative, so that all existing powers such as these, under the Towns Improvement Act and any local Act as to public health, are preserved.

CLASS II.—EXTENSION OF QUARANTINE LAWS TO COASTING VESSELS IN UNITED KINGDOM, AND SPECIAL POWERS IN PRIVY COUNCIL IN ENGLAND TO GUARD AGAINST CHOLERA AND EPIDEMIC, ENDEMIC, AND CONTAGIOUS DISEASES.

It was a great defect in the Quarantine Laws that they only applied to vessels coming from foreign ports, but powers are given by the present Act to the Privy Council to extend the Quarantine Laws to the coasting trade, in case of the outbreak of cholera or contagious disease on board a vessel.

As all matters of trade in the United Kingdom are under the Privy Council in England, this power is given, even as to Irish ports, to that body. This is the only part of the Act under which the Privy Council in England has any power connected with Ireland. Ireland is, however, in this respect in the same position as Scotland, as the section as to Quarantine extends to Scotland which is omitted from the rest of the Act.

CLASS III.—SPECIAL OCCASIONAL PROVISIONS FOR THE PREVENTION OF DISEASE.

The greater part of public health enactments are always in force; but the enactments of Class III., consisting chiefly of the provisions of the Disease Prevention Act, 1855, have no operation except when some part of Ireland appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious disease, and the provisions are brought into operation by order of the Lord Lieutenant in Council, and even then they are in force only in such parts of Ireland as are expressed in the order.

The Order in Council for this purpose can be revoked or renewed, and unless renewed the orders expire in six months.

The third class of enactments consequently require the immediate attention of the Lord Lieutenant in Council upon any outbreak of disease like the present, and the principal point to be considered in making such orders is the part or parts to which they should in the first instance extend.

The entire of Ireland need not be included, in the first instance, as from time to time new orders may be made for new places as occasion arises.

The effect of the Lord Lieutenant in Council putting the special disease prevention enactments in force is to enable the Poor Law Commissioners to issue directions and regulations for the following purposes :—

1. For the speedy interment of the dead.
2. For house to house visitation.
3. For the dispensing of medicines.
4. For guarding against the spread of disease.
5. For affording to persons afflicted or threatened with contagious, &c., diseases such medical aid as may be required.
6. For affording to such persons such accommodation as may be required.

From the nature of these powers, and from the Poor Law Commissioners being intrusted with the issuing and enforcing regulations, the guardians of the poor were obviously the most fitting local body to execute the powers, and accordingly they are by statute constituted the Local Disease Prevention Authority for their respective unions. Power is, however, given to the Lord Lieutenant in Council in any town under a Town Council or Commissioners, as specified in the Schedule to the Act (paragraph 4 G, page 11), to authorize such town authority to be the Local Disease Prevention Authority within the town boundary, instead of the Board of Guardians.

In any place where two Boards of Guardians have jurisdiction, such as Dublin, where the city extends over two unions, or where a Board of Guardians and a local authority have jurisdiction, such as any town in Ireland under a Town Council or Commissioners would be, if the Town Authority were constituted by Order in Council the Disease Prevention Authority within the town boundary, whilst the Guardians would remain the Disease Prevention Authority for any part of the suburbs outside the town boundary, power is given to the Lord Lieutenant in Council to authorize or require such Boards to act together for the purposes of the special disease

prevention enactments, and to prescribe the mode of such joint action.

With regard to the expenses of carrying out the special Disease Prevention Enactments, the guardians of the poor, in defraying them out of the poor-rate of the union, are to charge the same to the union or to any dispensary district or electoral division or divisions thereof, in such manner as the Poor Law Commissioners may, by general or special orders, direct.

If a town authority be specially constituted a Local Disease Prevention Authority by the Lord Lieutenant in Council, instead of a Board of Guardians, the expenses will be defrayed out of the rates in the Schedule to the Sanitary Act, 1866.—(Par. 4 G, p. 11.)

If the Lord Lieutenant in Council authorize or require two Boards of Guardians, or a Board of Guardians and a Town Authority, to act together for any place, he can prescribe the mode of defraying the costs between them.

With respect to the execution of the regulations of the Poor Law Commissioners, under the special provisions for the prevention of disease, the Board of Guardians or (if authorized by the Lord Lieutenant in Council) the town authorities are to superintend and see to the execution of the directions and regulations, and are required to appoint and pay such medical or other officers, and do and provide all such acts, matters, and things as may be necessary for mitigating the disease, and aiding in the execution of the regulations.

Carriages for Infectious Cases.

The only other provision in this class of enactments that it is material to notice is the power of providing carriages for persons suffering from infectious diseases. Such a power exists in the Local Disease Prevention Authority when Orders in Council for the prevention of disease are in force; but by the Sanitary Act of 1866, section 24, a permanent power for this purpose is vested in the town authorities for towns, and in Guardians for the rest of Ireland.

CLASS IV., PART I.—EXTENSION OF NUISANCE REMOVAL
ACTS TO IRELAND.

The Acts relating specially to nuisances, which are by this class of enactments extended to Ireland, are the Nuisance, &c., Act, 1855, and the Nuisance, &c., Act, 1860, with the numerous amendments and extensions of powers in the Sanitary Act, 1866.

Under the old Acts in Ireland, there was a divided authority as to nuisances, there being in all towns two authorities, having concurrent authority within the town boundary, the Councils or Commissioners and the Guardians, and in some, as in Dublin, the Vestry Officers of Health being added.

The Poor Law Commissioners reported that this divided responsibility was the greatest impediment they had to deal with in endeavouring to carry out the old sanitary laws.

By the legislation of this session the division of responsibility as to nuisances is put an end to, and there is only one Nuisance Authority in every district. The Vestry Officers are abolished. The Town Council, or Commissioners, as specified in the schedule to the Sanitary Act, 1866, are the Nuisance Authority in every town; and in every other part of Ireland, the Guardians.

This unity of responsibility is very important with regard to the new powers I have already referred to as vested in the Lord Lieutenant of enforcing the performance of its duty upon a Nuisance Authority.

The expenses of the Nuisance Authorities in carrying out this part of the legislation are to be defrayed out of the rates under their control, as specified in the schedule of the Sanitary Act, 1866; and the Town Authorities are relieved from limits of rates in regard to expenses for the removal of nuisances.

Where Guardians are Nuisance Authorities, the Poor Law Commissioners are empowered to regulate whether the expenses are to be charged to the union or to any electoral division or divisions thereof, and the manner in which they are to be charged.

CLASS IV., PART II.—POWERS OF NUISANCE REMOVAL
CREATED IN 1866.

The powers in this class of enactments would all have been lost if the Bill originally drawn for Ireland, extending legislation as it stood in 1865, had been adhered to.

Police Powers as to Nuisances.

Provision has been made, as already noticed, against the Nuisances Authority neglecting their duty or not incurring necessary expenses; but provision is here made against Nuisances Authorities neglecting to compel private persons to abate nuisances.

Upon complaint made to the Lord Lieutenant of neglect of Nuisance Authority to institute proceedings, His Excellency may authorize the Chief Officer of Police to take proceedings.

Inspection of Nuisances.

It is for the future made compulsory on all Nuisance Authorities to have inspection of nuisances, and they are authorized to appoint and pay Nuisance Inspectors.

Enforcement of Acts against Nuisances from Smoke.

It is also obligatory on Nuisance Authorities to enforce the provisions of Acts requiring furnaces to consume their own smoke.

Disinfection of Houses, Clothes, and Carriages, and Penalties in connexion therewith.

There are most valuable provisions under this head, which it is unnecessary to describe in detail.

Provisions for Places for the Reception of Dead Bodies.

The Enactments under this head relate to persons dying of infectious diseases in crowded houses, and to cases where post mortem examinations are required.

Extension of Jurisdiction of Nuisance Authorities to Ships.

Under these clauses a ship in harbour is treated as a house, and subjected to the same conditions for sanitary purposes.

These are most important clauses for places like Dublin, Belfast, and Cork, where there is always a considerable population on board ship.

The Nuisance Authority may, with the sanction of the Lord Lieutenant in Council, lay down rules for removal to hospital, and for keeping in hospital persons brought within their district in ships.

A question will arise in some ports as to which Nuisance Authority a ship is under. The Act provides a simple rule, that if ships be in waters outside the district, then the ship shall be under the Nuisance Authority whose district nearest adjoins, the distance being measured in a straight line.

In many ports this will place the ships in the same harbour under different authorities; but to obviate this the Lord Lieutenant is authorized to prescribe the authority under which ships so situate are to be.

It would appear, therefore, important that the Privy Council should direct some inquiries as to the usual locality of ships in all the principal harbours, to see if there be any occasion for exercising their powers.

CLASS V.—NUISANCE REMOVAL POWERS UNDER THE ACT 1855, AS AMENDED AND MODIFIED IN 1860 AND 1866.

The nuisances against which more effectual provision is made by the amendments introduced in 1866, are :

1. Over-crowded houses.
2. Over-crowded or uncleanly work places.
3. Smoke from a chimney of a manufactory.

The nuisances provided for in the Act of 1855 are :

1. Premises injurious to health.
2. Pools or watercourses injurious to health.
3. Cess-pools, drains, or ashpits injurious to health.
4. Animals badly kept.
5. Accumulation of matter likely to produce disease.

The Act of 1855 also contains special provisions against—

1. Foul water.
2. Corrupting water with gas washings.
3. Sale of unwholesome meat.
4. Noxious trades or manufactories.
5. Nuisances in mews or stables.

As to proceedings for putting a stop to these, it is unnecessary to refer in detail to the powers of entry and orders for removal and procedure.

CLASS VI.—MISCELLANEOUS PROVISIONS IN SANITARY ACT, 1866.

Under this head are provisions with respect to—

1. The regulation of lodging-houses in towns under Town Authorities.
2. Powers of closing cellars and over-crowded houses.
3. Powers restricting the uses of cellars, dwellings, &c.
4. Powers in towns under Town Authorities to adopt the Baths and Washhouses Act.

Power to Provide Hospitals.

There is also a very important power of providing hospitals. The Sewer Authority, in other words the Town Council or Commissioners in Towns, and Guardians elsewhere, may provide for the use of the inhabitants within the district—

1. Hospitals.
2. Temporary places for the reception of the sick ; and may either
3. Build such hospitals or temporary places of reception ; or
4. Make contracts for the use of any existing hospital, or part of an hospital ; or it may
5. Make agreements with any person, or body of persons, having the management of any hospital for the reception of the sick inhabitants of its district, on payment by the Sewer Authority of such annual or other sum as may be agreed on.

The expenses of providing hospitals, if it should be necessary under this section, are to be paid as expenses of sewers in the schedule to the Sewage Utilization Act, 1865—that is, in towns under Town Authorities out of rates applicable to sewers, as stated in the schedule to that Act, and in other places out of the Poor-rates of Electoral Divisions as stated in schedule.

CLASS VII.—POWERS OF SEWER AUTHORITIES AS TO
SEWAGE.

In Ireland the same Local Authority in every case is fixed for nuisance and sewage purposes, but the distinct names had to be preserved in the Sanitary Act, 1866, as in the complicated local institutions of England this assimilation could not take place. In Ireland the Town Councils and Commissioners set forth in the schedule, are the Sewer Authority in all towns under councils or commissioners; in all other cases the Guardians of the Poor are to be the Sewer Authorities.

The expenses are to be defrayed in all towns under Town Authority, out of the rates applicable to sewers, as specified in the schedule to the Sewage Utilization Act, 1865. In all towns not under Commissioners, and in all villages, out of the Poor-rates of the Electoral Divisions in which the town or village is situate.

The most ample powers are given for carrying out a complete system of sewers, amongst the rest is an important provision of the Sewage Utilization Act, 1865, which has received more extensive application by the Act of last session for obtaining loans from the Exchequer Loan Commissioners for sewers.

A loan was granted this year to an improving town in Ireland under the Act of 1865, showing that the machinery now extended is capable of being successfully used.

CLASS VIII.—POWERS OF SEWER AUTHORITY AS TO
WATER SUPPLY.

Ample provision is made for giving sewer authorities powers for securing a supply of water from wells or

reservoirs, and all existing public wells or pumps are placed under their protection.

As the spread of cholera is believed by some high authorities to be greatly increased by the use of water subject to any pollution, the importance of these clauses cannot be exaggerated, particularly with reference to the power vested in the Lord Lieutenant upon complaint made of any neglect of duty, to compel the Sewer Authority to secure existing water supplies from pollution, and to provide proper supplies where the existing arrangements are inadequate or defective.

I have the honour to be,

Your Lordship's faithful servant,

W. NEILSON HANCOCK.

The Right Hon. LORD NAAS, M.P.,
Chief Secretary to the
Lord Lieutenant of Ireland.

APPENDIX

CONTAINING

PUBLIC HEALTH ENACTMENTS FOR IRELAND,

IN

SANITARY ACT, 1866,

AND

STATUTES INCORPORATED THEREWITH.

CLASS I.—GENERAL PROVISIONS.

1 A. The words "Lord Lieutenant in Council" shall mean in this Act the Lord Lieutenant or any Chief Governor or Chief Governors in Ireland acting by and with the Consent of Her Majesty's Privy Council in Ireland.—(*Part of Section 2.*)

SANITARY
ACT, 1866.

—
"Lord Lieu-
tenant in
Council."

1 B. Publication shall be made in the Dublin Gazette in any Case in Ireland where publication in the London Gazette is required in England.—(*Section 67.*)

Publication in
Ireland to be
made in *Dub-
lin Gazette.*

1 C. All Powers relating to the Execution of this Act in England and by this Act vested in One of Her Majesty's Principal Secretaries of State shall, with regard to the Execution of this Act in Ireland, in all Cases not herein-before^(a) expressly provided for, be vested in the Lord Lieutenant or other Chief Governor or Governors of Ireland; and all Powers relating to the Execution of this Act in England, and by this Act vested in the Privy Council in England, shall, with regard to the Execution of this Act in Ireland, in all Cases not herein-before^(a) expressly provided for, be vested in the Lord Lieutenant in Council in Ireland.—(*Section 68.*)

Powers of
Secretary of
State in Eng-
land to be
exercised in
Ireland by
the Lord
Lieutenant
[and Powers
vested in
Privy Council
to be executed
by the Lord
Lieutenant]
in Council.

1 D. From and after the passing of this Act the Acts set forth in the Second Schedule hereto^(b) shall be repealed, so far as they are still in force: Provided always, that all Proceedings commenced or taken under the said Acts and not yet completed may be proceeded with under said Acts, and that all Contracts and Works undertaken by virtue of said Acts shall continue and be effective as if said Acts had not been repealed.—(*Section 69.*)

Repeal of
Statutes
applicable to
Ireland.

^(a) As this Section is at the End of the Act, herein-before means in the Act.

^(b) *Vide* next par. 1 E, p. 2.

SANITARY
ACT, 1866.

1 E. Statutes repealed: ^(a)

“Local Boards of Health Act for Ireland, 1818;” Statute 58 Geo. 3, c. 47, ss. 10 to 15, inclusive.

“Officers of Health Act for Ireland, 1819;” Statute 59 Geo. 3, c. 41.

“Nuisance Removal and Disease Prevention Act, 1848.”

“Nuisance Removal and Disease Prevention Act, 1849.”—
Second Schedule.

Powers of
Act cumu-
lative.

1 F. All Powers given by this Act shall be deemed to be in addition to and not in derogation of any other Powers conferred on any Local Authority by Act of Parliament, Law, or Custom; and such Authority may exercise such other Powers in the same Manner as if this Act had not passed.—(*Section 55.*) ^(b)

Powers of Inquiry as to Public Health.

Poor Law
Commission-
ers to make
inquiries as to
public health
in Ireland.

1 G. The Lord Lieutenant in Council may from Time to Time direct the Poor Law Commissioners to cause to be made such Inquiries as the Lord Lieutenant in Council shall see fit in relation to any Matters concerning the Public Health in any Place or Places in Ireland, and the Poor Law Commissioners shall report the Result of such Inquiries to the Lord Lieutenant in Council.—(*Section 66.*)

NUISANCE,
&c., Act, 1860.

Guardians
may procure
sanitary re-
ports and pay
for the same.

1 H. The Guardians of any Union, . . . may at any Time employ One of their Medical Officers to make Inquiry and report upon the sanitary State of their Union . . . or any Part thereof, and pay a reasonable Compensation for the same out of their Common Fund.—(*Section 14.*)

SANITARY
ACT, 1866.

Committee
and Officers
under Dis-
pensaries Act
to aid Local
Authorities in
execution of
this Act.

Medical Officers to Assist in Executing Sanitary Act, 1866.

1 J. . . . All Committees, Inspectors, Medical Officers and other Persons appointed or employed under the Powers of Statute Fourteenth and Fifteenth Victoria, Chapter Sixty-eight, (“The Dispensaries Act, 1851”), shall, and they are hereby required within their respective Districts to aid the Local Authority, and such Officers or Persons as they shall appoint or employ in the Superintendence and Execution of any Directions and Regulations which may at any Time be issued by the Poor Law Commissioners, for the Time being, under the Authority and by virtue of this Act.—(*Section 63.*)

^(c) The Provisions of the Act of 1818, thus repealed, became obsolete in 1848, on the passing of the Nuisances, &c., Act, 1848.

“The Officers of Health Act” became inoperative on the passing of the “Vestry Cess Abolition Act, 1864.”

The Nuisances, &c., Acts, 1848 and 1849, were repealed for England in 1855, and for Scotland in 1856.

^(b) This Section saves all existing Powers of any Sewer or Nuisance Authority except those expressly repealed, and prevents the implied repeal of other previous Statutes, which the new concurrent Powers conferred by the Act of 1866 might be supposed to involve.

1 K. The Provisions of "The Dispensary Act, 1851," (Statute 14 & 15 Vic., c. 68), with respect to the Duties and Appointment of Medical Inspectors, shall be incorporated with this Act, and the Prevention of Disease and Inquiry into Public Health under this Act shall be deemed One of the Purposes for which such Medical Inspectors have been or may be appointed, in like Manner as if its Provisions had been referred to in the said Act of 1851, instead of the Provisions of the said "Nuisance Removal and Diseases Prevention Act of 1848."—(Section 64.)

SANITARY ACT, 1866.

The provisions of the Dispensary Act, 1851, as to duties and appointment of Medical Inspectors in Ireland, incorporated with this Act.

1 L. Whenever in compliance with any Direction or Regulation of the Poor Law Commissioners, which they may be empowered to make under the Laws for the Time being as to the Public Health, any Medical Officer of a Union or Dispensary District, or any other Medical Practitioner specially employed by the Guardians for the Purpose, shall perform any extra Medical Service in any Union or Part of a Union, it shall and may be lawful for the Guardians of the Union to determine, subject to the Approval of the said Commissioners, and if they shall not approve the Amount determined by the Guardians, for the said Commissioners to fix by Order under their Seal such Remuneration, proportioned to the Nature and Extent of such Services as aforesaid, as to them shall appear just and reasonable; and the Amount of such Remuneration shall be paid to such Medical Officer or other Medical Practitioner by the Guardians of the Union, out of the Rates raised for the Relief of the Poor, and shall be charged either to the Union at large, or to such Part or Parts of the Union, according to the Nature of the Case, as the said Commissioners shall in each Case direct.—(Section 65.)

Remuneration to Medical Practitioners for services under the directions and regulations of the Poor Law Commissioners in Ireland.

Provision against Default of Sewer or Nuisance Authorities.

1 M. Where Complaint is made [to the Lord Lieutenant or other Chief Governor or Chief Governors of Ireland] that a Sewer Authority, has made default in providing its District with sufficient Sewers, or in the Maintenance of existing Sewers, or in providing its district with a Supply of Water in Cases where Danger arises to the Health of the Inhabitants from the Insufficiency or Unwholesomeness of the existing Supply of Water, and a proper Supply can be got at a reasonable Cost, or that a Nuisance Authority has made default in enforcing the Provisions of the Nuisance Removal Acts, [the Lord Lieutenant or other Chief Governor or Chief Governors of Ireland], if satisfied after due Inquiry made by him that the Authority has been guilty of the alleged Default, shall make an Order limiting a Time for the Performance of its Duty in the Matter of such Complaint; and if such Duty is not performed by the Time limited in the Order, the said [Lord Lieutenant or other Chief Governor or Chief Governors] shall appoint some Person to perform the same, and shall by Order direct that the Expenses of performing the same, together with a reasonable Remuneration to

Mode of proceeding where Sewer Authority has made default in providing sufficient sewers, &c.

SANITARY
ACT, 1866.

the Person appointed for superintending such Performance, and amounting to a Sum specified in the Order, together with the Costs of the Proceedings, shall be paid by the Authority in default; and any Order made for the Payment of such Costs and Expenses may be removed into the Court of Queen's Bench [in Ireland], and be enforced in the same Manner as if the same were an Order of such Court.—(Section 49.)

General Provisions as to Procedure.

Appearance
of Sewer or
Nuisance
Authorities in
legal proceed-
ings.

1 N. Any . . . Sewer Authority, or Nuisance Authority, may appear before any Justice or Justices, or in any legal Proceeding, by its Clerk or by any Officer or Member authorized generally or in respect of any special Proceeding by Resolution of such . . . Authority, and such Person being so authorized shall be at liberty to institute and carry on any Proceeding which the Nuisance Authority is authorized to institute and carry on under the Nuisance Removal Acts or this Act.—(Section 48.)

CLASS 2.—EXTENSION OF QUARANTINE LAWS TO COASTING VESSELS
IN UNITED KINGDOM, AND SPECIAL POWERS TO PRIVY COUNCIL
TO GUARD AGAINST CHOLERA, EPIDEMIC, ENDEMIC, OR CONTA-
GIOUS DISEASES.

Description
of vessels
within provi-
sions of
Quarantine
Act (6 G.
4, c. 78),
[and Powers
to Privy
Council in
England in
Cases of
Cholera, &c.]

2 A. Every Vessel having on board any Person affected with a dangerous or infectious Disorder shall be deemed to be within the Provisions of the Act of the Sixth Year of King George the Fourth, Chapter Seventy-eight, although such Vessel has not commenced her Voyage, or has come from or is bound for some Place in the United Kingdom; and the Lords and others of Her Majesty's Most Honourable Privy Council, or any Three or more of them (the Lord President of the Council or One of Her Majesty's Principal Secretaries of State being One), may, by Order or Orders to be by them from Time to Time made, make such Rules, Orders, and Regulations as to them shall seem fit, and every such Order shall be certified under the Hand of the Clerk in Ordinary of Her Majesty's Privy Council, and shall be published in the London Gazette, and such Publication shall be conclusive Evidence of such Order to all Intents and Purposes; and such Orders shall be binding and be carried into effect as soon as the same shall have been so published, or at such other Time as shall be fixed by such Orders, with a view to the Treatment of Persons affected with Cholera and epidemic, endemic, and contagious Disease, and preventing the Spread of Cholera and such other Diseases, as well on the Seas, Rivers, and Waters of the United Kingdom,^(a) and on the High Seas within Three Miles of the Coasts thereof, as on Land; and to declare and determine by what Nuisance Authority or Authorities such Orders, Rules, and Regulations shall be enforced and exe-

(a) As United Kingdom is used in this Section, the powers in it seem vested in the English Privy Council alone. (*Vide par. 1 c, page 1.*)

Class 2.—*Quarantine Laws and Privy Council Powers.* 5

cutted; and any Expenses incurred by such Nuisance Authority or Authorities shall be deemed to be Expenses incurred by it or them in carrying into effect the Nuisances Removal Acts.—(Section 52.)

SANITARY
ACT, 1866.

2 B. All Penalties imposed by the Act of the Sixth Year of King George the Fourth, Chapter Seventy-eight, intituled "An Act to repeal the several Laws relating to Quarantine, and to make other Provisions in lieu thereof," may be reduced by the Justices or Court having Jurisdiction in respect of such Penalties to such Sum as the Justices or Court think just.—(Section 51.)

Amendment
[Quarantine
Act], 6 G. 4,
c. 78.

CLASS 3.—SPECIAL OCCASIONAL^(a) PROVISIONS FOR PREVENTION OF DISEASES.

Constitution of Special Disease Prevention Authorities, and Provision as to Expenses, &c.

3 A. The Diseases Prevention Act, 1855, as amended by the Nuisance Removal and Disease Prevention Amendment Act, 1860, and this Act, shall extend to Ireland: Provided, however, that in such Application the following changes shall be observed:

Modifications
necessary for
application of
Disease Pre-
vention Act
to Ireland.

- (1.) The Lord Lieutenant in Council shall have the Power with respect to Ireland which the Privy Council has under such Provisions for Prevention of Disease in England:
- (2.) The Commissioners for Administering the Laws for the Relief of the Poor in Ireland, herein-after called the Poor Law Commissioners, shall be the Authority in Ireland for issuing Regulations to carry the Provisions of said Act into effect:
- (3.) The Regulations of the Poor Law Commissioners shall be authenticated in like Manner as Orders of theirs under the Dispensary Act, 1851, Stat. 14 & 15 Vic., c. 68, s. 8.^(b)
- (4.) In defraying the Expenses of the Prevention of Disease out of the Poor Rate of the Union under this Act the Guardians of the Poor shall charge the same to the Union, or any Dispensary District or Electoral Division or Divisions thereof, in such Manner as the Poor Law Commissioners shall from Time to Time, by General Orders applicable to Classes of Cases, or by Orders in particular Cases direct.—(Section 62.)

3 B. The Board of Guardians for every Union . . . shall be the Local Authority for Executing the said Diseases Prevention Act in every Place within Their respective Unions; and the Expenses incurred in the Execution of such Act by the Board of Guardians for a Union shall be Defrayed out of the [Poor Rate of the Union, and the Guardians of the Poor shall Charge the

NUISANCES,
&c., ACT, 1860,
AS AMENDED
AND
MODIFIED.
—
Guardians
of the poor to

^(a) These provisions can only be called in force for a time not exceeding six months without further order by the Lord Lieutenant in Council issuing orders under the 5th section of the Disease Prevention Act, 1855. Par. 3 H, *infra* p. 7.

^(b) This is a misprint for Section 2.

NUISANCES,
&c., ACT, 1860,
AS AMENDED
AND
MODIFIED.

be the Local
Diseases
Prevention
Authority
[except in
special cases].

same to the Union or any Dispensary District or Electoral Division or Division thereof in such Manner as the Poor Law Commissioners shall from Time to Time by General Orders applied to Classes of Cases or by Orders in particular Cases direct]:^(a) Provided that every such Board of Guardians shall for the Execution of the said Act for the Prevention of Diseases have the like Powers of appointing Committees, with the like Authority, and where any such Committee is Appointed the Expenses thereof and of the Board shall be paid in the same Manner as herein . . . provided^(b) where such a Board is the [Nuisance] Authority; provided, moreover, that in respect of . . . any Place where, under this Act, the [Nuisance] Authority . . . is any other Body than the Board of Guardians . . . the [Lord Lieutenant in Council], if he see fit, may Authorize such other Body to be instead of the Board of Guardians . . . the Local . . . [Diseases Prevention] Authority and their Charges and Expenses [incurred in the Execution of the Diseases Prevention Act shall be borne out of the Rates or Funds administered by such Local [Disease Prevention] Authority, as a Nuisance Authority].^(c)—(Section 11.)

SANITARY
ACT, 1866.

[Two or more
Local Disease
Prevention
Authorities
may be or-
dered by Lord
Lieutenant in
Council to
act together.]

3 C. Where in any Place Two or more Boards of Guardians or Local Authorities have Jurisdiction, [the Lord Lieutenant in Council] may, by any Order made under The Diseases Prevention Act, 1855, authorize or require such Boards to act together for the Purposes of that Act, and may prescribe the Mode of such joint Action and of defraying the Costs thereof.—(Section 40.)

NUISANCES,
&c., ACT,
1860.

Board of
Guardians,
&c., may
provide car-
riages for con-
veyance of
infected per-
sons.

3 D. It shall be lawful for [the Local Disease Prevention Authority] to Provide and Maintain a Carriage or Carriages suitable for the Conveyance of Persons suffering under any Contagious or Infectious Disease, and to Convey such Sick and Diseased Persons as may be Residing within such Locality, to any Hospital or any other Place of Destination, and the Expense thereof shall be Deemed to be an Expense incurred in Executing the said [Disease Prevention] Act [1855].^(d)—(Section 12.)

DISEASES
PREVENTION
ACT, 1855,
AS AMENDED
AND
MODIFIED.

Power of
entry.

3 E. [The Local Disease Prevention Authority] and their Officers shall have Power of Entry for the Purposes of [the "Diseases Prevention Act, 1855"], and for executing or superintending the Execution of the Regulations and Directions of the Poor Law Commissioners issued under the "Diseases Prevention Act, 1855."—(Section 4.)

^(a) Vide par. 3 A, *supra*.

^(b) Vide par. 4 D, p. 10, *infra*.

^(c) Vide Diseases, &c., Act, 1855 (Stat. 18 & 19 Vic., c. 116), ss. 2 and 3.

^(d) This power can only be exercised when Diseases Prevention Act in force by order of Lord Lieutenant in Council; but see permanent powers for this purpose vested in Nuisance Authorities. Sanitary Act, 1866, sec. 24, par. 4 N, *infra*, p. 13.

Mode of Putting Disease Prevention Powers in Force.

DISEASES
PREVENTION
ACT, 1855,
AS AMENDED
AND
MODIFIED.

3 F. Whenever any part of [Ireland] appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious Disease, [the Lord Lieutenant in Council] may, by Order or Orders to be by [him] from Time to Time made, direct that the Provisions herein contained for the Prevention of Diseases be put in force in [Ireland] or in such Parts thereof as in such Order or Orders respectively may be expressed, and may from Time to Time, as to all or any of the Parts to which any such Order or Orders extend, and in like Manner, revoke or renew any such Order; and, subject to Revocation and Renewal as aforesaid, every such Order shall be in force for Six Calendar Months, or for such shorter Period as in such Order shall be expressed; and every such Order of [the Lord Lieutenant in Council] as aforesaid, shall be certified under the Hand of the Clerk in Ordinary of Her Majesty's Privy Council [in Ireland], and shall be published in the [*Dublin*] *Gazette*; and such Publication shall be conclusive Evidence of such Order to all Intents and Purposes.—(Section 5.)

Power to
[Lord Lieu-
tenant in]
Council to
issue orders
that provi-
sions herein
contained for
prevention
of diseases
may be put
in force.

3 G. From Time to Time after the issuing of any such Order as aforesaid, and whilst the same continues in force, the [Poor Law Commissioners] may issue Directions and Regulations, as the said [Commissioners] think fit—

Power to
Poor Law
Commission-
ers to issue
regulations to
carry out
such provi-
sions.

For the speedy Interment of the Dead :

For House to House Visitation :

For the dispensing of Medicines, guarding against the Spread of disease, and affording to Persons afflicted by or threatened with such epidemic, endemic, or contagious Diseases such Medical Aid and such Accommodation as may be required :

And from Time to Time, in like Manner, may revoke, renew, and alter any such Directions and Regulations as to the said [Commissioners] appears expedient, to extend to all Parts in which the Provisions of this Act for the Prevention of Disease shall for the Time being be put in force under such Orders as aforesaid, unless such Directions and Regulations be expressly confined to some of such Parts, and then to such Parts as therein are specified; and (subject to the Power of Revocation and Alteration herein contained) such Directions and Regulations shall continue in force so long as the said Provisions of this Act shall under such Order be applicable to the same Parts.—(Section 6.)

Local extent
and duration
of regulations
of Poor Law
Commission-
ers.

3 H. Every such Direction and Regulation as aforesaid, when issued, shall be published in the [*Dublin*] *Gazette*, and the Gazette in which such Direction or Regulation was published shall be conclusive evidence of the Direction or Regulation so published, to all intents and purposes.—(Section 7.)

Publication of
such regula-
tions.

3 J. [The Local Disease Prevention Authority] shall superintend and see to the Execution of such Directions and Regulations, and shall appoint and pay such Medical or other Officers or Persons, and do and provide all such Acts, Matters, and Things, as may

The Local
Disease
Prevention
Authority
to see to the
execution of

DISEASES
PREVENTION
ACT, 1855, AS
AMENDED
AND
MODIFIED.

such regula-
tions, &c. ;
and may di-
rect prosecu-
tions for vio-
lating the
same.

Orders in
Council, di-
rections and
regulations, to
be laid before
Parliament.

Orders in
Council may
extend to
parts and
arms of the
sea.

Medical Offi-
cers of Unions
and others
entitled to
costs of at-
tending sick
on board ves-
sels, when
required by
orders of Poor
Law Commis-
sioners.

be necessary for mitigating such Disease, or for superintending or aiding in the Execution of such Directions and Regulations, or for executing the same, as the case may require.—(Section 8.)

3 K. The Local [Disease Prevention] Authority may from Time to Time direct any Prosecutions or legal Proceedings for or in respect of the wilful Violation or Neglect of any such Direction and Regulation.—(Section 9.)

3 L. Every Order of [the Lord Lieutenant in Council], and every Direction and Regulation of the [Poor Law Commissioners], under [the Disease Prevention Act, 1855], shall be laid before both Houses of Parliament, forthwith upon the issuing thereof, if Parliament be then sitting, and if not then within Fourteen Days next after the Commencement of the then next Session of Parliament.—(Section 10.)

3 M. Orders in Council issued in pursuance of [the Diseases Prevention Act, 1855,] for putting in force the Provisions for the Prevention of Disease in the said Nuisances Removal and Diseases Prevention Acts contained in [Ireland], may extend to Parts and Arms of the Sea lying within the Jurisdiction of the Admiralty ; and the [Poor Law Commissioners] may issue under the [Disease Prevention Act, 1855], Directions and Regulations for cleansing, purifying, ventilating, and disinfecting, and providing Medical Aid and Accommodation, and preventing Disease in Ships and Vessels, as well upon Arms and Parts of the Sea aforesaid as upon Inland Waters.—(Section 11.)

3 N. Whenever, in compliance with any Regulation of the [Poor Law Commissioners], which they may be empowered to make under this Act, any Medical Officer appointed under and by virtue of the Laws for the Time being for the Relief of the Poor shall perform any Medical Service on board of any Vessel, such Medical Officer shall be entitled to charge extra for any such Service, at the General Rate of his Allowance for his Services for the Union or Place for which he is appointed, and such Charges shall be payable by the Captain of the vessel, on behalf of the Owners, together with any reasonable Expenses for the Treatment of the Sick ; and if such Services shall be rendered by any Medical Practitioner who is not a Union or Parish Officer, he shall be entitled to Charges for any Service rendered on board, with extra Remuneration on account of Distance, at the same Rate as those which he is in the habit of receiving from private Patients of the Class of those attended and treated on Shipboard, to be paid as aforesaid ; and in case of Dispute in respect of such Charges, such Dispute may, where the Charges do not exceed Twenty Pounds, be determined summarily, at the Place where the Dispute arises, as in case of Seamen's Wages not exceeding Fifty Pounds, according to the Provisions of the Law in that Behalf for the Time being in force ; and any Justice before whom Complaint is made shall determine summarily as to the Amount which is reasonable, according to the accustomed Rate of Charge within the Place for Attendance on Patients of the like Class or Condition as those in respect of whom the Charge is made.—(Section 12.)

3 o. The Directions and Regulations of the [Poor Law Commissioners] under this Enactment shall be under the Seal of the said [Commissioners, and shall be signed by not less than two of the Commissioners;^(a)] and any Copy of such Regulations purporting to bear such Seal and Signature, whether the said Signature and Seal be respectively impressed and written, or printed only, shall be Evidence in all Proceedings in which such Regulations may come in question.—(Section 13.)

DISEASES
PREVENTION
ACT, 1855, AS
AMENDED
AND
MODIFIED.

Authentica-
tion of direc-
tions and reg-
ulations of
Poor Law
Commis-
sioners.

3 p. Whoever wilfully obstructs any Person acting under the Authority or employed in the execution of [the Disease Prevention Act, 1855], and whosoever wilfully violates any Direction or Regulation issued by the [Poor Law Commissioners], as aforesaid, shall be liable for every such Offence to a Penalty not exceeding Five Pounds, to be appropriated in or towards the defraying the Expenses of executing this Act.—(Section 14.)

Penalty for
obstructing
execution of
Act.

3 q. The provisions of any General Act in force for the Removal of Nuisances, with regard to the Service of Notices, the Proof of Orders or Resolutions of the Local Authority, and the Recovery of Penalties, shall extend and apply to [the Diseases Prevention Act, 1855].—(Section 15.)

Certain pro-
visions of
Nuisances
Removal Act
to apply to
this Act.

CLASS 4. PART I.—EXTENSION OF NUISANCE REMOVAL ACTS TO IRELAND.

SANITARY
ACT, 1866.

4 A. The expression "Nuisances Removal Acts" shall mean the [Nuisances, &c., Act, 1855, Stat. 18 & 19 Vic., c. 121, and the Nuisances, &c., Act, 1860, Stat. 23 & 24 Vic., c. 77], as amended by the Second Part of this Act; and Second Part of this Act shall be construed as One with the said Acts, and all Expenses incurred by a Nuisance Authority in carrying into effect any of the Provisions of the Second Part of this Act, shall be deemed to be Expenses incurred by it in carrying into effect the Nuisances Removal Acts.—(Section 14.)

Definition of
"Nuisances
Removal
Acts."

4 B. "Nuisance Authority" shall mean any authority empowered to execute the Nuisances Removal Acts.—(Section 15.)

Definition of
"Nuisance
Authority."

4 c. The Nuisance Removal Acts as amended by the Second^(b) Part of this Act, shall apply to Ireland; provided, however, that in such Application the following Changes shall be observed:

Modifications
necessary for
application of
Part II. of
Sanitary Act,
1866, to Ire-
land.

(1.) Sewer Authority as defined by the Sewage Utilization Act, 1865, and amended by this Act, shall in Ireland be the Nuisance Authority for executing the Nuisance Removal Acts:

(2.) The expenses of executing the Nuisance Removal Acts shall be defrayed out of the Funds hereinafter provided:

^(a) Sanitary Act, 1866, section 62, par. 3 A., *supra*, p. 5; 14 & 15 Vic., c. 68, s. 2; and 10 & 11 Vic., c. 90, s. 11.

^(b) Second Part, entitled "Amendment of the Nuisances Removal Acts," consists of Sections 14 to 34, inclusive.

SANITARY
ACT, 1866.

- (3.) The Penalties shall be recovered in the Manner hereinafter provided :
- (4.) The Expressions "Mayor, Aldermen, and Burgesses," "Council," "Borough Rate," "Borough Fund," and "Town Rate," shall in the First Schedule hereto have respectively the same Meaning as in the Acts for the Regulation of Municipal Corporations in Ireland :
- (5.) For the Purposes of the Twenty-second Section of The Nuisance Removal Act, 1855, the Nuisance Authority shall in Ireland have the Power of entering Land conferred by The Sewage Utilization Act, 1865, and shall have the same Power of levying Assessments under the said Section that they have of levying any other Rates they are authorized by Law to impose.—(Section 57.)

Expenses of Nuisance Authority in Ireland.

How expenses
to be defrayed
in Ireland
when
Nuisance
Authority
not a Board of
Guardians.

4 D. . . . The Nuisance Authority, not being the Guardians of the Poor, shall pay all Expenses incurred by them in carrying the Nuisance Removal Acts into effect, out of the Fund in the First Schedule^(a) in that Behalf mentioned ; and where such Fund arises wholly or in part from Rates, shall have, in addition to their existing Powers of Rating, all such Powers for making and levying any extra Rate, if necessary, respectively, as in the Case of any Rate authorized to be made under the Provisions of the respective Acts of Parliament under which the Nuisance Authorities are constituted or authorized to levy Rates ; and all Provisions of such Acts respectively shall be applicable in respect thereof ; provided that when the Rates to be assessed by such Authority are limited by Law to a certain rateable Amount, such Limitation shall not apply or extend to Expenses incurred in carrying this Act into execution ; and it shall be lawful for such Authority to assess the Expenses under this Act in addition to such limited Assessment.—(Section 58.)

When Board
of Guardians
is Nuisance
Authority,
how expenses
to be defrayed
in Ireland.

4 E. . . . A Nuisance Authority, being Guardians of the Poor, shall pay all Expenses incurred by them in carrying this Act into effect out of the Poor Rates of the Union, and charge the same to the Union, or any Electoral Division or Electoral Divisions thereof, in such Manner as the Poor Law Commissioners shall from Time to Time, by general Orders applicable to Classes of Cases, or by Order in any particular Case direct.—(Section 59.)

Penalties in Ireland.

Recovery of
penalties in
Ireland.

4 F. . . . Penalties under this Act and Expenses or Compensation directed to be recovered in a summary Manner, and Nuisances and other Offences liable to be prosecuted summarily, shall be recovered and prosecuted in manner directed by the Petty Sessions (Ireland) Act, 1851, or any Act amending the same ; and all Penalties recovered by any Authority under this Act shall be paid to them respectively, and by them applied in aid of their Expenses under this Act.

(^a) Par. 4 G, next page.

Class 4, Part I.—Extension of Nuisance Removal Acts. 11

Any Order authorized to be made by Justices under this Act shall be deemed to be an Order made upon a Complaint on which Justices are authorized to make Orders under the last-mentioned Act.—(Section 60.)

SANITARY
ACT, 1866.

Sewer and Nuisances Authorities in Ireland.

4 G. SCHEDULE I.—Showing Sewer and Nuisance Authorities in Ireland, with Districts, Corporate Names, and Rates or Funds from which Expenses, other than Expenses under Sewage Utilization Act, 1865, paid.

Schedule 1.
Sewers and
Nuisance
Authorities,
with District
Corporate
Names, and
rates or funds
from which
expenses to
be paid.

Description of Sewers and Nuisance Authority in Ireland.	Description of Sewers and Nuisance District in Ireland.	Corporate Name, for the Purpose of suing or being sued, or holding Property, under the Provisions of this Act.	Rate or Fund out of which Expenses incurred by Sewers or Nuisance Authority under this Act, to be defrayed. (a)
The Right Honorable the Lord Mayor, Aldermen, and Burgesses, acting by the Town Council.	The City of Dublin.	The Right Honorable the Lord Mayor, Aldermen, and Burgesses of the City of Dublin.	The Borough Rate or Borough Fund.
The Mayor, Aldermen, and Burgesses, acting by the Town Council.	Towns Corporate, with Exception of Dublin.	The Mayor, Aldermen, and Burgesses of the City or Town of —	The Borough Rate or Borough Fund.
The Town Commissioners.	Towns having Town Commissioners, under the Towns Improvement (Ireland) Act, 1854 (17 & 18 Vict., c. 113), or under any Local Act.	The Town Commissioners of —	Any Rate levied by the Commissioners.
The Township Commissioners.	Townships having Commissioners under Local Acts.	The Township Commissioners of —	
The Commissioners appointed by virtue of an Act made in the 9th Year of the Reign of George the Fourth, intituled "An Act to make Provision for the lighting, cleansing, and watching of Cities and Towns Corporate, and Market Towns in Ireland, in certain Cases."	Towns under such Commissioners.	The Lighting and Cleansing Commissioners of the Town of —	
The Municipal Commissioners.	Towns having Municipal Commissioners, under 3 & 4 Vict., c. 103.	The Municipal Commissioners of —	The Town Fund.
The Guardians of the Poor of each Union.	Such Part of each Union as is not under another Sewer or Nuisance Authority.	The Guardians of the Poor of the — Union.	The Poor Rate of Union.

(Schedule 1.)

(*) For manner in which Expenses of Sewer Authorities, under Sewage Utilization Act, 1865, defrayed, *vide par.* 7 HH, *infra*, p. 57.

SANITARY
ACT, 1866.

CLASS 4. PART II.—POWERS OF NUISANCE REMOVAL CREATED
IN 1866.

Police Powers as to Nuisances.

Power of
police with
respect to
nuisances.

4 H. In any Place within the Jurisdiction of a Nuisance Authority the Chief Officer of Police within that Place, by and under the Directions [of the Lord Lieutenant or other Chief Governor or Chief Governors of Ireland], on its being proved to his Satisfaction that the Nuisance Authority has made default in doing its Duty, may institute any Proceeding which the Nuisance Authority of such Place might institute with respect to the Removal of Nuisances: Provided always, that no Officer of Police shall be at liberty to enter any House or Part of a House used as the Dwelling of any Person without such Person's Consent, or without the Warrant of a Justice of the Peace, for the purpose of carrying into effect [the Sanitary Act, 1866].—(Section 16.)

Duty of Nuisance Authority to Inspect.

Duties of
Nuisance
Authorities as
to inspection
of nuisances,
&c.

4 J. It shall be the Duty of the Nuisance Authority to make from Time to Time, either by itself or its Officers, Inspection of the District, with a view to ascertain what Nuisances exist calling for Abatement under the Powers of the Nuisance Removal Acts, and to enforce the Provisions of the said Acts in order to cause the Abatement thereof; also to enforce the Provisions of any Act that may be in force within its District requiring Fire-places and Furnaces to consume their own Smoke; and any Justice upon complaint upon Oath may make an Order to admit the Nuisance Authority or their Officers for these Purposes as well as to ground Proceedings under the Eleventh Section^(a) of the Nuisances Removal Act, 1855.—(Section 20.)

NUISANCES,
&c., ACT,
1860.

Appointment
of inspectors
of nuisances.

Power of Appointing Inspectors of Nuisances.

4 K. [Nuisance] Authorities under [the Sanitary Act, 1866],^(b) may, for the Purposes of the [Nuisance Removal Acts],^(b) severally appoint or employ Inspectors of Nuisances, and make such Payments as they see fit for the Remuneration and Expenses of such Inspectors.—(Section 9.)

SANITARY
ACT, 1866.

Power to
cause pre-
mises to be
cleansed or
otherwise
disinfected.

*Disinfection of Houses, Clothes, and Carriages, and Penalties in
connexion therewith.*

4 L. If the Nuisance Authority shall be of opinion, upon the Certificate of any legally qualified Medical Practitioner, that the cleansing and disinfecting of any House or Part thereof, and of any Articles therein likely to retain Infection, would tend to prevent or check infectious or contagious Disease, it shall be the Duty of the Nuisance Authority to give Notice in Writing requiring the Owner or Occupier of such House or Part thereof to cleanse and disinfect the same, as the Case may require; and

^(a) *Infra*, p. 19.

^(b) *Vide par. 4 A, supra*, p. 9.

if the Person to whom Notice is so given fail to comply therewith within the Time specified in the Notice, he shall be liable to a Penalty of not less than One Shilling and not exceeding Ten Shillings for every Day during which he continues to make default; and the Nuisance Authority shall cause such House or Part thereof to be cleansed and disinfected, and may recover the Expenses incurred from the Owner or Occupier in default in a summary Manner; when the Owner or Occupier of any such House or Part thereof as is referred to in this Section is from Poverty or otherwise unable, in the Opinion of the Nuisance Authority, effectually to carry out the requirements of this Section, such Authority may, without enforcing such Requirements on such Owner or Occupier, with his Consent, at its own Expense cleanse and disinfect such House or Part thereof, and any Articles therein likely to retain Infection.—(Section 22.)

4 M. The Nuisance Authority in each District may provide a proper Place with all necessary Apparatus and Attendance, for the Disinfection of Woollen Articles, Clothing, or Bedding, which have become infected, and they may cause any Articles brought for Disinfection to be Disinfected free of Charge.—(Section 23.)

4 N. It shall be lawful at all Times for the Nuisance Authority to provide and maintain a Carriage or Carriages suitable for the Conveyance of Persons suffering under any contagious or infectious Disease, and to pay the Expense of conveying any person therein to a Hospital or Place for the Reception of the Sick or to his own Home.—(Section 24.)^(a)

Nuisance
Authorities
may provide
carriages for
conveyance
of infected
persons.

4 O. If any Person suffering from any dangerous infectious Disorder shall enter any public Conveyance without previously notifying to the Owner or Driver thereof that he is so suffering, he shall, on Conviction thereof before any Justice, be liable to a Penalty not exceeding Five Pounds, and shall also be ordered by such Justice to pay to such Owner and Driver all the Losses and Expenses they may suffer in carrying into effect the Provisions of this Act; and no Owner or Driver of any public Conveyance shall be required to convey any Person so suffering until they shall have been first paid a Sum sufficient to cover all such Losses and Expenses.—(Section 25.)

Penalty on
person suffer-
ing from in-
fectious dis-
order enter-
ing public
conveyance
without noti-
fying to
driver that he
is so suffering.

4 P. Where a Hospital or Place for the Reception of the Sick is provided within the District of a Nuisance Authority, any Justice may, with the Consent of the Superintending Body of such Hospital or Place, by Order on a Certificate signed by a legally qualified Medical Practitioner, direct the Removal to such Hospital or Place for the Reception of the Sick, at the Cost of the Nuisance Authority, of any Person suffering from any dangerous, contagious, or

Removal of
persons sick
of infectious
disorders, and
without pro-
per lodging,
in any dis-
trict.

^(a) Vide temporary power for Disease Prevention Authority to provide such Carriages when Disease Prevention Provisions in force, par. 3 D, *supra*, p. 6.

**SANITARY
ACT, 1866.**

infectious Disorder, being without proper Lodging or Accommodation, or lodged in a Room occupied by more than One Family, or being on board any Ship or Vessel.—(*Section 26.*)

Penalty on any person with infectious disorder exposing himself, or on any person in charge of such sufferer causing such exposure.

4 Q. Any Person suffering from any dangerous infectious Disorder who wilfully exposes himself, without proper Precaution against spreading the said Disorder, in any Street, public Place, or public Conveyance, and any Person in charge of one so suffering who so exposes the Sufferer, and any Owner or Driver of a public Conveyance who does not immediately provide for the Disinfection of his Conveyance after it has, with the Knowledge of such Owner or Driver, conveyed any such Sufferer, and any Person who without previous Disinfection gives, lends, sells, transmits, or exposes any Bedding, Clothing, Rags, or other Things which have been exposed to Infection from such Disorders, shall on Conviction of such Offence before any Justice be liable to a Penalty not exceeding Five Pounds: Provided that no Proceedings under this Section shall be taken against Persons transmitting with proper Precautions any such Bedding, Clothing, Rags, or other Things for the Purpose of having the same disinfected.—(*Section 38.*)

Penalty on persons letting houses in which infected persons have been lodging.

4 R. If any Person knowingly lets any House, Room, or Part of a House, in which any Person suffering from any dangerous infectious Disorder has been, to any other Person without having such House, Room, or Part of a House, and all Articles therein liable to retain Infection, disinfected to the Satisfaction of a qualified Medical Practitioner as testified by a Certificate given by him, such Person shall be liable to a Penalty not exceeding Twenty Pounds. For the Purposes of this Section the Keeper of an Inn shall be deemed to let Part of a House to any Person admitted as a Guest into such Inn.—(*Section 39.*)

Provision of Places for reception of Dead Bodies.

Places for the reception of dead bodies may be provided at the public expense.

4 S. Any Nuisance Authority may provide a proper Place for the Reception of dead Bodies, and where any such Place has been provided and any dead Body of one who has died of any infectious Disease is retained in a Room in which Persons live or sleep, or any dead Body which is in such a State as to endanger the Health of the Inmates of the same House or Room is retained in such House or Room, any Justice may, on a Certificate signed by a legally qualified Medical Practitioner, order the Body to be removed to such proper Place of Reception, at the Cost of the Nuisance Authority, and direct the same to be buried within a Time to be limited in such Order; and unless the Friends or Relations of the Deceased undertake to bury the Body within the Time so limited, and do bury the same, it shall be the duty of the Relieving Officer to bury such Body at the Expense of the Poor Rate, but any Expense so incurred may be recovered by the Relieving Officer in a summary Manner from any Person legally liable to pay the Expense of such Burial.—(*Section 27.*)

4 t. Any Nuisance Authority may provide a proper Place (otherwise than at a Workhouse or at a Mortuary House as lastly hereinbefore provided for) for the Reception of Dead Bodies for and during the Time required to conduct any Post-mortem Examination ordered by the Coroner of the District or other constituted Authority, and may make such Regulations as they may deem fit for the Maintenance, Support, and Management of such Place; and where any such place has been provided, any Coroner or other constituted Authority may order the Removal of the Body for carrying out such Post-mortem Examination and the Re-removal of such Body, such Costs of Removal and Re-removal to be paid in the same Manner and out of the same Fund as the Cost and Fees for Post-mortem Examinations when ordered by the Coroner.—(Section 28.)

SANITARY
ACT, 1866.

Places for
reception of
dead bodies
during time
required for
post-mortem
examination
may be pro-
vided.

Extension of Jurisdiction of Nuisance Authorities to Ships.

4 u. Any Nuisance Authority may [with the sanction of the Lord Lieutenant in Council, and signified in the *Dublin Gazette*^(a)], lay down Rules for the Removal to any Hospital to which such Authority is entitled to remove Patients, and for keeping in such Hospital so long as may be necessary, any Persons brought within their District by any Ship or Boat, who are infected with a dangerous and infectious Disorder, and they may by such Rules impose any Penalty not exceeding Five Pounds on any Person committing any offence against the same.—(Section 29, “as amended.”)

Power to
remove to
Hospital sick
persons
brought by
ships.

4 w. For the Purposes of this Act, any Ship, Vessel, or Boat that is in a Place not within the District of a Nuisance Authority shall be deemed to be within the District of such Nuisance Authority as may be prescribed by the [Lord Lieutenant in] Council, and until a Nuisance Authority has been prescribed then of the Nuisance Authority whose District nearest adjoins the Place where such Ship, Vessel, or Boat is lying, the Distance being measured in a straight Line, but nothing in this Act contained shall enable any Nuisance Authority to interfere with any Ship, Vessel, or Boat that is not in British Waters.—(Section 30.)

Provisions as
to district of
Nuisance
Authority
extending to
places
where ships
are lying.

4 x. Any Ship or Vessel lying in any River, Harbour, or other Water shall be subject to the Jurisdiction of the Nuisance Authority of the District within which such River, Harbour, or other Water is, and be within the Provisions of the Nuisances Removal Acts^(b) in the same Manner as if it were a House within such Jurisdiction, and the Master or other Officer in charge of such Ship shall be deemed for the Purposes of the Nuisances Removal Acts to be the Occupier of such Ship or Vessel; but

Provision as
to ships
within the
jurisdiction
of Nuisance
Authority.

^(a) These words are the effect of Section 68 of the Sanitary Act, 1866. Par. 1 c, *supra*, p. 1.

^(b) *Vide* definition of Nuisances Removal Acts, par. 4 a, *supra*, p. 9.

SANITARY
ACT, 1866.

this Section shall not apply to any Ship or Vessel belonging to Her Majesty or to any Foreign Government.—(Section 32.)

(^a) *Owners' Liabilities Recoverable through Occupier.*

Nuisance
Authority
may require
payment of
costs or ex-
penses from
owner or
occupier, and
occupier
paying to
deduct from
rent.

4 Y. It shall be lawful for the Nuisance Authority, at their Discretion, to require the Payment of any Costs or Expenses which the Owner of any Premises may be liable to pay under the said Nuisances Removal Acts^(b) or this Act, either from the Owner or from any Person who then or at any Time thereafter occupies such Premises, and such Owner or Occupier shall be liable to pay the same, and the same shall be recovered in manner authorized by the Nuisance Removal Acts, and the Owner shall allow such Occupier to deduct the Sums of Money which he so pays out of the Rent from Time to Time becoming due in respect of the said Premises, as if the same had been actually paid to such Owner as Part of such Rent: Provided always, That no such Occupier shall be required to pay any further Sum than the Amount of Rent for the Time being due from him, or which, after such Demand of such Costs or Expenses from such Occupier, and after Notice not to pay his Landlord any Rent without first deducting the Amount of such Costs or Expenses, becomes payable by such Occupier, unless he refuse, on Application being made to him for that Purpose by or on behalf of the Nuisance Authority, truly to disclose the Amount of his Rent and the Name and Address of the Person to whom such Rent is payable, but the Burden of Proof that the Sum demanded from any such Occupier is greater than the Rent due by him at the Time of such Notice, or which has since accrued, shall lie upon such Occupier; provided also, that nothing herein contained shall be taken to affect any Contract made or to be made between any Owner or Occupier of any House, Building, or other Property whereof it is or may be agreed that the Occupier shall pay or discharge all Rates, Dues, and Sums of Money payable in respect of such House, Building, or other Property, or to affect any Contract whatsoever between Landlord or Tenant.—(Section 34.)

NUISANCES,
&C., ACT,
1855,
AS AMENDED
AND
MODIFIED.

Interpreta-
tion of certain
terms used in
Nuisances,
&c., Act, 1855.

CLASS 5.—POWERS OF NUISANCE REMOVAL UNDER ACT OF 1855,
AS AMENDED AND MODIFIED IN 1860 AND 1866.

5 A. In [the Nuisances, &c., Act, 1855], the following Words and Expressions have the Meanings by this Section hereinafter assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say), the Word "Place" includes any City, Borough, District under the Public Health Act, Parish, Township, or Hamlet, or Part of any such City, Borough, District, Town, Parish, Township, or Hamlet;

(^a) For definition of owner, *vide* 5 A, *infra*, p. 17.

(^b) *Vide* definition of Nuisance Removal Acts, par. 4 A, *supra*, p. 9.

the Word "Owner" includes any Person receiving the Rents of the Property in respect of which that Word is used from the Occupier of such Property on his own Account, or as Trustee or Agent for any other Person, or as Receiver or Sequestrator appointed by the Court of Chancery or under any Order thereof, or who would receive the same if such Property were let to a Tenant; the Word "Premises" extends to all Messuages, Lands, or Tenements, whether open or inclosed, whether built on or not, and whether public or private; . . . the Expression "Quarter Sessions" means the Court of General or Quarter Sessions of the Peace for a County, Riding, or Division of a County, City, or Borough; the Word "Person" and Words applying to any Person or Individual, apply to and include Corporations, whether aggregate or sole; and the Expression "Two Justices" shall, in addition to its ordinary Signification, mean One Stipendiary or Police Magistrate acting in any Police Court for the District.—(Section 2.)

NUISANCES,
&c., ACT,
1855,
AS AMENDED
AND
MODIFIED.

Power to Appoint Committees, and provision for payment of Expenses.

NUISANCES,
&c., ACT, 1860.

5 B. The Board of Guardians for a Union may appoint a Committee or Committees of their own Body, under Section Five of the [Nuisances, &c., Act, 1855], to act in and for One or more of the Parishes or Places for which the Board is the [Nuisance] Authority; and every Committee so appointed shall have the full Power of executing the said Act in all respects, within the specified Place or Places for which it is appointed, unless its Power be expressly limited by the Terms of its Appointment; and the Board of Guardians shall cause the Charges and Expenses of every such Committee to be paid out of the Poor Rates of the Place or Places for which such Committee is appointed; and where a Committee is so appointed for any such Place or Places the Charges and Expenses of the Board as [Nuisance] Authority for or in respect of the Place or Places for which a Committee is not appointed shall be paid or contributed by such last-mentioned Place or Places in like Manner as the Expenses of a Committee: Provided that where any One such Committee is appointed for all the Places for which the Board is the [Nuisance] Authority, its Charges and Expenses shall be contributed and paid in like Manner as the Charges and Expenses of the Board would have been contributed and paid if such Committee had not been appointed.—(Section 5.)

Board of
Guardians
may appoint
Committees
for particular
Parishes.

5 c. The [Nuisance] Authority may appoint any Committee of their own Body to receive Notices, take Proceedings, and in all or certain specified respects execute this Act, whereof two shall be a Quorum; and such [Nuisance] Authority, or their Committee, may, in each particular Case, by Order in Writing under the Hand of the Chairman of such Body or Committee, empower any Officer or Person to make Complaints and take Proceedings on their Behalf.—(Section 5.)

NUISANCES,
&c., ACT,
1855,
AS AMENDED
AND
MODIFIED.

Power to Nui-
sance Autho-
rity to ap-
point Com-
mittees.

SANITARY
ACT, 1866.

—
Addition to
definition of
Nuisance.

Definition of Nuisances.

5 D. The Word "Nuisances" under the Nuisance Removal Acts shall include—

1. Any House or part of a House so overcrowded as to be dangerous or prejudicial to the Health of the Inmates :

2. Any Factory, Workshop, or Workplace not already under the Operation of any General Act for the Regulation of Factories or Bakehouses, not kept in a cleanly State, or not ventilated in such a Manner as to render harmless as far as practicable any Gases, Vapours, Dust, or other Impurities generated in the course of the Work carried on therein, that are a Nuisance or injurious or dangerous to Health, or so overcrowded while work is carried on as to be dangerous or prejudicial to the Health of those employed therein :

3. Any Fireplace or Furnace which does not, as far as practicable, consume the Smoke arising from the Combustible used in such Fireplace or Furnace, and is used within the District of a Nuisance Authority for working Engines by Steam, or in any Mill, Factory, Dyehouse, Brewery, Bakehouse, or Gaswork, or in any Manufactory or Trade Process whatsoever :

Any Chimney (not being the Chimney of a private Dwelling House) sending forth Black Smoke in such Quantity as to be a Nuisance :

Provided, first, that in Places where at the Time of the passing of this Act no Enactment is in force compelling Fireplaces or Furnaces to consume their own Smoke, the foregoing Enactment as to Fireplaces and Furnaces consuming their own Smoke shall not come into operation until the Expiration of One Year from the Date^(a) of the passing of this Act :

Secondly, that where a Person is summoned before the Justices in respect of a Nuisance arising from a Fireplace or Furnace which does not consume the Smoke arising from the Combustible used in such Fireplace or Furnace, the Justices may hold that no Nuisance is created within the Meaning of this Act, and dismiss the Complaint, if they are satisfied that such Fireplace or Furnace is constructed in such Manner as to consume as far as practicable, having regard to the Nature of the Manufacture or Trade, all Smoke arising therefrom, and that such Fireplace or Furnace has been carefully attended to by the Person having the Charge thereof.—
(Section 19.)

NUISANCES,
&c., ACT,
1855,
AS AMENDED
AND
MODIFIED.

5 E. The Word "Nuisances" under [Nuisance Removal Acts] shall include^(b)—

Any Premises in such a State as to be a Nuisance or injurious to Health:

(^a) Date of passing of Act, 7th August, 1866.

(^b) For other Nuisances there are special Provisions:—

Fouling Water, Par. 5 x, *infra*, p. 25.

Corrupting Water with Gas Washings, Par. 5 x, *et seq.*, *infra*, p. 26.

Sale of unwholesome Meat, Par. 5 bb, *infra*, p. 26.

Noxious Trades and Manufactures, Par. 5 cc, *et seq.*, *infra*, p. 27.

Overcrowded Houses occupied by more than one family, Par. 5 ff, p. 28.

Manure in Mews and Stables, Par. 5 gg, *infra*, p. 28.

—
What are
deemed nui-
sances under
this Act.

Class 5.—Nuisance Removal under Act of 1855. 19

Any Pool, Ditch, Gutter, Watercourse, Privy, Urinal, Cesspool, Drain, or Ashpit, so foul as to be a Nuisance or injurious to Health: NUISANCES,
&c., ACT,
1855,
AS AMENDED
AND
MODIFIED.

Any Animal so kept as to be a Nuisance or injurious to Health:

Any Accumulation or Deposit which is a Nuisance or injurious to Health:

Provided always, that no such Accumulation or Deposit as shall be necessary for the effectual carrying on of any Business or Manufacture shall be punishable as a Nuisance under this Section, when it is proved to the Satisfaction of the Justices that the Accumulation or Deposit has not been kept longer than is necessary for the Purposes of such Business or Manufacture, and that the best available Means have been taken for protecting the Public from Injury to Health thereby.—(Section 8.)

Powers of Entry and Notices.

5 F. Notice of Nuisance may be given to the [Nuisance] Authority by any Person aggrieved thereby, or by any of the following Persons; the Sanitary Inspector or any paid Officer under the said [Nuisance] Authority; Two or more Inhabitant Householders of the Parish or Place to which the Notice relates; the Relieving Officer of the Union or Parish; any Constable or any Officer of the Constabulary or Police Force of the District or Place; and in case the Premises be a Common Lodging House, any Person appointed for the Inspection of Common Lodging Houses; and the [Nuisance] Authority may take cognizance of any such Nuisance after Entry made as hereinafter provided, or in conformity with any Improvement Act under which the Inspector has been appointed.—(Section 10.)

Notices of nuisances to be given to Nuisance Authority, &c., to ground proceedings.

5 G. The Power of Entry given to the Authorities by the Eleventh Section of The Nuisances Removal Act,^(a) 1855, may be exercised at any Hour when the Business in respect of which the Nuisance arises is in progress or is usually carried on.

SANITARY ACT, 1866.

And any Justice's Order once issued under the said Section shall continue in force until the Nuisance has been abated, or the Work for which the Entry was necessary has been done.—(Section 31.)

Power of entry to Nuisance Authority or their officer. 18 & 19 Vict., c. 121, s. 11.

5 H. The [Nuisance] Authority shall have Power of Entry for the following Purposes of this Act, and under the following Conditions:—

NUISANCES, &c., ACT, 1855, AS AMENDED AND MODIFIED.

1. To ground Proceedings.

For this Purpose, when they or any of their Officers have reasonable Grounds for believing that a Nuisance exists on any private Premises, Demand may be made by them or their Officer, or any Person having Custody of the Premises, of Admission to inspect the same at any Hour between Nine in the Morning and Six in the Evening; and if Admission be not granted, any Justice having Jurisdiction in the Place may, on Oath made before him of Belief

Power of entry to Nuisance Authority or their officer.

(a) Next Section, par. 5 H, *infra*.

NUISANCES,
&c., ACT,
1855,
AS AMENDED
AND
MODIFIED

in the Existence of the Nuisance, and after reasonable Notice of the intended Application to such Justice being given in Writing to the Party on whose Premises the Nuisance is believed to exist, by Order under his Hand require the Person having the Custody of the Premises to admit the [Nuisance] Authority or their Officer; and if no Person having Custody of the Premises can be discovered, any such Justice may and shall, on Oath made before him of Belief in the Existence of such Nuisance, and of the Fact that no Person having Custody of the Premises can be discovered, by Order under his Hand authorize the [Nuisance] Authority or their Officers to enter the Premises between the Hours aforesaid.

2. To examine Premises where Nuisances exist, to ascertain the Course of Drains, and to execute or inspect Works ordered by Justices to be done under [the Nuisance Removal Acts].

For these Purposes, whenever, under the Provisions of [the Nuisance Removal Acts], a Nuisance has been ascertained to exist, or when an Order of Abatement or Prohibition under this Act has been made, or when it becomes necessary to ascertain the Course of a Drain, the [Nuisance] Authority may enter on the Premises, by themselves or their Officers between the Hours aforesaid, until the Nuisance shall have been abated, or the Course of the Drain shall have been ascertained, or the Works ordered to be done shall have been completed, as the Case may be.

3. To remove or abate a Nuisance in case of Noncompliance with or infringement of the Order of Justices, or to inspect or examine any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour, under the Powers and for the Purposes of [the Nuisance Removal Acts].

For this Purpose the [Nuisance] Authority or their Officer may from Time to Time enter the Premises where the Nuisance exists, or the Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour is found, at all reasonable Hours, or at all Hours during which Business is carried on on such Premises, without Notice.—(Section 11.)

Orders for Removal of Nuisances.

SANITARY
ACT, 1866.

Proceedings
of Nuisance
Authority.
18 & 19 Vic.,
c. 121, s. 12.

5 J. The Nuisance Authority or Chief Officer of Police shall, previous to taking Proceedings before a Justice under the Twelfth Section of The Nuisances Removal Act, 1855, serve a Notice on the Person by whose Act, Default, or Sufferance the Nuisance arises or continues, or, if such Person cannot be found or ascertained, on the Owner or Occupier of the Premises on which the Nuisance arises, to abate the same, and for that purpose to execute such Works and to do all such Things as may be necessary within a Time to be specified in the Notice: Provided,

First, that where the Nuisance arises from the Want or defective Construction of any structural Convenience, or where there is no Occupier of the Premises, Notice under this Section shall be served on the Owner:

Secondly, that where the Person causing the Nuisance cannot be found, and it is clear that the Nuisance does not arise or continue by the Act, Default, or Sufferance of the Owner or Occupier of the Premises, then the Nuisance Authority may itself abate the same without further Order, and the Cost of so doing shall be Part of the Costs of executing the Nuisances Removal Acts, and borne accordingly.—(Section 21.)

SANITARY
ACT, 1866.

5 K. In any Case where a Nuisance is so ascertained by the [Nuisance] Authority to exist, or where the Nuisance in their Opinion did exist at the Time when the Notice was given, and, although the same may have been since removed or discontinued, is in their Opinion likely to recur or to be repeated on the same Premises or any Part thereof, they shall cause Complaint thereof to be made before a Justice of the Peace; and such Justice shall thereupon issue a Summons requiring the Person by whose Act, Default, Permission, or Sufferance, the Nuisance arises or continues, or, if such Person cannot be found or ascertained, the Owner or Occupier of the Premises on which the Nuisance arises, to appear before any Two Justices, in Petty Sessions assembled, at the usual Place of Meeting, who shall proceed to inquire into the said Complaint; and if it be proved to their Satisfaction that the Nuisance exists, or did exist at the Time when the Notice was given, or, if removed or discontinued since the Notice was given, that it is likely to recur or to be repeated, the Justices shall make an Order in Writing under their Hands and Seals on such Person, Owner, or Occupier for the Abatement or Discontinuance and Prohibition of the Nuisance as herein-after mentioned, and shall also make an Order for the Payment of all Costs incurred up to the Time of hearing or making the Order for Abatement or Discontinuance or Prohibition of the Nuisance.—(Section 12.)

NUISANCES,
&c., ACT,
1855,
AS AMENDED
AND
MODIFIED.

Proceedings
by Nuisance
Authority
before Jus-
tices in the
case of nuis-
ances likely
to recur, &c.

If proved to
Justices that
nuisance
exists, &c.,
they shall
issue order
for abate-
ment, &c.

5 L. Upon Complaint before a Justice of the Peace by any Inhabitant of any Parish or Place of the existence of any Nuisance on any private Premises in the same Parish or Place, such Justice shall issue a summons requiring the Person by whose Act, Default, Permission or Sufferance the Nuisance arises, or if such Person cannot be found or ascertained, the Owner or Occupier of the Premises on which the Nuisance arises, to appear before Two Justices in Petty Sessions assembled at their usual Place of Meeting, who shall proceed to inquire into the said Complaint, and act in relation thereto as in Cases where Complaint is made by a [Nuisance] Authority under Section Twelve (a) of the ["Nuisances Removal Act," 1855], and as if the Person making the Complaint were such [Nuisance] Authority: Provided always, that it shall be lawful for the said Justices, if they see fit, to adjourn the Hearing or further Hearing of such Summons for an Examination of the Premises where the Nuisance is alleged to exist, and to require the Admission or authorize the Entry into such Premises of any Constable or other Person or Persons, and thereupon the Person or Persons authorized by the Order of the Justices may enter and act as the [Nuisance] Authority might under a

NUISANCES,
&c., ACT,
1860.

Justices, on
the applica-
tion of house-
holders, may
order the
removal of
nuisances.

(a) Par. 5 K, *supra*, in this page.

NUISANCES,
&c., ACT,
1860.

like Order made by any Justice under Section Eleven^(a) of the [Nuisances, &c., Act, 1855]: Provided also, that the Costs in the Case of every such Application shall be in the Discretion of the Justices, and Payment thereof may be ordered and enforced as in other Cases of summary Adjudication by Justices: Any Order made by Justices under this enactment shall be attended with the like Penalties and Consequences for Disobedience thereof and subject to the like Appeal as any Order made under Section Twelve^(b) of the [Nuisances, &c., Act, 1855], and the Justices making such Order may thereby authorize any Constable or other Person or Persons to do all Acts for removing or abating the Nuisance condemned or prohibited, and for executing such Order, in like Manner as a [Nuisance] Authority obtaining the like Order might do under the said Act, and to charge the Costs to the Person on whom the Order is made, as is provided in the Case where a like Order is obtained and executed by such [Nuisance] Authority.—(Section 13.)

NUISANCES,
&c., ACT,
1855,
AS AMENDED
AND
MODIFIED.

Justices' order
for abate-
ment.

5 M. By their Order the Justices may require the Person on whom it is made to provide sufficient Privy Accommodation, Means of Drainage or Ventilation, or to make safe and habitable, or to pave, cleanse, whitewash, disinfect, or purify the Premises which are a Nuisance or injurious to Health, or such Part thereof as the Justices may direct in their Order, or to drain, empty, cleanse, fill up, amend, or remove the injurious Pool, Ditch, Gutter, Watercourse, Privy, Urinal, Cesspool, Drain, or Ashpit which is a Nuisance or injurious to Health, or to provide a Substitute for that complained of, or to carry away the Accumulation or Deposit which is a Nuisance or injurious to Health, or to provide for the cleanly and wholesome keeping of the Animal kept so as to be a Nuisance or injurious to Health, or if it be proved to the Justices to be impossible so to provide, then to remove the Animal, or any or all of these Things (according to the Nature of the Nuisance), or to do such other Works or Acts as are necessary to abate the Nuisance complained of, in such Manner and within such Time as in such Order shall be specified; and if the Justices are of opinion that such or the like Nuisance is likely to recur, the Justices may further prohibit the Recurrence of it, and direct the Works necessary to prevent such Recurrence, as the Case may in the Judgment of such Justices require; and if the Nuisance proved to exist be such as to render a House or Building, in the Judgment of the Justices, unfit for Human Habitation, they may prohibit the using thereof for that Purpose until it is rendered fit for that Purpose in the Judgment of the Justices, and on their being satisfied that it has been rendered fit for such Purpose they may determine their previous Order by another declaring such House habitable, from the Date of which other Order such House may be let or inhabited.—(Section 13.)

Prohibitive
order against
future Nui-
sance.

Penalty for
contravention
of order of
abatement;
and of prohi-
bition.

5 N. Any Person not obeying the said Order for Abatement shall, if he fail to satisfy the Justices that he has used all due Diligence to carry out such Order, be liable for every such Offence

(^a) Par. 5 н, *supra*, p. 19.

(^b) Par. 5 к, *supra*, p. 21.

to a Penalty of not more than Ten Shillings *per* Day during his Default: and any Person knowingly and wilfully acting contrary to the said Order of Prohibition shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings *per* Day during such contrary Action; and the [Nuisance] Authority may, under the Powers of Entry given by [the Nuisances Removal Acts], enter the Premises to which the Order relates, and remove or abate the Nuisance condemned or prohibited, and do whatever may be necessary in execution of such Order, and charge the Cost to the Person on whom the Order is made, as hereinafter provided.—(Section 14.)

NUISANCES,
&c., ACT,
1855,
AS AMENDED
AND
MODIFIED.

Nuisance Au-
thority may
enter and re-
move or abate
Nuisance.

5 o. Any such Order of Prohibition may be appealed against as provided in [the Nuisance, &c., Act, 1855].—(Section 15.)

Appeal
against
Order of
Prohibition.

5 p. When it shall appear to the Justices that the Execution of structural Works is required for the Abatement of a Nuisance, they may direct such Works to be carried out under the Direction or with the consent or Approval of any Public Board, Trustees, or Commissioners having jurisdiction in the Place in respect of such Works; and if within Seven Days from the Date of the Order the Person on whom it is made shall have given Notice to the [Nuisance] Authority of his Intention to appeal against it as provided in [the Nuisances Removal Acts], and shall have entered into Recognizances to try such Appeal as provided [therein] and shall appeal accordingly, no Liability to Penalty shall arise, nor shall any Work be done nor Proceedings taken under such Order until after the Determination of such Appeal, unless such Appeal cease to be prosecuted.—(Section 16.)

Appeal
against
Order of
Abatement
when struc-
tural works
are required.

5 q. Whenever it appears to the Satisfaction of the Justices that the Person by whose Act or Default the Nuisance arises, or the Owner or Occupier of the Premises, is not known or cannot be found, then such Order may be addressed to and executed by such [Nuisance] Authority, and the Costs defrayed out of the Rates or Funds applicable to the Execution of [the Nuisances Removal Acts].—(Section 17.)

If person
causing nui-
sance cannot
be found,
Nuisance Au-
thority to exe-
cute order at
once.

5 r. Any Matter or Thing removed by the [Nuisance] Authority in pursuance of [the Nuisances Removal Acts] may be sold by Public Auction, after not less than Five Days Notice by Posting Bills distributed in the Locality, unless in cases where the Delay would be prejudicial to Health, when the Justices may direct the immediate Removal, Destruction, or Sale of the Matter or Thing; and the Money arising from the Sale retained by the [Nuisance] Authority, and applied in Payment of all Expenses incurred under [the Nuisances Removal Acts] with reference to such Nuisance, and the Surplus, if any, shall be paid, on Demand, by the [Nuisance] Authority, to the Owner of such Matter or thing.—(Section 18.)

Manure, &c.,
to be sold.

5 s. All reasonable Costs and Expenses from Time to Time incurred in making a Complaint, or giving Notice, or in obtaining an Order of Justices under [the Nuisances Removal Acts], or in carrying the same into effect [thereunder], shall be deemed to be

Costs and
expenses of
works to be
paid by
person on,

NUISANCES,
&c., ACT,
1855,
AS AMENDED
AND
MODIFIED.

whom order
is made, or
owner or
occupier.

Money paid for the Use and at the Request of the Person on whom the Order is made, or if the Order be made on the [Nuisance] Authority, or if no Order be made, but the Nuisance be proved to have existed when the Complaint was made or the Notice given, then of the Person by whose Act or Default the Nuisance was caused; and in case of Nuisances caused by the Act or Default of the Owner^(a) of Premises, the said Premises shall be and continue chargeable with such Costs and Expenses, and also with the Amount of any Penalties incurred under [Nuisance Removal Acts], until the same be fully discharged, provided that such Costs and Expenses shall not exceed in the whole One Year's Rackrent of the Premises; and such Costs and Expenses, and Penalties, together with the Charges of suing for the same, may be recovered in any County or Superior Court, or, if the [Nuisance] Authority think fit, before any Two Justices of the Peace; and the said Justices shall have Power to divide such Costs, Expenses, and Penalties between the Persons by whose Act or Default the Nuisance arises, in such manner as they shall consider reasonable; and if it appear to them that a Complaint made under [the Nuisances Removal Acts] is frivolous or unfounded, they may order the Payment by the [Nuisance] Authority or Person making the Complaint of the Costs incurred by the Person against whom the Complaint is made, or any part thereof.—(Section 19.)

Proceedings
before Jus-
tices to re-
cover ex-
penses.

5 T. Where any Costs, Expenses, or Penalties are due under or in consequence of any Order of Justices made in pursuance of [the Nuisances Removal Acts] as aforesaid, any Justice of the Peace, upon the Application of the [Nuisance] Authority, shall issue a Summons requiring the Person from whom they are due to appear before Two Justices at a Time and Place to be named therein; and upon Proof to the Satisfaction of the Justices present that any such Costs, Expenses, or Penalties are so due, such Justices, unless they think fit to excuse the Party summoned upon the Ground of Poverty or other special Circumstances, shall, by Order in Writing under their Hands and Seals, order him to pay the Amount to the [Nuisance] Authority at once, or by such Instalments as the Justices think fit, together with the Charges attending such Application and the Proceedings thereon; and if the Amount of such Order, or any Instalment thereof, be not paid within Fourteen Days after the same is due, the same may, by Warrant of the said or other Justices, be levied by Distress and Sale.—(Section 20.)

Power of Cleansing and Covering Open Ditches.

Surveyors of
highways
to cleanse
ditches, &c.,
paying
owners, &c.,
for damages.

5 U. All Surveyors and District Surveyors may make, scour, cleanse, and keep open all Ditches, Gutters, Drains, or Watercourses in and through any Lands or Grounds adjoining or lying near to any Highway, upon paying the Owner or Occupier of such Lands or Grounds, provided they are not Waste or Common, for the Damages which he shall thereby sustain, to be settled and paid in such Manner as the Damages for getting Materials in enclosed Lands or Grounds are directed to be settled and paid by the Law in force for the Time being with regard to Highways.—(Section 21.)

(^a) For definition of Owner, *vide* Par. 5 A, *supra*, p. 17.

5 w. Whenever any Ditch, Gutter, Drain, or Watercourse used or partly used for the conveyance of any Water, Filth, Sewage, or other Matter from any House, Buildings, or Premises, is a Nuisance within the Meaning of [the Nuisance Removal Acts], and cannot, in the Opinion of the [Nuisance] Authority, be rendered innocuous without the laying down of a Sewer or of some other Structure along the same or Part thereof or instead thereof, such [Nuisance] Authority shall and they are hereby required to lay down such Sewer or other Structure, and to keep the same in good and serviceable Repair; and they are hereby declared to have the same Powers as to entering Lands for the Purposes thereof [as the power of entering Land conferred on a Sewer Authority by the "Sewage Utilization Act, 1865"]^(a); and such [Nuisance] Authority are hereby authorized and empowered to assess every House, Building, or Premises, then or at any Time thereafter using for the Purposes aforesaid, the said Ditch, Gutter, Drain, Watercourse, Sewer, or other Structure, to such Payment, either immediate or annual, or distributed over a Term of Years, as they shall think just and reasonable, and, after Fourteen Days' Notice at the least left on the Premises so assessed, to levy and collect the Sum and Sums so assessed in the same Manner, and with the same Remedies in case of Default in Payment thereof, as [any other Rates which the Nuisance Authority is authorized by Law to impose], are by the Law in force for the Time being leviable and collectable, and with the same Right and Power of Appeal against the Amount of such Assessments reserved to the Person or Persons so assessed as by the Law for the Time being in force shall be given against [such other Rates]; and the Provisions contained in this Section shall be deemed to be Part of the Law relating to [such other Rates]: Provided always, that where such Ditch, Gutter, Drain, or Watercourse, shall, as to Parts thereof, be within the Jurisdiction of different [Nuisance] Authorities, this Enactment shall apply to each [Nuisance] Authority only as to so much of the Works hereby required, and the Expenses thereof, as is included within the respective Jurisdiction of that Authority: Provided also, that such Assessment shall in no Case exceed a Shilling in the Pound on the Assessment to the Highway Rate, if any.—(Section 22.)

NUISANCES,
&c., ACT,
1855,
AS AMENDED
AND
MODIFIED.

Power to
Nuisance
Authority to
cover and
improve open
ditches, &c.

Special Nuisances—Corrupting Water.

5 x. If any Person do any Act whatsoever whereby any Fountain or Pump is wilfully or maliciously damaged, or the Water of any Well, Fountain, or Pump is polluted or fouled, he shall, upon summary Conviction of such Offence before Two Justices, forfeit a Sum not exceeding Five Pounds for such Offence, and a further Sum not exceeding Twenty Shillings for every Day during which such Offence is continued after written Notice from the [Nuisance] Authority in relation thereto; but nothing herein contained shall extend to any Offence provided against by Section Twenty-three^(b) of the said "Nuisances Removal Act [1855]."—(Section 8.)

NUISANCES,
&c., ACT,
1860.

Penalty for
fouling water.

^(a) These powers of entry are given in Par. 7FF and 7GG, pp. 56 and 57.

^(b) Par. 5 x, *infra*, p. 26.

NUISANCES,
&c., ACT,
1855.

Penalty for
causing water
to be cor-
rupted by Gas
Washings.

5 Y. Any Person or Company engaged in the Manufacture of Gas who shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, or Aqueduct, Pond, or Place for Water, or into any drain communicating therewith, any Washing or other Substance produced in making or supplying Gas, or shall wilfully do any Act connected with the making or supplying of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water shall be fouled, shall forfeit for every such Offence the Sum of Two Hundred Pounds.—(*Section 23.*)

Penalty to be
sued for in
Superior
Courts within
six months.

5 Z. Such Penalty may be recovered, with full Costs of Suit, in any of the Superior Courts, by the Person into whose Water such Washing or other Substance shall be conveyed or shall flow, or whose Water shall be fouled by any such Act as aforesaid, or if there be no such person, or in default of Proceedings by such Person, after Notice to him from the [Nuisance] Authority of their Intention to proceed for such Penalty, by the [Nuisance] Authority; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence, or within Six Months after it shall have ceased.—(*Section 24.*)

Daily penalty
during the
continuance
of the offence.

5 AA. In addition to the said Penalty of Two Hundred Pounds (and whether such Penalty shall have been recovered or not), the Person or Company so offending shall forfeit the Sum of Twenty Pounds (to be recovered in the like Manner) for each Day during which such Washing or other Substance shall be brought or shall flow as aforesaid, or during which the Act by which such Water shall be fouled shall continue, after the Expiration of Twenty-four Hours from the Time when Notice of the Offence shall have been served on such Person or Company by the [Nuisance] Authority, or the Person into whose Water such Washing or other Substance shall be brought or flow, or whose Water shall be fouled thereby, and such Penalty shall be paid to the Parties from whom such Notice shall proceed; and all Moneys recovered by a [Nuisance] Authority under this or the preceding Section shall, after Payment of any Damage caused by the Act for which the Penalty is imposed, be applied towards defraying the Expenses of executing [the Nuisances Removal Acts].—(*Section 25.*)

Special Nuisances—Sale of Unwholesome Meat.

Penalty on
sale of un-
wholesome
meat, &c.

5 BB. The Sanitary Inspector may at all reasonable Times inspect and examine any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour, exposed for Sale, or in the course of or on their Way to slaughtering, dressing, or Preparation for Sale or Use or landed from any Ship or Vessel in any Port in [*Ireland*]; and in case any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour appear to him to be unfit for such Food, the same may be seized; and if it appear to a Justice that any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour is unfit for the Food of Man, he shall order the same to be destroyed or to be so disposed of as to prevent its being exposed

for Sale or used for such Food; and the Person to whom such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, or for the Parcel of Fruit, Vegetables, Corn, Bread, or Flour so found.—(Section 26.)

NUISANCES,
&c., ACT,
1855.

Special Nuisances—Noxious Trades and Manufactures.

5 CC. A Requisition in Writing under the Hands of any Ten Inhabitants of a Place shall for the Purposes of the Twenty-seventh section ^(a) of "The Nuisances Removal Act for England, 1855," be deemed to be equivalent to the Certificate of the Medical Officer or Medical Practitioners therein mentioned, and the said Section shall be enforced accordingly.—(Section 18.)

SANITARY
ACT, 1866.

Requisition
of ten inha-
bitants equi-
valent to
certificate of
Medical
Officer.

5 DD. If any Candle House, Melting House, Melting Place, or Soaphouse, or any Slaughterhouse, or any Building or Place for boiling Offal or Blood, or for boiling, burning, or crushing Bones, or any Manufactory, Building, or Place used for any Trade, Business, Process, or Manufacture causing Effluvia, be at any Time certified to the [Nuisance] Authority by any Medical Officer, or any Two legally qualified Medical Practitioners [or by a Requisition in Writing under the hands of any Ten Inhabitants of a Place], ^(b) to be a Nuisance or injurious to the Health of the Inhabitants of the Neighbourhood, the [Nuisance] Authority shall direct Complaint to be made before any Justice, who may summon before any Two Justices in Petty Sessions assembled at their usual Place of Meeting the Person by or on whose Behalf the work so complained of is carried on, and such Justices shall inquire into such complaint, and if it shall appear to such Justices that the Trade or Business carried on by the Person complained against is a Nuisance, or causes any Effluvia injurious to the Health of the Inhabitants of the Neighbourhood, and that such Person shall not have used the best practicable Means for abating such Nuisance or preventing or counteracting such Effluvia, the Person so offending (being the Owner or Occupier of the Premises, or being a Foreman or other Person employed by such Owner or Occupier), shall, upon a summary Conviction for such Offence, forfeit and pay a Sum of not more than Five Pounds nor less than Forty Shillings, and upon a Second Conviction for such Offence the Sum of Ten Pounds, and for each subsequent Conviction a Sum double the Amount of the Penalty imposed for the last preceding Conviction, but the highest amount of such Penalty shall not in any Case exceed the Sum of Two Hundred Pounds: Provided always, that the Justices may suspend their final Determination in any such Case, upon Condition that the Person so complained against shall undertake to adopt, within a reasonable Time, such Means as the said Justices shall judge to be practicable and order to be carried into effect for abating such Nuisance, or mitigating or preventing the injurious Effects of such Effluvia, or shall give

NUISANCES,
&c., ACT,
1855,
AS AMENDED
AND
MODIFIED.

As to nui-
sances arising
in cases of
noxious
trades,
businesses,
processes, or
manufactures

^(a) Next par. 5 DD.

^(b) Preceding par. 5 CC.

NUISANCES,
&c., ACT,
1855,
AS AMENDED
AND
MODIFIED,
—

Notice of Appeal in the Manner provided by [the Nuisances Removal Acts], and shall enter into Recognizances to try such Appeal, and shall appeal accordingly: Provided always, that the provisions hereinbefore contained shall not extend or be applicable to any Place without the Limits of any City, Town, or populous District.—(Section 27.)

Reference to
Superior
Court at the
option of the
party com-
plained
against.

5 EE. Provided also, That if, upon his Appearance before such Justices, the Party complained against object to have the Matter determined by such Justices, and enter into Recognizances, with sufficient Sureties to be approved by the Justices, to abide the Event of any Proceedings at Law or in Equity that may be had against him on account of the Subject Matter of Complaint, the [Nuisance] Authority shall thereupon abandon all Proceedings before the Justices, and shall forthwith take Proceedings at Law or in Equity in Her Majesty's Superior Courts for preventing or abating the Nuisance complained of.—(Section 28.)

Special Nuisances—Overcrowded Houses occupied by more than One Family.

On certificate
of Medical
Officer to Nui-
sance Autho-
rity that
house is over-
crowded, pro-
ceedings may
be taken to
abate the
same.

5 FF. Whenever the Medical Officer of Health, if there be One, or, if none, whenever Two qualified Medical Practitioners, shall certify to the [Nuisance] Authority that any House is so overcrowded as to be dangerous or prejudicial to the Health of the Inhabitants, and the Inhabitants shall consist of more than One Family, the [Nuisance] Authority shall cause Proceedings to be taken before the Justices to abate such overcrowding, and the Justices shall thereupon make such Order as they may think fit, and the Person permitting such overcrowding shall forfeit a Sum not exceeding Forty Shillings.—(Section 29.)

Special Nuisances—Manure in Mews and Stables.

SANITARY
ACT, 1866.

Periodical
removal of
manure in
mews, &c.

5 GG. Where Notice has been given by the Nuisance Authority, or their Officer or Officers, for the periodical Removal of Manure or other refuse Matter from Mews, Stables, or other Premises, (whether such Notice shall be by public Announcement in the Locality or otherwise), and subsequent to such Notice the Person or Persons to whom the Manure or other refuse Matter belongs shall not so remove the same, or shall permit a further Accumulation, and shall not continue such periodical Removal at such Intervals as the Nuisance Authority, or their Officer or Officers, shall direct, he or they shall be liable, without further Notice, to a Penalty of Twenty Shillings per Day for every Day during which such Manure or other refuse shall be permitted to accumulate, such Penalty to be recovered in a summary Manner: Provided always, that this Section shall not apply to any Place where the Board of Guardians are the Nuisance Authority.—(Section 53.)

Procedure.

5 HH. No Justice of the Peace shall be deemed incapable of acting in Cases under the [Nuisance Removal Acts] by reason of his being a Member of any Body thereby declared to be the Authority to execute the said [Acts], or by reason of his being a Contributor or liable to contribute to any Rate or Fund out of which it is thereby provided that all Charges and Expenses incurred in executing the said [Acts], and not recovered as therein provided, shall be defrayed.—(Section 2.)

NUISANCES
REMOVAL
ACT, No. 1,
1866.

No Justice
to be in-
capable of
acting
because mem-
ber of body
authorized
to execute
Act or liable
to contribute.

5 JJ. The [Nuisance] Authority may, within the Area of their Jurisdiction, direct any Proceedings to be taken at Law or in Equity in Cases coming within the Purview of [Nuisance Removal Acts], and may order Proceedings to be taken for the Recovery of any Penalties, and for the Punishment of any Persons offending against the Provisions [thereof], or in relation to Appeals [thereunder], and may order the Expenses of all such Proceedings to be paid out of the Rates or Funds administered by them under [the Nuisance Removal Acts].—(Section 30.)

NUISANCES,
&c., ACT,
1855, &c.

Costs of pro-
secutions to
be paid out of
rates.

5 KK. Notices, Summonses, and Orders under [the Nuisance Removal Acts] may be served by delivering the same to or at the Residence of the Persons to whom they are respectively addressed, and where addressed to the Owner or Occupier of Premises they may also be served by delivering the same or a true Copy thereof to some Person upon the Premises, or if there be no Person upon the Premises who can be so served, by fixing the same upon some conspicuous Part of the Premises, or if the Person shall reside at a Distance of more than Five Miles from the Office of the Inspector then by a registered Letter through the Post.—(Section 31.)

Service of
notices,
summonses,
and orders.

5 LL. Copies of any Orders or Resolutions of the [Nuisance] Authority or their Committee, purporting to be signed by the Chairman of such Body or Committee, shall, unless the contrary be shown be received as Evidence thereof, without Proof of their meeting, or of the official Character or Signature of the Person signing the same.—(Section 32.)

Proof of
resolutions
of Nuisance
Authority.

5 MM. Where Proceedings under [the Nuisance Removal Acts] are to be taken against several Persons in respect of One Nuisance caused by the joint Act or Default of such Persons, it shall be lawful for the [Nuisance] Authority to include such Persons in One Complaint, and for the Justices to include such Persons in One Summons, and any Order made in such a Case may be made upon all or any Number of the Persons included in the Summons, and the Costs may be distributed as to the Justices may appear fair and reasonable.—(Section 33.)

As to pro-
ceedings
taken against
several per-
sons for the
same offence.

5 NN. In case of any Demand or Complaint under [the Nuisance Removal Acts] to which Two or more Persons, being Owners or Occupiers of Premises, or partly the one or partly the other, may be answerable jointly or in common or severally, it shall be sufficient to proceed against any One or more of them without pro-

One or more
joint owners
or occupiers
may be pro-
ceeded
against alone.

NUISANCES,
&C., ACT,
1855,
AS AMENDED
AND
MODIFIED.

ceeding against the others or other of them ; but nothing herein contained shall prevent the Parties so proceeded against from recovering Contribution in any Case in which they would now be entitled to Contribution by Law.—(Section 34.)

Designation
of "owner"
or "occu-
pier."

5 00. Whenever in any Proceeding under [the Nuisance Removal Acts], whether written or otherwise, it shall become necessary to mention or refer to the Owner or Occupier of any Premises, it shall be sufficient to designate him as the "Owner" or "Occupier" of such Premises, without Name or further Description.—(Section 35.)

Penalty for
obstructing
execution of
the Nuisance
Removal
Acts.

5 PP. Whoever refuses to obey an Order of Justices under [the Nuisances Removal Acts], for Admission on Premises of the [Nuisance] Authority or their Officers, or who wilfully obstructs any Person acting under the Authority or employed in the Execution of [the Nuisances Removal Acts], shall be liable for every such Offence to a Penalty not exceeding Five Pounds.—(Section 36.)

Penalty on
occupier ob-
structing
owner.

5 QQ. If the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of [the Nuisance Removal Acts], any Justice to whom Application is made in this Behalf shall by Order in Writing require such Occupier to desist from such Prevention, or to permit the Execution of the Works required to be executed, provided that such Works appear to such Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of [the Nuisance Removal Acts]; and if within Twenty-four Hours after the Service of such Order the Occupier against whom it is made do not comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Noncompliance.—(Section 37.)

Proceedings
not to be
quashed for
want of form.

5 RR. No Order, nor any other Proceeding, Matter, or Thing done or transacted in or relating to the Execution of [Nuisance Removal Acts], shall be vacated, quashed, or set aside for Want of Form, nor shall any Order, nor any other Proceeding, Matter, or Thing done or transacted in relation to the Execution of [the said Acts], be removed or removable by Certiorari, or by any other Writ or Process whatsoever, into any of the Superior Courts; and Proceedings under [the said Acts] against several Persons included in One Complaint shall not abate by reason of the Death of any among the Persons so included, but all such Proceedings may be carried on as if the deceased Person had not been originally so included.—(Section 39.)

Appeals
under this
Act to be to
Quarter Ses-
sions.

5 SS. Appeals under [the Nuisance Removal Acts] shall be to the Court of Quarter Sessions held next after the making of the Order appealed against; but the Appellant shall not be heard in support of the Appeal unless within Fourteen Days after the making of the Order appealed against he give to the [Nuisance]

Authority Notice in Writing stating his Intention to bring such Appeal, together with a Statement in Writing of the Grounds of Appeal, and shall within Two Days of giving such Notice enter into a Recognizance before some Justice of the Peace, with sufficient Securities, conditioned to try such Appeal at the said Court, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Court or any Adjournment thereof; and the said Court, upon hearing and finally determining the Matter of the Appeal, may, according to its Discretion, award such Costs to the Party appealing or appealed against as they shall think proper, and its Determination in or concerning the Premises shall be conclusive and binding on all Persons to all Intents or Purposes whatsoever: Provided always, that if there be not Time to give such Notice and enter into such Recognizance as aforesaid, then such Appeal may be made to, and such Notice, Statement, and Recognizance be given and entered into for, the next Sessions at which the Appeal can be heard; provided also, that on the Hearing of the Appeal no Grounds of Appeal shall be gone into or entertained other than those set forth in such Statement as aforesaid; provided also, that in any Case of Appeal the Court of Quarter Sessions may, if they think fit, state the Facts specially for the Determination of Her Majesty's Court of Queen's Bench, in which Case it shall be lawful to remove the Proceedings, by Writ of Certiorari or otherwise, into the said Court of Queen's Bench.—(Section 40.)

5 TT. The Forms contained in the Schedule to [(^a) the Nuisance, &c., Act, 1855], annexed, or any Forms to the like Effect, varied as Circumstances may require, may be used for Instruments under [the Nuisance Removal Acts], and shall be sufficient for the Purpose intended.—(Section 41.)

Forms to be
used as in
Schedule.

5 UU. The [Nuisance] Authority, and any Officer or Person acting under the Authority and in Execution or intended Execution of [Nuisance Removal Acts], shall be entitled to such Protection and Privilege in Actions and Suits, and such Exemption from personal Liability, as are granted to Local Boards of Health and their Officers by the Law in force for the Time being.—(Section 42.)

As to protec-
tion of
Nuisance
Authority
and its Offi-
cers.

5 VV. Nothing in [Nuisance Removal Acts] shall be construed to affect the Provisions of any Local Act as to Matters included in [the said Nuisance Removal Acts], nor to impair, abridge, or take away any Power, Jurisdiction, or Authority which may at any Time be vested in any Commissioners of Sewers or of Drainage, or to take away or interfere with any Course of Proceedings which might be resorted to or adopted by such Commissioners if [Nuisance Removal Acts] had not passed, nor to impair any Power of abating Nuisances at Common Law, nor any Jurisdiction in respect of Nuisance that may be possessed by any Authority under the Act intituled *An Act to abate the Nuisances arising*

Act not to
impair juris-
diction of
Sewers Com-
missioners,
or Common
Law remedies
for Nuisance,
nor jurisdic-
tion of
Nuisance
Authority as
to the Nui-
sances re-
ferred to in
this Act.

(^a) *Infra*, p. 33.

NUISANCES,
&c., ACT,
1855,
AS AMENDED
AND
MODIFIED.

from the Smoke of Furnaces in the Metropolis, and from Steam Vessels above London Bridge, or the Common Lodging Houses Acts, the Act for the Regulation of Municipal Corporations, the Public Health Act, or any Improvement Act respectively, or any Acts incorporated with such Acts, and Authorities may respectively proceed for the Abatement of Nuisances or in respect of any other Matter or Thing herein-before provided or referred to either under the Acts mentioned in this Section or any other Act conferring Jurisdiction in respect of the Nuisances referred to in [Nuisance Removal Acts], or any Byelaws framed under any such Act, as they may think fit; and the Local Authorities constituted under and for the Purposes of the Common Lodging House Acts, 1851 and 1853, shall for the Purposes of those Acts have all the Powers of [Nuisance] Authorities under [the Nuisance Removal Acts].—(Section 43.)

Act not to
affect naviga-
tion of rivers
or canals.

5 ww. Nothing herein contained shall enable any [Nuisance] Authority, Surveyor of Highways, or other Person, either with or without any Order of Justices, to injuriously affect the Navigation of any River or Canal, or to divert or diminish any Supply of Water of right belonging to any such River or Canal; and the Provisions of [the Nuisances Removal Acts] shall not extend or be construed to extend to Mines of different Descriptions so as to interfere with or obstruct the efficient working of the same, or to the smelting of Ores and Minerals, or to the manufacturing of the Produce of such Ores and Minerals.—(Section 44.)

Saving as to
rights of mill-
owners, &c.

5 xx. No Power given by [Nuisance Removal Acts] shall be exercised in such Manner as to injuriously affect the Supply, Quality, or Fall of Water contained in any Reservoir or Stream, or any Feeders of such Reservoir or Stream, belonging to or supplying any Waterwork established by Act of Parliament, or in Cases where any Company or Individual are entitled for their own Benefit to the Use of such Reservoir or Stream, or to the Supply of Water contained in such Feeders, without the Consent in Writing of the Company or Corporation in whom such Waterworks may be vested, or of the Parties so entitled to the Use of such Reservoirs, Streams, and Feeders, and also of the Owners thereof in Cases where the Owners and Parties so entitled are not the same Person.—(Section 45.)

Short Title
of Nuisances,
&c., Act, 1855.

5 yy. In citing [the Nuisances, &c., Act, 1855], in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Words "The Nuisances Removal Act for England, 1855."—(Section 46.)

SANITARY
ACT, 1866.

Evidence of
family in
case of over-
crowded
houses,

5 zz. In any Proceedings under the Common Lodging Houses Act, 1851, if the Inmates of any House or Part of a House allege that they are Members of the same Family, the Burden of proving such Allegation shall lie on the Persons making it.—(Section 41.)

5 AAA.—SCHEDULE OF FORMS.

[Amended for Ireland in Accordance with Provisions of
Sanitary Act, 1866.]

NUISANCES,
&c., ACT,
1855,
AS AMENDED
AND
MODIFIED.

Schedule of
Forms.

FORM (A.)

*Order of Justices for Admission of Officer of Nuisance Authority to
inspect private Premises.*

WHEREAS [*describe the Nuisance Authority*] have by their Officer
[*naming him*] made Application to me A.B., One of Her Majesty's
Justices of the Peace having Jurisdiction in and for [*describe the Place*],
and the said Officer has made Oath to me of his Belief that a Nuisance,
within the meaning of the Nuisances Removal Act for England, 1855,
as amended and extended to Ireland by the Sanitary Act, 1866, viz.,
[*describe Nuisance*], exists on private Premises at [*describe Situation of
Premises so as to identify them*], within my Jurisdiction, and demand of
Admission to such Premises for the Inspection thereof has been duly
made under the said Acts, and refused:

Now, therefore, I, the said A.B., do hereby require you to admit the
said [*name the Nuisance Authority*], [*or the Officer of the said (Nuisance
Authority)*], for the Purpose of inspecting the said Premises.

Dated this Day of 18 .

A.B.

FORM (B.)

Notice of Nuisance.

To the Nuisance Authority (*describing it*).

I [*or We*], the Person aggrieved by the Nuisance herein-after described
[*or the undersigned and described Inhabitant Householders, Sanitary
Inspector, or other Officer (describing him)*], do hereby give you Notice,
That there exists in or upon the [*Dwelling House, Yard, etc., as the Case
may be*], situate at [*giving such Description as may
be sufficient to identify the Premises*], in the Parish of
in your District, under the Nuisances Removal Act for England, 1855,
as amended and extended to Ireland by the Sanitary Act, 1866, the fol-
lowing Nuisance, videlicet [*describing the Nuisance, as the Case may be ;
for instance, a Dwelling House or Building a Nuisance or injurious to
Health for want of a Privy or Drain or sufficient Means of Ventilation,
or so dilapidated or so filthy as to be a Nuisance or injurious to Health,
or, for further instance, a Ditch or Drain so foul as to be a Nuisance or
injurious to Health, or an Accumulation of
a Nuisance or injurious to Health, &c., or Swine so kept as to be a
Nuisance or injurious to Health*]; and that such Nuisance is caused by
[*naming the Person by whose Act or Default the Nuisance is caused, or
by some Person unknown*].

Dated this Day of in the Year of our Lord One
thousand eight hundred and .

[*Signed by Complainant under Section 10.*]

NUISANCES,
&c., ACT,
1855,
AS AMENDED
AND
MODIFIED.

Schedule of
Forms.

FORM (C.)

Notice to Owner or Occupier of Entry for Examination.

To the Owner [or Occupier, as the Case may be], of [describe the Premises] situate at [insert a Description sufficient to identify the Premises].

Take notice, That under the Nuisances Removal Act for England, 1855, as amended and extended to Ireland by the Sanitary Act, 1866, the [Nuisance Authority, naming it,] in whose District under the said Act the above Premises are situate, have received a Notice from [name Complainant], stating that in or upon the said Premises [insert the Cause of Nuisance as set forth in the Notice].

And further take notice, That after the Expiration of Twenty-four Hours from the Service of this Notice the [Nuisance Authority] will cause the said Premises to be entered and examined under the Provisions of the said Acts, and if the Cause of Nuisance aforesaid be found still existing, or, though removed or discontinued, be likely to be repeated, a Summons will be issued requiring your Attendance to answer a Complaint which will be made to the Justices for enforcing the Removal of the same, and prohibiting a Repetition thereof, and for recovering the Costs and Penalties that may be incurred thereby.

Dated this Day of in the Year of our Lord
One thousand eight hundred and .

A.B.

The Officer appointed by the [Nuisance Authority] to take Proceedings under the Nuisances Removal Act for England, 1855, as amended and extended to Ireland by the Sanitary Act, 1866.

FORM (D.)

Summons.

To the Owner or Occupier of [describe Premises] situate at [insert such a Description as may be sufficient to identify the Premises], or to A.B. of

County of
[or Borough of
&c., or District of
or as the case may be]
to wit.

You are required to appear before Two of Her Majesty's Justices of the Peace [or One of the Magistrates of the Police Courts of the Metropolis, or the Stipendiary Magistrate] of the County [or other Jurisdiction] of at the Petty Sessions [or Court] holden at

on the Day of next, at the Hour of noon, to answer the Complaint this Day made to me by [or by on behalf of] [naming the Nuisance Authority, as the Case may be], that in or upon the Premises above mentioned [or in or upon certain Premises situate at No. in the Street in the Parish of or such other Description or Reference as may be sufficient to identify the Premises], in their District, under the Nuisances Removal Act for England, 1855, as amended and extended to Ireland by the Sanitary Act, 1866, the following Nuisance exists [describing it, as the Case may be],

and that the said Nuisance is caused by the Act or Default of the Occupier [or Owner] of the said Premises, or by you A.B. [or in case the Nuisance be discontinued, but likely to be repeated, say, there existed recently, to wit, on or about the Day of on the Premises, the following Nuisance [describe the Nuisance], and that the said Nuisance was caused [&c.], and although the same has since the said last-mentioned Day been removed or discontinued there is reasonable Ground to consider that the same or the like Nuisance is likely to recur on the said Premises].

NUISANCES,
&c., ACT,
1855,
AS AMENDED
AND
MODIFIED.

Schedule of
Forms.

Given under the Hand of me, J.P., Esquire, One of Her Majesty's Justices of the Peace acting in and for the [Jurisdiction] stated in the Margin, or One of the Magistrates of the Police Courts of the Metropolis, or Stipendiary Magistrate of Day of in the Year of our Lord One thousand eight hundred and

FORM (E.)

Order of Justices for Removal of Nuisances by Owner, &c.

To the Owner [or Occupier] of [describe the Premises] situate [give such Description as may be sufficient to identify the Premises,] or to A.B. of or to [giving Name of the Local Authority], or to their Servants or Agents, and to all whom it may concern.

County of [or Borough, &c. of] } WHEREAS on the Day of Com-
District of } plaint was made before Esquire,
or as the case may } One of Her Majesty's Justices of the Peace
be. } acting in and for the County [or other Juris-
 } diction] stated in the Margin, [or before the
 } undersigned, One of the Magistrates of the
 } Police Courts of the Metropolis, or as the Case
 } may be] by [or by on behalf of] [the Nuisance Authority,
 } naming it, as the Case may be], that in or upon certain Premises situate
 } at in the District under the Nuisances Removal Act for
 } England, 1855, as amended and extended to Ireland by the Sanitary
 } Act, 1866, of the Complainants above named, the following Nuisance
 } then existed [describing it]; and that the said Nuisance was caused by
 } the Act or Default of the Owner [or Occupier] of the said Premises [or
 } was caused by A.B.] (If the Nuisance have been removed, say, the fol-
 } lowing Nuisance existed on or about [the Day the Nuisance was ascer-
 } tained to exist,] and that the said Nuisance was caused, &c. and although
 } the same is now removed, the same or the like Nuisance is likely to recur
 } on the same Premises.)

And whereas the Owner [or Occupier] within the Meaning of the said Nuisances Removal Act, 1855, as amended and extended to Ireland by the Sanitary Act, 1866, [or the said A.B.,] hath this Day appeared before us Justices, being Two of Her Majesty's Justices in and for , sitting in Petty Sessions at their usual Place of Meeting [or before me, the said Magistrate of the Police Courts of the Metropolis, or as the Case may be], to answer the Matter of the said Complaint [or in case the Party charged do not appear, say], And whereas it hath been this Day proved to our [or my] Satisfaction that a true Copy of a Summons requiring the Owner [or Occupier] of the said Premises [or the said A.B.] to appear this Day before us [or me] hath been duly served according to the said Acts :

NUISANCES,
&c., ACT,
1855,
AS AMENDED
AND
MODIFIED.

Schedule of
Forms.

Now upon Proof here had before us [or me] that the Nuisance so complained of doth exist on the said Premises, and that the same is caused by the Act or Default of the Owner [or Occupier] of the said Premises [or by the said A.B.], we [or I], in pursuance of the said Acts, do order the said Owner [or Occupier, or A.B.] within [specify the Time] from the Service of this Order or a true Copy thereof according to the said Acts [here specify the Works to be done, as, for instance, to cleanse, whitewash, purify, and disinfect the said Dwelling House; or, for further instance, to construct a Privy or Drain, &c.; or, for further instance, to cleanse or to cover or to fill up the said Cesspool, &c.] so that the same shall no longer be a Nuisance or injurious to Health as aforesaid.

[And if it appear to the Justices that the Nuisance is likely to recur on the Premises say [And we] [or I] being satisfied that, notwithstanding the said Cause or Causes of Nuisances may be removed under this Order, the same is or are likely to recur, do therefore prohibit the said Owner [or Occupier or A.B.] from [here insert the Matter of the Prohibition, as, for instance, from using the said House or Building for Human Habitation until the same, in our Judgment, is rendered fit for that Purpose].

And if the above Order for Abatement be not complied with, [or if the above Order of Prohibition be infringed,] then we [or I] do authorize and require you the said [Nuisance Authority, naming it,] from Time to Time to enter upon the said Premises, and to do all such Works, Matters, and Things as may be necessary for carrying this Order into full Execution according to the Act aforesaid.

In Case the Nuisance were removed before Complaint, say [Now upon Proof here had before us that at or recently before the Time of making the said Complaint, to wit, on as aforesaid, the Cause of Nuisance complained of did exist on the said Premises, but that the same hath since been removed, yet, notwithstanding such Removal, we [or I] being satisfied that it is likely that the same or the like Nuisance will recur on the said Premises, do hereby prohibit [Order of Prohibition]; and if this Order of Prohibition be infringed, then we [or I] [Order on Nuisance Authority to do Works].

Given under the Hands and Seals of us, Two of Her Majesty's Justices of the Peace in and for [or the Hand and Seal of me, One of the Magistrates of the Police Courts of the Metropolis, or as the case may be], this Day of in the Year of our Lord One thousand eight hundred and

FORM (F.)

Order of Justices for Removal of Nuisance by Nuisance Authority.

To the Town Council, &c., as the Case may be.

County, &c. } WHEREAS [recite Complaint of Nuisance as in last Form.]
to wit. }

And whereas it hath been now proved to our [or my] Satisfaction that such Nuisance exists, but that no Owner or Occupier of the Premises, or Person causing the Nuisance, is known or can be found [as the Case may be]: Now we [or I], in pursuance of the said Acts, do order the said [Nuisance Authority, naming it,] forthwith to [here specify the Works to be done].

Given, &c.

Class 5.—Nuisance Removal under Act of 1855. 37

FORM (G.)

Order to permit Execution of Works by Owners.

NUISANCES,
&c., ACT,
1855,
AS AMENDED
AND
MODIFIED.
—
Schedule of
Forms.
—

County of
[or Borough of
or Metropolitan Police
District, or as the Case
may be], to wit. } WHEREAS Complaint hath been made to me,
E.F., Esquire, One of Her Majesty's
Justices of the Peace in and for the County
[or Borough, &c.] of [or One
of the Magistrates of the Police Courts of
the Metropolis, or as the case may be, or One of Her Majesty's Justices
of the Peace, as the case may be, of the County of], by
A.B., Owner within the Meaning of the "Nuisances Removal Act for
England, 1855," as amended and extended to Ireland by the Sanitary
Act, 1866, of certain Premises, to wit, a Dwelling House [or Building,
or as the Case may be], situate at [insert such a Description of the
Premises as may be sufficient to identify them], in the Parish of
in the said County or Borough, &c.], that C.D., the Occupier of the
said Premises, doth prevent the said A.B., from obeying and carrying
into effect the Provisions of the said Acts in this, to wit, that he the said
C.D. [here describe the Act of Prevention generally according to the
Circumstances; for instance thus, doth refuse to quit the said House the
same having by the Order of Justices been declared unfit for Human
Habitation, or doth prevent the said A.B. from cleansing or white-
washing or purifying the said Dwelling House, or erecting a Privy or
Drain, or breaking an Aperture for Ventilation, or cleansing a Drain,
Ditch, Gutter, Watercourse, Privy, Urinal, Cesspool, or Ashpit which
is a Nuisance or injurious to Health]: And whereas the said
C.D. has been summoned to answer the said Complaint, and has
not shown sufficient Cause against the same, and it appears to
to me that [describe the Act or Works to be done] is necessary for the
Purpose of enabling the said A.B. to obey and carry into effect the
Provisions of the said Acts, I do hereby order that the said C.D. do
permit the said A.B. [describe the Act or Works to be done] in the Manner
required by the said Acts.

Given under my Hand and Seal this Day of
in the Year of our Lord One thousand eight hundred and
E.F. (L.S.)

FORM (H.)

Summons for Nonpayment of Costs, Expenses, or Penalties. Sec. 20.^(a)

To [describe the Person from whom the
Costs, Expenses, and Penalties are due.]

County of } You are required to appear before Two of Her
or Borough of } Majesty's Justices of the Peace [or One of the
or District of } Magistrates of the Police Courts of the Metro-
to wit. } polis, or the Stipendiary Magistrates] of the
County [or other Jurisdiction] of at the Petty Sessions [or
Court] holden at on the Day of next,
at the Hour of in the noon, to answer the Com-
plaint this Day made to me by [or by on behalf
of] [naming the Nuisance Authority], that the Sum of Pounds,
being Costs and Expenses incurred by you under and in relation to a
certain Complaint touching [describe the Nuisance], and an Order of

^(a) Par. 5 r, *supra*, p. 24.

NUISANCES,
&c., ACT,
1855,
AS AMENDED
AND
MODIFIED.

Schedule of
Forms.

[*describe the Person making the Order*] duly made in pursuance of the Nuisances Removal Act for England, 1855, as amended and extended to Ireland by the Sanitary Act, 1866 [*if Penalties are due, add,* and also the Sum of _____ being the Amount of Penalties payable by you for Disobedience of the said Order], remains unpaid and due from you.

Given under the Hand of me, *J.P.*, Esquire, One of Her Majesty's Justices of the Peace acting in and for the [*Jurisdiction stated in the Margin*] [*or One of the Magistrates of the Police Courts of the Metropolis, or Stipendiary Magistrate of _____*] the Day of _____ in the Year of our Lord One thousand eight hundred and _____

FORM (I.)

Order for Payment of Costs, Expenses, and Penalties. Sec. 20.

To _____ [*name the Person on whom the Order is made.*]

County, &c. } WHEREAS Complaint has been made before us [*or me*] for to wit. } that [*recite Cause of Complaint*]:

And whereas the said [*naming the Person against whom the Complaint is made*] has this Day appeared before us the said Justices [*or before me the said Magistrate of the Police Courts of the Metropolis, [or as the Case may be,*] to answer this Matter of the said Complaint: [*Or, in case the Party charged do not appear, say,*]

And whereas it has been this Day satisfactorily proved to us [*or me*] that a true Copy of the Summons requiring the said [*naming Person charged*] to appear before us [*or me*] this Day hath been duly served according to the said Acts: Now, having heard the Matter of the said Complaint, we [*or I*] do adjudge the said [*naming the Person charged*] to pay forthwith [*or by Instalments of _____*] payable respectively on or before the _____ to the said [*naming the Person or Nuisance Authority to whom the Costs adjudged are payable*], the Sum of _____ for Costs in this Behalf, and to [*naming the Person or Authority to whom the Expenses are payable*], the Sum of _____ for Expenses in this Behalf, [*if Penalties are due, add,* the Sum of _____ for Penalties incurred in relation to the Premises,] together with the Sum of _____ being the Charges attending the Application for this Order and Proceedings thereon; and if the said several Sums, amounting in the whole to _____ [*or if any One of the said Instalments*] be not paid within Fourteen Days after the same is due as aforesaid, we [*or I*] hereby order that the same be levied by Distress and Sale of the Goods and Chattels of the said _____ and in default of sufficient Distress in that Behalf adjudge the said _____ to be imprisoned in the Common Gaol [*or House of Correction, as the Case may be*], at _____ in the said County [*or as the Case may be*] for the Space of such Time, not exceeding Three Calendar Months, as the Justices may think fit, unless the said several Sums [*or Sum*], and all Costs and Charges of the said Distress [*and of the Commitment and carrying of the said*] to the said House of Correction or Common Gaol, or as the Case may be, shall be sooner paid.

Given under our [*or my*] Hands, this _____ Day of _____ in the Year of our Lord One thousand eight hundred and _____ at _____ in the [*County, or as the Case may be*], aforesaid,

Class 5.—Nuisance Removal under Act of 1855. 39

FORM (K.)

Warrant of Distress. Sec. 20.

NUISANCES,
&c., ACT,
1855,
AS AMENDED
AND
MODIFIED.

To the Constable of _____ and to all other Peace Officers in the
said County [or as the Case may be].

Schedule of
Forms.

WHEREAS on _____ last past Complaint was made before the undersigned, Two of Her Majesty's Justices of the Peace in and for the said County of [or as the Case may be] [or a Magistrate of the Police Courts of the Metropolis or Stipendiary Magistrate, as the Case may be] for that [&c. as in the Order]; and thereupon having considered the Matter of the said Complaint, we [or I] adjudged the said [set out from Form K. the Adjudication of Payment, and the Order for Distress and for Imprisonment in default of Distress]: And whereas the Time in and by the said Order appointed for the Payment of the said several sums of _____ and _____ hath elapsed, but the said _____ hath not paid the same or any Part thereof within Fourteen days after the Date fixed by the Order for such Payment, but therein hath made default: These are therefore to command you in Her Majesty's Name forthwith to make Distress of the Goods and Chattels of the said A.B., and if within the Space of _____ Days after the making of such Distress the said last-mentioned Sums, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale over to the Clerk of the Justices of the Peace for the Division of _____ in the said [County, or as the Case may be], that he may pay and apply the same as by Law directed, and may render the Overplus, if any, on Demand, to the said _____; and if no such Distress can be found, then that you certify the same unto me, to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under our [or my] Hands and Seals, this _____ Day
of _____ in the Year of Our Lord, One Thousand eight
hundred and _____ at _____ in the [County]
aforesaid.

A.B.
C.D.

(L.S.)

FORM (L.)

Return of Proceedings under Nuisances Removal [Acts] by the [name of the
Nuisance Authority at Length].

From 25th March, 1855, to 25th March, 1856.

Date of Notice.	By whom given.	Nature of Nuisance.	Proceedings taken.	Remarks:—With any special Work done under the Acts without any Notice.
16 April,	The Inspector,	Foul Drainage from House.	Owner put down good Drain on Summons, without Justice's Order.	Several Houses being in a like Position, the Highway Surveyor laid down a Sewer in the old Watercourse, and each House was charged a proportionate Sum for the same, of which the highest Sum was 10s.
18 April,	Two Neighbours,	Offensive Cess-pool.	Abated by [Nuisance] Authority.	Renewed once; but Penalty recovered, and no subsequent Renewal attempted.

Dated this 26th day of March, 1856. [To be signed by the Chairman of the
Nuisance Authority.]

SANITARY
ACT, 1866.

CLASS 6.—MISCELLANEOUS PROVISIONS IN SANITARY ACT, 1866.

Modifications in applying Provisions to Ireland.

Modifications
necessary for
application of
Part III. of
Sanitary Act,
1866, to Ire-
land.

6 A. In applying the Provisions of Part III.^(a) of this Act to Ireland the following Changes shall be observed :

- (1.) Applications for Power to make Regulations as to Lodging Houses may be made by any Nuisance Authority, except a Board of Guardians, and shall be made to the Lord Lieutenant in Council, and the said Lord Lieutenant in Council shall have the Power of declaring the Enactments as to Lodging Houses in the Third Part of this Act to be in force in any Nuisance District :
- (2.) The said Lord Lieutenant in Council shall have and exercise the Power, in respect of Boards of Guardians acting together, vested in the Privy Council by the said Third Part of this Act :
- (3.) In Ireland, any Nuisance Authority, except a Board of Guardians, may exercise the Powers conferred on Local Boards acting in the Execution of The Local Government Act, 1858, by the said Third Part of this Act :
- (4.) Sewer and Nuisance Authorities in Ireland shall be incorporated for the Purposes of this Act by the Names set forth in the said First Schedule hereto ;^(b) and such Sewer or Nuisance Authorities may hold Lands by such Names for the Purposes of Burial Ground (Ireland) Act, 1856 :
- (5.) The Penalties under the Third Part of this Act shall be recovered in like Manner as herein-before provided with respect to Penalties under the Second Part of this Act.^(c)
—(Section 61.)

Regulation of Lodging Houses.

In Cities,
Boroughs, or
Towns,
Lord Lieu-
tenant in
Council, on
application of
nuisance
authority,
may empower
them to make
regulations as
to lodging
houses.

6 B. . . . [on Application to the Lord Lieutenant in Council by any Nuisance Authority except a Board of Guardians, the Lord Lieutenant in Council] may, as he may think fit, by Notice to be published in the [Dublin] Gazette, declare the following Enactment to be in force in the District of such Nuisance Authority, and from and after the publication of such Notice the Nuisance Authority shall be empowered to make Regulations for the following Matters ; that is to say,

1. For fixing the number of Persons who may occupy a House or Part of a House which is let in Lodgings or occupied by Members of more than One Family :
2. For the Registration of Houses thus let or occupied in Lodgings :
3. For the Inspection of such Houses, and the keeping the same in a cleanly and wholesome State :

(a) The third part of the Sanitary Act, 1866, entitled "Miscellaneous," extends from Sections 35 to 55, inclusive.

(b) This schedule is given in par. 4 G, p. 11, *supra*.

(c) Vide par. 4 A, and note (c), to p. 9, *supra*.

6.—*Miscellaneous Provisions in Sanitary Act, 1866.* 41

4. For enforcing therein the Provision of Privy Accommodation and other Appliances and Means of Cleanliness in proportion to the Number of Lodgings and Occupiers, and the cleansing and Ventilation of the common Passages and Staircases :
5. For the cleansing and lime-whiting at stated Times of such Premises :

SANITARY
ACT, 1866.

The Nuisance Authority may provide for the Enforcement of the above Regulations by Penalties not exceeding Forty Shillings for any One Offence, with an additional Penalty not exceeding Twenty Shillings for every Day during which a Default in obeying such Regulations may continue; but such Regulations shall not be of any Validity unless and until they shall have been confirmed by [Lord Lieutenant or other Chief Governor or Chief Governors of Ireland].

But this Section shall not apply to Common Lodging Houses within the Provisions of The Common Lodging Houses Act, 1851, or any Act amending the same.—(Section 35.)

Power of Closing Cellars and Overcrowded Houses.

6 c. Where Two Convictions against the Provisions of any Act relating to the Overcrowding of a House, or the Occupation of a Cellar as a separate Dwelling Place, shall have taken place within the Period of Three Months, whether the Persons so convicted were or were not the same, it shall be lawful for any Two Justices to direct the closing of such Premises for such Time as they may deem necessary, and, in the Case of Cellars occupied as aforesaid, to empower the Nuisance Authority to permanently close the same, in such Manner as they may deem fit, at their own Cost.—(Section 36.)

Cases in which two convictions have occurred within three months.

Power to Provide Hospitals.

6 d. The Sewer Authority may provide for the Use of the Inhabitants within its District Hospitals or temporary Places for the Reception of the Sick.

Power to provide Hospitals.

Such Authority may itself build such Hospitals or Places of Reception, or make Contracts for the Use of any existing Hospital or Part of an Hospital, or for the temporary Use of any Place for the Reception of the Sick.

It may enter into any Agreement with any Person or Body of Persons having the Management of any Hospital for the Reception of the sick Inhabitants of its District, on payment by the Sewer Authority of such annual or other Sum as may be agreed upon.

The carrying into effect this Section shall in the Case of a Sewer Authority be deemed to be One of the Purposes of the said Sewage Utilization Act, 1865, and all the Provisions of the said Act shall apply accordingly.

SANITARY
ACT, 1866.

Two or more Authorities having respectively the Power to provide separate Hospitals may combine in providing a common Hospital, and all expenses incurred by such Authorities in providing such Hospital shall be deemed to be Expenses incurred by them respectively in carrying into effect the Purposes of this Act.—(Section 37.)

Restriction of use of Cellar Dwellings.

Extension to
the whole of
England and
Ireland of
11 & 12 Vict.,
c. 63, s. 67.

6E. The Sixty-seventh Section^(a) of "The Public Health Act, 1848," relating to Cellar Dwellings, shall apply to every Place in England and Ireland where such Dwellings are not regulated by any other Act of Parliament, and in applying that Section to Places where it is not in force at the Time of the passing of this Act^(b) the Expression "this Act" shall be construed to mean the "Sanitary Act, 1866," and not the said "Public Health Act, 1848." In construing the said Sixty-seventh Section as applied by this Act Nuisance Authority shall be substituted for the Local Board.—(Section 42.)

PUBLIC
HEALTH
ACT, 1848.

Cellars, &c.,
newly built
not to be let
as dwelling
rooms.

No cellars,
&c., to be let
except under
certain con-
ditions.

6F. And be it enacted, That it shall not be lawful to let or occupy or suffer to be occupied separately as a Dwelling any Vault, Cellar, or underground Room built or rebuilt after the passing of [The Sanitary Act, 1866,]^(c) or which shall not have been so let or occupied before the passing of [The Sanitary Act, 1866]; and it shall not be lawful to let or continue to let, or to occupy or suffer to be occupied, separately as a Dwelling, any Vault, Cellar, or underground Room whatsoever, unless the same be in every Part thereof at least Seven Feet in Height, measured from the Floor to the Ceiling thereof, nor unless the same be at least Three Feet of its Height above the Surface of the Street or Ground adjoining or nearest to the same, nor unless there be outside of and adjoining the same Vault, Cellar, or Room, and extending along the entire Frontage thereof, and upwards from Six Inches below the Level of the Floor thereof up to the Surface of the said Street or Ground, an open Area of at least Two Feet and Six Inches wide in every Part, nor unless the same be well and effectually drained by means of a Drain the uppermost Part of which is One Foot at least below the Level of the Floor of such Vault, Cellar, or Room, nor unless there be appurtenant to such Vault, Cellar, or Room the Use of a Watercloset or Privy and an Ashpit, furnished with proper Doors and Coverings kept and provided according to the Provisions of [The Sanitary Act, 1866,] nor unless the same have a Fireplace with a proper Chimney or Flue, nor unless the same have an external Window of at least Nine Superficial Feet in Area clear of the Sash Frame, and made to open in such Manner as shall be approved by the Surveyor, except in the case of an inner or back Vault, Cellar, or Room let or occupied along with a front Vault, Cellar, or Room as

(^a) Next par., 6 F. (^b) 7th August, 1866. (^c) *Vide* preceding par., 6 E.

6.—*Miscellaneous Provisions in Sanitary Act, 1866.* 43

PUBLIC
HEALTH ACT,
1848.

Part of the same Letting or Occupation, in which case the external Window may be of any Dimensions not being less than Four Superficial Feet in Area clear of the Sash Frame; and whosoever lets, occupies, or continues to let, or knowingly suffers to be occupied for Hire or Rent, any Vault, Cellar, or underground Room, contrary to [The Sanitary Act, 1866,] shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings for every Day during which the same continues to be so let or occupied after Notice in Writing from the [Nuisance Authority]^(a) in this Behalf: Provided always, that in any Area adjoining a Vault, Cellar, or underground Room there may be Steps necessary for Access to such Vault, Cellar, or Room, if the same be so placed as not to be over, across, or opposite to the said external Window, and so as to allow between every Part of such Steps and the external Wall of such Vault, Cellar, or Room, a clear Space of Six Inches at the least, and that over or across any such Area there may be Steps necessary for Access to any Building above the Vault, Cellar, or Room to which such Area adjoins, if the same be so placed as not to be over, across, or opposite to any such external Window: Provided also, that every Vault, Cellar, or underground Room in which any Person passes the Night shall be deemed to be occupied as a Dwelling, within the Meaning of [The Sanitary Act, 1866]: Provided also, that the Provisions of [The Sanitary Act, 1866,] with respect to the Letting and Occupation of Vaults, Cellars, and underground Rooms shall not, so far as the same relate to Vaults, Cellars, and underground Rooms which shall have been let or occupied as Dwellings before the passing of [The Sanitary Act, 1866,] come into force or operation until [7th August, 1867,] nor within any District until the Expiration of Six Months from [6th August, 1866,] and all Churchwardens and Overseers of the Poor shall from time to time after the passing of [The Sanitary Act, 1866,] cause Public Notice of the Provisions of [The Sanitary Act, 1866,] with respect to the Letting and Occupation of Vaults, Cellars, and underground Rooms, to be given in such manner as may appear to them to be best calculated to make the same generally known.—(Section 67.)

Act not to come into operation until the expiration of a certain time, in case of cellars, &c., already occupied as dwellings.

Churchwardens, &c., to give notice of enactment.

Power to adopt Baths and Wash-houses Acts.

SANITARY
ACT, 1866.

6 G. [Any Nuisance Authority except a Board of Guardians], may adopt the Act to encourage the Establishment of public Baths and Wash-houses, and any Act amending the same, for Districts in which those Acts are not already in force, and when they have adopted the said Acts they shall have all the Powers, Duties, and Rights of Commissioners under the said Acts; and all Expenses incurred by any [Nuisance Authority] in carrying into execution the Acts referred to in this Section shall be defrayed out of the General District Rates, and all Receipts by them under the said Acts shall be carried to the District Fund Account.—(Section 43.)

Nuisance Authority (except Guardians) in certain cases may adopt Baths and Wash-houses Acts.

^(a) Vide preceding par., 6 E.

SANITARY
ACT, 1866.*Protection of Works of Local Authorities.*Penalty for
wilful damage
of works.

6 H. If any Person wilfully damages any Works or Property belonging to any Local Board, Sewer Authority, or Nuisance Authority, he shall be liable to a Penalty not exceeding Five Pounds.—(Section 45.)

Incorporation
of Sanitary
Authorities.

6 I. The following Bodies, that is to say, . . . , Sewer Authorities, and Nuisance Authorities, if not already incorporated, shall respectively be Bodies Corporate designated [by the Names set forth in Schedule (I) to Sanitary Act, 1866,] ^(a) with Power to sue and be sued in such Names, and to hold Lands for the Purposes of the several Acts conferring Powers on such Bodies respectively in their several Characters of . . . , Sewer Authorities, or Nuisance Authorities.—(Section 46.)

Extent of
authority to
make provi-
sional orders
respecting
lands under
Local Go-
vernment
Act, s. 75.

6 K. The Authority conferred on [The Lord Lieutenant or other Chief Governor or Chief Governors of Ireland] by Section Seventy-five of "The Local Government Act, 1858," [and this Act] to empower by Provisional Order [any Nuisance Authority except a Board of Guardians] ^(b) to put in force, with reference to the Land referred to in such Order, the Powers of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase and taking of Lands otherwise than by Agreement, shall extend and apply and shall be deemed to have always extended and applied to every Case in which, by "The Public Health Act, 1848," and "The Local Government Act, 1858," or either of them, or any Act extending or amending those Acts, or either of them, [a Nuisance Authority is] authorized to purchase, provide, use, or take Lands or Premises for any of the Purposes of the said Acts, or either of them, or of any such Act as aforesaid; and Sections Seventy-three and Eighty-four of "The Public Health Act, 1848," shall be construed as if the Words "by Agreement" therein respectively used had been expressly repealed by Section Seventy-five of "The Local Government Act, 1858."—(Section 47.)

^(a) Par. 4 c & g, *supra*, pp. 9 & 11. *Vide* also par. 6 A, *supra*, p. 40.

^(b) *i.e.* Town Councils or Commissioners.

CLASS 7.—POWERS OF SEWER AUTHORITY AS TO SEWAGE.

SANITARY
ACT, 1866.

Preliminary and Application of Provisions to Ireland.

7 A. [The First Part of the Sanitary Act, 1866,] shall be construed as One with The Sewage Utilization Act, 1865, and the Expression "The Sewage Utilization Act, 1865," as used in this or any other Act of Parliament or other Document shall mean the said Sewage Utilization Act, 1865, as Amended by this Act.—(Section 3.)

Construction
of this part of
Act.

7 B. In applying the First Part of [the Sanitary Act, 1866,] to Ireland, the following Changes shall be observed :

Modifications
necessary for
application of
Part I. to
Ireland.

(1.) The Provisions of the Sections^(a) numbered from Seventy-five to Eighty, both included, of The Public Health Act, 1848, and Sections Fifty-one, Fifty-two, and Fifty-three of The Local Government Act, 1858, and Section Twenty of The Local Government Act, 1858, Amendment Act, 1861, referred to in the First Part of this Act, shall for all Purposes connected with the Execution of this Act be extended to Ireland :

(2.) The Sewage Utilization Act, 1865, shall be amended by substituting in Ireland the Sewer Authority, as defined by the First Schedule to [the Sanitary Act, 1866,] for the Sewers Authority as defined by said Act.—(Section 56.)

Constitution of Sewer Authorities.

SEWAGE
UTILIZATION
ACT, 1865.

7 c. The Expression "Sewer Authority" shall, in the several Places in the Schedule annexed hereto^(b) in that Behalf mentioned, mean the Persons or Bodies of Persons referred to in the First Column of the Schedule annexed hereto; and the Term "District," in relation to a Sewer Authority, shall, as respects each Authority, mean the Place in that Behalf referred to in the Second Column of the said Schedule.

Definition of
Sewer
Authority.

"Local Board" shall mean a Local Board authorized in pursuance of the "Public Health Act, 1848," and "The Local Government Act, 1858," or One of such Acts.—(Section 3.)

^(a) The sections here referred to are all set forth after section 11, p. 66, *infra*.

^(b) The Schedule is in next par., 7 d.

SCHEDULE
TO SEWAGE
UTILIZATION
ACT, 1865,
AS AMENDED
AND
MODIFIED.

Local Authorities for
sewers in
Ireland.

7 D.—DESCRIPTION of [Sewer] Authorities, &c., in Ireland.^(a)

Description of [Sewer] Authority.	Description of Places.	Rate or Fund out of which Expenses to be paid.
The Right Honorable the Lord Mayor, Aldermen, and Burgesses [acting by the Town Council].	The City of Dublin,	The District Sewer Rate.
The Mayor, Aldermen, and Burgesses [acting by the Town Council].	Towns Corporate or Boroughs (with the Exception of Dublin).	Any Rate leviable by the Town Council, or any Fund belonging to them, applicable in the whole or in part to the making or repairing of Sewers within their Jurisdiction.
The Town Commissioners or other Governing Body.	Towns [or Townships] having Town Commissioners under 9 G. 4, c. 82, or 17 & 18 Vict. c. 103, or any Acts amending the same, or having Commissioners or other Governing Body under any Local Act.	Any Rate leviable by these Bodies, or any Fund belonging to them, applicable in the whole or in part to the making or repairing of Sewers within their Jurisdiction.
[The Municipal Commissioners.]	[Towns having Municipal Commissioners under 3 & 4 Vict. c. 108.]	[The Town Fund.]
[The Guardians of the Poor of each Union.]	Any Town or Village in any Union not included in the above Descriptions.	The Poor Rate; but the Expenses to be charged only on the Electoral Division in which the Town or Village is situated.

^(a) The words within brackets show the amendments of this Schedule introduced by the Sanitary Act, 1866.—(Section 56, *supra*, p. 45.)

Power of Sewer Authority to Appoint Committees.

SANITARY
ACT, 1866.

Power to
Sewer Authority to form
committee of
its own members and
others.

7 E. Any Sewer Authority may from Time to Time, at any Meeting specially convened for the Purpose, from One or more Committee or Committees consisting wholly of its own Members, or partly of its own Members and partly of such other Persons contributing to the Rate or Fund out of which the Expenses incurred by such Authority are paid, and qualified in such other Manner as the Sewer Authority may determine, and may delegate, with or without Conditions or Restrictions, to any Committee so formed, all or any Powers of such Sewer Authority, and may from Time to Time revoke, add to, or alter any Powers so given to a Committee.

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 same, 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 Sewer 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.

SANITARY
ACT, 1866.

The Proceedings of a Committee shall not be invalidated by any Vacancy or Vacancies amongst its Members.

A Sewer Authority may from Time to Time add to or diminish the Number of the Members or otherwise alter the Constitution of any Committee formed by it, or dissolve any Committee.

A Committee of the Sewer Authority shall be deemed to be the Agents of that Authority, and the Appointment of such Committee shall not relieve the Sewer Authority from any Obligation imposed on it by Act of Parliament or otherwise.—(Section 4.)

Power to Private Parties to use Sewers.

7 F. Any Owner or Occupier of Premises within the District of a Sewer Authority shall be entitled to cause his Drains to empty into the Sewers of that Authority on condition of his giving such Notice as may be required by that Authority of his Intention so to do, and of complying with the Regulations of that Authority in respect of the Mode in which the Communications between such Drains and Sewers are to be made, and subject to the Control of any Person who may be appointed by the Sewer Authority to superintend the making of such Communications; but any Person causing any Drain to empty into any Sewer of a Sewer Authority without complying with the Provisions of this Section shall incur a Penalty not exceeding Twenty Pounds, and it shall be lawful for the Sewer Authority to close any Communication between a Drain and Sewer made in contravention of this Section, and to recover in a summary Manner from the Person so offending any Expenses incurred by them under this Section.—(Section 8.)

Power to
drain into
Sewers of
Sewer Authority.

7 G. Any Owner or Occupier of Premises beyond the Limits of the District of a Sewer Authority may cause any Sewer or Drain from such Premises to communicate with any Sewer of the Sewer Authority upon such Terms and Conditions as may be agreed upon between such Owner or Occupier and such Sewer Authority, or in case of Dispute may, at the Option of the Owner or Occupier, be settled by Two Justices or by Arbitration in manner provided by The Public Health Act, 1848, in respect of Matters by that Act authorized or directed to be settled by Arbitration.^(a)—(Section 9.)

Use of Sewers
by persons
beyond district.
11 & 12 Vic.,
c. 63, ss. 48,
123.

Arbitration Clauses.

PUBLIC
HEALTH ACT,
1848.

Arbitration
Clauses.

Mode of
referring to
Arbitration.

7 H. In case of Dispute as to the Amount of any Compensation to be made under the Provisions of this Act (except where the

^(a) Next par., 7 H, *et seq.*

PUBLIC
HEALTH ACT,
1848.

Arbitration
Clauses.

Mode of determining the same is specially provided for), and in case of any Matter which by this Act is authorized or directed to be settled by Arbitration, then, unless both Parties concur in the Appointment of a single Arbitrator, each Party, on the Request of the other, shall appoint an Arbitrator, to whom the Matter shall be referred; and every such Appointment when made on the Behalf of the [Sewer Authority] and on the Behalf under their Common Seal of any other Party under his Hand, or if such party be a Corporation Aggregate under the Common Seal thereof; and such Appointment shall be delivered to the Arbitrators, and shall be deemed a Submission to Arbitration by the Parties making the same; and after the making of any such Appointment the same shall not be revoked without the Consent of both Parties, nor shall the Death of either Party operate as a Revocation; and if for the Space of Fourteen days after any such Matter shall have arisen, and Notice in Writing by one Party who has himself duly appointed an Arbitrator to the other Party, stating the Matter to be referred, and accompanied by a Copy of such Appointment, the Party to whom Notice is given fail to appoint an Arbitrator, the Arbitrator appointed by the Party giving the Notice shall be deemed to be appointed by and shall act on behalf of both Parties; and the Award of any Arbitrator or Arbitrators appointed in pursuance of this Act shall be binding, final, and conclusive upon all Persons, and to all Intents and Purposes whatsoever.—(Section 123.)

Death, &c.,
of one of
several Arbitrators;

7 J. If before the Determination of any Matter so referred any Arbitrator die, or refuse or become incapable to act, the Party by whom such Arbitrator was appointed may appoint in Writing another Person in his Stead; and if he fail so to do for the Space of Seven Days after Notice in Writing from the other Party in that Behalf the remaining Arbitrator may proceed *ex parte*; and every Arbitrator so appointed shall have the same Powers and Authorities as were vested in the Arbitrator in whose Stead the Appointment is made; and in case a single Arbitrator die, or become incapable to act, before the making of his Award, or fail to make his Award within Twenty-one Days after his Appointment, or within such extended Time, if any, as shall have been duly appointed by him for that Purpose, the Matters referred to him shall be again referred to Arbitration under the Provisions of this Act, as if no former Reference had been made.—(Section 124.)

of single
Arbitrator.

Appointment
of Umpire by
the parties;

7 K. In case there be more than One Arbitrator, the Arbitrators shall, before they enter upon the Reference, appoint by Writing under their Hands an Umpire, and if the Person appointed to be Umpire die, or become incapable to act, the Arbitrator shall forthwith appoint another Person in his Stead; and in case the Arbitrators neglect or refuse to appoint an Umpire for Seven Days

by Quarter
Sessions.

(*) All Nuisance and Sewer Authorities are incorporated in Ireland, by Sanitary Act, 1866, sec. 61, *vide par. 6 A, supra*, p. 40.

PUBLIC
HEALTH ACT,
1848.

Arbitration
Clauses.

after being requested so to do by any Party to the Arbitration, the Court of General or Quarter Sessions shall, on the Application of any such Party, appoint an Umpire; and the Award of the Umpire shall be binding, final, and conclusive upon all Persons and to all Intents and Purposes whatsoever; and in case the Arbitrators fail to make their Award within Twenty-one Days after the Day on which the last of them was appointed, or within such extended Time, if any, as shall have been duly appointed by them for that Purpose, the Matters referred shall be determined by the Umpire; and the Provisions of this Act with respect to the Time for making an Award, and with respect to extending to the same in the case of a single Arbitrator, shall apply to an Umpirage.—(Section 125.)

7 L. The Time for making an Award under this Act shall not be extended beyond the Period of Three Months from the Date of the Submission or from the Day on which the Umpire shall have been appointed (as the Case may be).—(Section 126.)

Time within
which award
must be made.

7 M. Any Arbitrator, Arbitrators, or Umpire, appointed by virtue of this Act, may require the Production of such Documents in the Possession or Power of either Party as they or he may think necessary for determining the Matters referred, and may examine the Parties or their Witnesses on Oath; and the costs of and consequent upon the Reference shall be in the Discretion of the Arbitrator or Arbitrators, or of the Umpire (in case the Matters referred are determined by an Umpire under the Power hereinbefore contained in that Behalf); and any Submission to Arbitration under the Provisions of this Act may be made a Rule of any of the Superior Courts, on the Application of any Party thereto.—(Section 127.)

Power to Ar-
bitrator to
require pro-
duction of
documents.

As to costs of
reference.

Submission
may be made
a Rule of
Court.

7 N. Before any Arbitrator or Umpire shall enter upon any such Reference as aforesaid he shall make and subscribe the following Declaration before a Justice of the Peace; (that is to say),

Declaration
to be made
by Arbitrator
and Umpire.

“I A.B. do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine the Matters referred to me under the Public Health Act, 1848.
A.B.”

And such Declaration shall be annexed to the Award when made; and if any Arbitrator or Umpire shall wilfully act contrary to such Declaration he shall be guilty of a Misdemeanor.—(Section 128.)

Power of requiring Houses to be Drained.

7 O. If a Dwelling House within the District of a Sewer Authority is without a Drain or without such Drain as is sufficient for effectual Drainage, the Sewer Authority may by Notice require the Owner of such House within a reasonable Time therein

SANITARY
ACT, 1866.
Drainage of
Houses.

SANITARY
ACT, 1866.

specified to make a sufficient Drain emptying into any Sewer which the Sewer Authority is entitled to use, and with which the Owner is entitled to make a Communication, so that such Sewer be not more than One Hundred Feet from the Site of the House of such Owner; but if no such means of Drainage are within that distance then emptying into such covered Cesspool or other place not being under any House, as the Sewer Authority directs; and if the Person on whom such Notice is served fails to comply with the same, the Sewer Authority may itself, at the Expiration of the Time specified in the Notice, do the Work required, and the Expenses incurred by it in so doing may be recovered from such Owner in a summary manner.—(Section 10.)

Powers of Sewer Authorities.

SEWAGE
UTILIZATION
ACT, 1865.

Powers of
Sewer
Authorities.

7 P. Sewer Authorities shall have Power to construct such Sewers as they may think necessary for keeping their District properly cleansed and drained, and shall, as respects all Sewers constructed by them or under their Control, whether the same were made before or after the passing of [Sewage Utilization Act, 1865], have all the Powers that Local Boards have, in respect of Sewers vested in or constructed by them, under the Forty-fifth^(a) and Forty-sixth Sections of "The Public Health Act, 1848," the Thirtieth Section of "The Local Government Act, 1858,"^(b) and the Fourth Section^(c) of "The Local Government Act, 1858, Amendment Act, 1861," subject to the Provisions of the Fifth and Sixth Sections of the last-mentioned Act, and to the Saving Clauses^(d) in "The Local Government Act, 1858," mentioned, from Sixty-eight to Seventy-four, both inclusive.
—(Section 4.)

LOCAL
GOVERNMENT
ACT, 1861.

Sewer
Authority
may exercise
powers of
sect. 45 of
11 & 12 Vict.,
c. 63; also
without their
district, if
necessary, for
purposes of
outfall or
distribution
of sewage,
on making
compensation.

7 Q. [Sewer Authority] may exercise the Powers given by the Forty-fifth^(a) Section of "The Public Health Act, 1848," also without their District, for the Purpose of Outfall or Distribution of Sewage, upon making due Compensation, to be settled in the Manner provided in the One hundred and forty-fourth Section of "The Public Health Act, 1848:"^(e) Provided always, that nothing herein contained shall give or be construed to give Power to any [Sewer Authority] to construct or use any Outfall Drain or Sewer for the Purpose of conveying Sewage or filthy Water into any natural Watercourse or Stream until such Sewage or filthy or refuse Water be freed from all excrementitious or other foul or noxious Matter, such as would affect or deteriorate the Purity and Quality of the Water in such Stream or Watercourse.—(Section 4.)

^(a) These sections are given par. 7 v and 7 w, *infra*, p. 52, 53.

^(b) This section is given par. 7 u, p. 52.

^(c) This section is given par. 7 q, 7 r, and 7 t.

^(d) These sections are given *infra*, par. 7 x, *et seq.*, p. 53.

^(e) This section is given at par. 7 x, p. 53, *infra*.

Class 7.—Powers of Sewer Authority as to Sewage. 51

7 R. No Sewer or other Work shall be constructed or extended, under the Enactment lastly herein-before contained, unless Three Months at the least before the Commencement of such Work Notice of the intended Work, describing the Nature thereof, and stating the intended Termini thereof, and the Names of the Parishes, Townships, and Places, and the Turnpike Roads and Streets or Places laid out or intended for Streets, and other Lands, if any, through, across, or under which the Work is to be made, and naming a Place where a Plan of the intended Work is open for Inspection at all reasonable Hours, shall be given by Advertisement in One or more of the Newspapers usually circulated in the Place where the Work is to be made, and a written or printed Copy of such Notice shall be served in manner directed^(a) by "The Public Health Act (1848)" on the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands, and on the Overseers of such Parishes, Townships, or Places, and the Trustees, Surveyors of Highways, or others, having the Care of such Roads or Streets.—(Section 5.)

LOCAL
GOVERNMENT
ACT, 1861.

Previous
notices of
the intended
works before
commence-
ment.

7 s. And in all Cases in which any Notice is by this Act required to be given to the Owner or Occupier of any Premises it shall be sufficient to address the Notice to them by the Description of the "Owner" or "Occupier" (as the Case may require) of the Premises (naming them) in respect of which the Notice is given, without further Name or Description; and the Notice shall be served upon them or One of them, as the Case may require, either personally or by delivering the same to some Inmate of his or their Place of Abode, or in the Case of the Occupier (and also in case of the Owner, if his Place of Abode be unknown), upon any Inmate of the last-mentioned Premises, or if such Premises be unoccupied, then, in case the Notice is required to be served upon the Occupier (and in case of the Owner also, if his Residence be unknown), it shall be sufficient to fix the Notice upon some conspicuous Part of the Premises: Provided always, in the Case of Notices to the Owner, that although his Place of Abode be known to the [Sewer Authority] yet if it be not within the Limits of their District it shall be sufficient for them to transmit any Notice, directed to him by Name, through the Post.—(Section 150, Part of.)

PUBLIC
HEALTH ACT,
1848.

Form of
service of
Notice upon
owners and
occupiers.

7 t. In case any of such Owners, Lessees, or Occupiers, or such Overseers, Trustees, Surveyors, or others as aforesaid, or any other Owner, Lessee, or Occupier, who would be affected by the proposed Work, object to such Work, and serve Notice in Writing of such Objection on the [Sewer Authority] at any Time within the said Three Months the proposed Work shall not be made or commenced

LOCAL
GOVERNMENT
ACT, 1861.

If objection
be made by
any party in-
terested, the
work not to be
proceeded
with without
sanction of

(*) The direction as to the manner of serving notices is contained in the following section of Public Health Act, 1848, par. 7 s.

Commission-
ers of Public
Works.

without the Sanction [in Ireland]^(a) of the Commissioners of Public Works, after such Inquiry and Report as herein-after mentioned (unless such Objection be withdrawn).—(Section 6.)

LOCAL
GOVERNMENT
ACT, 1858.

Powers for
disposing of
Sewage.

7 U. [Sewer Authorities] may,

- (1.) Exercise the Powers given by the Forty-sixth Section^(b) of the Public Health Act, 1848, also without their District, if necessary, for the Purpose of Outfall and Distribution of Sewage, upon making due Compensation, to be settled in the Manner provided in the One hundred and forty-fourth Section^(c) of the Public Health Act, 1848 ;
- (2.) Contract with any Company or Person for the Sale of Sewage, or for the Distribution of it over any Land ;
- (3.) Contract for, purchase, or take on Lease any Lands, Buildings, Engines, Materials, or Apparatus for the Purpose of receiving, storing, disinfecting, or distributing Sewage :

Provided always, that these Things shall be done so as not to create a Nuisance.—(Section 30.)

PUBLIC
HEALTH ACT,
1848.

Making
alteration,
and discon-
tinuance of
sewers vested
in Sewer
Authority.

7 V. The [Sewer Authority] shall from Time to Time repair the Sewers vested in them by this Act, and shall cause to be made such Sewers as may be necessary for effectually draining their District for the Purposes of this Act ; and the said [Sewer Authority] may carry any such Sewers through, across, or under any Turnpike Road, or any Street or Place laid out as or intended for a Street, or under any Cellar or Vault which may be under the Pavement or Carriageway of any Street, and, after reasonable Notice in Writing in that Behalf (if upon the Report of the Surveyor it should appear to be necessary), into, through, or under any Lands whatsoever ; and the said [Sewer Authority] may from Time to Time enlarge, lessen, alter, arch over, or otherwise improve all or any of the Sewers vested in them by this Act, and discontinue, close up, or destroy such of them as they may deem to have become unnecessary : Provided always, that the Discontinuance, closing up, or Destruction of any Sewer shall be so done as not to create a Nuisance ; and if by reason thereof any Person is deprived of the lawful Use of any Sewer, the said [Sewer Authority] shall provide some other Sewer as effectual for his Use as the One of which he is so deprived.—(Section 45.)

As to cleans-
ing and
emptying
sewers, &c.,
by Sewer
Authority.

7 W. The [Sewer Authority] shall cause the Sewers vested in them by this Act to be constructed, covered, and kept so as not to be a Nuisance or injurious to Health, and to be properly cleared, cleansed, and emptied ; and for the purpose of clearing, cleansing, and emptying the same they may construct and place,

^(a) Vide "Sewage Utilization Act, 1865," sec. 16, par. 7 EEE, p. 65, *infra*.

^(b) Par. 7 W, *infra*.

^(c) Par. 7 X, *infra*, p. 53.

either above or under Ground, such Reservoirs, Sluices, Engines, and other Works as may be necessary, and may cause all or any of such Sewers to communicate with and be emptied into such Places as may be fit and necessary, or to cause the Sewage and Refuse therefrom to be collected for Sale for any Purpose whatsoever, but so as not to create a Nuisance.—(Section 46.)

PUBLIC
HEALTH ACT,
1848.

7 x. Full Compensation shall be made, out of the General or Special District Rates to be levied under this Act, to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act; and in case of Dispute as to Amount the same shall be settled by Arbitration in the Manner provided by this Act, or if the Compensation claimed do not exceed the Sum of Twenty Pounds, the same may be ascertained by and recovered before Justices in a summary Manner.—(Section 144.)

Compensation
in case of
damage by
Sewer Autho-
rity.

Saving Clauses in Local Government Act, 1858.

7 y. The One hundred and forty-fifth Section of the Public Health Act shall be repealed, and in lieu thereof be it enacted, That nothing in this Act shall be construed to authorize any [Sewer Authority.]

LOCAL
GOVERNMENT
ACT, 1858.

Section 145
of 11 & 12
Vict., c. 63,
repealed, and
provisions
herein named
in lieu thereof.

(1.) To use, injure, or interfere with any Sluices, Floodgates, Sewers, Groynes, or Sea Defences, or other Works, already or hereafter made under the Authority of any Commissioners of Sewers appointed by the Crown, or any Sewers or other Works already or hereafter made and used for the Purpose of draining, preserving, or improving Land under any Local or Private Act of Parliament, or for the Purpose of irrigating Land, or in any Manner to disturb or interfere with any Lands, Hereditaments, Estates, or Property vested in Her Majesty's Principal Secretary of State for the War Department for the Time being, without Consent in Writing first obtained from such Commissioners or Secretary of State, or Persons acquiring Rights under such Local or Private Acts respectively; and nothing herein contained shall prejudice or affect the Rights, Privileges, Powers or Authorities given or reserved to any Person under such Local or Private Acts;

(2.) To interfere with any River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, so as to injuriously affect the Navigation thereon, or any Use thereof, or to interfere with any Towing-path so as to interrupt the Traffic thereof, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals are by virtue of any Act of Parliament entitled to navigate on or use such River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, or in respect of the Navigation or Use of which River, Canal, Dock, Harbour, Lock, Reservoir, or

Saving clause
for proprietors
of canals, &c.

LOCAL
GOVERNMENT
ACT, 1858.

Basin any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals are entitled by virtue of any Act of Parliament to the Receipt of any Tolls or other Dues ;

- (3.) To interfere with any Watercourse in such Manner as to injuriously affect the Supply of Water to any River, Canal, Dock, Harbour, Reservoir, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals (being authorized by virtue of any Act of Parliament to navigate on or use such River, Canal, Dock, Harbour, Reservoir, or Basin, or to demand any Tolls or Dues in respect of the Navigation on or Use of such River, Canal, Dock, Harbour, Reservoir, or Basin), would, if this Act had not passed, have been entitled by Law to prevent or be relieved against such Interference ;
- (4.) To interfere with any Bridges crossing any River, Canal, Dock, Harbour, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are authorized by virtue of any Act of Parliament to navigate or use such River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation or Use of such River, Canal, Dock, Harbour, or Basin ;
- (5.) To execute any Works in, through, or under any Wharves, Quays, Docks, Harbours, or Basins, to the exclusive Use of which any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are entitled by virtue of any Act of Parliament, or for the Use of which they are entitled by virtue of any Act of Parliament to demand any Tolls or Dues,

Without the Consent in every Case of such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals, as are herein-before in that Behalf respectively mentioned, such Consent to be expressed in Writing, in the Case of a Corporation under their Common Seal, and in the Case of a Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals, under the Hand of their Clerk or other duly authorized Officer or Agent : Provided always, that nothing in ["The Sewage Utilization Act, 1865," 29th June, 1865] contained shall be construed to alter or affect the Maintenance of any Rights of [Sewer Authorities] existing at the Time of the passing [thereof].—(*Section 68.*)

Works not
within
preceding
section, and
which inter-
fere with
improve-
ment of
rivers, canals,

7 z. In Cases where any Matters or Things proposed to be done by any [Sewer Authority], and which are not within the Prohibition aforesaid, interfere with the Improvement of any River, Canal, Dock, Harbour, Lock, Reservoir, Basin, or Towing-path which any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the

Navigation whereon or Use whereof to demand any Tolls or Dues, or interfere with any Works belonging to such River, Canal, Dock, Harbour, or Basin, or with any Land necessary for the Enjoyment or Improvement thereof, the [Sewer Authorities] shall give to such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as last aforesaid a Notice specifying the Particulars of the Matters and Things so intended to be done; and if the Parties on whom such Notice is served do not consent to the Requisitions thereof, the Matter in difference shall be referred to Arbitration; and the following Questions shall be decided by such Arbitration; (that is to say),

LOCAL
GOVERNMENT
ACT, 1858.

&c., to be
referred to
arbitration.

(1.) Whether the Matters or Things so proposed to be done, by the [Sewer Authorities] will cause any Injury to such River, Canal, Dock, Harbour, Basin, Towing-path, Works or Land as are herein-before mentioned in this Section, or to the Enjoyment or Improvement of such River, Canal, Dock, Harbour, or Basin as aforesaid:

(2.) Whether any Injury that may be caused by such Matters or Things or any of them is or not of a Nature to admit of being fully compensated by Money.—(Section 69.)

7 AA. The Result of any such Arbitration shall be final, and the [Sewer Authority] shall do as follows; that is to say,

Effect of
arbitration.

If the Arbitrators are of opinion that no Injury will be caused, the [Sewer Authority] may forthwith proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, but that such Injury is of a Nature to admit of being fully compensated by Money, they shall proceed to assess such Compensation; and upon Payment of the Amount so assessed, but not before, the [Sewer Authority] may proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, and that it is not of a Nature to admit of being fully compensated by Money, the [Sewer Authority] shall not proceed to do any Matter or Thing in respect of which such Opinion may be given.—(Section 70.)

7 BB. No transfer of Powers and Privileges under this Act shall deprive any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on any River or Canal, or to demand for their own Benefit in respect of such Navigation any Tolls or Dues, of such Powers and Privileges as are vested in them by any Act of Parliament in relation to such River or Canal.—(Section 71.)

Provision as
to transfer
of powers, &c.

7 CC. Any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on or use any River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of

Power for
Corporation
to alter
sewers.

LOCAL
GOVERNMENT
ACT, 1858.

the Navigation on such River or Canal or the Use of such Dock, Harbour, or Basin, may, at their own Expense, and on substituting other Sewers, Drains, Culverts, and Pipes equally effectual, and certified as such by the Surveyor to the [Sewer Authority], take up, divert, or alter the Level of any Sewers, Drains, Culverts, or Pipes constructed by any [Sewer Authority], and passing under or interfering with such Rivers, Canals, Docks, Harbours, or Basins, or the Towing-paths of such Rivers, Canals, Docks, Harbours, or Basins, and do all such Matters and Things as may be necessary for carrying into effect such taking up, Diversion, or Alteration.—(Section 72.)

Preserving
water rights
of companies
or individuals.

7 DD. Nothing in this Act or any Act incorporated therewith shall be construed to authorize any [Sewer Authority] to injuriously affect any Reservoir, River, or Stream, or the Feeders of any Reservoir, River, or Stream, or the Supply, Quality, or Fall of Water contained in any Reservoir, River, Stream, or Feeders of any Reservoir, River, or Stream, in Cases where any Company or Individuals would, if this Act had not passed, have been entitled by Law to prevent or be relieved against the injuriously affecting such Reservoir, River, Stream, Feeders, Supply, Quality, or Fall of Water, unless such [Sewer Authority] shall have first obtained the Consent in Writing of such Company or Individuals so entitled as aforesaid.—(Section 73.)

Arbitration
questions
under preced-
ing sections.

7 EE. Any Difference of Opinion that may arise between a [Sewer Authority] and any such Corporation, Company, Commissioners, Conservators, Trustees, or Individuals as aforesaid, whether any Sewers, Drains, Culverts, or Pipes substituted under the Powers of this Act for Sewers, Drains, Culverts, or Pipes constructed or laid down by any [Sewer Authority] are equally effectual with those for which they are substituted, or whether the Supply, Quality, or Fall of Water in any such Reservoir, River, or Stream as last aforesaid is injuriously affected by the Exercise of Powers under this Act, may, at the Option of the Party complaining, be determined by Arbitration in the manner herein-before provided; and in the latter Case the Arbitrators shall decide the same Questions as to the alleged Injury; and the [Sewer Authority] shall proceed in the same Way as is herein-before provided with regard to Arbitrations in Cases of alleged Injury to Rivers, Canals, Docks, Harbours, and Basins.^(a)—(Section 74.)

Powers of Entry by Sewer Authority.

SEWAGE
UTILIZATION
ACT, 1865.

Power of
Entry.

7 FF. The Sewer Authority shall have the powers of Entry conferred by the 143 Section^(b) of Public Health Act, 1848, for the purpose of making and keeping in repair any works made or to be made by them as well as for the purposes specified in the said Section.—(Section 5.)

^(a) Vide par. 7 z and 7 AA, pp. 54 and 55, *supra*.

^(b) Next par. 7 GG.

7 GG.

In case it shall become necessary

PUBLIC
HEALTH ACT,
1848.

Entry upon
lands for the
purposes of
this Act.

to enter, examine, or lay open any Lands or Premises for the Purpose of making Plans, surveying, measuring, taking Levels, examining Works, ascertaining the Course of Sewers or Drains, or ascertaining or fixing Boundaries, and the Owner or Occupier of such Lands or Premises shall refuse to permit the same to be entered upon, examined, or laid open for the Purposes aforesaid or any of them, the [Sewer Authority] may, upon Notice to such Owner or Occupier, apply to Two Justices for an Order authorizing the Members of such [Sewer Authority] and the Superintending Inspector, Surveyor, and Inspector of Nuisances, or any of them, to enter, examine, and lay open the said Lands and Premises for the Purposes aforesaid or any of them, and if no sufficient Cause shall be shown against the same the said Justices may make an Order authorizing the same accordingly, and thereupon any Superintending Inspector, the [Sewer Authority], or any Member thereof, the Surveyor and Inspector of Nuisances, and any Person authorized by any such Superintending Inspector, [Sewer Authority], Surveyor, or Inspector of Nuisances, may, at all reasonable Times between the Hours of Ten in the Forenoon and Four in the Afternoon, enter, examine, or lay open the Lands or Premises mentioned in such Order, for such of the said Purposes as shall be specified in the said Order, without being subject to any Action or Molestation for so doing: Provided always, that, except in case of Emergency, no Entry shall be made or Works commenced under the Powers of this Enactment unless Twenty-four Hours at the least previously thereto Notice of the intended Entry, and of the Object thereof, be given to the Occupier of the Premises intended to be entered.—(Section 143.)

Sewer Authorities' Powers of Rating and of Borrowing.

SEWAGE
UTILIZATION
ACT, 1865.

Payment of
expenses.

7 HH. A Sewer Authority shall pay all Expenses incurred by them in carrying this Act into Effect, and of the Fund or Rate in the Schedule^(a) in that Behalf mentioned, and shall have all such Powers of borrowing Money on the Security of such Fund or Rate, as Local Boards have for Borrowing under the Local Government Act, 1858, and the Acts amending that Act as to the Security of the Funds or Rates in the said Acts in that behalf mentioned, subject to the Conditions and Sanctions under which such Powers are Exercised by Local Boards under the said Acts.—(Section 6.)

LOCAL
GOVERNMENT
ACT, 1861.

Extension of
borrowing
powers given
by sect. 78 of
21 & 22 Vict.,
c. 104, to cases
in which Sew-
er Authorities
incur expenses
for permanent
works, &c.

7 JJ. The Powers granted by the Seventy-eighth Section^(b) of "The Local Government Act, 1858," may be exercised in any Case where any [Sewer Authority] exercising the borrowing Powers of "The Public Health Act, 1848," or "The Local Government Act, 1858," or of any Local Act, has contributed to, purchased, or executed any permanent Works, or proposes to contribute to, purchase, or execute such Works, at a Cost exceeding or estimated to exceed

^(a) *Vide* Schedule as amended by Sanitary Act, 1866, par. 7 D, *supra*, p. 46.

^(b) Next par. 7 JJ.

LOCAL
GOVERNMENT
ACT, 1861.

One Year's assessable Value of the Premises assessable within the District in respect of which the Money for such Works may be borrowed.—(*Section 19.*)

LOCAL
GOVERNMENT
ACT, 1858.

Extension of
borrowing
powers in
certain cases.

7 KK. Where a [Sewer Authority] exercising the borrowing Powers of "The Public Health Act, 1848," or this Act, or of any Local Act, has contributed to, purchased, or executed Works of Sewerage and Water Supply, or proposes to contribute to, purchase, or execute such Works, and where the Cost of such Works exceeds or is estimated to exceed One Year's assessable Value of the Premises assessable within the District in respect of which such Money may be borrowed, it shall be lawful for [Sewer Authority] to present a Petition to [the Commissioners of Public Works in Ireland]^(a) praying for Powers to borrow or reborrow for such Works, on Mortgage of the Rates leviable by them under the "Public Health Act, 1848," and this Act, and any Local Act, an Amount not exceeding Two Years assessable Value of the Premises assessable within the District in respect of which such Money may be borrowed or reborrowed, such Amount to be repaid within such Period not exceeding Fifty Years as such Board, with the sanction of [the Commissioners of Public Works in Ireland], shall in each Case determine; and it shall be lawful for [the Commissioners of Public Works in Ireland] to direct Inquiry on such Petition, and to issue a Provisional Order thereupon, and to take steps for the Confirmation of any such Provisional Order by Act of Parliament in the Manner sanctioned in the preceding Section.—(*Section 78.*)

Power given
for raising
money on
credit of
rates, &c.

7 LL. The One hundred and seventh, the One hundred and thirteenth, and the One hundred and nineteenth Sections of the "Public Health Act, 1848," shall be repealed; and in lieu thereof be it enacted, that the [Sewer Authority] exercising the borrowing Powers of the "Public Health Act, 1848," may, for the Purpose of defraying any Costs, Charges, and Expenses incurred or to be incurred by them in the Execution of this Act or of any Act incorporated herewith, or of any Act incorporating the Powers of the "Public Health Act, 1848," borrow and take up at Interest, on the Credit of the Charges and Rates authorized to be made or collected under the said Acts respectively, any sums of Money necessary for defraying any such Costs, Charges, and Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the said [Sewer Authority] may mortgage to the Persons by or on behalf of whom such Sums are advanced the said Charges and Rates or any of them; but the Exercise of the above Power shall be subject to the following Regulations:

- (1.) Such Money shall not be borrowed except for permanent Works, nor without the Sanction of One of Her Majesty's Principal Secretaries of State:

^(a) *Vide* Sewage Utilization Act, 1865, sec. 16, par. 7 EEE, *infra*, p. 65.

- (2.) The money so borrowed shall not, except as herein-after provided, at any Time exceed in the whole the assessable Value for One Year of the Premises assessable within the District in respect of which such Money may be borrowed :
- (3.) The Money may be borrowed for such Time, not exceeding Thirty Years, as the [Sewer Authority], with the Sanction of [the Commissioners of Public Works in Ireland], determine in each case ; and, subject as aforesaid, the [Sewer Authority] may either pay off the moneys so borrowed by equal annual Instalments, or they may in every Year set apart as a Sinking Fund, and accumulate in the way of Compound Interest by investing the same in the Purchase of Exchequer Bills or other Government Securities, such Sum as will be sufficient to pay off the Moneys so borrowed, or a Part thereof, at such Times as the [Sewer Authority] may determine :

LOCAL
GOVERNMENT
ACT, 1858.

And in Cases where the [Sewer Authority] borrow any Money for the purpose of defraying Private Expenses, or Expenses in respect of which they have determined a Part only of the District to be liable, it shall be the Duty of the [Sewer Authority], as between the Ratepayers of the District, to make good so far as they can, the Money so borrowed, as occasion requires, either out of Private Improvement Rates, or out of a Rate levied in such Part of the District as aforesaid.—(Section 57.)

7 MM. Where any Person shall advance Money for any Expenses which by the said Public Health Act, 1848, are, or by the said [Sewer Authority] shall be, declared to be Private Improvement Expenses, the said [Sewer Authority], on being satisfied by the Report of their Surveyor or otherwise that the Money advanced by such Person has been duly expended, may issue a Grant in the Form B. in the Schedule hereunto annexed^(a) to such Person of a yearly Rentcharge to be issuable out of the Premises in respect whereof such Advance shall have been made, or out of such Part thereof, to be specified in such Grant, as the said [Sewer Authority] shall think proper and sufficient, such Rentcharge to be Personal Estate, and to begin to accrue from the Day of Completion of the Works on which such Money shall have been expended as aforesaid, and to be payable by equal half-yearly Payments for and during a Term not exceeding Thirty Years, in such Manner that the whole of the said Sum so to be advanced as aforesaid, with the Costs of preparing the said Grant so to be issued as aforesaid, together with Interest thereon respectively, at a Rate not exceeding Six Pounds *per Centum per Annum* upon the Sum from Time to Time remaining unpaid, shall be repaid at the end of the said Term : Provided always, that the Grantee of such Rentcharge shall for the Recovery of the same have all the Powers, Authorities, Rights, and Remedies of the said [Sewer Authority] with respect to Private Improvement Rates, and the Provisions of the Ninety-first and Ninety-second Sections^(b) of the Public Health Act, 1848, shall also be applicable to such Rentcharge.—(Section 58.)

Rentcharge
may be
granted for
advances
made to meet
first cost of
private im-
provements.

(a) Vide next par. 7 NN, *infra*.

(b) Vide par. 7 oo, 7 PP, *infra*.

LOCAL
GOVERNMENT
ACT, 1858.

Form of grant
of rentcharge
referred to in
preceding
section.

7 NN. FORM B. [as amended]—By virtue of the [Sewage Utilization Act, 1855, the Sewer Authority] for the District of do hereby declare and absolutely order that the Inheritance of the Dwelling House, Shop, Lands, and Premises, [*as the Case may be*,] situate in Street, in the Parish of within the said District, and now in the Occupation of shall be absolutely charged with the Sum of Pounds, paid by of for the Improvement by Drainage and Water Supply [*as the Case may be*] of the same Dwelling House, Shop, Lands, and Premises [*as the Case may be*], together with Interest for the same from the Date hereof at Pounds per Centum per Annum, until full payment thereof; and also all Costs incurred by the said his Executors, Administrators, or Assigns, under this Security, shall be fully paid and satisfied: And we hereby further declare that the said Principal and Interest Moneys shall be paid and payable by the Owner or Occupier of the said Premises to the said his Executors, Administrators, and Assigns, in Manner following; (that is to say,) the Interest on such Principal Sum of Pounds, or on so much thereof as shall from Time to Time remain due and payable under this Order, shall be paid and payable by equal half-yearly payments whilst payable on the Day of and the Day of in every Year, the First Payment thereof to be made on the Day of next, and such Principal Sum of Pounds shall be paid and payable by equal annual Instalments on the Day of in each of the next succeeding Years, towards the Discharge of the same Principal Sum, until the whole shall be fully satisfied and discharged.—(*Schedule.*)

PUBLIC
HEALTH ACT,
1848.

Proportion
of private
improvement
rate may be
deducted
from rent.

7 00. If the Occupier by whom any Private Improvement Rate is paid holds the Premises in respect of which the Rate is made at a Rent not less than the Rackrent, he shall be entitled to deduct Three Fourths of the Amount paid by him on account of such Rate from the Rent payable by him to his Landlord, and if he hold at a Rent less than the Rackrent he shall be entitled to deduct from the Rent so payable by him such Proportion of Three Fourths of the Rate as his Rent bears to the Rackrent; and if the Landlord from whose Rent any Deduction is made under the Provision last aforesaid is himself liable to the payment of Rent for the Premises in respect of which the deduction is made, and holds the same for a Term of which less than Twenty Years is unexpired, but not otherwise, he may deduct from the Rent so payable by him such Proportion of the Sum deducted from the Rent payable to him as the Rent payable by him bears to the Rent payable to him, and so in succession with respect to every Landlord (holding for a Term of which less than Twenty Years is unexpired) of the same Premises both receiving and liable to pay Rent in respect thereof: Provided always, that nothing herein contained shall be construed to entitle any Person to deduct from the Rent payable by him more than the whole Sum deducted from the Rent payable to him.—(*Section 91.*)

Redemption
of special
district and
private im-
provement
Rates,

7 PP. At any Time before the Expiration of the Period for which any Special District Rate or Private Improvement Rate is made,

the Owner or Occupier of the Premises assessed thereto may redeem the same, by paying to the [Sewer Authority] the Expenses in respect of which the Rate was made, or such Part thereof as may not have been defrayed by Sums already levied in respect of the same.—(*Section 92.*)

PUBLIC
HEALTH ACT,
1848.

7qq. All Rentcharges made in pursuance of this Act, and Transfers thereof, shall be registered in the same Manner respectively as Mortgages and Transfers are required to be registered under the One hundred and eleventh and One hundred and twelfth Sections of the Public Health Act, 1848.—(*Section 59.*)

LOCAL
GOVERNMENT
ACT, 1858.

Rentcharges
to be
registered.

7 RR. And there shall be kept at the Office of the [Sewer Authority] a Register of the [Grants of Rentcharges], and within Fourteen Days after the Date of [any Grant of a Rentcharge], an Entry shall be made in the Register of the Number and Date thereof, and of the Names and Description of the Parties thereto, as stated in the Deed; and every such Register shall be open to public Inspection during Office Hours at the said Office, without Fee or Reward; and any Clerk or other Person having the Custody of the same, refusing to allow such Inspection, shall be liable to a Penalty not exceeding Five Pounds.—(Section 111.)

PUBLIC
HEALTH ACT,
1848.

Register of
grants of
rentcharges
referred to in
preceding
paragraphs.

7 ss. Any [Grantee] or other Person entitled to any such [Rentcharge] may transfer his Estate and Interest therein to any other Person by Deed duly stamped, truly stating its Date and the Consideration for the Transfer; and such Transfers may be according to the Form^(a) contained in the Schedule (C.) to this Act annexed, or to the like Effect; and there shall be kept at the Office of the [Sewer Authority] a Register of the Transfers of [Rentcharges] charged upon each kind of Rate, and within Thirty Days after the Date of such Deed of Transfer, if executed within the United Kingdom, or within Thirty Days after its Arrival in the United Kingdom if executed elsewhere, the same shall be produced to the Clerk, who shall, upon payment of the Sum of Five Shillings, cause an Entry to be made in such Register of its Date, and of the Names and Description of the Parties thereto, as stated in the Transfer; and upon any Transfer being so registered the Transferee, his Executors, Administrators, or Assigns, shall be entitled to the full benefit of the original [Grant of a Rentcharge], and the [annual sum] secured thereby; and every such Transferee may in like Manner transfer his Estate and Interest in any such [Rentcharge]; and no Person except the Person to whom the same shall have been last transferred, his Executors, Administrators, or Assigns, shall be entitled to release or discharge any such [Rentcharge] or any Money secured thereby.—(Section 112.)

Transfer of rentcharge.

Register of
transfers.

7 TT. FORM OF TRANSFER OF [RENTCHARGE].

I *A.B.*, of _____ in consideration of the Sum of _____
paid to me by *C.D.*, of _____ do hereby
transfer to the said *C.D.*, his Executors, Administrators, and Assigns,
a certain [Grant of a Rentcharge] bearing Date the _____

(^a) *Vide* Form in next par. 7 tr.

PUBLIC
HEALTH
ACT, 1848.

Day of _____ and made by the [Sewer Authority] for the
District of _____ for securing the Sum of _____
and Interest thereon at _____ per Centum per Annum
[or if such Transfer be by Endorsement on the [Grant], insert, instead of
the Words immediately following the Word "Assigns," the within
Security], and all my Right, Estate, and Interest in and to the Money
thereby secured, and in and to [Lands and Premises thereby charged].
In witness whereof I have hereunto set my Hand and Seal, this
Day of _____ One Thousand Eight
Hundred and _____
(Schedule C.)

A.B. (L.S.)

SEWAGE
UTILIZATION
ACT, 1865.

Power to take Lands.

Power to
take lands.

7 UU. A Sewer Authority shall, for the purposes of this Act, have the Powers of taking Lands conferred on Local Boards by the Seventy-fifth Section ^(a) of "The Local Government Act, 1858," and any Act amending the same.—(Section 7.)

Purchase of Land.

LOCAL
GOVERNMENT
ACT, 1858.

Regulation as
to the
Purchase of
Land.

7 vv. So much of the Eighty-fourth Section of the Public Health Act, 1848, as relates to the Incorporation of the Lands Clauses Consolidation Act, 1845, shall be repealed, and the following Regulations shall be observed with respect to the Purchase of Land by [Sewer Authorities] for the purposes of this Act; (that is to say,)

- (1.) The Lands Clauses Consolidation Act, 1845, shall be incorporated with this Act, except the Provisions relating to Access to the Special Act :
- (2.) The [Sewer Authority], before putting in force any of the Powers of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Land otherwise than by Agreement, shall

Publication of
Notices.

Publish once at the least in each of Three consecutive Weeks in the Month of *November* in some Newspaper circulated in the District or some part of the District within which such [Sewer Authority] has Jurisdiction is situate, an Advertisement describing shortly the Nature of the Undertaking in respect of which the Land is proposed to be taken, naming a Place where a Plan of the proposed Undertaking may be seen at all reasonable Hours, and stating the Quantity of Land that they require; and shall further in the Month of *December*

Service of
Notices.

Serve a Notice in manner herein-after mentioned on every Owner or reputed Owner, Lessee or reputed Lessee, and Occupier of such Land, defining in each Case the particular Land intended to be taken, and requiring an Answer, stating whether the Person so served assents, dissents, or is neuter in respect of taking such Land; such Notice to be served

^(a) Vide next par. 7 vv.

Class 7.—Powers of Sewer Authority as to Sewage. 63

By Delivery of the same personally on the Party required to be served, or, if such Party is absent abroad, to his Agent; or

By leaving the same at the usual or last known Place of Abode of such Party as aforesaid; or

By forwarding the same by Post in a registered Letter addressed to the usual or last known Place of Abode of such Party :

LOCAL
GOVERNMENT
ACT, 1858.

- (3.) Upon Compliance with the Provisions herein-before contained with respect to Advertisements and Notices, the [Sewer Authority] may, if they think fit, present a Petition under their Seal to [the Commissioners of Public Works in Ireland]. The Petition shall state the Land intended to be taken, and the Purposes for which it is required, and the Names of the Owners, Lessees, and Occupiers of Land who have assented, dissented, or are neuter in respect of the taking such Land, or who have returned no Answer to the Notice: It shall pray that the [Sewer Authority] may, with reference to such Land, be allowed to put in force the Powers of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Land otherwise than by Agreement, and such Prayer shall be supported by such Evidence as the Secretary of State requires:
- (4.) Upon the Receipt of such Petition, and upon due Proof of the proper Advertisements having been published and Notices served, [the Commissioners of Public Works] shall take such Petition into consideration, and may either dismiss the same, or direct an Inquiry in the District in which the Land is situate, or otherwise inquire as to the Propriety of assenting to the Prayer of such Petition; but until such Inquiry has been made in the District, after such Notice as may be directed by [the Commissioners of Public Works], no Provisional Order shall be made affecting any Land, without the Consent of the Owners, Lessees, and Occupiers thereof:
- (5.) After the Completion of the Inquiry as last aforesaid, [the Commissioners of Public Works] may, by Provisional Order, empower the [Sewer Authority] to put in force with reference to the Land referred to in such Order the Powers of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Land otherwise than by Agreement, or any of them, and either absolutely or with such Conditions and Modifications as he may think fit, and it shall be the duty of the [Sewer Authority] to serve a Copy of any Order so made in the manner and upon the Person in which and upon whom Notices in respect of such Land are hereinbefore required to be served:
- (6.) No Provisional Order so made shall be of any Validity unless the same has been confirmed by Act of Parliament, and it shall be lawful for [the Commissioners of Public Works] as soon as conveniently may be to obtain such
- Power to
Sewer
Authority to
petition
Commission-
ers of Public
Works upon
Matters herein
stated.
- Commission-
ers of Public
Works may
direct Inquiry;
- and may make
Provisional
Order.
- No
Provisional
Order valid
until
confirmed by
Parliament.

LOCAL
GOVERNMENT
ACT, 1858.

Costs how to
be defrayed.

- (7.) Confirmation, and the Act confirming such Order shall be deemed to be a Public General Act of Parliament.
- (7.) All Costs, Charges, and Expenses incurred by the said [Commissioners of Public Works] in relation to any such Provisional Order as last aforesaid shall, to such Amount as the Commissioners of Her Majesty's Treasury think proper to direct, become a Charge upon the General District Rates levied in the District to which such Order relates, and be repaid to the said Commissioners of Her Majesty's Treasury by annual Instalments not exceeding Five, together with Interest after the yearly Rate of Five Pounds in the Hundred, to be computed from the Date of any such last mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.—(Section 75.)

SEWAGE
UTILIZATION
ACT, 1865.

Compensa-
tion.

- 7 WW. Full Compensation shall be made, out of any Fund or Rate applicable to the Purposes of this Act, to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act; and in case of Dispute as to Amount, the same shall be settled by Arbitration, as provided (*) in "The Public Health Act, 1848," or any Act amending the same, or if the Compensation claimed do not exceed the Sum of Twenty Pounds, the same may be ascertained by and recovered before Justices in a summary Manner, in manner provided by the Acts mentioned in this Section.—(Section 8.)

General Provisions as to Sewage Matters.

Power of
Sewer
Authorities
to combine.

- 7 XX. Two or more Sewer Authorities may combine together for the Purpose of executing and maintaining any Works that may be for the benefit of their respective Districts, and all Moneys they may agree to contribute for the Execution and Maintenance of such common Works shall, in the Case of each Authority, be deemed to be Expenses incurred by them in the Execution of Works within their District, and shall be raised accordingly.—(Section 9.)

Sewer
Authority
may take
proceedings
to prevent
pollution of
streams.

- 7 YY. A Sewer Authority, with the Sanction of Her Majesty's Attorney-General in *England*, and of the Attorney-General for *Ireland* in *Ireland*, and of the Lord Advocate in *Scotland*, may, either in its own Name or in the Name of any other Person, with the Consent of such Person, take such Proceedings by Indictment, Bill in Chancery, Action, or otherwise, as it may deem advisable, for the Purpose of protecting any Watercourse within its Jurisdiction from Pollutions arising from Sewage either within or without its District; and the Costs of and incidental to any such Proceedings, including any Costs that may be awarded to the Defendant, shall be deemed to be Expenses properly incurred by the Sewer Authority in carrying into effect the Purposes of this Act.—(Section 10.)

(*) The Arbitration Clauses are given at par. 7 H, *et seq.*, p. 47, *supra*.

7 ZZ. Nothing contained in this Act, or in the Acts referred to therein, shall authorize any Sewer Authority to make a Sewer so as to drain direct into any Stream or Watercourse.—(Section 11.)

SEWAGE
UTILIZATION
ACT, 1865.

Sewers not
allowed to
drain into
any stream,
&c.

7 AAA. The Public Works Loan Commissioners, as defined by "The Public Works Loan Act, 1853," may advance to any Sewer Authority, upon the Security of any Rate applicable to the Purposes of this Act, without any further Security, such Sums of Money as may be recommended by [the Commissioners of Public Works] to be applied by such Authority in carrying into effect the Purposes of this Act.—(Section 12.)

Power to
Public Works
Loan Com-
missioners to
lend money
to Sewer
Authorities.

7 BBB. All Powers given by this Act shall be deemed to be in addition to and not in derogation of any other Powers conferred on any Sewer Authority by Act of Parliament, Law, or Custom ; and the Sewer Authority may exercise such other Powers in the same Manner as if this Act had not passed.—(Section 13.)

Powers of Act
cumulative.

7 CCC. The Sewer Authority of any Place may from Time to Time, for the Purpose of utilizing its Sewage, agree with any Person or Body of Persons, corporate or unincorporate, as to the Supply of such Sewage, and Works to be made for the Purpose of that Supply, and the Parties to execute the same and to bear the Costs thereof, and the Sums of Money, if any, to be paid for that Supply ; provided that no Contract shall be made for the Supply of Sewage for a Period exceeding Twenty-five Years.—(Section 14.)

Sewer
Authority
may enter
into contract
for supply of
sewage.

7 DDD. The making of Works of Distribution and Service for the Supply of Sewage to Lands for Agricultural Purposes shall be deemed an "Improvement of Land" authorized by the "Land Improvement Act, 1864," and the Provisions of that Act shall apply accordingly.—(Section 15.)

Application
of 27 & 28
Vict., c. 114,
to works, &c.,
for supply of
sewage.

7 EEE. The Commissioners of Public Works in *Ireland* shall, in respect to any Sewage Authority or Sewage Matter in *Ireland*, have and exercise all the Powers conferred by this Act, or any Act incorporated herewith, on One of Her Majesty's Principal Secretaries of State ; and all Applications by this Act, or any Act incorporated herewith, authorized or directed to be made to One of Her Majesty's Principal Secretaries of State in respect to Sewage Matters, or the Powers conferred by this Act on Sewage Authorities, shall in *Ireland* be made to the Commissioners of Public Works ; and all Orders made on such Applications by said Commissioners shall have the same Force and Effect as Orders made by One of Her Majesty's Principal Secretaries of State on similar Applications in *England* and *Scotland*.—(Section 16.)

Board of
Works in
Ireland to
have power
of Secretary
of State in
sewage
matters.

CLASS 8.—POWERS OF SEWER AUTHORITY AS TO WATER SUPPLY.

SANITARY
ACT, 1866.
—
Supply of
water to
district of
Sewer Autho-
rity.

8 A. A Sewer Authority within its District shall have the same Powers in relation to the Supply of Water that a Local Board has within its District, and the provisions of the Sections herein-after mentioned shall apply accordingly in the same Manner as if in such Provisions "Sewer Authority" were substituted for "Local Board of Health" or "Local Board," and the District in such Provisions mentioned were the District of the Sewer Authority and not the District of the Local Board; that is to say, the Sections^(a) numbered from Seventy-five to Eighty both inclusive of "The Public Health Act, 1848," Sections Fifty-one,^(b) Fifty-two,^(c) and Fifty-three of "The Local Government Act, 1858," and Section^(d) Twenty of "The Local Government Act, 1858, Amendment Act, 1861."

The Sewer Authority may, if it think it expedient so to do, provide a Supply of Water for the Use of the Inhabitants of the District, by

- (1.) Digging Wells ;
- (2.) Making and maintaining Reservoirs ;
- (3.) Doing any other necessary Acts ;

and they may themselves furnish the same, or contract with any other Persons or Companies to furnish the same: Provided always, that no Land be purchased or taken under this Clause except by Agreement or in manner provided by "The Local Government Act, 1858."^(e)—(Section 11.)

Expenses of
Sewer Autho-
rity in sup-
plying water.

8 B. Any Expenses incurred by a Sewer Authority in or about the Supply of Water to its District, and in carrying into effect the Provisions hereinbefore in that Behalf mentioned, shall be deemed to be Expenses incurred by that Authority in carrying into effect The Sewage Utilization Act, 1865, and be payable accordingly.—(Section 12.)

LOCAL
GOVERNMENT
ACT, 1861,
AS AMENDED
AND
MODIFIED.
—
Agreements
for terms of
water supply.

8 C. In Districts where no Water Companies are established by Act of Parliament all [Sewer Authorities] may make Agreements for the Supply of Water to Persons on such Terms as may be agreed upon between the [Sewer Authority] and the Persons receiving such Supply, and shall have the same Powers for recovering Water Rents accruing under such Agreements as they have for the Recovery of Water Rates by the Law in force for the Time being.—(Section 20.)

LOCAL
GOVERNMENT
ACT, 1858,
AS AMENDED
AND
MODIFIED.

8 D. Where the [Sewer Authority] supply Water to their District they shall have the same Power for carrying Water Mains within the District as they have for carrying Sewers by the Law in force for the Time being.—(Section 52.)

Power of
carrying
water mains.

(a) *Vide par. 8 F, et seq., p. 67, et seq.*

(b) *Vide par. 8 M, infra, p. 70.*

(c) *Vide par. 8 D and 8 E, infra, pp. 66, 67.*

(d) *Vide par. 8 c, infra, p. 66.*

(e) *Vide par. 7 vv, supra, p. 62.*

8 E. It shall be lawful for any [Sewer Authority] absolutely to purchase, and for the Directors for the Time being of any Waterworks Company or Market Company, by and with the Authority of Three Fifths of the Shareholders for the Time being in such Company who may be present, either personally or by proxy, at some General Meeting of the Company specially convened for the Purpose, to sell, convey, and transfer unto any [Sewer Authority] upon such Terms as shall be mutually agreed upon between the Company and the [Sewer Authority], all the Rights, Powers, and Privileges, and all or any of the Lands and Premises, Works, Matters, and Things, which at the Time of such Purchase shall be the Property of the Company, but subject to all Mortgages, Contracts, or Liabilities to which the same shall be then subject.—(Section 53.)

LOCAL
GOVERNMENT
ACT, 1858,
AS AMENDED
AND
MODIFIED.

Power to
Directors of
Waterworks
or Market
Company to
sell works,
&c., to Sewer
Authorities.

8 F. The [Sewer Authority] may provide their District with such a Supply of Water as may be proper and sufficient for the Purposes of this Act and for private Use to the Extent required by this Act, and for those Purposes or any of them the [Sewer Authority] may^(a) from Time to Time contract with any Person whomsoever, or purchase, take upon Lease, hire, construct, lay down, maintain such Waterworks, and do and execute all such Works, Matters, and Things, as shall be necessary and proper; and any Waterworks Company may contract with the [Sewer Authority] to supply Water for the Purposes of this Act in any Manner whatsoever, or may sell and dispose of or lease their Waterworks to any [Sewer Authority] willing to take the same; and the said [Sewer Authority] may provide and keep in any Waterworks constructed or laid down by them under the Powers of this Act a Supply of pure and wholesome Water, and the Water so supplied may be constantly laid on at such Pressure as will carry the same to the top Storey of the highest Dwelling House within the District supplied: Provided always, that before constructing or laying down any Waterworks under the Powers of this Act within any Limits within, for, or in respect of which any Waterworks Company shall have been established for supplying Water, the said [Sewer Authority] shall give Notice in Writing to every Waterworks Company within whose Limits the said [Sewer Authority] may be desirous of laying on or supplying Water, stating the Purposes for and (as far as may be practicable) the Extent to which Water is required by the said [Sewer Authority]; and it shall not be lawful for the said [Sewer Authority] to construct or lay down any Waterworks within such Limits, if and so long as any such Company shall be able and willing to lay on Water proper and sufficient for all reasonable Purposes for which it is required by the said [Sewer Authority], and upon such Terms as shall be^(a) settled by Arbitration in the Manner provided by this Act; and in case any Difference shall arise as to whether the Water which any such Company is able and willing to supply or lay on is

PUBLIC
HEALTH ACT,
1848,
AS AMENDED
AND
MODIFIED.

Sewer Authority to provide sufficient supplies of water, and may erect waterworks, &c.

In case of waterworks constructed by Sewer Authority, the water may be kept constantly under pressure.

Sewer Authority not to construct waterworks, &c., if any Waterworks Company within their district be able and willing to supply water upon terms.

^(a) These words omitted were repealed by 21 & 22 Vic., c. 98, s. 8.

PUBLIC
HEALTH ACT,
1848,
AS AMENDED
AND
MODIFIED.

Water for
public baths,
or trading
or manufac-
turing pur-
poses.

Maintenance
and con-
struction of
public cis-
terns for
gratuitous
use.

Penalty for
injuring
waterworks,
diverting
streams, or
wasting
water.

Penalties on
persons for
causing
water in
reservoirs
to be fouled;

proper and sufficient for the Purposes for which it is required by the said [Sewer Authority], or whether the Purposes for which it is required are reasonable, the same shall be settled by Arbitration in the Manner provided by this Act.^(a)—(Section 75.)

8 G. The [Sewer Authority] may, if they shall think fit, supply Water from any Waterworks purchased or constructed by them under this Act to any public Baths or Wash-houses, or for trading or manufacturing Purposes, upon such Terms and Conditions as may be agreed upon between the said [Sewer Authority] and the Persons desirous of being so supplied.—(Section 77.)

8 H. The [Sewer Authority] may cause all existing public Cisterns, Pumps, Wells, Reservoirs, Conduits, Aqueducts, and Works used for the gratuitous Supply of Water to the Inhabitants to be continued, maintained, and plentifully supplied with Water, or they may substitute, continue, maintain, and plentifully supply with Water other such Works equally convenient; and the said [Sewer Authority] may, if they shall think fit, construct any Number of new Cisterns, Pumps, Wells, Conduits, and Works for the gratuitous Supply of any public Baths or Wash-houses established otherwise than for private Profit or supported out of any Poor or Borough Rates.—(Section 78.)

8 J. Whosoever shall wilfully or carelessly break, injure, or open any Lock, Cock, Waste Pipe, or Waterworks, belonging to or under the Management or Control of the [Sewer Authority], or . . . or shall unlawfully flush, draw off, divert, or take Water from any Waterworks belonging to or under the Management or Control of the said [Sewer Authority], . . . or from any Waters or Streams by which such Waterworks are supplied, or shall wilfully or negligently waste or cause to be wasted any Water with which he is supplied by the said [Sewer Authority], shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Penalty of Twenty Shillings for each Day whilst the Offence is continued after written Notice in that Behalf, which Penalties shall be paid to the said [Sewer Authority]. . . . Provided always, that nothing herein contained shall prevent the Owner or Occupier of any Premises through or by which any Streams may flow from using the same as they would have been entitled to do if this Act had not been passed.—(Section 79.)

8 K. Whosoever shall bathe in any Stream, Reservoir, Conduit, Aqueduct, or other Waterworks belonging to or under the Management or Control of the [Sewer Authority], . . . or shall wash, cleanse, throw, or cause to enter therein any Animal, Rubbish, Filth, Stuff, or Thing of any kind whatsoever, or shall cause or permit or suffer to run or be brought therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water, or shall do anything whatsoever

(^a) For Arbitration Clauses, *vide par.* 7 H, *et seq.*, *supra*, p. 47.

whereby any Water belonging to the said [Sewer Authority] or under their Management or Control, . . . shall be fouled, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum of Twenty Shillings for each Day whilst the Offence is continued after written Notice in that Behalf; which Penalties shall be paid to the said [Sewer Authority], . . . and whosoever, being Proprietor of any Gasworks, or being engaged or employed in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, Conduit, Aqueduct, or Waterworks belonging to or under the Management or Control of the said [Sewer Authority] or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, or shall wilfully do any Act connected with the Manufacture or Supply of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or Waterworks is fouled, shall forfeit to the said [Sewer Authority] for every such Offence the Sum of Two Hundred Pounds, and, after the Expiration of Twenty-four Hours Notice in Writing from them in this Behalf, a further Sum of Twenty Pounds for every Day during which the Offence is continued, or during the Continuance of the Act whereby the Water is fouled; and every such Penalty shall be recoverable, with full Costs of Suit, by Action of Debt; and if any Water supplied by, belonging to, or under the Management or Control of the said [Sewer Authority], be fouled in any Manner by the Gas of any such Proprietor or Person as last aforesaid, he shall forfeit to the [Sewer Authority] for every such Offence a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Ten Pounds for every Day whilst the Offence is continued after the Expiration of Twenty-four Hours Notice in Writing from the said [Sewer Authority] in this Behalf; and for the Purpose of ascertaining whether such Water is fouled by the Gas of any such Proprietor or Person the said [Sewer Authority] may lay open and examine any Pipes, Conduits, and Works from which the Gas is supposed to escape; provided that before beginning so to do Twenty-four Hours Notice in Writing be given to the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, of the Time at which the Examination is intended to be made; and if upon such Examination it appear that the Water has been fouled by the Gas proceeding from or contained in the Pipes, Conduits, or Works examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, and be recoverable from him in the summary Manner herein-after provided; but if it appear that the Water has not been so fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the said [Sewer Authority] out of the General District Rates levied under this Act, and be recoverable from them in the summary Manner herein-after provided.—(Section 80.)

PUBLIC
HEALTH ACT,
1848,
AS AMENDED
AND
MODIFIED.

And on pro-
prietors of
gasworks, &c.

SANITARY
ACT, 1866.Recovery of
certain ex-
penses of
water supply.LOCAL
GOVERNMENT
ACT, 1858,
AS AMENDED
AND
MODIFIED.Powers of
Sect. 76 of 11
& 12 Vic., c.
63, as to
water supply
extended to
this Act.PUBLIC
HEALTH ACT
1848,
AS AMENDED
AND
MODIFIED.Sewer Au-
thority
may require
that houses
be supplied
with water,
&c., in certain
cases.*Powers of Recovery of Expenses of Water Supply.*

8 L. All Expenses incurred by a Sewer Authority in giving a Supply of Water to Premises under the Provisions of the Seventy-sixth Section^(a) of The Public Health Act, 1848, or the Fifty-first Section^(b) of The Local Government Act, 1858, and recoverable from the Owners of the Premises supplied, may be recovered in a summary Manner.—(Section 50.)

8 M. The Powers given to [Sewer Authorities] by the Seventy-sixth Section^(c) of the Public Health Act, 1848, shall extend to any House within their District to which a Supply of Water can be provided at an Expense not exceeding the Water Rate authorized by the said Act or any Local Act in force in the District, and Notices under that Section shall be served on Owners of Houses so supplied instead of Occupiers, and Expenses incurred under that Section shall be recoverable from such Owners.—(Section 51.)

8 N. If upon the Report of the Surveyor it appear to the [Sewer Authority] that any House is without a proper Supply of Water, and that such a Supply of Water can be furnished thereto at a Rate not exceeding Twopence *per* Week, the said [Sewer Authorities] shall give Notice in Writing to the Occupier, requiring him, within a Time to be specified therein, to obtain such Supply, and to do all such Works as may be necessary for that Purpose; and if such Notice be not complied with the said [Sewer Authorities] may, if they shall think fit, do such Works and obtain such Supply accordingly, and make and levy Water Rates upon the Premises, not exceeding in the whole the Rate of Twopence *per* Week, in manner hereinafter provided, as if the Owner or Occupier of the Premises had demanded a Supply of Water, and were willing to pay Water Rates for the same; and the Expenses incurred by them in doing such Works as last aforesaid shall be Private Improvement Expenses, and be recoverable as such in the Manner hereinafter provided.—(Section 76.)

*Provisions as to Private Improvement Rates referred to in preceding Section.*Private Im-
provement
Rates.

8 O. Whenever the [Sewer Authority] have incurred or become liable to any Expenses which by this Act are or by the said [Sewer Authority] shall be declared to be Private Improvement Expenses, the said [Sewer Authority] may, if they shall think fit, make and levy upon the Occupier of the Premises in respect of which the Expenses shall have been incurred, except in the Cases herein-after provided, in addition to all other Rates, a Rate or Rates to be called Private Improvement Rates, of such Amount as will be sufficient to discharge such Expenses, together with Interest thereon, at a Rate not exceeding Five Pounds in the Hundred, in such Period not exceeding Thirty Years as the said [Sewer Authority] shall in each case determine: Provided always,

^(a) *Vide par., 8 N, infra.*^(b) *Vide next par., 8 M.*^(c) *Vide next par., 8 N.*

that whenever any Premises in respect of which any Private Improvement Rate is made become unoccupied before the Expiration of the Period for which the Rate was made, or before the same is fully paid off, such Rate shall become a Charge upon and be paid by the Owner of the Premises so long as the same continue to be unoccupied.—(Section 90.)

PUBLIC
HEALTH ACT,
1848,
AS AMENDED
AND
MODIFIED.

[Section 91, as to Proportion of Private Improvement Rate being deducted from Rent, and section 92, as to Redemption of Special District and Private Improvement Rates, are given already at par. 7 00, and 7 PP, p. 60.]

Provision as to Public Wells, Pumps, &c.

SANITARY
ACT, 1866.

8 p. All Property in Wells, Fountains, and Pumps, and Powers in relation thereto, vested in the Nuisance Authority by the Seventh Section of the Nuisances, &c., Act, 1860, shall vest in the Sewer Authority, where the Sewer Authority supplies Water to its District.—(Section 13.)

Wells, &c.,
vested in
Sewer Autho-
rity sup-
plying water.

8 q. All Wells, Fountains, and Pumps provided under Section Fifty of "The Public Health Act, 1848," or otherwise, for the Use of the Inhabitants of any Place, and not being the Property of or vested in any Person or Corporation other than Officers of such Place, shall be vested in the [Sewer Authority where it supplies Water to its District, and in other cases in the Nuisance Authority]^(a) for such Place, who shall from Time to Time cause to be kept in good Repair and Condition and free from Pollution all Wells, Fountains, and Pumps vested in them under this Act, and may also keep in good Repair and Condition and free from Pollution other Wells, Fountains, and Pumps dedicated to or open to the Use of the Inhabitants of such Place.—(Section 7.)

NUISANCES,
&c., ACT,
1860.
Wells, &c.,
vested in Nui-
sance Autho-
rity where
Sewer Autho-
rity does not
supply water.

(^a) *Vide* preceding par., 8 p.

DUBLIN: Printed by ALEXANDER THOM, 87 & 88, Abbey-street,
For Her Majesty's Stationery Office.